

ARTICLE 6 – GENERAL DEVELOPMENT STANDARDS

[Revises and replaces portions of Zoning Ordinance - Section 11.24, 11.25, & 11.33]

6.01 GENERALLY

The standards in this Article are intended to be minimum standards for development. Higher standards or relief from standards may be required through *Article 4 – Zoning Districts*, *Article 5 - Individual Use Standards* or *Article 8 – Subdivisions and Infrastructure*.

6.02 BASIC DEVELOPMENT STANDARDS

A. HEIGHT

1. Other than the provisions listed in this Section, buildings and structures shall not exceed the maximum heights established in *Article 4 – Zoning Districts* of this Ordinance.
2. See *Article 13 – Definitions* for the definition of “building height” and “building story.”
3. Roofs with slopes greater than 75% are regarded as walls.
4. Chimneys, church spires, roof-mounted flagpoles, antennas, water tanks, elevator shafts, scenery lofts, and similar structural appendages not intended as places of occupancy are exempt from the height limitation set forth in this Section, provided that not more than one-third (1/3) of the roof area is covered by such structures and they do not extend more than fifteen (15) feet above the top of the structure.
5. Heating and air conditioning equipment, solar collectors and similar equipment, fixtures, and devices are exempt from the height limitation set forth in this Section, provided that they are set back from the edge of the roof a minimum distance of one (1) foot for every foot the feature extends above the roof surface. Screen or parapet walls shall be constructed to the height of any fixture taller than three (3) feet in height that would be visible from a street or residential property abutting the property.
6. The height requirements for wireless telecommunications towers and facilities are provided in *Article 4 – Zoning Districts* and *Article 5 – Individual Use Standards* of this Ordinance.
7. Light standard heights shall not exceed the limits established in this Ordinance.

B. SETBACKS

1. **Setbacks Required.** No portion of any building, excluding eaves, decks, patios, steps, and uncovered porches may be located on any lot closer to any lot line or to the street right-of-way line than is authorized in *Article 4 – Zoning Districts* of this Ordinance. All setbacks are expressed in feet and are minimum setbacks, unless otherwise noted. Additional setbacks may be required to meet parking, landscaping, buffering, or other standards specified in this Article and the specific use standards of *Article 4 – Individual Use Standards* of this UDO.

2. **Allowed Setback Encroachments.** A step, stoop, open porch, awning, or other appurtenance may extend up to five (5) feet into the front setback, provided such features do not impede pedestrian circulation or extend more than 25% into the minimum setback. Attached and detached carports are permitted in the front yard, must meet the front setback requirements of the underlying zoning district, and have an improved driveway surface.

3. **Setback Measurement**

- a. Setback distances shall be measured from the property line or street right-of-way line to a point on the lot that is directly below the nearest extension of any part of the building that is substantially a part of the building itself and not a mere appendage to it. Appendages might include awnings, chimneys, HVAC units, or other similar appurtenances.
- b. If the street right-of-way line is readily determinable (by reference to a recorded map, set irons, or other means), the setback shall be measured at a right angle to such right-of-way line. If the right-of-way line is not so determinable, the setback shall be measured from the street centerline.
- c. All setbacks are subject to compliance with adopted applicable fire code provisions.

C. **RELATIONSHIP OF BUILDING TO LOT**

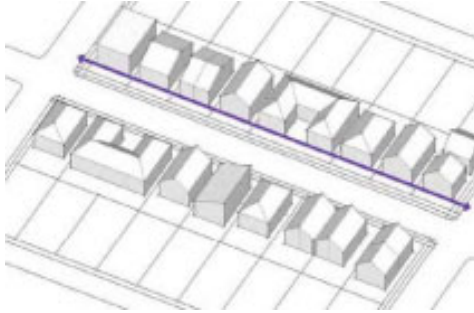
There shall be no more than one principal building on a lot, except in the case of a designed complex of professional, residential, or commercial buildings in an appropriate zoning district.

D. **STREET ACCESS**

No building shall be erected on a lot which does not abut a street or have access to a street, provided that in a planned development, a building may be erected adjoining a parking area or dedicated open space which has access to a street used in common with other lots.

E. **INFILL DEVELOPMENT STANDARDS**

1. See *Article 13 – Definitions* for the definition of “infill development.”
2. **Street Frontages.** Windows, main entrances, and other primary building façade elements should be oriented toward the street. Orienting the back or side of buildings toward the street is prohibited except for double-fronted lots.
3. **Front Setback Pattern.** The Administrator shall reduce the minimum front setback for any lot where the average established front yard on developed lots located within 300 feet on each side of such lot, and fronting on the same street as such lot, is less than the minimum required yard. In such cases, the minimum front or street yard shall be the average of the existing front yards on the developed lots within 300 feet of each side, minus any additional required right-of-way dedication. In addition, for new lots created from existing larger lots, the lot width at the frontage line and the side yard setbacks shall be consistent with the average of the immediately adjacent, neighboring parcels on the same side of the street.



4. **Driveways.** On lots less than fifty (50) feet in width, only one driveway of no more than twelve (12) feet in width may be used to provide access to garages or off-street parking areas.
5. **Parking.** Garages or off-street parking areas shall be located in the side or rear setback area only.
6. **Multi-family structures.** If the infill development is a multi-family structure on lots less than 40' in width, parking shall be in the rear and accessed via alley. If this is not achievable, then only one shared driveway shall be permitted for each structure.

F. IRREGULAR LOT SETBACKS

The location of required front, side and rear yards (or setbacks) on irregularly shaped lots shall be determined by the Administrator. The determination will be based on the intent and purpose of this Ordinance to achieve appropriate spacing and location of buildings and buildings on individual lots. Where questions of appropriateness arise, the subdivider may be required to provide additional design information.

6.03 FENCES AND WALLS

All fences and walls shall comply with the requirements of this Section unless specifically approved as part of conditional zoning or a variance.

- A. Except as otherwise provided in this section, fences that are no taller than six (6) feet may be built along interior, side, and rear property lines.
- B. Exterior side yard fences that are no taller than six (6) feet shall be at least five (5) from the right-of-way.
- C. Fences in front yards are discouraged, but must be:
 1. Located least two (2) feet from the right-of-way and no closer than two (2) feet from the edge of the sidewalk
 2. Less than sixty (60) percent opaque
 3. Not exceed four (4) feet in height, except that wrought iron and split rail style fences may be up to five (5) feet tall.

- D. No fence shall obstruct any traffic safety visibility zone.
- E. Barbed wire, razor wire, or other fence materials designed to cut or puncture are prohibited in all districts, except in the RA, LI, and HI districts.
- F. Deer fences may be erected around gardens provided that the fences are located at least ten (10) feet from the nearest property line.

6.04 **PARKING AND LOADING**

A. PURPOSE AND INTENT

This Section establishes the minimum number of spaces and parking area design in the City of Eden. This Section allows the Administrator to adjust the number of required spaces and the design of spaces to provide for adequate parking, accommodate unique site conditions, and capitalize on the benefits of parking opportunities on-street or in shared parking areas.

B. APPLICABILITY

The requirements of this Section shall apply to all new developments and changes of use that necessitate parking or additional parking.

C. PARKING SPACE REQUIREMENTS

The following table outlines the permanent off-street parking requirements. Requisite parking shall be provided at the time of erection, alteration, or enlargement of buildings or land uses which require additional off-street parking.

