

This draft text was prepared for the proposed SAP-O District using the current adopted Highway NC51 Overlay District section of the UDO (155.504.2) as a template. Red text below indicates language that has been changed or added specifically for the proposed new Overlay District. The intent here is to use a consistent format and language within the UDO. For quick reference, some pages in the Matthews Land Use Plan are included in brackets and marked in blue text. These references are for use during the public review of the proposed new text and are not intended to be part of any final adopted language, since page numbers may easily change. Text in green is a proposed additional paragraph offered during the 7-9-18 public hearing. Text in purple is further revisions following Planning Board meeting. Text in brown is a suggested revision following the informational sessions held on September 22.

## Zoning Motion 2018-1

### SMALL AREA PLAN OVERLAY DISTRICT

#### 155.504.3. Small Area Plan Overlay District (SAP-O)

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- A. GENERAL CONCEPT OF OVERLAY. The Small Area Plan Overlay District is established to ensure that the policies and intentions of adopted Small Area Plans, Road Corridor Area Plans, and Neighborhood Plans are followed as each of these areas may develop over time. These Small Area Plans, Road Corridor Area Plans, and Neighborhood Plans have been developed with active participation by stakeholder groups and the general public, and adopted by the Matthews Board of Commissioners for a specific geographic area within the Town of Matthews. Each adopted Plan becomes an Appendix to the Matthews Land Use Plan. While each Plan may focus on different specific issues unique to the land area it has studied, these Plans create a vision for future land use and future motorized and non-motorized transportation opportunities for all the land area within the study boundaries. They also may include flexibility in specific future land uses and their densities/intensities, while providing direction on what land use focuses are appropriate in which subareas. These Plans place high priority on creating extensive internal and external connectivity, especially for pedestrians. This Small Area Plan Overlay District may be considered to be applied onto each geographic area studied at any time following adoption of its Small Area Plan, Road Corridor Area Plan, or Neighborhood Plan.

Development and improvement of property in the Small Area Plan Overlay District shall comply with the requirements of § 155.504.3. The map symbol and short name for the Small Area Plan Overlay District shall be "SAP-O District."

- B. SMALL AREA PLAN OVERLAY DISTRICT. In addition to the requirements of the underlying zoning district(s), development and improvements in the Small Area Plan Overlay District ("SAP-O District") shall comply with the following requirements, and where the regulations in this Section are in conflict with the regulations of the underlying zoning district, the regulations in this Section shall prevail:
1. PURPOSE AND INTENT. It is the intent of these regulations that development in the SAP-O District shall be in harmony with and shall preserve, where appropriate, the natural beauty and character of the existing landscape while allowing new development. Ensuring the attractiveness of uses will in turn contribute to and enhance capital investment, trade, tourism, and the general welfare. Therefore, this district is adopted for the additional purposes of:
    - a. Improving the appearance and livability of the community while enhancing its economic vitality.
    - b. Preserving and improving property values by creating and maintaining an ecosystem of sustainable development. This assures a management system of renewable natural resources for both the present and future generations.
    - c. Encouraging new development and redevelopment consistent with the land development visions established and explained by the adopted Small Area Plan for each individual section of the municipality.
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disturbance while protecting and enhancing the environment. Preserving trees and natural ground cover will be strongly monitored as plans are provided for new development activities, with the understanding that some vegetation loss is inevitable in order to allow new development which will have as significant a long-term economic and social impact on the community as on the Town's environmental vitality.

2. LOCATION AND DIMENSIONS.

- a. The SAP-O District should generally incorporate the same geographical boundaries as an adopted Small Area Plan, Road Corridor Plan, or Neighborhood Plan. In the event there is a desire to revise the boundaries of the adopted study area, an explanation shall be included in any zoning action to add or delete one of more parcels so there is a clear written record why the boundary of the SAP-O District does not match the study area boundaries.
- b. The SAP-O District shall be delineated as an overlay on the official zoning map of the Town.
- c. The SAP-O District shall be applied to the following geographic sectors of the Town of Matthews:
  - i. The Monroe Road Corridor study area, on which a Small Area Plan was adopted June 9, 2014 [pages 117 through 138 of the [Matthews Land Use Plan](#)]. The boundaries generally follow the back edge of large parcels fronting the southwest side of Monroe Road between the Charlotte City limits and NC51, and on the northeast side that tracts from Monroe Road to the CSX rail road between the Charlotte City limits and NC51, to match the study area used in the Small Area Plan.
  - ii. The Family Entertainment District and County Sportsplex, on which a Small Area Plan was adopted December 8, 2014 [pages 139 through 170 of the [Matthews Land Use Plan](#)]. The boundaries generally follow Matthews-Mint Hill Road, US74, I-485, Tank Town Road and the Crestdale neighborhood, to match the study area used in the Small Area Plan.
  - iii. The E John Street/Outer Loop section between I-485 and the County line and extending to the CSX rail road, on which a Small Area Plan was adopted January 9, 2017 [pages 171 through 206 of the [Matthews Land Use Plan](#)]. The boundaries of the area include both sides of E John Street between I-485 and the Union County line, and extend northeast to the CSX rail road, and southwest generally to existing single-family subdivisions, to match the study area used in the Small Area Plan.

