

Agenda Item: Motion 2014-4, Miscellaneous Text Amendments to UDO

DATE: March 18, 2014
FROM: Kathi Ingrish

Background/Issue:

The text of the Unified Development Ordinance (UDO) was adopted by Town Board on December 9, 2013, with an anticipated effective date of April 1, 2014. This delay between adoption and enactment was to give everyone time to determine which codes to refer to when preparing new development proposals, and to allow final print/digital version of the full document to be completed. Any development code is subject to additional changes as property owner or developer needs change, as state and local laws are revised, and as new trends in land use patterns and businesses become desirable here. We acknowledged that there would likely be some text corrections necessary during the initial roll-out of the UDO, since it was a comprehensive revision of multiple other Town codes. Since the December adoption date, staff has been tracking minor corrections as we discovered them, and are now bringing them forward in a package for approval.

Proposal/Solution:

The various changes identified over the past several months do not materially change the intent or impact of the UDO. They clarify the text, add an inadvertently omitted land use to the Tables of Allowed Uses, and add a new option for dealing with deteriorating or dilapidated housing units if the owners do not comply with orders to resolve the issues found within them. These text amendments can be reviewed as a package in the same way as any text amendment is done – public hearing, Planning Board review and recommendation, followed by Town Board decision.

Financial Impact:

None.

Related Town Goal(s) and/or Strategies:

Quality of Life: #1 To implement plans, updating each as appropriate, and ensure they coordinate with and fulfill the goals of each other.

Economic Development/Land Use Planning: #25 To implement the UDO and establish up-front development standards.

Recommended Motion/Action:

Schedule a public hearing for April 14, 2014 to begin the text amendment procedure.

Miscellaneous Corrections to UDO Text Following Adoption on 12-9-13

Each word or section of text highlighted in purple is new text to be added. Each word or section of text in purple with a line through it is text to be deleted.

Chapter 1, General Provisions

155.102. Purpose and General Rules

- A. ADOPTION AND ENACTMENT CLAUSE. The Town Board of Commissioners, under the authority granted to the Board by G.S. 160A, Article 19, adopts this Title 155 as the Unified Development Ordinance for the Town of Matthews on December 9, 2013. These regulations may be cited as the Unified Development Ordinance, or UDO, of the Town. The established Enactment Date is April 1, 2014. ('72 Code, § 24-1001) (Ord. 477, passed 2-8-88) [formerly known as and/or replaces §§ 153.001, 151.01, 154.02, 149.01, 150.15, 150.31, 150.50 and 152.20, 153.002, and 153.098]
- B. SEPARABILITY. If any section or specific provisions or standard of this Title or any zoning district boundary that now exists or may exist in the future is found by a court to be unconstitutional or invalid for any reasons, the decision shall not affect the validity of this Title except the part in question. The other portions of the Title not affected by the decision of the court shall remain in full force and be enforceable by any and all means authorized by law. [formerly known as §153.097 and replaces §149.23, §152.03, and §154.009.]
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Chapter 4, Application Requirements and Review Procedures

155.405.9 Table of Subdivision Submittal Requirements

155.405.9 Contents of the Sketch Plan, Preliminary Plan and Final Plat

- A. REQUIRED INFORMATION.
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GENERAL INFORMATION:

A DECLARATION OF UNDERSTANDING, ON FORM PROVIDED BY THE PLANNING DIRECTOR AT §155.713405.11, THAT ZONING VARIANCES ASSOCIATED WITH THE BUILDING ENVELOPE ON ANY LOTS WITHIN THE PROPOSED SUBDIVISION ARE NOT ANTICIPATED

SKETCH PLAN
PRELIMINARY PLAT
FINAL PLAT

** Move "Appendix A" (the No-Variations Anticipated form) from the page following 155.713 to 155.405.11

"Appendix A" form revised as

155.405.11

APPENDIX A

**DECLARATION OF UNDERSTANDING THAT
ZONING VARIANCES ARE NOT ANTICIPATED IN THIS SUBDIVISION
FOR THE PURPOSE OF INADEQUATE BUILDABLE AREA**

Revised form appears on last page of this set of text amendments.