LAND USE TYPE	MINIMUM AUTO SPACES	MINIMUM BICYCLE SPACES
RESIDENTIAL		
Dwellings – Single and Two-family	2 per dwelling unit or 3 per dwelling unit if any parking is provided in an enclosed garage	n/a
Dwellings – Multi-family	1.3 per bedroom, applied on a “per structure” basis	1 rack per each structure of 4 units or less, or else 2 racks per each structure
Adult Care Homes (7 or more beds)	1 per 2 resident rooms	1 per 40 auto spaces
Family Care Homes (2 to 6 beds)	1 per 2 resident rooms	1 rack
Rooming or Boarding Homes	1 per 2 rented rooms	1 rack
Home Occupations	Minimum required residential parking and 1 per 100 sf of home occupation floor space	n/a
All Other Residential Uses	1 per dwelling unit	n/a
LODGING AND ACCOMMODATIONS		
All uses	1 per 2 rooms	1 per 50 auto spaces
MEDICAL USES		
Hospitals	1 per 2 beds	1 per 50 auto spaces
Medical Clinics	3 per doctor and 1 per employee	1 per 50 auto spaces
Nursing Homes	1 per 5 beds	1 per 50 auto spaces
BUSINESS USES (See Section 6.04 D below.)		
Professional Offices	1 per 400 sf	2 per 50 auto spaces
Banks	1 per 400 sf	2 per 50 auto spaces
COMMERCIAL AND ENTERTAINMENT (See Section 6.04 D below.)		
Restaurants	1 per 400 sf, 1 per table, or 1 per 4 seats, whichever requires the most spaces	2 per 50 auto spaces
Indoor Amusement	n/a	2 per 50 auto spaces

LAND USE TYPE	MINIMUM AUTO SPACES	MINIMUM BICYCLE SPACES
Outdoor Amusement	n/a	2 per 50 auto spaces
Theater (Indoor or Outdoor)	1 per 3 seats	2 per 50 auto spaces
All other Commercial and Entertainment Uses	1 per 500 sf	2 per 50 auto spaces
MANUFACTURING, INDUSTRIAL AND WHOLESALE TRADE		
All uses	1 per 1,000 sf	n/a
SCHOOLS AND INSTITUTIONS		
Child Care Facilities	1 space per classroom	1 per 50 auto spaces
Child Care Centers and Family Child Care Homes (3 to 8 children)	1 per 2 children	n/a
Religious Institutions	1 per 4 seats in main assembly hall plus accessory uses according to their use	1 per 50 auto spaces
Elementary and Junior High Schools	1 per classroom and administrative office	2 per 50 auto spaces
Senior High Schools	1 per 20 students for which the building was designed, 1 per administrative office, and 1 per classroom	1 per 20 auto spaces
All Other Education and Institution uses	1 per 500 sf	1 per 50 auto spaces
AGRICULTURAL AND FORESTRY		
All Uses	n/a	n/a
COMMUNICATIONS, TRANSPORTATION AND INFRASTRUCTURE		
All Uses	n/a	n/a

D. EXEMPTIONS AND ADJUSTMENTS

1. Exemptions. Uses in the B-C district are exempt from the minimum parking requirements of this Section.
2. Tree Preservation. The minimum number of parking spaces required shall be adjusted by the Administrator when it has been determined that the reductions are necessary to preserve a healthy tree or trees (with a 12-inch or greater diameter at breast height) from being damaged or removed, and where

the site plan provides for the retention of said tree or trees. Up to 25% or five (5) spaces (whichever is greater) of the required parking may be reduced in this fashion.

E. SATELLITE & COMBINATION PARKING

If the off-street parking spaces required by this section cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within 600 feet. Such measurement shall be taken from the edge of the parking area on the lot to the entryway of the remote parking area.

1. **Shared Satellite Parking:** Upon approval by the Administrator, satellite parking facilities may be shared by two or more uses which do not share normal operating hours.
2. **Parking for Permitted Uses Only.** If satellite parking is utilized to fulfill parking requirements, the owner or authorized agent for the land upon which such remote parking is located shall restrict the use of such parking area for parking only in connection with the use(s) or structure(s) for which such remote parking is provided. Such restriction shall be recorded through an easement plat properly filed with the Rockingham County Register of Deeds, which may be released only by written consent of the City. Remote parking for a particular use shall not be established in any district that does not allow that use.

F. SPACE DESIGN STANDARDS

1. Applicability

Where parking lots for more than five (5) cars are permitted or required, the following provisions shall apply:

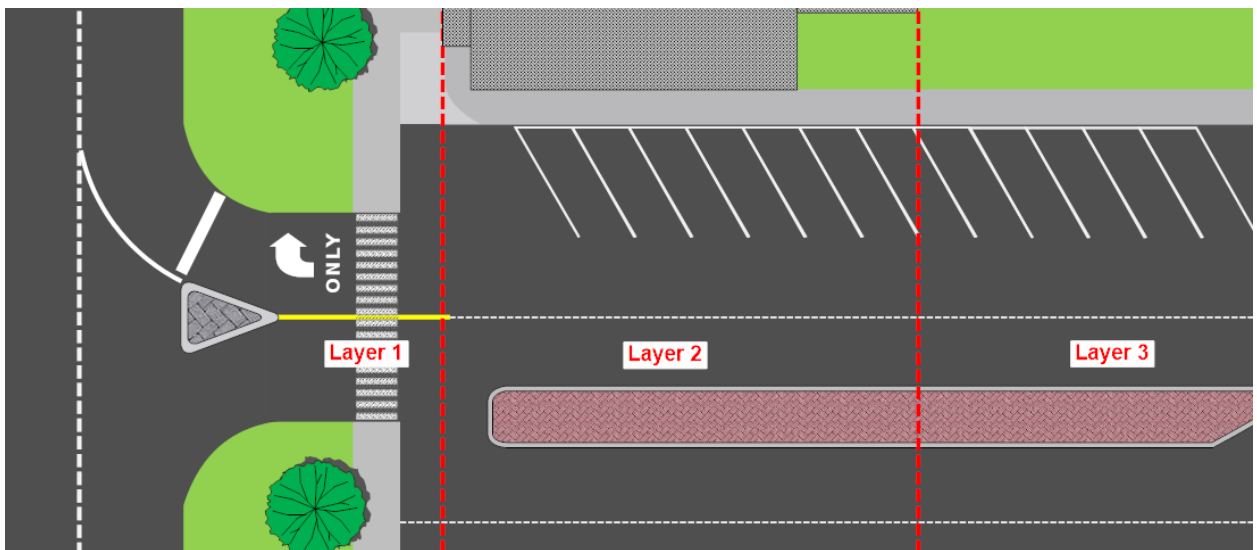
2. Parking Area General Design Standards

- a. A strip of land eight (8) feet wide adjoining any right-of-way line or any lot zoned for residential use shall be used to screen such parking with evergreen shrubs.
- b. Parking areas shall be maintained to provide for vehicle access and shall be kept free of litter, debris, outdoor display and sales and material storage, including portable containers.
- c. Parking for service vehicles shall be designated, located and screened to minimize the view from adjacent properties and rights-of-way, generally at the rear of buildings.
- d. Parking areas shall be located and designed to avoid undue interference with the use of public rights-of-way, driveways or pedestrian ways. Parking stalls shall not be located in areas that would require backing into access driveways or streets except where allowed for residences.

- e. Parking design and location shall be in accordance with this Ordinance, City Code, and the following minimum dimensions:

Parking Angle	Parking Space Width	Parking Space Depth	Minimum Aisle Width (one way)	Minimum Aisle Width (two way)
0° (parallel)	9'	22'	12'	22', if applicable
30°	9'	18'	11'	20'
45°	9'	18'	13'	22'
60°	9'	18'	18'	24'
75°	9	18'	21'	24'
90°	9'	18'	24'	24'

- f. Parking stalls and vehicular areas shall be located a minimum of 5' from the property line and 10 feet from public rights-of-way and buildings to allow sufficient separation for sidewalks, landscaping, and other site features except along the backs of buildings in areas designed for loading and unloading. A continuous row of evergreen shrubs or other opaque screening (fence, wall, berm) is required to screen all parking from view from a public right-of-way. The screen shall be maintained at between 2' to 3' of height within 3 years of installation.
- g. For properties zoned RMX, NMX, or B-C, parking may only be located in the second or third layer of the site as illustrated in the diagram below:



- h. Parking shall not be located in landscaped, open space, or tree save areas.

- i. Vehicle storage or display areas shall be identified on a site plan distinct from customer and employee parking areas and shall comply with parking access, location and design requirements, except that striping of the display or storage area shall not be required. The placement of vehicle storage or display areas shall not interfere with vehicle or pedestrian access aisles or driveways.
 - j. Tractor trailers, cargo trucks, busses, and other large commercial vehicles or heavy equipment parking and storage shall comply with parking access, location and design requirements except for stall size and aisle size which shall be as appropriate for the vehicles to be stored and shall be designated on a site plan.
 - k. Well-marked, ADA-compliant pedestrian access must be provided in all parking lots. Access perpendicular to the main entrance from the parking area should be provided, whenever possible. Where a sidewalk is added to a median, additional median width equal to the sidewalk width must be provided.
- 3. Stacking Spaces**
- a. Uses with drive-through facilities and other auto-oriented uses where vehicles queue up to access a service shall provide adequate stacking spaces on-site for the uses or buildings in accordance with this section. Such uses include but are not limited to restaurants with drive-through, convenience store with fuel sales, and other uses with service bays or drive-throughs.
 - b. Required stacking spaces are subject to the following design and layout standards:
 - (1) Stacking spaces shall be a minimum of nine (9) feet wide and sixteen (16) feet long.
 - (2) Stacking spaces shall not impede vehicular traffic movements or movements into or out of parking spaces, whether on-site or off-site.
 - (3) Stacking spaces shall not impede onsite or offsite bicycle or pedestrian traffic movements, whether on-site or off-site.
 - (4) Stacking spaces shall be clearly delineated through such means as striping, landscaping, pavement design, or curbing.

