AN ORDINANCE AMENDING
THE UNIFIED DEVELOPMENT ORDINANCE
OF THE CITY OF EDEN

Zoning Case Z-26-10

BE IT ORDAINED BY THE CITY COUNCIL of the City of Eden, North Carolina, that, after having fully complied with all legal requirements, including publication of notice of a public hearing and the holding of a public hearing relative thereto, Article 6.04 *Parking and Loading*, Article 5.07 *Supplemental Use Standards – Residential*, and Article 5.14 *Supplemental Use Standards – Communications, Transportation, & Infrastructure* are hereby amended to read as follows:

6.04 PARKING AND LOADING

A. PURPOSE AND INTENT

This Section establishes the standards for Parking Facility design in the City of Eden. These standards are intended to promote safe and efficient use of a site, accommodate unique site conditions, and capitalize on the benefits of parking opportunities on-street or in Shared Parking Facilities.

B. APPLICABILITY

Parking Facilities provided in association with a new development, change of use, or redevelopment shall comply with this Section.

C. CANOPY PRESERVATION

The preservation of healthy, Significant Trees shall be considered in the design of parking facilities. Site design approaches that preserve existing tree canopies may include modifying the amount of parking provided, relocating or reconfiguring parking layouts, or utilizing shared parking and other available alternative parking arrangements.

D. ALTERNATIVE PARKING ARRANGEMENTS

1. Shared Parking: Shared Parking Facilities may serve two or more uses or structures with operating hours that do not coincide.

2. **Remote Parking**: Remote Parking Facilities are located on a separate lot from the lot containing the principal use or structure.
   a. A Remote Parking Facility located within 400 feet of the principal use is recommended to promote pedestrian connectivity. The distance shall be measured in a straight line from the nearest point of the Principal Structure to the nearest point of the remote parking area.

3. Shared and Remote Parking Agreements. If remote or shared parking is provided, the relationship between the parking area and the associated use(s) may be documented through a recorded easement, covenant, reciprocal parking agreement, or other legally enforceable instrument recorded in the office of the Rockingham County Register of Deeds.

E. PARKING FACILITIES DESIGN STANDARDS

1. Parking Facilities 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 facilities shall be located and designed to avoid undue interference with the use of public rights-of-way, driveways or pedestrian ways. Parking spaces shall not be located in areas that would require backing into access driveways or streets except where allowed for residences.

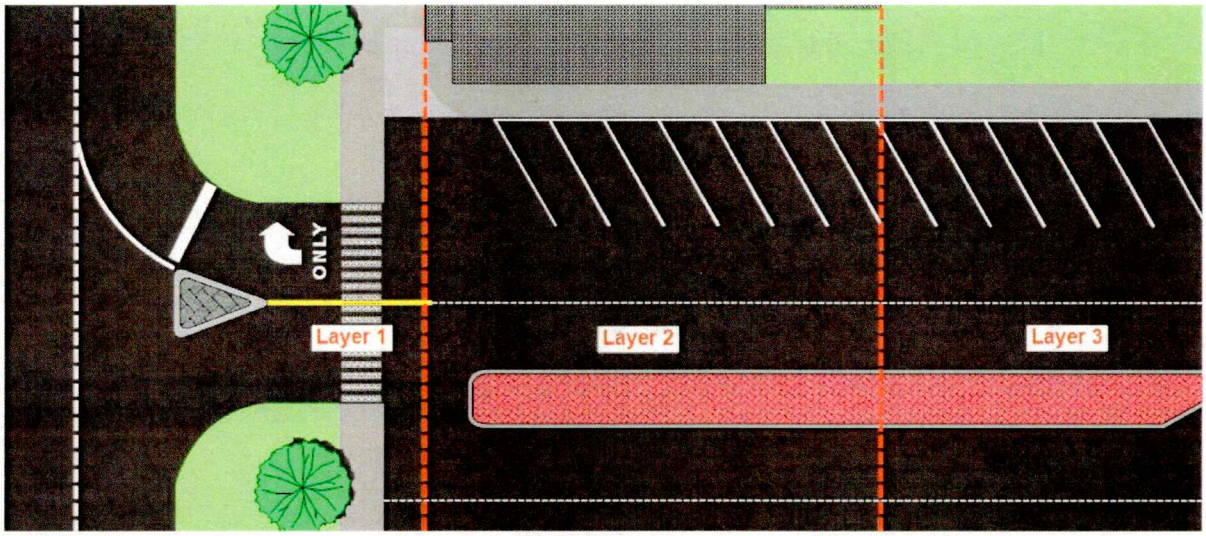
e. Parking spaces and aisles shall be in accordance with this Ordinance, City Code, and the following minimum dimensions:

6.04-1 Minimum Parking Space and Aisle Dimensions

Parking Space Angle	Parking Space Width	Parking Space Depth	Aisle Width (one-way)	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'

a. Parking stalls and vehicular areas shall be located a minimum of five (5) feet from any property lines and ten (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.

b. 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:



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

d. 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.

e. Accessible parking shall comply with the applicable requirements of the Americans with Disabilities Act (ADA), including the 2010 ADA Standards for Accessible Design, as amended.

2. Bicycle Parking Standards

If bicycle parking is provided, bicycle rack elements, location, and access shall conform to the Association of Pedestrian and Bicycle Professionals Bicycle Parking Guidelines.