Chapter 5, Use Districts

155.502.10 HUC

B. Lot development and design standards, as outlined in §155.605, and dimensional standards of § 155.604.12, apply to the HUC District. Uses allowed within the HUC district are given in the Table of Allowed Uses at §155.505.2. Supplementary standards which may be applicable to certain uses within the HUC district are listed at §155.506.

C. Due to the unique character of the downtown center core, and the desire to protect and encourage its continued aesthetic attraction as a historic yet economically viable commercial concentration of uses, the following standards and criteria given in the Downtown Design Standards and Streetscape Improvements apply within the HUC district.

1. Build-to lines for Type I streets shall be 0' from the right-of-way to not more than 20' from back of curb/edge of pavement.
2. Build-to lines for Type II, III, or IV streets shall be 30' to 45' from back of curb/edge of pavement.
3. Minimum setback on other properties shall be 20' from back of curb/edge of pavement.
4. Maximum setback on other properties shall be 40' from back of curb/edge of pavement.
5. For street frontages with existing curb lines or edge of pavement that is being revised with development of the site, then the above setback dimensions shall be measured from the revised street edge.
6. Maximum floor area shall be as provided:

	Retail/Business/Office Uses	Mixed Use Building
1 story (if over 50% 1 story)	25,000 sqft	25,000 sq ft ¹
2 story (if over 50% 2 story)	28,000 sqft	28,000 sq ft ¹
3 story (if over 50% 3 story)	32,000 sqft	32,000 sq ft ¹

¹ Residential uses may cover up to fifty percent (50%) of total floor area in a mixed use building, or up to fifty percent (50%) of total floor area of all habitable structures on a single lot, whichever is applicable; however the first floor “retail” provision in 7 below also applies.

7. First floor uses: In order to stimulate pedestrian activity at the street level in the heart of the downtown core, the first floor (street level) must devote fifty percent (50%) of the gross floor area to “retail” activities. The term “retail”, for this paragraph only, includes not only the sales of merchandise at retail but may also be construed to mean personal services such as beauty salons and barber shops, shoe repair, restaurants, galleries, and similar uses that rely on consistent walk-in traffic, but not drive-through financial services.

8. Streetscape trees shall be required as given in the Streetscape Improvements, when a specific schematic is applicable to a development site, or shall follow the standards of §155.606.3.

9. Landscape perimeter planting and site perimeter screening as generally required at §155.606.4 and §155.606.6.A are not required for nonresidential and mixed use buildings in the HUC district. Screening requirements for loading or service areas, as given in §155.606.6.B shall apply within the HUC district.

10. Parking lot landscaping requirements in §155.606.5.A shall apply in the HUC district.

11. Development of any use or combination of uses in the HUC district must conform to the parking and loading standards in § 155.607, except as listed here:

a. For retail, financial institutions, and restaurants: one (1) parking space per each four hundred (400) square feet of floor area or fractional portion devoted to those uses.

b. For nonresidential uses fronting on a Type I street and located at or less than the maximum build-to line as established in C.1 or C.2 above and as prescribed in the Downtown Design Guidelines: no off-street parking is required.

c. For office uses: one (1) parking space per each four hundred (400) square feet of floor area or fractional portion devoted to that use.

d. Parking of motor vehicles is not permitted in the area between the front property line (right-of-way line) and the front of a building, although driveways providing access to a parking area may be installed across this space perpendicular to the street and front of building.

(Ord. 945, passed 11-10-97)[Formerly §153.061(E), (F), (H), and (I).]

155.502 Various Nonresidential Traditional Districts – Correct the reference to the Table of Dimensional Standards in the first sentence of paragraph B as follows:

155.502.8. Residential/Institutional District (R/I)

B. Lot development and design standards, as outlined in ~~§155.602~~155.605, and dimensional standards of § 155.604.2, apply to the R/I District. Uses allowed within the R/I district are given in the Table of Allowed Uses at §155.505.2. Supplementary standards which may be applicable to certain uses within the R/I district are listed at §155.506.