4. Surfacing

Off-street parking areas shall be properly graded, marked, and located on improved lots or within parking structures. The material for surface parking spaces and corresponding access drives required by this section, except for single-family detached and duplex residences, shall consist of suitable material as set forth below.

- a. **Suitable Materials:** Suitable paving materials for required parking areas include but are not limited to, asphalt, porous asphalt, porous paving blocks, and concrete. Compacted stone (road bond) and gravel may be permitted as paving materials in the rear setback area for loading and service areas zoned LI or HI.

- b. **Accessible Spaces:** All accessible spaces and corresponding access paths shall consist of concrete or asphalt.
 - c. **Pervious Surfaces:** Porous paving blocks and pervious paving materials are permitted and encouraged as material for parking lots. The use of reinforced grass as a parking lot surface is permitted for satellite parking areas.
 - d. **Parking Space Marking:** The individual parking spaces in a lot shall be delineated in all parking lots except those utilizing road bond, gravel, grass or other vegetative surfacing.
- 5. Connectivity**
- a. Adjoining parking lots serving (or potentially serving) non-residential or multifamily uses shall be interconnected as follows:
 - (1) The parking lot under development has a minimum of 24 parking spaces or equivalent parking area.
 - (2) At least 1 connection is provided at all lot lines that are coincident for at least sixty (60) feet with another lot zoned for non-residential use.
 - (3) The connection is at least twenty (20) feet wide.
 - (4) If applicable, the connection aligns with a connection that has been previously constructed on an adjacent property.
 - (5) The connection has a slope of no greater than fifteen (15) percent.
 - (6) The connection is not placed where a building on an adjacent property is within fifty (50) feet of the lot line which would hamper traffic movements within the parking lot.
 - (7) The connection is placed in an area which will not require the removal of significant natural features such as wetlands or trees with a caliper of six (6) inches or more.
 - b. In the event these conditions cannot be met without undue hardship or if such connections would create undesirable traffic flow, the Administrator may waive the connection requirement.
 - c. Where a parking lot connection is required an easement for ingress and egress to adjacent lots shall be recorded by the property owner with the Rockingham County Register of Deeds in the form of an easement plat.

6. Off-Street Loading Requirements

- a. Off-street loading spaces shall be required for industrial, major institutional, and business uses that can be expected to regularly receive or deliver goods, pursuant to the following schedule (areas within the LI and HI zoning districts are exempt from this requirement):

Building Square Footage	Required Number of Spaces
0 – 24,999	1
25,000 – 39,999	2
40,000 – 99,000	3
100,000 – 159,000	4
160,000 – 239,000	5
240,000 – 319,999	6
320,000 – 399,999	7
Each 90,000 above 400,000	1

- b. Required loading spaces shall have the following minimum dimensions: 12-foot minimum width, 25-foot minimum length, and 14-foot minimum vertical clearance.

c. Locations

- (1) Required off-street loading spaces shall not be located within a building but shall be on the site of the use served or on an adjoining site.
- (2) Required off-street loading spaces shall be located to the sides and/or rear of the lot to maximize the street exposure of the primary structure.
- (3) A loading area shall not be located in a required setback. In addition, street-side loading docks shall be set back at least seventy (70) feet from the street property line or 110 feet from the street center line, whichever is greater.
- (4) No loading bay may intrude into any portion of a required parking aisle or access dimension.
- (5) Loading areas visible from a street shall be screened on three sides by a solid, decorative fence, wall, or hedge at least six feet in height.

d. Access

- (1) A required loading stall shall be accessible without parking a truck across a street property line unless the Administrator determines that provision of turnaround space is infeasible and approves alternate access.
- (2) An occupied loading space shall not prevent access to a required off-street parking space.

e. Parking Alternatives

- (1) The Administrator is authorized to approve an alternative parking plan for Agricultural Uses, Industrial Uses and Recreational Facilities that proposes alternatives to the standards in this Section.

6.05 LIGHTING

A. PURPOSE AND INTENT

1. The standards set forth in this section are designed to focus on the actual physical effects of lighting, as well as the effect that lighting may have on the surrounding neighborhood. It is the intent of this Section to:
 - a. Minimize light pollution such as glare and light trespass.
 - b. Conserve energy and resources.
 - c. Maintain night-time safety and utility.
 - d. Improve the night-time visual environment.

B. APPLICABILITY

All applications for site plan review, conditional use, subdivision and/or building permits shall include lighting plans showing location, type, height, and lumen output of all proposed and existing fixtures. The applicant shall provide enough information to verify that lighting conforms to the provisions of this lighting code. The Administrator shall have the authority to request additional information in order to achieve the purposes of this lighting code.

C. PROHIBITIONS AND EXEMPTIONS

1. **Prohibitions.** The following lighting types shall be prohibited:
 - a. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment is prohibited.
 - b. The operation of searchlights for advertising purposes is prohibited.
 - c. Site lighting that may be confused with warning, emergency, or traffic signals is prohibited.
 - d. Lights that flash, move, revolve, rotate, scintillate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsation are prohibited.
 - e. Awnings and canopies used for building accents over doors, windows, etc. shall not be internally lit, i.e., from underneath or behind, so as to visually turn a translucent material into an internally illuminated material. Lighting may be installed under canopies that light the sidewalk, or downlights onto the architectural features of a building.
2. **Exemptions.** The following exemptions shall be granted from the requirements of this Section:

- a. Luminaires used for public-roadway illumination may be installed at a maximum height of 37 feet and may be positioned at that height up to the edge of any bordering property.
- b. All temporary emergency lighting needed by the Police or Fire Departments or other emergency services, as well as all vehicular luminaires, shall be exempt from the requirements of this Ordinance.
- c. All hazard warning luminaires required by Federal regulatory agencies are exempt from the requirements of this Article, except that all luminaires used must be red and must be shown to be as close as possible to the federally required minimum lumen output requirement for the specific task.
- d. Individual residential lighting that is not part of a site plan or subdivision plan for street or other common or public area outdoor lighting.
- e. Lighting associated with holiday, festival or other temporary uses permitted in this Ordinance.
- f. Lighting of public art that has been permitted or otherwise approved by the City.
- g. Other municipal or state lighting installed for the benefit of public health, safety, and welfare.
- h. All fixtures installed or temporarily used by public agencies, their agents, or contractors for the purpose of illuminating public streets.
- i. Lighting of United States and North Carolina State Flags provided the flag standard does not exceed the maximum permitted building height for that district.

D. GENERAL DESIGN STANDARDS

1. Background spaces such as parking lots and driveways shall be illuminated as unobtrusively as possible to meet the functional needs of safe circulation and of protecting people and property.
2. Foreground spaces, such as building entrances and plaza seating areas, shall utilize lighting that defines, highlights, or enhances the space without glare.
3. The style of light standards and fixtures shall be consistent with the style and character of architecture proposed on the site.
4. Light poles and fixtures shall be of a matte or low-gloss grey, black, dark earthen, or bronze finish, unless permission is granted by the Administrator for a special color scheme or theme.
5. Light sources must be compatible with the light produced by surrounding uses and must produce an unobtrusive degree of brightness in both illumination levels and color temperature.
6. Natural areas and natural features shall be protected from light spillage from off-site sources.
7. All exterior lighting, on or off a building, shall be either amber or white in color with the exception of low-light output (800 lumens or lower) landscaping or other decorative lighting, signage lighting, or customer entrance or service area lights aiming down and installed under a canopy or similar roof structure.

E. DISTRICT LIGHTING STANDARDS IN FOOT-CANDLES

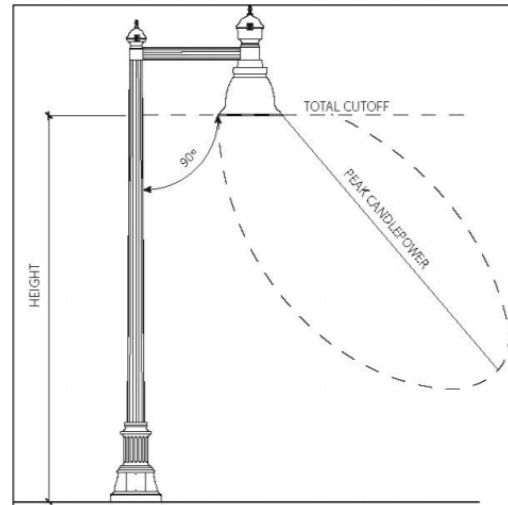
1. Maximum lighting levels shall adhere to the standards in the chart below. All numerical values in the chart below represent measurements in foot-candles.

