

## **Agenda Item: Zoning Motion 2017-1, Miscellaneous UDO Text Amendments**

**DATE:** April 5, 2017  
**FROM:** Kathi Ingrish

### **Background/Issue:**

This is part of a series of text changes to the UDO that continue to be necessary as local conditions change or market categories are revised. Specific topics included in this package are:

- New definitions to identify differing types of senior housing
- Make training night-time limits for fire departments in residential districts the same as construction noise
- Add cross references regarding landscaping guarantees
- Update reference for private stables within Equestrian-Oriented Subdivisions (Windrow)
- Add a cross reference footnote in the tables of dimensional standards
- Change "municipal" to "local government" to allow same signs within County-owned Sportplex property
- Update terminology to reflect recently adopted CRTPO Comprehensive Transportation Plan (CTP) which essentially replaces the former MPO Thoroughfare Plan

### **Proposal/Solution:**

The draft language provided in this Motion is intended to utilize proper terminology and procedures recently adopted, and to provide cross references for clarifying procedures in the UDO.

### **Financial Impact:**

None

### **Related Town Goal(s) and/or Strategies:**

Quality of Life

Economic Development/Land Use Planning

### **Recommended Motion/Action:**

Hold the public hearing, and if there are no major issues raised, close the hearing and refer the Motion to the Planning Board for their review and recommendation.

# Zoning Motion 2017-1

## UDO Text Revisions

All proposed changes are indicated by *red font*.

1) Add new definitions for differing types of senior housing:

**155.103.C. Age- and Mobility-Limited Senior Housing** shall mean a building or complex of buildings with 24/7 on-site management designed and intended for occupancy by older persons age 55 and up, as provided by exemption to the federal Fair Housing Act. Such location will include multiple dwelling units with some common walls and/or floors (duplex, townhouse, condominium, mutli-family, or similar styles) where the units are intended for senior citizen individuals or couples who can no longer, or choose to no longer, drive personal vehicles on a regular, daily basis. Such residents do not require hospitalization, skilled nursing care, memory care, or assisted living oversight for recurring tasks as bathing, medications, dressing, or personal financial management. Individual dwelling units typically are studios, or one- or two-bedroom in layout, and shall include a living space, bathroom, area for sleeping, and area for food preparation. A resident's occupancy arrangement with the site shall include at least one meal per day in a congregate dining facility contained within the building or complex, and some form of scheduled transportation for residents. Examples of other services that may typically be made available include: all meals, housekeeping, linen service, laundry, medical alert system, pharmacy, banking, organized social activities, and concierge services.

**Independent Living** shall mean dwelling units designed for use by older persons who are mentally and physically capable of taking care of themselves on a regular basis, are under single management or cooperative, and that may be located within a Continuing Care Retirement Community (CCRC). Restriction of residency by age must meet provisions of the Fair Housing Act. These units are grouped together and provided with some level of common maintenance, recreational facilities, and security. A variety of additional amenities geared for older persons may also be made available for the residents.

2) Match time for training at fire depts. in residential districts to 9PM deadline for construction noise in Noise Ordinance:

### **155.506.7 Institutional Uses In Residential Settings.**

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#### B. STANDARDS.

2. Fire and/or EMS stations and police stations, due to their shift work schedule, the number of employees and citizens who may visit the site, larger vehicle size and or volume of traffic throughout a twenty four (24) hour day, use of sirens for emergency response, and speed of exiting vehicles, are generally not compatible with tranquility of a residential neighborhood environment.
  - a. They shall only be allowed in the listed residential districts when they front directly on a Class IV or higher street and have their main entrance and exit on that thoroughfare street.
  - b. There shall be twenty feet (20') of landscape screening between any parking area and any non-streetside property when it is residentially zoned or used.
  - c. Exterior lighting shall comply with the provisions in § 155.609.
  - d. Any scheduled activities that are open to the public or employee/volunteer training exercises shall be held between the hours of 8:00 AM and ~~10:00~~ 9:00 PM.