The same reference change shown below in Paragraph B can be made in each of the following districts:

155.502.9. Office District (O)

155.502.11. Neighborhood Business District (B-1)

155.502.12. High Rise Business District (B-3)

155.502.13. Distributive Business District (B-D)

155.502.14. Highway Business District (B-H)

155.502.15. Light Industrial District (I-1)

155.502.16. General Industrial District (I-2)

B. Lot development and design standards, as outlined in §155.605, and dimensional standards of § 155.604.12, apply

155.503 Various Conditional-Only Districts – Add a reference to the Table of Dimensional Standards in the first sentence of paragraph B as follows:

155.503.2. Crestdale Conservation District (CrC)

155.503.3. Small Residential Neighborhood District (SRN)

155.503.4. Concentrated Multi-Family District (C-MF)

155.503.5. Mixed-Use District (MUD)

155.503.6. Transit-Supportive District (TS)

155.503.7. Shopping Center District (B-1SCD)

155.503.8. Entertainment District (ENT)

155.503.9. Adult Use District (AU)

B. Lot development and design standards, as outlined in §155.605, and dimensional standards, as given in § 155.604.3, apply

155.503.4 C-MF District

Correct the reference to the Table of Dimensional Standards, and reduce the horizontal separation requirements for small sites in the downtown, since sites under 1 ½ acres cannot meet the listed spacing.

155.503.4. Concentrated Multi-Family District (C-MF)

C. OTHER STANDARDS UNIQUE TO THE C-MF DISTRICT.

2. MINIMUM TOTAL PROJECT AREA: A C-MF designation shall be either:

* a minimum of three (3) acres, and include a minimum of thirty-six (36) dwelling units when adjacent to a thoroughfare or near a transit station; or

* less than one and one-half (1-1/2) acres when within one-half (1/2) mile of the intersection of Trade and John Streets. Any C-MF location shall utilize the dimensional requirements given in § ~~155.605.1~~155.604.3 to determine capacity for maximum build-out density.

3. EXTERIOR PROJECT EDGE. Outside of the downtown area, the C-MF district shall provide an exterior project edge of at least sixty feet (60') when abutting single-family residentially zoned or developed properties. An

exterior project edge of at least twentyfive feet (25') will be established along abutting properties assigned to any other zoning category. The exterior project edge does not apply to those portions of the project which front on a public street. For C-MF designations within the downtown less than one and one-half (1 ½) acres in size, the exterior project edge shall be twenty feet (20') abutting single-family residentially zoned or developed properties and ten feet (10') abutting other zoning categories. Buildings fronting a public street shall not be set back further from the outside edge of right-of-way, including transitional right-of-way when applicable, more than twelve feet(12'), and shall have pedestrian pathways to one or more doors from the sidewalk. No building, parking, maneuvering, loading or service areas may be located within an exterior project edge.

4. MINIMUM PROJECT EDGE SETBACKS. The minimum distance from any abutting property zoned and developed for single-family residential purposes to any building within the project site under fortyfive feet(45') in height must be at least one hundred feet(100'). The minimum distance from any abutting undeveloped property which is zoned for single-family residential purposes to any building within the project site under fortyfive feet(45') in height must be at least fiftyfeet(50'). The minimum distance from any abutting property zoned for single-family residential purposes to any building within the project site fortyfive feet(45') in height or higher must be increased by one foot for every one foot in added building height over fortyfive feet(45'). The minimum distance from any abutting property zoned for ~~nonresidential purposes~~any other uses to any building within the project site under fortyfive feet(45') in height must be at least twentyfive feet(25'). The minimum distance from any abutting property zoned for ~~nonresidential purposes~~any other uses to any building within the project site fortyfive feet(45') in height or higher must be increased by one foot(1') for every two feet(2') in added building height over fortyfive feet(45'). These minimum separation distances do not apply to buildings abutting public streets or to C-MF designations within the downtown that are less than one and one-half (1 ½) acres in size.