5.07 SUPPLEMENTAL USE STANDARDS - RESIDENTIAL

D. DWELLING – ACCESSORY

1. One (1) accessory dwelling unit is permitted as an accessory to a residential use.
2. The dwelling unit may be attached or detached, located on the side or rear of the property.
3. The maximum size of Accessory Dwellings is the lesser of fifty (50) percent of the living area of the Principal Structure or one thousand (1,000) square feet.
4. Accessory Dwellings must be a minimum of 10 feet from the side or rear setback and shall not be located within the front setback.
5. If the Accessory Dwelling is attached to the primary residence, then access is limited to the side or rear of the Accessory Dwelling or to an existing door.
6. Attached or detached Accessory Dwellings must have the same architectural appearance of the primary residence such as same type and color of siding, trim and roofing appearance.
7. Manufactured housing, campers, travel trailers and recreational vehicles are not permitted for use as an accessory dwelling.
8. Must contain complete kitchen facilities including a stove or cook top and a full bath including lavatory, water closet, and tub or shower (or combination).

D. WIRELESS TELECOMMUNICATIONS TOWERS

Wireless Communication Towers shall be permitted provided the use meets all of the requirements of this ordinance for the district in which such proposed tower is located.

1. **District Height Limitations.** The requirements set forth in this section shall govern the location of towers, and antennas that are installed at a height in excess of, the height limitations specified for each district.
2. **Public Property.** Antennas or towers located on property owned, leased or otherwise controlled by the City of Eden shall be exempt from the requirements of this ordinance, provided a license or lease authorizing such antenna or tower has been approved by the Eden City Council.
3. **Amateur Radio.** This section shall not govern any tower, or the installation of any antenna, that complies with the height requirement for the district in which it is located and is owned and operated by a federally licensed amateur radio station operator.
4. **Preexisting Towers and Antennas.** Any tower or antenna for which a permit has been properly issued prior to the effective date of this section shall not be required to meet the requirements of this section except for all Federal Regulations relating to this subject and the North Carolina State Building Code.
5. **General Guidelines.**
   a. **Principal or Accessory Use.** Antennas and towers may be considered principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of a tower or antenna provided that it complies with district regulations, including but not limited to set-back requirements, lot coverage requirements and other such requirements. The dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots.
   b. **Inventory of Existing Sites.** Each applicant for an administrative or special use permit shall provide to the Administrator an inventory of its existing towers that are either within the planning and development regulation jurisdiction of the City of Eden or within one-quarter (1/4) mile of the border thereof, including specific information about the location, height and design of each tower. Applicants are encouraged to submit an inventory of potential future tower sites within the planning and development regulation jurisdiction of the City of Eden. The Administrator may share such information with other applicants applying for administrative approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the planning and development regulation jurisdiction; provided, however, that the department is not, by sharing such information in any way representing or warranting that such sites are available or suitable.
   c. **Aesthetics; Lighting**
      i. The provisions set out in this section shall govern the location of all towers, and the installation of all antennas, governed by this ordinance.
      ii. Towers shall either maintain a galvanized steel finish or be subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.
      iii. At a tower site, the design of the buildings and related structures shall to the extent possible use materials, colors, textures, screening and landscaping that will blend the tower facilities to the natural setting and built environment.
      iv. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to or closely compatible

with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

v. Towers shall not be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, the Board of Adjustment may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

6. **Federal Requirements.** All towers must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

7. **Building Codes; Safety Standards.** To ensure the structural integrity of towers the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state and local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If upon inspection by the City of Eden Planning and Inspections Department, it is concluded that a tower fails to comply with such codes and standards and constitutes a danger to person or property, then upon notice being provided to the owner of the tower, the City of Eden shall revoke or not issue a certificate of occupancy and either not permit power to such facility or discontinue power to the facility until such time as the deficiencies are deemed corrected.
8. **Coverage Need.** Need of coverage shall be demonstrated by the wireless provider.
9. **Land Form Preservation.** Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer. Vegetation that causes interference with antennas or inhibits access to tower facility may be trimmed or removed. Provided however, no tree may be trimmed or removed on property owned by the City of Eden without a review by the City of Eden Tree Board.
10. **Existing Vegetation.** Existing vegetation on a tower facility site may be used in lieu of required landscaping where approved by the Administrator.
11. **Replacing Existing Tower.** An existing tower can be replaced subject to *Article 11 - Nonconformities of* this ordinance.
12. **Minimum Site Disturbance.** Grading for the new Wireless Communication Facility shall be minimized and limited only to the area necessary for the new facility.
13. **Signs.** No signs or logos, for which sign permits are required by this ordinance shall be allowed on any tower, antenna or related device.
14. **Removal of Abandoned Wireless Communication.** Any Wireless Communication Facility that is not operated as a commercial wireless communication site or by a government agency or by an emergency service provider for a continuous period of 12 months shall be considered abandoned and the owner of such facility shall remove same within 60 days of the notice thereof. Applicants to construct any such facility shall provide a performance bond for the cost of the removal of such facility in favor of the City of Eden. The bond shall be in the amount of 125 percent of the estimated cost of removing the facility. The applicant shall submit an estimate from a qualified demolition firm for the purpose of determining the amount of the performance bond.

CITY OF EDEN:

Neville Hall

Neville Hall, Mayor

ATTEST:

Deanna Hunt

Deanna Hunt, City Clerk

CITY OF EDEN
SEAL
ROCKINGHAM COUNTY, N. C.