3) *Add cross references regarding Landscape Guarantees:*

**155.405.1 Contents of the Sketch Plan, Preliminary Plan and Final Plat**

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A. REQUIRED INFORMATION.

**PROPOSED CONDITIONS**

Tree maintenance and /or replacement guarantee, in accordance with § 155.405.10 and § 155.606.13.H.

155.405.10. **Subdivision Improvement Guarantees**

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C. GUARANTEE REQUIREMENTS.

3. TYPE 3 GUARANTEE. The amount of Type 3 Guarantees shall be determined as follows:

a. TREE MAINTENANCE AND REPLACEMENT GUARANTEE. Where the improvements required by this Title include a future guarantee for tree maintenance and/or replacement, the approval of the Final Plat shall be subject to the subdivider filing a surety bond, cash bond, or irrevocable letter of credit with the Town in an amount to be determined by the Town to guarantee tree life and health for three (3) years. Upon conclusion of the three (3) year period, written notice shall be given to the Town by the subdivider, at which time the Town Public Works Director shall cause an inspection of the trees within thirty (30) days of the date of the notice, and upon satisfactory completion, shall authorize in writing the release of the surety given. **See also Section 155.606.13.H.**

**155.606.13. Landscape Maintenance Standards**

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H. LANDSCAPE ESTABLISHMENT GUARANTEE. Prior to the issuance of a Certificate of Occupancy, proper maintenance of the planted and preserved trees and shrubs during the landscape establishment period shall be guaranteed by a Landscape Establishment Guarantee from the property owner to the Town. The bond amount shall be equal to the value of the new trees, plus the lesser of twenty thousand dollars (\$20,000) for the preserved trees, or the actual value of preserved trees as calculated in accordance with The Guide for Plant Appraisal published by the Council of Tree and Landscape Appraisers (current edition). The bonding period shall be for a three (3) year period commencing from the date of successful inspection of the installation and preservation as being in compliance with the approved Landscape Plan for the site. **See also Section 155.405.10.C.3.**

4) *Update reference to private stable prescribed conditions:*

**155.506.2 Equestrian-Oriented Subdivisions.**

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B. STANDARDS

3. Private stables for less than four (4) horses on residential lots must be located in accordance with the requirements for accessory structures.

Change “accessory structures” to “**private stables at 155.506.12**”.

5) Add a footnote to dimensional tables at § 155.604.1, .2, and .3 regarding side/rear yards adjacent to thoroughfares.

*(17) See § 155.601.11 for further standards when a lot adjoins a railroad, waterfront, or thoroughfare.*

This footnote will be added to these side or rear yard row headings, as may appear in each table:

- Minimum side yard, interior (ft)
- Minimum corner side yard (streetside) (ft)
- Minimum rear yard (ft)
- Minimum rear yard, adjacent to residential (ft)
- Minimum rear yard, adjacent to other districts (ft)

6) *Revise terminology to include any local governmental unit (i.e., County Sportsplex).*

155.608.6. **Special Criteria for Signs Other Than Primary Identification and Advertising.**

L. Signs established by government agencies, including but not limited to wayfinding signs and building/site historical markers, providing public instruction, warning, historical details, directions, or similar messages on public or private property. Such signs shall be located so as not to obstruct cross-visibility at intersections or driveways. When off-premise signs for ~~municipal~~ **local government** uses are located on private property, a sign easement documenting the property owner's permission shall be required. The maximum sign area for an off-premise wayfinding monument sign shall be forty (40) square feet and shall not exceed seven feet (7') in total height. Wayfinding signs not to exceed forty (40) square feet in sign area may be part of a gateway or gazebo structure without respect to any height limit for sign or its support structure. Off- premise wayfinding signs elevated on streetside posts shall meet NCDOT standards for ground clearance, and shall not exceed twenty four (24) square feet in sign size, exclusive of ornamental trim. Government established signs included in this category other than wayfinding signs shall not exceed eight (8) square feet. Freestanding kiosks or wall displays in the downtown or in the ENT district intended to provide current information to the public about the immediate vicinity, including but not limited to directory maps, upcoming events, and related information regarding area streets, businesses and public amenities, authorized by the Town at specific locations shall not exceed twenty-four (24) square feet in sign area.