155.505.B Allowed Uses Table – Nonresidential Traditional Districts

-- Delete "PC" from B-1 for "Gas station with convenience store, subject to 155.506.49" under General Commercial Uses; this will make the list of allowed districts consistent with the language at 155.506.49.A.

-- Add land use listing in all three tables for "Donation Drop-Off Facility" under Miscellaneous Uses; mark this use allowed as ACC in Table 155.505.2: R/I, HUC, B-1, B-3, B-H, and I-1, and in Table 155.505.3: MUD, TS, B-1SCD, and ENT.

155.506.36.A. Outdoor Sales In Conjunction With A Permanent Business

Revise to include districts as listed in the Tables of Allowed Uses:

A. Outdoor sales of goods in conjunction with a permanent business may be allowed in the HUC, B-1, B-3, B-D, B-H, I-1, I-2, MUD, TS, and B-1SCD Districts with specific criteria being met.

155.506.41.B.3. Telecommunications Antennas and Towers – Table and Footnotes

-- Add slash and triple astericks at "80'*" for the cell block for R/I stealth district in the table, then add the footnote approved 9-9-13 to allow extension of stealth towers in the R/I district:

80'*/***

*** When utilizing a stealth tower, the above given height limits may be increased up to an additional 40' at the time of initial construction. Photo simulations must be provided. Said simulations must show all exterior edges of the property. Additional documentation such as coverage maps may also be provided. Site plan to be reviewed and approved by Town Board. (Ord # --, passed 9-9-13)

Chapter 6, General Development Standards

155.604.2 Table of Dimensional Standards

In footnote ⁽⁵⁾ for the HUC district, add a cross reference to §155.502.10.C. :

(5) Front setback or max build-to line is based on downtown street type. See § 155.502.10.C and Downtown Design Guidelines and Streetscape Improvements.

155.604.3 Table of Dimensional Standards

Correct the information provided for the C-MF district on project edges to match 155.503.4.C (above):

"Minimum side yard, interior (ft)"	10 ⁽¹⁴⁾
"Minimum rear yard (ft)"	10 ⁽¹⁴⁾
"Maximum building height/max ht with increased yards (ft)"	45/60 ^(10, 14)
"Exterior project edge adjacent to any residential district: undeveloped/developed"	=/> 3 ac: 60 ⁽¹⁴⁾ =< 1 ½ ac: 20 ⁽¹⁴⁾
"Exterior project edge adjacent to all other districts"	=/> 3 ac: 25 ⁽¹⁴⁾ =< 1 ½ ac: 10 ⁽¹⁴⁾

(14) See 155.503.4.C.3 and 4 for further qualifications.

155.608.8.A. TEMPORARY AND PORTABLE SIGNS

TEMPORARY ADVERTISING SIGNS ON PRIVATE PROPERTY. Temporary signs conveying a message to identify or advertise a product, service, or establishment, other than those regulated at § 155.608.6. F, G, H, I, ~~and~~ K, S, and U, may be

located on private property for up to sixty (60) days total during any calendar year, provided that there be a minimum fourteen (14) days between display of different temporary signs. . . .

Chapter 8, Post Construction

155.801. General Provisions

D. PURPOSE.

2. SPECIFIC.

- f. Establishing provisions for the long-term responsibility for and maintenance of structural and nonstructural storm water best management practices (BMPs) to ensure that they continue to function as designed, are maintained appropriately, and pose minimum risk to public safety; ~~and~~
- g. Establishing administrative procedures for the submission, review, approval and disapproval of storm water management plans, for the inspection of approved projects, and to assure appropriate long-term maintenance- ; ~~and~~
- h. Coordinating post construction storm water control provisions to be consistent with other standards within this Title, including such areas as storm water detention, landscaping and tree canopy, open space, and nonconforming improvements. [formerly known as § 154.004]