	R-A, R-20, R-12, R-6, OS	RMX	NMX, BC	BH, LI, HI
Light Trespass Off Property	0.1	0.3	0.8	1
Display/Canopy Area	8	12	20	20
Parking Areas	4	4	6	6
All Other On-site Lighting	4	6	10	10

2. The values in the preceding chart for “All Other On-Site Lighting” and “Display/Canopy Areas” shall represent the maximum point of illuminance measured at grade in foot-candles.
 - a. **Exception:** Outdoor display lots for vehicle sales and leasing may exceed 20 foot-candles if outdoor white lighting is cut off, leaving only security lighting that is amber in color (a temperature rating equal to or less than 2,700 Kelvin), after closing or 11:00 p.m., whichever comes earlier.
3. The values of the preceding chart for the “Light Trespass Off Property” shall represent the maximum point of illuminance as measure at the property line in foot-candles.
 - a. **Exception:** In the case of buildings closer than 10 feet to the property line using only wall packs, light trespass may be greater than one foot-candle as long as the wall packs are fully shielded to direct the light downward, have a light output of 1,600 lumens or lower, and the light source (lamp) is not visible from off-site.
4. The values of the preceding chart for “Parking Areas” shall represent the average point of horizontal illuminance measured in foot-candles, provided that in all districts the maximum uniformity ratio shall be 4:1 minimum to average.

F. CONTROL OF GLARE

1. Pole light fixtures shall have a flat lens oriented horizontally or have shields installed on each side of the fixture to hide the lens.
2. Any luminaire shall be a full-cutoff type fixture.
3. Any luminaire shall be mounted at a height equal to or less than thirty (30) feet above finished grade.
4. The maximum mounting height of all outdoor lighting with a ninety (90) degrees or less cutoff fixture shall be 30 feet. The maximum mounting height of all outdoor lighting without a full ninety (90) degrees or less cut-off fixture shall be sixteen (16) feet. Poles may be mounted on a concrete pier of no more than three (3) feet in height.



5. Poles shall be matte or low-gloss finish to minimize glare from the light source.
6. Other than floodlights, flood lamps, and spotlights all outdoor lighting fixtures of more than 2,000 lumens shall be full-cutoff type fixtures. Any fixture that is not full-cut off shall be a directional fixture (such as flood lights) and may be used provided they shall be aimed and fully shielded to prevent light spillage.
7. **Exceptions**
 - a. Non-cutoff decorative post-mounted fixtures equipped with a solid top and mounted eighteen (18) feet or less above ground and other non-cutoff dusk to dawn utility type fixtures mounted 25 feet or less may be used. The maximum initial lumens generated by each fixture shall not exceed 9,500 initial lamp lumens.
 - b. All metal halide, mercury vapor, fluorescent, and other white-colored light source lamps used in non-cutoff fixtures (excluding flood lights) shall be coated with an internal white frosting inside the outer lamp envelope.

G. SECURITY LIGHTING

1. Unshielded flood lights and spotlights, installed for security and activated by motion sensor, are permitted. These unshielded lights must be mounted and aimed in a manner that minimizes up-lighting and light trespass.
2. All floodlights shall be installed such that the fixture shall be aimed down at least 45 degrees from vertical. All flood or spot lamps emitting 1,000 or more lumens shall be aimed at least sixty (60) degrees down from vertical or shielded such that the main beam from the light source is not visible from adjacent properties or the public street right-of-way.

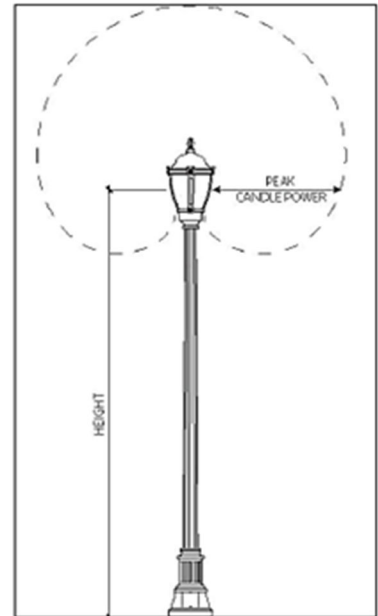
3. Flood lights and display lights shall be positioned such that any such fixture located within fifty (50) feet of a public street right-of-way is mounted and aimed perpendicular to the right-of-way, with a side-to-side horizontal aiming tolerance not to exceed fifteen (15) degrees from perpendicular to the right-of-way.

H. LANDSCAPE LIGHTING

1. Landscape and decorative lighting using incandescent lighting with a light output of 800 lumens or less is permitted, provided that the light is installed and aimed to prevent lighting build up and light trespass and shielded to prevent view from the public right of way.
2. **Outdoor Recreational Lighting**
 - a. Because of their unique requirements for nighttime visibility and their limited hours of operation, ball fields, basketball courts, tennis courts, outdoor performance areas and similar recreational uses are exempt from the exterior lighting standards provided above. However, these uses shall adhere to the requirements below.
 - b. Outdoor recreational lighting shall not exceed a maximum permitted post height of eighty (80) feet. The Administrator may set a shorter maximum pole height if the specific recreational use does not require the taller pole.
3. Lights shall be shielded and positioned so as not to shine onto adjacent roadways or properties.
4. All fixtures shall be fully shielded or be designed or provided with Manufacturer's Glare Control Package to minimize up-light, spill-light, and glare.
5. Fixtures shall be designed and aimed so that their beams fall within the primary playing area and the immediate surroundings, so that off-site direct illumination is significantly restricted. The maximum permitted illumination at the property or right-of-way line shall not exceed two (2) foot-candles and all lights, except for any amber color (a temperature rating equal to or less than 2,700 Kelvin) security lights, shall be cut off after use.

I. STREET LIGHTING

1. Street lighting shall be placed on all streets to allow for the safe use of streets by both cars and pedestrians. All street lighting shall be placed in accordance with the standards of City of Eden Engineering Department or the most recent standards from the Illumination Engineering Society of North America "Lighting Handbook."
2. Pedestrian scaled lighting (no taller than twelve feet) shall be required in the RMX, NMX and BC districts using decorative fixtures of a similar character to those existing in these districts (see images on right).
3. Pedestrian-scaled lighting (no taller than twelve feet) shall be prioritized over automobile lighting in all districts. Lighting shall be placed in a manner to limit the casting of shadows on sidewalks.
4. All streetlights shall utilize a cutoff fixture. Where buildings are close to the street (less than fifteen feet from the right-of-way), full cutoff fixtures are required to limit glare and light spillage on upper levels.
5. Alleys are excluded from the spacing and lighting requirements of this section.



J. ADDITIONAL LIGHTING USE REGULATIONS FOR SPECIFIC AREAS

1. Building Façade Lighting

- a. Floodlights, spotlights, or any other similar lighting shall not be used to illuminate buildings or other site features unless approved as an integral architectural element on the development plan.
 - b. On-site lighting may be used to accent architectural elements but not used to illuminate entire building(s).
 - c. Where accent lighting is used, the maximum illumination on any vertical surface or angular roof surface shall not exceed 5.0 average maintained foot-candles.
 - d. Building facade and accent lighting will not be approved unless the light fixtures are selected, located, aimed, and shielded so that light is directed only onto the intended target and spillover light is minimized.
 - e. Wall packs on buildings may be used at entrances to a building to light unsafe areas, but must be fully shielded to direct the light downward, must have a light output of 1,600 lumens or lower, and the light source shall not be visible from off-site.
- 2. Outdoor Display Areas.** The mounting height of outdoor display area fixtures shall not exceed thirty (30) feet above finished grade.
- 3. Lighting for Vehicular Canopies.** Lighting under vehicular canopies shall be designed so as not to create glare off-site. Acceptable methods include one or more of the following:

- a. Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface of the vehicular canopy.
- b. Surface mounted fixture incorporating a flat lens that provides a cutoff or shielded light distribution.
- c. Other methods approved by the Administrator.

K. COMPLIANCE

1. Lighting plans required as part of a site construction plan shall include, at a minimum, the following information:
 - a. Point-by-point foot candle arrays in a printout format indicating the location and aiming of illuminating devices. The printout shall indicate compliance with the maximum maintained foot-candles required by this ordinance.
 - b. Description of the illuminating devices, fixtures, lamps, supports, reflectors, poles, raised foundations and other devices (including but not limited to manufacturers or electric utility catalog specification sheets and/or drawings, and photometric report indicating fixture classification [cutoff fixture, wall pack, flood light, etc.]).
 - c. After installation of on-site lighting, a certification of compliance statement must be submitted to the Administrator prior to the issuance of a Certificate of Occupancy.
2. Subsequent phases of an entire development shall have a uniform design plan for lighting and fixtures. New phases must meet all requirements in effect at the time of obtaining a permit, but lighting plans must consider preexisting lighting in earlier phases, both in design and intensity of light.