3. PERMITTED USES. Permitted uses, uses permitted subject to specific conditions, and accessory uses located within the SAP-O District shall be determined by the requirements of the underlying zoning district(s), except where development, expansion, and/or redevelopment would conflict with the policies and goals of the adopted Small Area Plan. ~~Any new land disturbing activity within the Entertainment District shall only commence after the subject property has been rezoned to the ENT district.~~ Any new proposed development or land disturbing activity on property with previously approved plans are ~~still~~ subject to the requirements of the SAP-O District.

Existing single-family residential principal and associated accessory structures may continue to be used for single-family residential purposes, and such structures may be repaired, remodeled, or expanded for such single-family use within the SAP-O District. A parcel with an existing single-family house may be divided so that a smaller parcel is formed for the single-family use, when such new lot conforms to underlying zoning dimensional requirements. The remainder of the property may be recorded at the Mecklenburg County Register of Deeds office as a separate parcel or parcels, and any development or change of zoning action may then be initiated that would conform to the requirements of the SAP-O District.

4. PLAN REVIEW PROCEDURES.

- a. INDUSTRIAL, COMMERCIAL, AND MULTI-FAMILY DEVELOPMENT. No conditional districts,

development, rezoning, land disturbing activity, or site improvement activity, may occur within the SAP-O District without first obtaining approval of a site plan from the Town Planning Department as outlined in § 155.504.3.D. Any change to zoning conditions or zoning districts shall be subject to all provisions of the SAP-O District, and building or grading permits shall not be issued until a SAP-O District site plan submittal has been approved, which may match an approved site plan for the site adopted when the parcel underwent a rezoning request to follow the adopted Small Area Plan. All development shall conform to an approved site plan. Any substantial deviation from the approved site plan must be resubmitted for review and approval by the Town Planning Department in accordance with these requirements. Appeals of Planning Department decisions on site plans shall be submitted to the Board of Adjustment.

- b. RESIDENTIAL DEVELOPMENT. All new or re-platted single-family residential developments and subdivisions must comply with the minimum open space, tree canopy, pedestrian/bicycle/greenway infrastructure, signage, underground utility, and access standards of the SAP-O District. Plan review shall be administered through the normal zoning and subdivision review process, supplemented by applicable additional requirements of the SAP-O District.

C. How SAP-O LOCATIONS WILL BE APPLIED. Because each study area may have its own unique goals, guiding principles, and/or action items, each one has specific aspects that will apply to individual properties in order for them to comply with the SAP-O District requirements. The specific SAP-O standards unique to each adopted Small Area Plan are outlined here.

1. THE MONROE ROAD CORRIDOR STUDY AREA. The study of this segment of the Town primarily focused on the opportunity for phased redevelopment and build-out of an existing suburban corridor to become a pleasant multi-modal, mixed use area in form and scale. The expectation is this corridor will convert over time into a pedestrian-friendly and transit-supportive location with office and employment uses along with associated support services or retail uses to surrounding businesses and neighborhoods.

To accomplish this intention, the SAP-O District will require each new land disturbing activity to indicate how it complies and/or supports the following:

- a. New development, expansion/reuse of current buildings, and redevelopment shall provide written explanation with the site plan to show how the proposed activity conforms to the proposed Land Use Plan map within the adopted Small Area Plan [page 125 of [Matthews Land Use Plan](#)].
- b. Any land disturbing activity shall provide a written explanation with the site plan to show how it conforms to Table 6.1 in the adopted Small Area Plan [page 126 of the [Matthews Land Use Plan](#)] regarding zoning districts for each proposed land use grouping.
- c. Whenever any proposed land disturbing activity may include any portion of a transportation connection as indicated on the adopted Proposed Connections and Improvements map in the Small Area Plan [page 131 of [Matthews Land Use Plan](#)], then a written explanation shall be included with the site plan to explain how that transportation improvement is being accommodated. If the planned development activity does not propose making full improvements within its site during construction, then an explanation shall be provided with the site plan on what future actions will be done and what financial guarantees will be provided at time of this land disturbing activity to assure the transportation improvements will be completed at a designated future phase.
- d. Any land disturbing activity shall provide a written explanation with the site plan to identify the Action Items adopted within the Small Area Plan that are being supported and furthered by the proposed development activity. This includes Action Items for Land Use, Urban Design, Transportation, Utilities, Cultural and Historical, and Natural Resources and Open Space [pages 127 – 129, 132 – 134, and 136 – 137 of [Matthews Land Use Plan](#)].

2. THE ENTERTAINMENT DISTRICT STUDY AREA. The study of this section of the Town created a vision for a new mixed use neighborhood unlike any other existing development within the Town limits,

which would allow an urban scale and ambiance, would encourage various land uses to intermingle for residents', employees', and visitors' convenience and enjoyment, to intensify placement of entertainment businesses near the Sportsplex to form a strong economic hub, to anticipate greater intensification of land uses through conversion of surface parking via future shared parking/parking structures, and to anticipate a future mass transit line and station within the new neighborhood.