E. APPLICABILITY AND JURISDICTION.

2. EXEMPTIONS. The requirements of the PCO shall not apply within the corporate limits with respect to the following types of development or redevelopment activities:

- a. Residential development that cumulatively disturbs less than one acre and cumulatively creates less than twenty four percent (24%) built upon area based on lot size or the lot is less than twenty thousand (20,000) square feet (lot must have been described by metes and bounds in a recorded deed prior to the Effective Date of the PCO and cannot be part of a larger development);
- b. Commercial and industrial development that cumulatively disturbs less than one acre and cumulatively creates less than twenty thousand (20,000) square feet of built upon area (built upon area includes gravel and other partially impervious materials);
- c. Redevelopment that incorporates removal of some or all previous buildings and above-ground structures but reuses existing impervious area (same footings/foundations) for new buildings, that results in no net increase in built upon area, that cumulatively disturbs less than twenty thousand (20,000) square feet and is not part of a larger common plan of development or sale;
- d. ~~Redevelopment or~~ Any intensification of development on an existing improved/partially improved site not part of a larger common plan of development or sale, which may convert ground-level impervious surface to more intense uses, such as a paved area being converted to a building, that results resulting in no net increase in built-upon area, that cumulatively disturbs less than twenty thousand (20,000) square feet, and that provides equal or greater storm water control than the previous development; ~~and~~
- e. Any intensification of development on an existing improved/partially improved site which is part of a larger common plan of development or sale, and only when the overall larger common plan for development or sale has already incorporated and installed

sufficient storm water control improvements such that no further storm water control measures are necessary to accommodate the new impervious area being created; and

- ef. Activities exempt from permit requirements of § 404 of the federal Clean Water Act, as specified in 40 CFR 232 (primarily, ongoing farming and forestry activities).

~~I. SEVERABILITY. If the provisions of any section, subsection, paragraph, subdivision or clause of these regulations shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of these regulations. [formerly known as § 154.009]~~

J. I. EFFECTIVE DATE AND TRANSITIONAL PROVISIONS.

155.808.B. DEFINITIONS.

Effective Date of the PCO – Shall mean June 30, 2007.

Redevelopment – Shall mean rebuilding activities on land containing built upon area as of the effective date of the PCO and where any pre-existing impervious surface remains intact and is not removed during the rebuilding or redevelopment process.

Chapter 10, Minimum Housing

155.1001. General Provisions. [formerly§149]

A. PURPOSE.

1. Pursuant to NCGS 160A-441, it is ~~hereby found and~~ declared that there exist in the Town dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents and other calamities, lack of ventilation, light and sanitary facilities, and other conditions rendering such dwellings unsafe or unsanitary, dangerous and detrimental to the health and otherwise inimical to the welfare of the residents of the Town.
2. In order to protect the health, safety and welfare of the residents of the Town as authorized by Part 6 of Article 19, Chapter 160A of the General Statutes of North Carolina, it is the purpose of this ~~ordinance~~Chapter to establish minimum standards of fitness for the initial and continued occupancy of all buildings used for human habitation, as expressly authorized by NCGS 160A-444.[formerly known as § 149.01]

155.1002. Definitions.

- B. **Meaning of certain words.** Whenever words "dwelling, dwelling unit, rooming house, rooming unit, premises" are used in this ordinance, they shall be construed as though they were followed by the words "or any part ~~thereof.~~"[formerly known as § 149.02]