7) *Update terminology to reflect new transportation planning – MPO's Thoroughfare Plan being effectively replaced with new CRTPO Comprehensive Transportation Plan (CTP)*

155.103.C. DEFINITION

**Thoroughfare Plan:** shall mean ~~the~~ a map and any attendant documents approved by the **Town of Matthews** or Mecklenburg County Board of Commissioners which indicates the system of roads expected to serve major access and travel needs with regard to auto, truck, and transit transportation. **This is a general term used to describe officially adopted documents explaining intended future road improvements.**

**Comprehensive Transportation Plan, or CTP:** shall mean the map(s) and attendant documents approved by the **Matthews Board of Commissioners** for locations within the Town of Matthews, or such documents and maps approved by the **Charlotte Regional Transportation Planning Organizations (CRTPO)** for the applicable region. Such documents may include expectations for improvements to existing or future roads, public transit, bicycle facilities, pedestrian facilities, greenways and multi use paths, and rail.

**Charlotte Regional Transportation Planning Organization, or CRTPO:** shall mean the federally designated Metropolitan Planning Organization (MPO) for the Charlotte Urbanized Area. The Charlotte Regional Transportation Planning Organization (CRTPO) consists of voting representatives from counties and municipalities within the designated region, including the Town of Matthews. It is the CRTPO's responsibility to coordinate transportation policy for local governmental jurisdictions within the Charlotte Urbanized Area.

**155.405.1.**

D. COMPLIANCE WITH OFFICIAL PLANS. When a proposed subdivision embraces any part of a proposed thoroughfare, school, park, or recreation site, or other public facility which has been designated in the officially adopted plan of the Town or CRTPO, that planned facility shall be platted and designated by the subdivider in the location shown on the plan in accordance with § 155.405.4.L, § 155.405.4.M, § 155.405.4.N, and § 155.405.4.O.

**155.405.4.**

C. EXTENSION OF EXISTING STREETS. The proposed street system shall extend streets on their proper projections at the same or greater width than the minimum required by these regulations. Emphasis will be placed on the adopted **Comprehensive Transportation Plan** or thoroughfare plan and any adopted small area plans in the determination of street extensions and connections.

**155.405.4.**

O. THOROUGHFARE RIGHTS-OF-WAY. Whenever a tract of land to be subdivided includes any part of any arterial street shown on ~~any thoroughfare plan adopted by the Town Board of Commissioners~~ the adopted **Comprehensive Transportation Plan**, the right-of-way for the arterial street shall be platted and dedicated or reserved in accordance with Chapter 7.

**155.504.2. Highway NC51 Overlay District (HO)**

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B. HIGHWAY NC51 OVERLAY DISTRICT.

2. LOCATION AND DIMENSIONS.

- b. The HO District shall be located on both sides of an existing or proposed major thoroughfare within the Town's zoning jurisdiction and shall be not less than five hundred feet (500') and not more than one thousand feet (1,000') deep measured from the edge of the existing or proposed right-of-way. The HO District shall follow identifiable boundaries whenever possible and shall be delineated as an overlay on the official zoning map of the Town. When a new right-of-way has been established by an approved ~~Thoroughfare Plan~~ **Comprehensive Transportation Plan**, the district boundaries shall be calculated from the newly established right-of-way.

**155.601.18 Special Requirements for Lots along Thoroughfares**

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A. TRANSITIONAL SETBACK/YARD REQUIRED.