To accomplish this intention, the SAP-O District will require each new land disturbing activity to indicate how it complies and/or supports the following:

- a. Requests for new land disturbing activity will not be approved ~~until the subject property has completed a rezoning action to the Entertainment ENT zoning district~~ unless the use is a use allowed within both the existing zoning district and the ENT zoning district, and meets the site plan layout design criteria at § 153.503.8.F and the building design principles at § 155.503.8.G. Where these design principles may not be consistent with the underlying zoning district, the criteria referenced in this paragraph shall prevail, as stated at § 155.504.3.B. above. Proposed development projects may request a change in zoning district to the ENT zoning category and submit full site plan documentation at one time, or may rezone to the ENT category and request early designation as outlined in § 155.501.3.I. to return at a later time for site plan approval.
- b. Any land disturbing activity shall provide a written explanation with the site plan to outline how it meets or supports each of the Guiding Principles adopted as part of the Small Area Plan [page 146 of [Matthews Land Use Plan](#)].
- c. Any land disturbing activity shall provide a written explanation with the site plan to verify any proposed new land use is allowed in the ~~ENT SAP-O~~ district.
- d. Any land disturbing activity that could incorporate any portion of the Primary (Main) Street Network as shown on the map in the adopted Small Area Plan [page 160 of [Matthews Land Use Plan](#)] shall provide a written explanation with the site plan to explain how that transportation improvement is being accommodated. If the planned development activity does not propose making full improvements within its site during construction, then an explanation on what future actions will be done and what financial guarantees will be provided at time of this land disturbing activity shall be included with the site plan to assure it will be completed at a designated future phase.
- e. Any land disturbing activity that may incorporate any portion of needed future rights-of-way or future easement for light rail facilities shall indicate the potentially impacted land area, and shall show it as reserved on the site plan.
- f. Any land disturbing activity that could incorporate any segment of a new street shall indicate its location and public improvements on the site plan. The applicable street cross section as shown in the adopted Small Area Plan [pages 161 – 613 of [Matthews Land Use Plan](#)] shall be identified on the site plan, and any proposed deviations to the applicable cross section shall be enumerated. Deviations may be reviewed through a Public Improvement Variance or Flexible Design process.
- g. Any land disturbing activity shall provide a written explanation with the site plan on how it meets or supports the Policy Statement as adopted by the Board of Commissioners for this Small Area Plan on February 23, 2015. [<https://matthews.municipalcms.com/files/documents/ENTApprovedPolicyStatement1332011826012816PM.pdf> ].

3. THE E JOHN ST/OUTER LOOP STUDY AREA. The study of this segment of Town was completed in anticipation of new development pressure once new road improvements are completed on E John Street and/or when new water and sanitary sewer facilities are brought into the study area. This segment is primarily undeveloped or underdeveloped. The overall vision for this segment of Town is to create a more urban-scale mixed use environment that has multiple pedestrian and bicycle pathways, including sidewalks, greenways, and multi use paths into and through the study area, as well as connecting nearby neighborhoods to it.

To accomplish this intention, the SAP-O District will require each new land disturbing activity to indicate how it complies and/or supports the following:

- a. Any land disturbing activity shall provide a written explanation with the site plan to show

how the proposed activity conforms to the proposed Consensus Build-Out Scenario map [page 185 of [Matthews Land Use Plan](#)], and descriptions of the various land use categories [pages 182 – 184 of [Matthews Land Use Plan](#)] within the adopted Small Area Plan.

- b. Whenever any proposed land disturbing activity may include any portion of a transportation connection as indicated on the adopted Conceptual Street and Pedestrian Networks map in the Small Area Plan [page 200 of [Matthews Land Use Plan](#)], then a written explanation shall be included with the site plan to explain how that transportation improvement is being accommodated. If the planned development activity does not propose making full improvements within its site during construction, then an explanation shall be included with the site plan on what future actions will be done and what financial guarantees will be provided at time of this land disturbing activity to assure it will be completed at a designated future phase.
- c. Any land disturbing activity shall provide a written explanation with the site plan to identify the Action Items adopted within the Small Area Plan that are being supported and furthered by the proposed development activity. This includes Action Items for Land Use, Destinations and Placemaking, Urban Design, Transportation, Utilities, and Natural Resources and Open Space [pages 186, 190, 193, 201, 202, and 204 of [Matthews Land Use Plan](#)].

#### D. SITE PLAN SUBMITTAL PROCESS.

1. **SITE PLAN REVIEW PROCESS AS PART OF A ZONING APPLICATION.** When any land disturbing activity is proposed that requires a change in zoning district or revisions of previously approved zoning conditions, that property shall complete the necessary zoning actions as outlined at 155.401, prior to receiving site plan approval to comply with the SAP-O. If the zoning documents include sufficient information as will be needed for the SAP-O site plan compliance, as listed in 155.504.3.D.3 below, then the Planning Office may undertake a review of the SAP-O compliance documents while the zoning application is being considered, and may be able to ~~approve~~ send a recommendation for approval of Overlay compliance ~~as soon as~~ at the same time as the zoning action is approved. The SAP-O site plan review may also be submitted to begin at any time after the zoning application has been successfully approved. The Planning Office will review the submission and when determined to be complete, it will be scheduled for review and action by the Board of Commissioners.
2. **SITE PLAN REVIEW PROCESS NOT REQUIRING ANY ZONING ACTION.** When any land disturbing activity is proposed that is in compliance with the current zoning designation on the parcel(s) and therefore does not need any further zoning action, then the site plan documents as listed at 155.504.3.D.3 below shall be submitted to the Planning Office for SAP-O compliance at such time as the applicant has them ready for review. The Planning Office will review the submission and it is determined to be complete, it will be scheduled for review and action by the Board of Commissioners.
3. **SITE PLAN SUBMITTAL REQUIREMENTS.** Site plan submittal for any development activity shall include but not be limited to:
  - a. A vicinity map clearly establishing the location of the project with readily recognizable landmarks.
  - b. A development summary including total acres in development, proposed uses, total building square footage, required parking, and provided parking spaces, total impervious surface area, and the percentage of lot covered by impervious surface. This information shall be supplied in table form on the site plan.
  - c. An accurate drawing of property boundaries.
  - d. Existing topography, water courses and water bodies, floodplains and floodways, or other areas that would require extensive clearing and grading or alteration for development.
  - e. Identification and location of all existing site improvements, including streets, water,