155.1003. Minimum Standards.

- B. MINIMUM STANDARDS FOR STRUCTURAL CONDITIONS.
7. The roof, flashings, exterior walls, basement walls, floors, and all doors and windows exposed to the weather shall be constructed and maintained so as to be weather-proof and watertight.
- F. MINIMUM STANDARDS FOR SAFE AND SANITARY MAINTENANCE.
5. BATHROOM FLOORSURFACES. Toilet, bath and shower spaces, bathtub and shower floors and walls above bathtubs with installed shower heads and in shower compartments shall be finished with a nonabsorbent surface. Such nonabsorbent surfaces must extend at least six (6) feet above the floor. Every bathroom floor surface and water closet compartment floor surface shall be constructed and maintained so as to permit such floor to be easily kept in a clean and sanitary condition. (Ord.1308, passed 8-25-03)
- H. MINIMUM STANDARDS APPLICABLE TO ROOMING HOUSES; EXCEPTIONS. All of the provisions of this ordinance, and all of the minimum standards and requirements of this ordinance Chapter, shall be applicable to rooming houses, and to every person who operates a rooming house, or who occupies or lets to another for occupancy any rooming unit in any rooming house, except as provided in the following subsections:

155.1005. Mecklenburg County Code Enforcement Administration and Enforcement

- A. DUTIES OF MECKLENBURG COUNTY CODE ENFORCEMENT DIVISION (THE BUILDING INSPECTOR).
3. To keep a record of the results of inspections made under this ordinance Chapter and an inventory of those dwellings that do not meet the minimum standards of fitness; and
- D. ADMINISTRATIVE PROCEDURE.
3. FAILURE TO COMPLY WITH ORDER.
- b. *IN REM* REMEDY. After failure of an owner of a deteriorated dwelling or dwelling unit, or of a dilapidated dwelling, to comply with an order of the Building Inspector within the specified time, if injunctive relief has not been sought or has not been granted as provided in the preceding paragraph ~~(a)~~ D.1., the Building Inspector shall submit to the Board of Commissioners an ordinance ordering the Building Inspector to cause such dwelling or dwelling unit to be repaired, altered, improved, or vacated and closed and removed or demolished, as provided in the original order of the Building Inspector, and pending such removal or demolition, to placard such dwelling as provided by NCGS 160A-443 and §155.1005.F. of this Chapter.
- c. ORDER BY THE BOARD OF COMMISSIONERS. Whenever the Inspector has issued an order ordering a dwelling to be repaired to comply with the minimum standards of fitness established by this Chapter, or an order ordering a dwelling to be either repaired or vacated, demolished and removed under the provisions outlined at §155.1005, and the owner does not complete the listed repairs but has the dwelling vacated and closed for a period of one year, then the Board of Commissioners shall find that the owner has abandoned the intent and purpose to repair or improve the dwelling in order to render it fit for human habitation and that the continuation of the dwelling in its vacated and closed status would be inimical to the health, safety, morals, and welfare of the Town and surrounding neighborhood in that the dwelling would continue to deteriorate, would create fire and safety hazards, would be a threat to children and vagrants, would attract persons intent on criminal activities, would cause or contribute to blight and the deterioration of property values in that area, and would render unavailable a dwelling which might otherwise have provided safe and secure housing for a household in need of such dwelling. In such circumstances, after the expiration of the one-year period, the

Board of Commissioners may enact an ordinance and serve such ordinance upon the owner, requiring that the owner either:

- i. Repair or demolish and remove the dwelling within ninety (90) days, if repair necessary to render the dwelling fit for human habitation would cost less than fifty percent (50%) of the present value of the dwelling; or
- ii. Demolish and remove the dwelling within ninety (90) days, if the repair necessary to render the dwelling fit for human habitation would cost in excess of fifty percent (50%) of the present value of the dwelling.

Such order shall be recorded in the office of the Mecklenburg County Register of Deeds and shall be indexed in the name of the property owner in the grantor index. If the owner fails to comply with this ordinance within the ninety (90) day time limit, then the Inspector shall cause such dwelling to be repaired or demolished and removed pursuant to the ordinance.