6.06 OPEN SPACE STANDARDS

A. PURPOSE AND INTENT

It is the intent of this section to require that each new development contribute to the necessary range of parks and opens space critical to the quality of life for each resident and visitor. It is expected that all new residential development provide centrally-located, unencumbered land as neighborhood park space for human use and/or unimproved open space in addition to contributing to the construction and expansion of community facilities.

B. APPLICABILITY

All new development shall provide neighborhood parks and undisturbed open space (as applicable). The intent is to ensure that each new home has a range of parks and open spaces within a typical walking or biking distance of $\frac{1}{4}$ to $\frac{1}{2}$ mile.

C. REQUIRED OPEN SPACE TABLE:

Zoning District:	Usable Open Space Required (Improved Park Space)	Natural Open Space Required (Unimproved Space)	Total Dedicated Space
OS	Exempt	Exempt	Exempt
R-A	Exempt	5%	5%
R-20, R-12, R-6	2%	5%	7%
RMX, NMX, BC	2% for projects greater than 5 acres	Exempt	2% for projects greater than 5 acres
BH	Exempt	Exempt	Exempt
LI, HI	Exempt	Exempt	Exempt

D. EXEMPTIONS TO OPEN SPACE STANDARDS

1. Neighborhood parks are not required in any residential development with an overall density of one (1) dwelling unit/acre or less.
2. Subdivided residential developments of ten (10) or fewer dwelling units are exempt from the requirements of this section unless the City agrees that it will accept an offer of dedication of such open space and in that case the offer of dedication shall be made.
3. Conditional Zoning Districts: Exemptions may be permitted on a case-by-case basis through the use of a Conditional Zoning District rezoning but shall have a minimum of fifty (50) percent of the total required open space.

E. USABLE OPEN SPACE (IMPROVED PARK SPACE) REQUIRED

1. For purposes of this section, usable open space means an area that:
 - a. Is not encumbered with any substantial structure that is not recreation-oriented,
 - b. Is not devoted to use as a roadway, parking area, or sidewalk, provided, however that multi-use trails and any associated required cleared, graded space may be counted towards required open space,
 - c. Reflects the character of the land as of the date development began. Wooded areas shall be left in their natural or undisturbed state except for the cutting of trails for walking, bicycling or jogging. Areas not wooded shall be landscaped for open play fields, picnic areas or similar facilities, or be properly vegetated and landscaped with the objective of creating a wooded area or other area that is consistent with the objectives of this section,
 - d. Is capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation, with particular attention paid to grade,

- e. Is part of an independent Lot shown on the plan as being reserved for open space; and
 - f. Is legally and practicably accessible to the residents of the development from which the required open space subdivided or to the public if the open space is dedicated to the City.
2. Usable Open Space shall include:
- a. **Green Corridor.** A natural preserve available for unstructured recreation. Its landscape shall consist of paths and trails, meadows, waterbodies, woodland and open shelters, all naturalistically disposed. Parks may be linear, following the trajectories of natural corridors (greenways). The minimum size shall be 2 acres (except multi-use trails where there is no minimum).
 - b. **Parks and Greens.** An open space available for unstructured recreation. A Green may be spatially defined by landscaping rather than building frontages. Its landscape shall consist of lawn and trees, naturalistically disposed. For the purposes of this section, standalone dog parks shall be considered a variation of the Green park type. The minimum size shall be 1/2 acre.
 - c. **Squares.** An open space available for unstructured recreation and civic purposes. A Square is spatially defined by building frontages. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at intersections. The minimum size shall be 1/4 acre and the maximum shall be 2 acres.
 - d. **Playgrounds.** An open space designed and equipped for the recreation of children. A playground may include an open shelter. Playgrounds shall be interspersed within Residential areas and may be placed within a block. Playgrounds may be included within parks and greens. There shall be no minimum or maximum size.
3. **Credit for Proximity to Existing Park Space.** Developments that are proximate to an existing City-owned, publicly accessible park space may count all such lands in their park space dedication requirement up to 25% of the required total, subject to the provisions below.



- a. The existing park or parks must be within ½ mile of the development, as measured along a road or pedestrian path, to be considered proximate.
 - b. Adequate pedestrian access from the development to the existing park space must be provided as determined by the Administrator.
- 4. Credit for Neighborhood Amenities.** Developments that provide neighborhood amenity facilities will receive a credit of 25% of the required total, subject to the provisions below.
- a. The facilities are open to all residents of the neighborhood and are not subject to a private membership separate from any related POA dues.
 - b. Such facilities shall, at a minimum, include a clubhouse a minimum of 800 square feet and either tennis courts (minimum of two courts) or a pool (a minimum of 2,000 square feet in water surface area).
- 5.** The following areas shall not count toward common open space set-aside requirements:
- a. Private Lots, yards, balconies and patios dedicated for use by a specific dwelling unit
 - b. Electric or gas transmission line rights-of-way
 - c. Public right-of-way or private streets and drives
 - d. Open parking areas and driveways for dwellings
 - e. Land covered by structures except for ancillary structures associated with the use of the open space such as gazebos and picnic shelters
 - f. Designated outdoor storage areas
 - g. Land areas between buildings of less than forty (40) feet
 - h. Land areas between buildings and parking lots or driveways of less than forty (40) feet in width
 - i. Required setbacks or landscape buffers, unless they are adjacent to an open space area of fifty (50) feet or more in width
 - j. Detention/retention facilities except as permitted by the Administrator
 - k. Areas that have been graded during development to grades of three-to-one (33% grade) or greater
- 6. Ownership and Maintenance of Recreational Areas and Required Open Space**
- a. Open space required to be provided by the applicant in accordance with these open space standards shall not be dedicated to the public but shall remain under the ownership and control of the developer (or his successor) or a property owner's association or similar organization. Open space shall be designated as an independent lot on the plat and shall be noted as being reserved for their intended purposes.

- b. The person or entity identified as having the right of ownership and control over such recreational facilities and open space shall be responsible for the continuing upkeep and proper maintenance of the same.
- c. Open space may be dedicated to a registered land trust, if approved by the City Council.

7. Dedication of Open Space

- a. If any portion of any lot proposed for development lies within an area designated on the officially adopted Comprehensive Plan, the area so designated (not exceeding five percent of the total lot area) shall be included as part of the area set aside to satisfy the requirement of this section. This area shall be dedicated to public use.
- b. If more than five percent of a lot proposed for development lies within an area designated as provided in paragraph (1) above, the City may attempt to acquire the additional land in the following manner:
 - (1) The applicant may voluntarily dedicate the additional land to the City.
 - (2) The applicant may be encouraged to develop an integrated subdivision, cluster subdivision or some other applicable development pattern and to dedicate the common open space created thereby.
 - (3) The City may purchase or condemn the land.

F. FLEXIBILITY IN ADMINISTRATION AUTHORIZED

- 1. The requirements set forth in this Article concerning the amount, size, location and open space to be provided in connection with residential developments are established by the City Council as standards that presumptively will result in the provision of that amount of recreational facilities and open space that is consistent with officially adopted City Plans. The City Council recognizes, however, that due to the particular nature of a tract of land, or the nature of the facilities proposed for installation, or other factors, the underlying objectives of this Article may be achieved even though the standards are not adhered to with mathematical precision. Therefore, the permit issuing authority is authorized to permit minor deviations from these standards whenever it determines that:
 - a. The objectives underlying these standards can be met without strict adherence to them; and
 - b. Because of peculiarities in the applicant's tract of land or the facilities proposed it would be unreasonable to require strict adherence to these standards.
- 2. Whenever the Permit Issuing Authority approves a deviation from these open space standards, the official record of action taken on the development application shall contain a statement of the reasons for allowing the deviation.

G. OPEN SPACE LINKAGES

Where a trail, natural area or public park is dedicated to or acquired by the City, such area may be credited toward the minimum amount of common open space required.

1. Natural Open Space Design Criteria

- a. All required natural open space shall meet the following design criteria, as applicable:
 - (1) Water bodies, retention areas, detention basins and wetlands basins, may constitute up to forty (40) percent of required open space, provided that retention facilities are designed to provide safe access to water. Unless otherwise approved by the City Council, side slopes to retention facilities shall provide at least six (6) feet of horizontal run for each foot of vertical rise.
 - (2) At least thirty (30) percent of required open space must be dry land with a slope of less than ten (10) percent unless otherwise approved the City Council.
 - (3) Unless otherwise approved by the City Council, open space shall be continuous, contiguous with open space on abutting properties and accessible to the public.