sewer, storm drainage, buildings, and other significant site features and any existing or former easements (driveway, street, utility, construction, etc.) which may have cleared vegetative matter, and/or could allow clearing or grading.

- f. Proposed location, type, and size of each sign to be employed on the site.
- g. Location of proposed buildings, driveways, and parking areas.
- h. Location of trash dumpsters and required screening.
- i. Grading, drainage, erosion and sedimentation control, layout, and utility plans.
- j. Landscaping Plan to include:
  - i. ~~Vegetation survey as outlined at §155.606.8. Prior to any site disturbance, approximate locations and species of all deciduous and coniferous trees at least three inches (3") DBH, and all dogwoods, redbuds and American hollies at least four feet high, which are located in any required buffer or screen area, and in any area not being disturbed by the planned development.~~ The canopy drip line of ~~those trees~~ all large-maturing trees at least eight inches (8") DBH, and all dogwoods, redbuds and American hollies at least four feet (4') high shall be delineated. A brief assessment of the above inventoried trees, indicating major deformity, disease, and or damage may be included. Where groves of the protected trees exist that will not be removed or disturbed, it is permitted to label the grove as such on the plan drawing, stating the approximate number of protected trees and species mix, without specifying data of each individual tree.
  - ii. Locations, species, and size of all protected trees proposed for removal shall be shown in outline form using a dashed line for the canopy drip line. Reasons for removing protected trees shall be explicitly stated on the Landscaping Plan.
  - iii. Locations, dimensions, and square footage of required buffer strips and parking lot landscaping.
  - iv. Details of required landscaping, showing species, dimensions, and spacing of planted materials and the use and protection of existing vegetation. ~~Each plant unit in front tree buffer areas shall be marked as meeting one (1) of the options given in § 155.504.2.B.7.h.~~
  - v. Proposed timeline for landscaping.
- k. Name of the project, owner, name and address of engineer, architect, planner or landscape architect, scale, date, and north arrow.
- l. Minor changes or additions to existing development or approved plans may submit an abbreviated site plan. An abbreviated site plan shall be allowed when the proposed change is physically limited to only a contained portion of the site. An abbreviated site plan shall include, but shall not be limited to, items a, b, e, g, j, and k in this Section. The Planning Director shall determine when an abbreviated site plan may be submitted for a detailed site plan and what items must be included. ~~An abbreviated plan will follow the approval process of an Administrative Amendment at §155.401.5.A.~~

4. **ADDITIONAL MISCELLANEOUS STANDARDS. The following standards shall also apply to development and land disturbing activities within any SAP-O designated location.**

- a. **PRESERVATION OF EXISTING SITE VEGETATION.** In addition to any required landscape areas on non single-family developments, it is the intent of the SAP-O District regulations to retain existing vegetation on the site at the time of development or any other land disturbing activity. In any required landscape buffer, and in any location within the site that will not be disturbed, all deciduous and coniferous trees at least eight inches (8") caliper shall be considered protected. Elsewhere on the site, trees of these sizes and larger are encouraged to be preserved and incorporated into the development plan.
- b. **ADEQUATE SIGHT TRIANGLES REQUIRED.** At all points of egress from off-street parking

areas to a road and at corners of road intersections, unobstructed visibility shall be maintained in accordance with the requirements of Mecklenburg County LUESA and the regulations adopted by the North Carolina Department of Transportation, in “*Subdivision Roads: Minimum Construction Standards*” (May 1, 1983) and any subsequent amendments, or the regulations adopted by the Town of Matthews, whichever are the greater.