- 1. DETERMINATION OF TRANSITIONAL SETBACK/YARD. The required setbacks and/or streetside yards prescribed for each zoning district which abut a proposed, but not yet constructed thoroughfare, shall be measured from the proposed right-of-way line established for each

street classification as designated on ~~a the~~ Town or ~~regional Thoroughfare Plan~~ CRTPO Comprehensive Transportation Plan.

2. USE OF TRANSITIONAL SETBACK/YARD. A transitional setback or yard shall also be applied for each parcel which abuts a thoroughfare that has an existing right-of-way which is not as wide as the right-of-way established for that thoroughfare as designated by the adopted ~~Thoroughfare Plan~~ Comprehensive Transportation Plan, this Title, or other adopted document which identifies the intended right-of-way dimensions. The transitional setback or yard area established for lots abutting thoroughfares can be used for any purpose allowed by the particular zoning district, except for (i) those uses which are prohibited in the required setbacks or yards elsewhere in this Title, or (ii) to satisfy any minimum parking requirements if parking is not allowed in the setback or yard by the particular zoning district. The transitional setback or yard (the area between the existing required setback/yard and the line established when measured from the future widened right-of-way) may be used for parking only when such parking exceeds the minimum parking requirements. At the time that the proposed right-of-way is dedicated or otherwise acquired for roadway purposes, the property owner shall be responsible for the removal of any uses constructed after July 10, 2000, which are within the transitional setback or yard that are not otherwise permitted in the setback or yard by the zoning district regulations. The property owner shall have one year from the date of right-of-way acquisition to remove any such uses.

#### 155.701. Streets

B. ARTERIAL STREET RIGHT-OF-WAY (CLASS I, II, III, III-C, OR IV). Whenever a tract of land to be subdivided or developed includes any part of an arterial street shown on ~~any thoroughfare plan adopted by the Town Board of Commissioners~~ the Comprehensive Transportation Plan and whenever such a right-of-way has been further defined by acceptable locational procedures sufficient to identify properties to be affected, a right-of-way for the arterial street must be platted in the location and to the width specified in the plan. . . .

1. FREEWAYS AND EXPRESSWAYS. Whenever a tract of land to be subdivided or developed includes any part of the proposed right-of-way as shown on ~~a Thoroughfare Plan adopted by the Board of Commissioners~~ the Comprehensive Transportation Plan adopted by CRTPO, or adopted by the North Carolina Board of Transportation, and whenever those proposed rights-of-way have been further defined by acceptable locational procedures sufficient to identify property to be affected, the right-of-way for the freeway or expressway shall be reserved and remain undeveloped pending future acquisition by the State of North Carolina or other governmental unit. . . .

#### C. DESIGN CRITERIA.

2. COMPLIANCE WITH ADOPTED STREET PLANS. The street layout shall conform to the arrangement, width and location of public streets indicated on the adopted ~~Thoroughfare Plan,~~ Comprehensive Transportation Plan (CTP), and/or small area plan that includes a street network layout, when one or more exists for the area. Whenever a tract of land included within any proposed development plan embraces any part of the street system as designated on the ~~Thoroughfare Plan,~~ CTP, or small area plan, the development shall be required to dedicate and plat the right-of-way, and shall be responsible for the cost and the installation of the improvements in accordance with the Town's standards for roadways. . . .
4. VEHICULAR CONNECTIVITY.
  - a. STREET ARRANGEMENT. Streets should be designed and located so that they relate to the topography, preserve natural features such as streams and tree growth and provide for adequate public safety and convenience,

and shall adhere to ~~any the~~ approved ~~Thoroughfare Plan~~, CTP or small area plan that includes a street network layout. . . .

f. CROSS ACCESS. . . .

When cross access is deemed impractical by the Public Works Director on the basis of severe topography, environmental constraints or vehicular safety factors, and is not detailed by the ~~Thoroughfare Plan~~, CTP, or any small area plan which includes a street network layout, the requirement may be waived provided that appropriate bicycle and pedestrian connections are provided between adjacent developments or land uses. . . .