H. CONNECTIVITY REQUIRED

- 1. To the maximum extent practicable, common open space shall be organized to create integrated systems of open space that connect with the following types of lands located within or adjacent to the development:
 - a. Dedicated public park or greenway lands
 - b. Dedicated school site
 - c. Other dedicated open spaces
 - d. Common open space located adjacent to the development
 - e. Portions of the regional trail and open space system
- 2. **Payments in Lieu of Open Space Dedication**
 - a. Any subdivider required to dedicate open space area pursuant to this Ordinance may, with the approval of the City Council, make a payment in lieu of dedication or make a combination of land dedicated and payment. Before approving a payment in lieu of dedication, the City Council shall find that no recreation and/or open space sites have been designated on the adopted Comprehensive Plans for the property in question.
 - b. The payment in lieu of dedication shall be equal to the appraised value of the required acreage of land within the subdivision based on an appraisal prepared by a licensed appraiser and submitted by the developer. If the City disagrees with the submitted appraisal, it may have a second appraisal prepared. If the appraisals are within fifteen (15) percent of each other, the developer's appraisal will be utilized to establish value. If the appraisals differ by more than fifteen (15) percent, the value will be based on the average of the two appraisals.
 - c. Where a combination of land dedication and payments in lieu are approved, the subdivider shall be given a credit equivalent to the appraised value per acre of land dedicated for recreation purposes. The credit amount shall be determined by multiplying the number of acres to be dedicated by the appraised value per acre. If the total payment in lieu as determined above is larger than the credit

amount, the subdivider shall pay the difference between the two amounts. If the credit amount is larger than the total payment in lieu as determined above, no additional payment in lieu is required. However, the subdivider may not transfer the excess credit from one subdivision to another.

- d. Upon approval by the City Council, payment in lieu of dedication shall be made at the time of final subdivision plat approval. All monies received by the City of Eden pursuant to these requirements shall be used only for the acquisition and development of recreation, park, and open space sites to serve the residents of the development and the residents of the immediate neighborhood within which the development is located. The City Council shall also have the authority to sell land dedicated pursuant to these provisions with the proceeds of any such sale used solely for the acquisition of other recreation, park, or open space sites within the immediate neighborhood within which the development is located.

I. OWNERSHIP & MAINTENANCE

The designated common open space and common facilities are outlined in *Article 7 – Subdivisions and Infrastructure* of this Ordinance.

6.07 LANDSCAPING AND BUFFERING

A. PURPOSE AND INTENT

The standards established in this Ordinance are intended to preserve, protect, restore and enhance the aesthetic appeal and scenic beauty of this City; provide adequate buffering between land uses; reduce noise and air pollution; reduce stormwater run-off; filter and reduce glare from artificial light sources; provide shaded areas along streets, sidewalks and in parking lots; provide a continuity of vegetation throughout the City; encourage the preservation of existing trees and vegetation; safeguard and enhance property values; and protect the public health, safety and general welfare.

B. APPLICABILITY

The landscaping and buffering standards of this section shall apply to the following:

1. All new developments (except for infill single-family detached) shall be designed in accordance with the requirements of this Article.
2. Pre-existing development
 - a. Non-conforming preexisting development is subject to these standards as follows:
 - (1) A change in type of occupancy, as set forth in the North Carolina Building Code
 - (2) A change in land use which requires an increase in the number of off-street parking spaces or the provision of a buffer yard
 - (3) Additions or expansions which singularly or collectively exceed 25% of the land area or gross building floor area existing at the effective date of this ordinance.

- b. The City of Eden recognizes that designing preexisting development to meet new regulations is more difficult and expensive than applying these standards to undeveloped properties. Therefore, greater flexibility will be afforded preexisting development in meeting the requirements of this section, in that:
 - (1) A modification of up to 25% percent may be granted by the Administrator for planting area and dimension requirements where compliance presents hardships due to building location, lot size, or vehicular area configuration.
 - (2) A credit for reducing required off-street parking by one (1) space shall be given for the construction of each landscape island.

C. FRONT YARD TREES

- 1. Front yard trees (functioning as street trees) are an essential part of the City streetscape. As opposed to street trees, front yard trees are planted on private property, just outside of the right-of-way line. The City seeks to maintain existing trees where possible and to encourage the planting and continuance of the established street tree patterns. To accomplish this objective, the following shall apply:
 - a. All subdivisions and developments subject to site plan approval shall provide front yard trees along their frontage with adjacent public streets.
 - b. Front yard trees shall be planted on private property. They shall be located five (5) to ten (10) from back of curb or edge-of-sidewalk, whichever is greater, or as close as possible to those criteria.
 - c. Front yard trees shall be selected from the list of small or understory trees, or, where power lines are located, small trees included in the Appendix.
 - d. Where necessary, planting strips shall be a minimum of six (6) feet wide.
 - e. Planting location shall take into consideration planned roadway widening, public safety, standard drainage requirements, and maintenance of sight distances for traffic safety. Street trees may be planted within the right-of-way, within planting strip abutting the right-of-way or other location approved by the Administrator.
- 2. Front yard trees, unless subject to overhead power lines, shall be planted at the rate of one (1) two-inch caliper tree per forty (40) feet of property line abutting a public street, excluding driveways and traffic visibility zones. This rate may be varied based upon planned signage areas, existing trees, and the crowns of planted trees.
- 3. Trees used to meet buffer and vehicle use area requirements, may be used to meet the street requirements to the extent that the trees are located within 25 feet of a street.

D. BUFFER YARD REQUIREMENTS

- 1. Buffers provide compatible transitions between differing land uses, reduce the visual impacts of development and retain existing plant materials.

- a. Buffers are required along the common property lines between developments in different zoning districts or between developments of different uses as established in this Section.
- b. Buffer requirements shall not apply when a public street or railroad right-of-way separates applicable zoning districts or uses except where new lots created by a Major Subdivision Preliminary Plat abuts but has no access to Major or Minor Thoroughfare. When this occurs, a streetyard buffer meeting the Type A Buffer criteria standards shall be provided adjacent to the thoroughfare right-of-way. The preservation of existing healthy vegetation in the streetyard buffer is strongly encouraged.
- c. The chart below establishes the minimum buffer type for proposed development.

Adjacent Zoning District							
District of Proposed Development	R-A, R-20, R-12, R-6	RMX	NMX	BC	BH	LI, HI	OS
R-A, R-20, R-12, R-6	None	None	None	None	B	A	None
RMX	None	None	None	None	None	A	None
NMX	None	None	None	None	None	A	None
BC	None	None	None	None	None	None	None
BH	B	C	None	None	None	B	C
LI	A	B	B	None	None	None	C
HI	A	A	A	B	B	None	C
OS	None	None	None	None	None	None	None
A = Type A Buffer B = Type B Buffer C = Type C Buffer							

BUFFER YARD COMPOSITION

The required buffer yard types may be established using a combination of yard widths, evergreen trees, canopy trees, understory trees, shrubs, fences, walls, and berms. Note that up to fifty (50) percent of required evergreen trees may be pines. The following tables illustrate the required elements for each buffer yard type.

1. **Type A Buffer:** The intent of the Type A Buffer is to create a completely opaque buffer, having no horizontal openings from the ground to a height of eight (8) feet within two years of planting. Type A buffers can be achieved in three ways:

Type A Buffer Yard Options	Min. Depth	Min. Plantings per 100 feet	Required Barrier
Option 1	40'	4 Evergreen Trees 4 Canopy Trees 4 Understory Trees 48 Shrubs	Not Required
Option 2	30'	2 Evergreen Trees 1 Canopy Tree 2 Understory Trees 12 Shrubs	Berm
Option 3	20'	1 Evergreen Tree 1 Canopy Tree 3 Understory Trees 12 Shrubs	Fence or Wall

3. **Type B Buffer:** The intent of the Type B Buffer is to create a semi-opaque buffer, having only seasonal horizontal openings, not to exceed ten (10) percent of the total width, from the ground to a height of eight (8) feet within two years of planting. A Type B Buffer can be achieved in two ways as specified below.

Type B Buffer Yard Options	Min. Depth	Min. Plantings per 100 feet	Required Barrier
Option 1	20'	2 Evergreen Trees 1 Canopy Trees 2 Understory Trees 12 Shrubs	Not Required
Option 2	10'	1 Evergreen Trees 1 Canopy Tree 3 Understory Trees 24 Shrubs	Berm

4. **Type C Buffer:** The intent of the Type C Buffer is to create a semi-opaque buffer, having only seasonal horizontal openings, not to exceed 25% of the total width, from the ground to a height of six (6) feet within two years of planting. A Type C Buffer can be achieved in two ways as specified below.