- c. LANDSCAPE MAINTENANCE. The owner, tenant, and their agent, if any, shall be jointly and severally responsible for the maintenance and protection of all landscaping existing or hereafter installed which shall be maintained in a healthy growing condition. Maintenance shall include watering, weeding, mowing, fertilizing, treating, mulching, pruning, removal and replacement of dead or diseased trees and shrubs on a regular basis so as to present a neat and well-kept appearance at all times. Trees and shrubs are to be maintained in their natural form, and should not be pruned or shaped inconsistent with their species natural growth habits.
- d. ACCESS POINTS AND TRAFFIC MOVEMENT ALONG DESIGNATED THOROUGHFARES AND RAPID TRANSIT ROUTES WITHIN THE DISTRICT. Traffic service and land access are necessary but sometimes conflicting functions of a transportation network. Although major roadways may provide both traffic service and land access, access may be controlled to avoid jeopardizing the primary traffic service function or to provide improved safety, especially for pedestrians and bicyclists. The following provisions are intended to protect the public interest and safety of all users by achieving reasonable access control of certain thoroughfares. Existing or future thoroughfares subject to these standards include Monroe Road in the Monroe Road Corridor Plan, Independence Pointe Parkway in the Entertainment District Plan, and East John Street in the E John St/Outer Loop Plan, as well as the Silver Line light rail alignment.
  - i. The term “access control” refers to all techniques intended to minimize the traffic interference associated with driveway access or transit line crossings, whether the use is commercial, industrial, or residential.
  - ii. Whenever a tract proposed for a multiple lot or multiple use development borders on a thoroughfare or the Silver Line alignment, the development shall provide one or more vehicular access points to public streets other than the designated thoroughfare or directly over the Silver Line alignment, unless compliance with this requirement is not reasonably practicable due to the size or shape of the tract to be developed. The SAP Overlay site plan, any conditional zoning site plan, and any final plat creating the development shall indicate a limitation on driveway access to the thoroughfare or across the Silver Line alignment for those lots which have alternative access.
  - iii. For lots having more than five hundred feet (500’) of frontage on a thoroughfare, driveways shall be no closer than five hundred feet (500’). For a lot having less than five hundred feet (500’) of frontage on a thoroughfare, one (1) driveway onto that thoroughfare may be allowed if the primary transportation network plans for the area would be satisfied. Whenever possible, a minimum distance of two hundred feet (200’) must be maintained between adjacent driveways, and shared driveways for multiple lots should be used to the greatest extent possible. In those instances, a wider driveway may be permitted, conditioned on NCDOT and/or Town approval.
  - iv. Ingress to and egress from a corner lot or reverse frontage lot adjacent to a thoroughfare shall be limited to the more minor thoroughfare or local street.
  - v. Emergency access driveways may be created, using the separation requirements listed above, where specifically included as part of approved zoning conditions in a conditional zoning district and designed to meet NCDOT or Town requirements. Emergency access driveways shall primarily use a solid subsurface with natural cover, such as porous block subsurface and grass cover, and may be crossed with

- a removable or breakaway barricade, gate, chain, bollards, or other method to prevent general public use.
- vi. Departures from the foregoing standards may be authorized through a **Public Improvement Variance or Flexible Design Standards** when the Town determines, upon the advice of the NCDOT, that a particular development design or technique can achieve a satisfactory level of access control consistent with the objectives of this Section.
  
  - e. **UNDERGROUND UTILITIES REQUIRED.** All utilities under the control of the property owner or developer shall be placed underground. Utilities such as water, sewer, natural gas, telephone, cable, etc., shall only be located in the portion of the required **street front landscape area that does not have existing trees that can be protected or will not have newly planted trees.** If a variance to this provision is requested, the applicant must demonstrate how trees and tree roots will be protected from damage during construction or future maintenance/repair.
  
  - f. **APPEAL.** In a case where an individual parcel has been rendered virtually unusable due to establishment of **these SAP-O requirements**, there may be grounds for a variance or appeal, provided that all other conditions set forth in this section are met. In granting any such variance or appeal, the Town Board of Adjustment may require the applicant to compensate in equivalent landscaping improvements any vegetative matter that is lost through an **alternative site layout.**

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- a. INDUSTRIAL, COMMERCIAL, AND MULTI-FAMILY DEVELOPMENT. No conditional districts,

development, rezoning, land disturbing activity, or site improvement activity, may occur within the SAP-O District without first obtaining approval of a site plan from the Town Planning Department as outlined in § 155.504.3.D. Any change to zoning conditions or zoning districts shall be subject to all provisions of the SAP-O District, and building or grading permits shall not be issued until a SAP-O District site plan submittal has been approved, which may match an approved site plan for the site adopted when the parcel underwent a rezoning request to follow the adopted Small Area Plan. All development shall conform to an approved site plan. Any substantial deviation from the approved site plan must be resubmitted for review and approval by the Town Planning Department in accordance with these requirements. Appeals of Planning Department decisions on site plans shall be submitted to the Board of Adjustment.

- b. RESIDENTIAL DEVELOPMENT. All new or re-platted single-family residential developments and subdivisions must comply with the minimum open space, tree canopy, pedestrian/bicycle/greenway infrastructure, signage, underground utility, and access standards of the SAP-O District. Plan review shall be administered through the normal zoning and subdivision review process, supplemented by applicable additional requirements of the SAP-O District.

C. How SAP-O LOCATIONS WILL BE APPLIED. Because each study area may have its own unique goals, guiding principles, and/or action items, each one has specific aspects that will apply to individual properties in order for them to comply with the SAP-O District requirements. The specific SAP-O standards unique to each adopted Small Area Plan are outlined here.

1. THE MONROE ROAD CORRIDOR STUDY AREA. The study of this segment of the Town primarily focused on the opportunity for phased redevelopment and build-out of an existing suburban corridor to become a pleasant multi-modal, mixed use area in form and scale. The expectation is this corridor will convert over time into a pedestrian-friendly and transit-supportive location with office and employment uses along with associated support services or retail uses to surrounding businesses and neighborhoods.