4. APPEALS FROM ORDERS OF BUILDING INSPECTOR. . . . When any appeal is from a decision of the Building Inspector requiring the aggrieved person to do any act, the appeal shall have the effect of suspending the requirement until the hearing by the Board of Adjustment, unless the Building Inspector certifies to the Board of Adjustment, after the notice of appeal is filed with him, that by reason of the facts stated in the certificate (a copy of which shall be furnished by the appellant), a suspension of his requirement would cause imminent peril to life or property,

155.1006. Violation; Penalties

It shall be unlawful for the owner of any dwelling or dwelling unit to fail, neglect, or refuse to repair, alter, or improve the same, or to vacate and close and remove or demolish the same, upon order of the Building Inspector duly made and served as provided, within the time specified in such order, and each day that any such failure, neglect, or refusal to comply with such order continues shall constitute a separate and distinct offense. It shall be unlawful for the owner of any dwelling or dwelling unit, with respect to which an order has been issued pursuant to § 155.1005.D., to occupy or permit the occupancy of the same after the time prescribed in such order for its repair, alteration or improvement or its vacation and closing, and each day that such occupancy continues after such prescribed time shall constitute a separate and distinct offense. The violation of any provision of this ordinance shall constitute a misdemeanor, as provided by NCGS 14-4. In addition to the remedy specified in this and in other sections of this Chapter, the provisions of this Chapter may also be enforced by the Town by injunction and order or abatement or by any other equitable remedy issuing from a court of competent jurisdiction, as specified in NCGS 153A-123(d) and (e); 160A-175. [formerly known as § 149.22]

~~155.1007. Severability.~~

~~If any provision of this ordinance Chapter is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, independent provision and such holding shall not affect the validity of any other provision, and to that end, the provisions of this Chapter are hereby declared to be severable. [formerly known as § 149.23]~~

~~155.1008. Jurisdiction and Effective Date.~~

~~This Chapter shall be effective within the corporate limits of the Town upon approval by the Town Board of Commissioners. [formerly known as § 149.24 and 149.25]~~

Reviewed: 12-31-13; 2-4-14; 3-7-14; 3-12-14; 3-17-14; 4-10-14;4-21-14

Misc Corrections to UDO Motion 2014-4 Rev

155.405.11

APPENDIX A

**DECLARATION OF UNDERSTANDING THAT
ZONING VARIANCES ARE NOT ANTICIPATED IN THIS SUBDIVISION
FOR THE PURPOSE OF INADEQUATE BUILDABLE AREA**

Date _____
Name of Developer _____
Name of Subdivision _____
Location of Subdivision _____

The above-named subdivision is being developed within the zoning and subdivision jurisdiction of the Town of Matthews.

The above-named developer, by signing this statement, agrees that he/she is aware of the zoning dimensional requirements for potential structures likely to be constructed within the above-named development, and does not anticipate any zoning variances to be requested on individual lots due to insufficient buildable area.

1. This declaration is intended to verify that the lots being designed in the above-named subdivision will have adequate building envelopes, after applying all required limiting factors that can reasonably be expected to be known prior to construction of ~~houses~~dwelling units or other structures, including but not limited to: setbacks, yards, easements, floodplain lines, septic drain fields and reserve fields, demolition disposal sites, ~~on-site parking~~, etc.

The zoning on this property is: _____

The dimensional requirements of this/these zoning district(s) are:

Min. lot size _____
Min. lot width _____
~~Min./Max front setback~~ _____
Min. side yard _____
~~Min. front setback~~ _____
~~Avg. front setback~~ _____
Min. rear yard _____
~~Min. unobstructed open space~~ _____
Min./Max. height _____
Other (specify) _____

(Attach additional pages if multiple zoning districts are involved)

2. It is understood that the developer of the subdivision may or may not be involved in any subsequent design or siting of buildings and structures, and is not guaranteeing all possible structural configurations will fit each lot.
3. Where the developer of the land will not be the ultimate user, the developer, by signing this declaration, agrees to inform buyers of lots, ~~houses~~dwelling, or other interests, that this

subdivision was designed to meet zoning dimensional requirements, and that variances to zoning dimensional requirements were not anticipated based on the physical layout design of the property.

Signature of Developer

Title

Date

Development Company