Type C Buffer Yard Options	Min. Depth	Min. Plantings per 100 feet	Required Barrier
Option 1	20'	1 Canopy Tree 2 Understory Trees 8 Shrubs	Not Required
Option 2	10'	2 Canopy Trees 2 Understory Trees 12 Shrubs	Not Required

E. ADDITIONS TO BUFFERS AND SCREENING

When it is determined that the conflict of land use is so great that the public safety is not served adequately by the minimum buffer and screening requirements, or where there is a need to prevent a high degree of visual, audio, or physical disorders, then the Administrator may require the installation of fencing or earthen berms in addition to the minimum required buffers and screening, according to the standards below.

1. **Fencing or Walls.** Where required as part of a buffer yard, fencing or walls must adhere to the provisions below. Nothing in this Section shall prohibit the owner of a single-family dwelling from constructing a separate fence along the borders of such property, provided that all required buffer plantings are maintained.

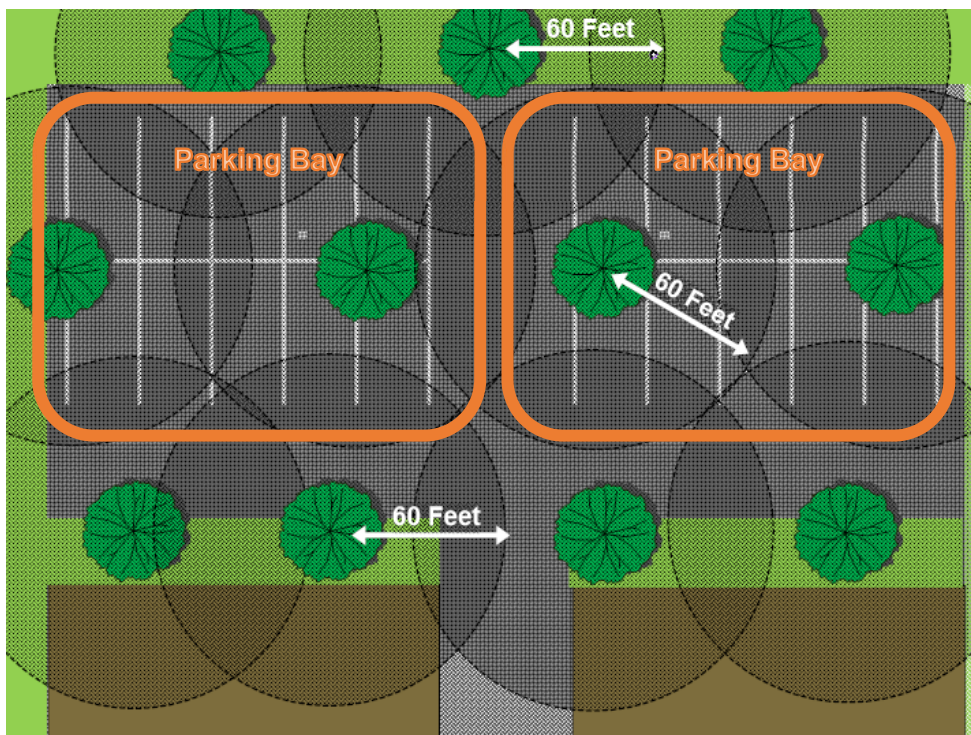
- a. In all cases, the finished side of the fence must face the use with the lower intensity.
 - b. Permitted fence or wall materials include masonry, stone, architectural block, stucco on masonry, wood or other similar of solid appearance.
 - c. The design of fencing or walls shall be sufficient to meet the extent of physical screening required by this Ordinance.
 - d. The height of the fence shall be six (6) feet.
 - e. A decorative masonry post or other visual embellishment or variation shall be required every sixty (60) feet for fences longer than 130 feet.
2. **Berms.** Earthen berms may be required in combination with plant material and fencing for the purposes of screening. Berms shall be tapered appropriately to allow for practical maintenance.
- a. The slope of all berms shall not exceed a 2:1 ratio (horizontal to vertical), shall have a top width at least one-half the berm height, and a maximum height of six (6) feet above the toe of the berm.
 - b. All berms regardless of size, shall be stabilized with a grass or other approved vegetative ground cover. Topsoils brought in for mounds are to be mixed with native soil to avoid interfacing problems.
 - c. Berms shall be constructed as to provide adequate sight distances at intersections and along all roads.
 - d. Berms proposed to satisfy the screening requirements of this section shall be vegetated as required by this section. All plantings shall be located either on top of the berm or between the berm and the public right-of-way.
 - e. Use of berms as a substitute for existing healthy vegetation is strongly discouraged.
 - f. Berms shall be designed so as not to obstruct pre-development or post-development water flow across the landscape or cause ponding. Culverts, under drains, or other features may be necessary.

F. VEHICULAR USE AREA SCREENING & LANDSCAPING

1. All off-street parking, loading areas, and service areas adjacent to and/or visible from a public right-of-way and adjacent properties shall be screened from view by use of one or more of the following:
 - a. A building or buildings
 - b. A change in topography
 - c. A planting area a minimum of eight (8) feet wide planted with evergreen shrubbery placed a maximum of five (5) feet on center. All shrubs shall achieve a height of four (4) feet within three years
 - d. Fencing, walls, or berms
2. In addition to screening requirements, canopy trees shall be installed in planting areas within parking lots to provide shade coverage for all parking spaces within vehicle service areas. Such planting areas shall meet the following requirements:
 - a. **Planting Area Size:** The minimum size of a planting area is dependent upon the number of canopy trees planted within it, as described below:

Number of Canopy Trees in Planting Area	Minimum Size of Planting Area
1	400 square feet
2	700 square feet
3 or more	300 square feet per tree

- b. **Planting Area Width:** A minimum horizontal dimension of nine (9) feet measured from back of curb, pavement, sidewalk, or other separating structure is required for all planting areas.
- c. **Planting Strip Location:** A continuous linear planting strip shall be provided between each two (2) parking bays.
- d. **Minimum Spacing:** All parking spaces, or portions thereof, shall be within sixty (60) feet of a planted canopy tree trunk as illustrated in the diagram below:



- e. **Groundcover:** Each planting area shall be landscaped with mulch, groundcover, or shrubs to protect against soil erosion.
- f. **Barriers or Wheel Stops:** Barriers, such as wheel stops or six (6) inch standard curbs, must be provided between vehicular use areas and landscaped areas.
- g. **Conflict with Parking Lot Lighting:** Trees shall be located and planted so as not to diminish the effectiveness of required parking lot lighting, and in no instance shall lighting be located closer than fifteen (15) feet to canopy trees and eight (8) feet to understory trees.

G. SCREENING OF OUTDOOR STORAGE

In addition to the buffer yard requirements provided by this Article, all non-residential outdoor storage yards must be screened with the use of:

1. Solid-wood fence, or fabricated metal fence, each with shrub plantings placed around the enclosure that grow as high, or nearly as high, as the fence to provide an attractive separation, or
2. Brick fence, brick/split face block, or decorative block (plantings not required).

H. SCREENING OF BMP FACILITIES

Any Stormwater BMP Facility that is required by this Ordinance and is at least eighteen (18) inches in depth, as measured from the top of bank, shall be enclosed by a fence. The required fence shall be a black or green vinyl coated chain-link fence that is at least four (4) feet in height. (It should be noted that the applicant should consider whether a greater fence height is needed to provide an appropriate level of safety.) The fence shall have one or more gates to allow an appropriate level of access for the purpose of facility maintenance. Upon written request by the applicant, the Administrator may waive or modify the fencing requirement when it finds any one of the following:

1. The required fencing is not necessary to provide for the public health and safety because of the Stormwater BMP Facility's design, location or combination thereof.
2. The modified fencing proposal provides adequate protection of the public health and safety.
3. The Stormwater BMP Facility is designed to be an amenity to the development and the provision of a fence would lessen its effectiveness to do so.