To accomplish this intention, the SAP-O District will require each new land disturbing activity to indicate how it complies and/or supports the following:

- a. New development, expansion/reuse of current buildings, and redevelopment shall provide written explanation with the site plan to show how the proposed activity conforms to the proposed Land Use Plan map within the adopted Small Area Plan [page 125 of [Matthews Land Use Plan](#)].
- b. Any land disturbing activity shall provide a written explanation with the site plan to show how it conforms to Table 6.1 in the adopted Small Area Plan [page 126 of the [Matthews Land Use Plan](#)] regarding zoning districts for each proposed land use grouping.
- c. Whenever any proposed land disturbing activity may include any portion of a transportation connection as indicated on the adopted Proposed Connections and Improvements map in the Small Area Plan [page 131 of [Matthews Land Use Plan](#)], then a written explanation shall be included with the site plan to explain how that transportation improvement is being accommodated. If the planned development activity does not propose making full improvements within its site during construction, then an explanation shall be provided with the site plan on what future actions will be done and what financial guarantees will be provided at time of this land disturbing activity to assure the transportation improvements will be completed at a designated future phase.
- d. Any land disturbing activity shall provide a written explanation with the site plan to identify the Action Items adopted within the Small Area Plan that are being supported and furthered by the proposed development activity. This includes Action Items for Land Use, Urban Design, Transportation, Utilities, Cultural and Historical, and Natural Resources and Open Space [pages 127 – 129, 132 – 134, and 136 – 137 of [Matthews Land Use Plan](#)].

2. THE ENTERTAINMENT DISTRICT STUDY AREA. The study of this section of the Town created a vision for a new mixed use neighborhood unlike any other existing development within the Town limits,

which would allow an urban scale and ambiance, would encourage various land uses to intermingle for residents', employees', and visitors' convenience and enjoyment, to intensify placement of entertainment businesses near the Sportsplex to form a strong economic hub, to anticipate greater intensification of land uses through conversion of surface parking via future shared parking/parking structures, and to anticipate a future mass transit line and station within the new neighborhood.

To accomplish this intention, the SAP-O District will require each new land disturbing activity to indicate how it complies and/or supports the following:

- a. Requests for new land disturbing activity will not be approved ~~until the subject property has completed a rezoning action to the Entertainment ENT zoning district~~ unless the use is a use allowed within both the existing zoning district and the ENT zoning district, and meets the site plan layout design criteria at § 153.503.8.F and the building design principles at § 155.503.8.G. Where these design principles may not be consistent with the underlying zoning district, the criteria referenced in this paragraph shall prevail, as stated at § 155.504.3.B. above. Proposed development projects may request a change in zoning district to the ENT zoning category and submit full site plan documentation at one time, or may rezone to the ENT category and request early designation as outlined in § 155.501.3.I. to return at a later time for site plan approval.
- b. Any land disturbing activity shall provide a written explanation with the site plan to outline how it meets or supports each of the Guiding Principles adopted as part of the Small Area Plan [page 146 of [Matthews Land Use Plan](#)].
- c. Any land disturbing activity shall provide a written explanation with the site plan to verify any proposed new land use is allowed in the ~~ENT SAP-O~~ district.
- d. Any land disturbing activity that could incorporate any portion of the Primary (Main) Street Network as shown on the map in the adopted Small Area Plan [page 160 of [Matthews Land Use Plan](#)] shall provide a written explanation with the site plan to explain how that transportation improvement is being accommodated. If the planned development activity does not propose making full improvements within its site during construction, then an explanation on what future actions will be done and what financial guarantees will be provided at time of this land disturbing activity shall be included with the site plan to assure it will be completed at a designated future phase.
- e. Any land disturbing activity that may incorporate any portion of needed future rights-of-way or future easement for light rail facilities shall indicate the potentially impacted land area, and shall show it as reserved on the site plan.
- f. Any land disturbing activity that could incorporate any segment of a new street shall indicate its location and public improvements on the site plan. The applicable street cross section as shown in the adopted Small Area Plan [pages 161 – 613 of [Matthews Land Use Plan](#)] shall be identified on the site plan, and any proposed deviations to the applicable cross section shall be enumerated. Deviations may be reviewed through a Public Improvement Variance or Flexible Design process.
- g. Any land disturbing activity shall provide a written explanation with the site plan on how it meets or supports the Policy Statement as adopted by the Board of Commissioners for this Small Area Plan on February 23, 2015. [<https://matthews.municipalcms.com/files/documents/ENTApprovedPolicyStatement1332011826012816PM.pdf> ].

3. THE E JOHN ST/OUTER LOOP STUDY AREA. The study of this segment of Town was completed in anticipation of new development pressure once new road improvements are completed on E John Street and/or when new water and sanitary sewer facilities are brought into the study area. This segment is primarily undeveloped or underdeveloped. The overall vision for this segment of Town is to create a more urban-scale mixed use environment that has multiple pedestrian and bicycle pathways, including sidewalks, greenways, and multi use paths into and through the study area, as well as connecting nearby neighborhoods to it.

To accomplish this intention, the SAP-O District will require each new land disturbing activity to indicate how it complies and/or supports the following:

- a. Any land disturbing activity shall provide a written explanation with the site plan to show how the proposed activity conforms to the proposed Consensus Build-Out Scenario map

[page 185 of [Matthews Land Use Plan](#)], and descriptions of the various land use categories [pages 182 – 184 of [Matthews Land Use Plan](#)] within the adopted Small Area Plan.

- b. Whenever any proposed land disturbing activity may include any portion of a transportation connection as indicated on the adopted Conceptual Street and Pedestrian Networks map in the Small Area Plan [page 200 of [Matthews Land Use Plan](#)], then a written explanation shall be included with the site plan to explain how that transportation improvement is being accommodated. If the planned development activity does not propose making full improvements within its site during construction, then an explanation shall be included with the site plan on what future actions will be done and what financial guarantees will be provided at time of this land disturbing activity to assure it will be completed at a designated future phase.
- c. Any land disturbing activity shall provide a written explanation with the site plan to identify the Action Items adopted within the Small Area Plan that are being supported and furthered by the proposed development activity. This includes Action Items for Land Use, Destinations and Placemaking, Urban Design, Transportation, Utilities, and Natural Resources and Open Space [pages 186, 190, 193, 201, 202, and 204 of [Matthews Land Use Plan](#)].

**D. SITE PLAN SUBMITTAL PROCESS.**

- 1. **SITE PLAN REVIEW PROCESS AS PART OF A ZONING APPLICATION.** When any land disturbing activity is proposed that requires a change in zoning district or revisions of previously approved zoning conditions, that property shall complete the necessary zoning actions as outlined at 155.401, prior to receiving site plan approval to comply with the SAP-O. If the zoning documents include sufficient information as will be needed for the SAP-O site plan compliance, as listed in 155.504.3.D.3 below, then the Planning Office may undertake a review of the SAP-O compliance documents while the zoning application is being considered, and may be able to approve the Overlay compliance as soon as the zoning action is approved. The SAP-O site plan review may also be submitted to begin at any time after the zoning application has been successfully approved.
- 2. **SITE PLAN REVIEW PROCESS NOT REQUIRING ANY ZONING ACTION.** When any land disturbing activity is proposed that is in compliance with the current zoning designation on the parcel(s) and therefore does not need any further zoning action, then the site plan documents as listed at 155.504.3.D.3 below shall be submitted to the Planning Office for SAP-O compliance at such time as the applicant has them ready for review.
- 3. **SITE PLAN SUBMITTAL REQUIREMENTS.** Site plan submittal for any development activity shall include but not be limited to:
  - a. A vicinity map clearly establishing the location of the project with readily recognizable landmarks.
  - b. A development summary including total acres in development, proposed uses, total building square footage, required parking, and provided parking spaces, total impervious surface area, and the percentage of lot covered by impervious surface. This information shall be supplied in table form on the site plan.
  - c. An accurate drawing of property boundaries.
  - d. Existing topography, water courses and water bodies, floodplains and floodways, or other areas that would require extensive clearing and grading or alteration for development.
  - e. Identification and location of all existing site improvements, including streets, water, sewer, storm drainage, buildings, and other significant site features and any existing or former easements (driveway, street, utility, construction, etc.) which may have cleared vegetative matter, and/or could allow clearing or grading.
  - f. Proposed location, type, and size of each sign to be employed on the site.
  - g. Location of proposed buildings, driveways, and parking areas.
  - h. Location of trash dumpsters and required screening.
  - i. Grading, drainage, erosion and sedimentation control, layout, and utility plans.

- j. Landscaping Plan to include:
- i. ~~Vegetation survey as outlined at §155.606.8. Prior to any site disturbance, approximate locations and species of all deciduous and coniferous trees at least three inches (3") DHB, and all dogwoods, redbuds and American hollies at least four feet high, which are located in any required buffer or screen area, and in any area not being disturbed by the planned development.~~ The canopy drip line of ~~those trees~~ all large-maturing trees at least eight inches (8") DBH, and all dogwoods, redbuds and American hollies at least four feet (4') high shall be delineated. A brief assessment of the above inventoried trees, indicating major deformity, disease, and or damage may be included. Where groves of the protected trees exist that will not be removed or disturbed, it is permitted to label the grove as such on the plan drawing, stating the approximate number of protected trees and species mix, without specifying data of each individual tree.
  - ii. Locations, species, and size of all protected trees proposed for removal shall be shown in outline form using a dashed line for the canopy drip line. Reasons for removing protected trees shall be explicitly stated on the Landscaping Plan.
  - iii. Locations, dimensions, and square footage of required buffer strips and parking lot landscaping.
  - iv. Details of required landscaping, showing species, dimensions, and spacing of planted materials and the use and protection of existing vegetation. ~~Each plant unit in front tree buffer areas shall be marked as meeting one (1) of the options given in § 155.504.2.B.7.h.~~
  - v. Proposed timeline for landscaping.
- k. Name of the project, owner, name and address of engineer, architect, planner or landscape architect, scale, date, and north arrow.
- l. Minor changes or additions to existing development or approved plans may submit an abbreviated site plan. An abbreviated site plan shall be allowed when the proposed change is physically limited to only a contained portion of the site. An abbreviated site plan shall include, but shall not be limited to, items a, b, e, g, j, and k in this Section. The Planning Director shall determine when an abbreviated site plan may be submitted for a detailed site plan and what items must be included.
4. **ADDITIONAL MISCELLANEOUS STANDARDS.** The following standards shall also apply to development and land disturbing activities within any SAP-O designated location.
- a. **PRESERVATION OF EXISTING SITE VEGETATION.** In addition to any required landscape areas on non single-family developments, it is the intent of the SAP-O District regulations to retain existing vegetation on the site at the time of development or any other land disturbing activity. In any required landscape buffer, and in any location within the site that will not be disturbed, all deciduous and coniferous trees at least eight inches (8") caliper shall be considered protected. Elsewhere on the site, trees of these sizes and larger are encouraged to be preserved and incorporated into the development plan.
  - b. **ADEQUATE SIGHT TRIANGLES REQUIRED.** At all points of egress from off-street parking areas to a road and at corners of road intersections, unobstructed visibility shall be maintained in accordance with the requirements of Mecklenburg County LUESA and the regulations adopted by the North Carolina Department of Transportation, in "*Subdivision Roads: Minimum Construction Standards*" (May 1, 1983) and any subsequent amendments, or the regulations adopted by the Town of Matthews, whichever are the greater.
  - c. **LANDSCAPE MAINTENANCE.** The owner, tenant, and their agent, if any, shall be jointly and severally responsible for the maintenance and protection of all landscaping existing or hereafter installed which shall be maintained in a healthy growing condition. Maintenance shall include watering, weeding, mowing, fertilizing, treating, mulching, pruning, removal