I. DUMPSTERS, LOADING AREAS AND MECHANICAL UTILITIES SCREENING

1. All dumpsters, loading docks and utility structures, which are visible from a public street or adjacent property line shall be screened unless already screened by an intervening buffer yard.
2. Screening shall consist of evergreen shrubs, fencing, walls or berms, and shall comply with all other standards of this section.
3. All screening of utilities shall comply with the requirements of the utility provider.
4. Enclosures for dumpsters shall be constructed with materials that are consistent with the design and materials of the principal building. Screening may be created through the use of:
 - a. Solid-wood fence, or fabricated metal fence, each with shrub plantings placed around the enclosure that grow as high, or nearly as high, as the fence to provide an attractive separation
 - b. Brick fence, brick/split face block, or decorative block (plantings not required)

J. UNAVOIDABLE DELAY IN INSTALLATION

Installation of landscaping must be completed in accordance with an approved landscape plan. Unusual environmental conditions such as drought or ice may occur or the appropriate planting season may not parallel

that of the development's construction. In such cases, a temporary Zoning Compliance Certificate for a specified period may be issued based on a performance guarantee. Performance guarantees shall be accompanied by a description of the factor(s) hindering installation of landscaping and a written estimate of materials and installation from a landscaping contractor. Such guarantee may be in the form of a letter of credit, a bond, a certified check or cash and shall be in the amount of 125% of the total price reflected in the estimate. The amount shall be reviewed and approved by the Administrator. The performance guarantee will be released after landscaping is installed in accordance with the landscaping plan.

K. GENERAL INSTALLATION AND MAINTENANCE STANDARDS

It shall be the responsibility of the property owner(s) or assigned caretakers to ensure that all regulated landscaped areas, buffers, fencing, and tree save areas are installed, preserved, and maintained in good growing conditions, appearance, and usefulness. Damage and disturbances to these areas shall result in vegetation replacement and/or fines and other penalties. Preservation and maintenance shall include:

1. Any dead, unhealthy, or missing vegetation, shall be replaced with vegetation that conforms to the standards of this section and the approved site and/or subdivision plan.
2. All required buffers, street yards, vehicular use areas, tree save areas and other landscaped areas shall be free of refuse and debris, shall be treated for pest/diseases in accordance with the approved site and/or subdivision plan, and shall be maintained as to prevent mulch, straw, dirt, or other materials from washing onto streets and sidewalks.
3. The owner(s) shall take actions to protect all plant material from damage during all facility and site maintenance operations. All plant material must be maintained in a way that does not obstruct sight distances at roadways and intersections, obstruct traffic signs or devices, and interfere with the use of sidewalks or pedestrian trails. Plant material, whether located within buffers, tree save areas, or within planted areas (required by the site and/or subdivision plan) shall not be removed, damaged, cut or severely pruned so that their intended form is impaired. Shrubs within vehicular use areas, street yards, and street fronts may be pruned, but must maintain at least three (3) feet in height.
4. In the event that existing required vegetation located within any buffers, tree save areas, street yards, vehicular use or other landscape areas poses an immediate or imminent threat to improved structures on private property or public property, necessary pruning or removal of the vegetation may be allowable provided authorization is obtained from the Administrator, and the performance standard of the landscape area is maintained consistent with this section. Replacement vegetation may be required as a condition of the permit.
5. In the event that any vegetation or physical element functioning to meet the standards of this section is severely damaged due to an unusual weather occurrence or natural catastrophe, or other natural occurrence, the owner may be required to replant if the requirements of the section are not being met. Replacement vegetation shall conform to the standards of this section and the approved site and/or subdivision plan.

L. ALTERNATE LANDSCAPING PLANS

The Administrator shall allow deviations to this section when in the opinion of a licensed landscape architect alternative plantings are necessary due to proximity to utilities or that an alternative landscape design will provide preferable results. At their discretion, the Administrator may consult with a third-party landscape architect for a second opinion, and any costs incurred shall be charged to the applicant.

M. RECOMMENDED PLANT LIST

See the Appendices for the official planting list. It contains some plant species that are native or are known to be suitable for the climate of the area. Applicants seeking landscape approval shall not be required to select materials from the following list but shall be required to select plant species that are known to be suitable for the climate of the area.

6.08 BUILDING DESIGN STANDARDS

A. PURPOSE AND INTENT

The purpose of establishing building design requirements for development is to ensure that the physical characteristics of proposed development are compatible with the context of the surrounding areas and to preserve the unique visual character and streetscapes of Eden. These requirements strike a balance between creativity and innovation on one hand while avoiding obtrusive, incongruous structures on the other. Eden strongly encourages architectural styles that build upon and promote the existing historic character of the City and supports the view that inspiring, well-maintained, and harmonious development is in the best economic development interests of all residents and businesses.

B. APPLICABILITY OF STANDARDS

The provisions in this Section shall apply to all new multi-family and non-residential structures and expansions to existing structures in with the zoning designation of B-C, RMX, and NMX. Only subsections F, I, and J shall apply to residential structures.

C. MODIFICATION OF STANDARDS/DESIGN EXEMPTIONS

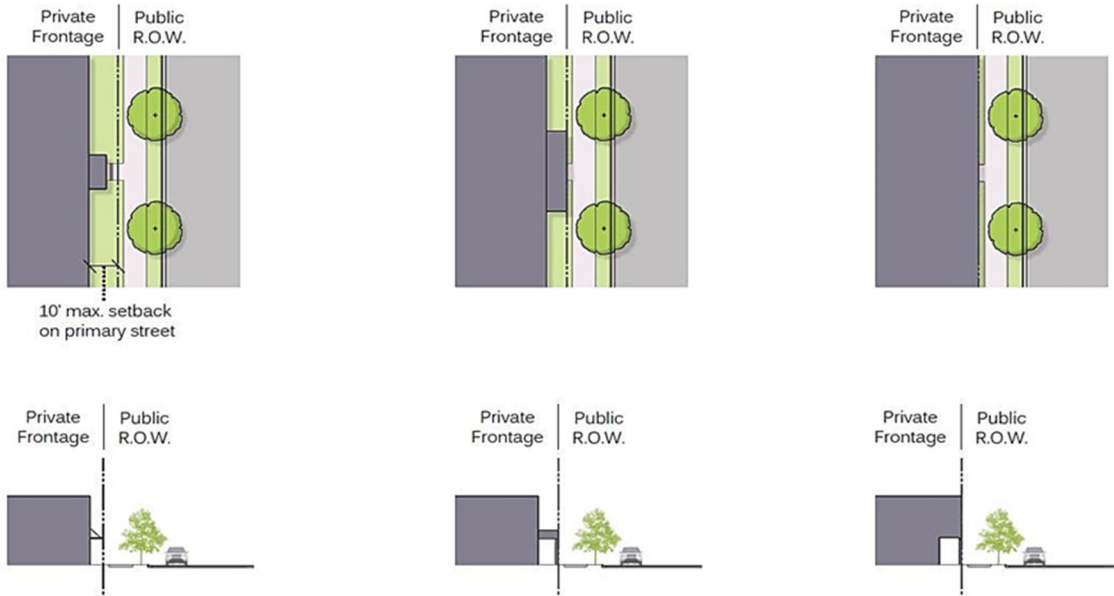
The Administrator may make modifications to the standards in this section upon the written request of the applicant if the standard(s) in question conflicts with other requirements by law, as long as the proposal is in compliance with the Purpose and Intent above. If the applicant and Administrator cannot come to an agreement the proposal shall be submitted to the City Council for review at their next available meeting.

D. FRONTAGE REQUIREMENTS: There shall be a minimum of sixty (60) percent primary street lot frontage build out on properties. One of the following frontage types shall be provided along the private frontage for buildings in these areas:

1. Shop-front & Awning

2. Gallery

3. Arcade



1. **Shopfront & Awning:** The façade is aligned close to the property line with building entrance at sidewalk grade. Substantial glazing on sidewalk level is provided and an awning that may overlap the sidewalk to the maximum extent possible.
2. **Gallery:** The façade is aligned close to the property line with an attached cantilevered roof or lightweight colonnade overlapping the sidewalk.
3. **Arcade:** A colonnade supporting habitable space aligned close to the property line, while the façade at sidewalk level is set back to create a sheltered pedestrian area.

- E. PARKING.** Parking shall only be permitted in the second or third layer of the primary street front yard. (See *Section 5.04: Parking and Loading.*)
- F. PEDESTRIAN CONNECTIONS.** A clear and direct pedestrian connection shall be made to public sidewalks from the main entrances.
- G. BUILDING MATERIALS.** All exterior building materials visible from a public right-of-way shall be of higher quality such as brick, stone, marble, woods, fiber cement products, such as hardi-board, or other materials similar in appearance and durability. Metal should be used only as an accent or roofing material, not as a primary façade treatment.
- H. ARCHITECTURE.** Architectural style shall be in similar context with those of existing buildings within 300 feet of the subject site.
- I. DRIVEWAYS.** Any driveway shall be a maximum of twenty-four (24) feet in width
- J. SETBACKS & PLACEMENT.** While a maximum setback of ten (10) feet shall be required on all primary street yards, established front yard setback patterns should be continued where practical.