and replacement of dead or diseased trees and shrubs on a regular basis so as to present a neat and well-kept appearance at all times. Trees and shrubs are to be maintained in their natural form, and should not be pruned or shaped inconsistent with their species natural growth habits.

- d. ACCESS POINTS AND TRAFFIC MOVEMENT ALONG DESIGNATED THOROUGHFARES AND RAPID TRANSIT ROUTES WITHIN THE DISTRICT. Traffic service and land access are necessary but sometimes conflicting functions of a transportation network. Although major roadways may provide both traffic service and land access, access may be controlled to avoid jeopardizing the primary traffic service function or to provide improved safety, especially for pedestrians and bicyclists. The following provisions are intended to protect the public interest and safety of all users by achieving reasonable access control of certain thoroughfares. Existing or future thoroughfares subject to these standards include Monroe Road in the Monroe Road Corridor Plan, Independence Pointe Parkway in the Entertainment District Plan, and East John Street in the E John St/Outer Loop Plan, as well as the Silver Line light rail alignment.
  - i. The term “access control” refers to all techniques intended to minimize the traffic interference associated with driveway access or transit line crossings, whether the use is commercial, industrial, or residential.
  - ii. Whenever a tract proposed for a multiple lot or multiple use development borders on a thoroughfare or the Silver Line alignment, the development shall provide one or more vehicular access points to public streets other than the designated thoroughfare or directly over the Silver Line alignment, unless compliance with this requirement is not reasonably practicable due to the size or shape of the tract to be developed. The SAP Overlay site plan, any conditional zoning site plan, and any final plat creating the development shall indicate a limitation on driveway access to the thoroughfare or across the Silver Line alignment for those lots which have alternative access.
  - iii. For lots having more than five hundred feet (500’) of frontage on a thoroughfare, driveways shall be no closer than five hundred feet (500’). For a lot having less than five hundred feet (500’) of frontage on a thoroughfare, one (1) driveway onto that thoroughfare may be allowed if the primary transportation network plans for the area would be satisfied. Whenever possible, a minimum distance of two hundred feet (200’) must be maintained between adjacent driveways, and shared driveways for multiple lots should be used to the greatest extent possible. In those instances, a wider driveway may be permitted, conditioned on NCDOT and/or Town approval.
  - iv. Ingress to and egress from a corner lot or reverse frontage lot adjacent to a thoroughfare shall be limited to the more minor thoroughfare or local street.
  - v. Emergency access driveways may be created, using the separation requirements listed above, where specifically included as part of approved zoning conditions in a conditional zoning district and designed to meet NCDOT or Town requirements. Emergency access driveways shall primarily use a solid subsurface with natural cover, such as porous block subsurface and grass cover, and may be crossed with a removable or breakaway barricade, gate, chain, bollards, or other method to prevent general public use.
  - vi. Departures from the foregoing standards may be authorized through a Public Improvement Variance or Flexible Design Standards when the Town determines, upon the advice of the NCDOT, that a particular development design or technique can achieve a satisfactory level of access control consistent with the objectives of this Section.
  
- e. UNDERGROUND UTILITIES REQUIRED. All utilities under the control of the property owner or developer shall be placed underground. Utilities such as water, sewer, natural gas,

telephone, cable, etc., shall only be located in the portion of the required **street front landscape area that does not have existing trees that can be protected or will not have newly planted trees**. If a variance to this provision is requested, the applicant must demonstrate how trees and tree roots will be protected from damage during construction or future maintenance/repair.

- f. APPEAL. In a case where an individual parcel has been rendered virtually unusable due to establishment of **these SAP-O requirements**, there may be grounds for a variance or appeal, provided that all other conditions set forth in this section are met. In granting any such variance or appeal, the Town Board of Adjustment may require the applicant to compensate in equivalent landscaping improvements any vegetative matter that is lost through an **alternative site layout**.

*This draft text was prepared for the proposed SAP-O District using the current adopted Highway NC51 Overlay District section of the UDO (155.504.2) as a template. Red text below indicates language that has been changed or added specifically for the proposed new Overlay District. The intent here is to use a consistent format and language within the UDO. For quick reference, some pages in the Matthews Land Use Plan are included in brackets and marked in blue text. These references are for use during the public review of the proposed new text and are not intended to be part of any final adopted language, since page numbers may easily change. Text in green is a proposed additional paragraph offered during the 7-9-18 public hearing.*

## Zoning Motion 2018-1

### SMALL AREA PLAN OVERLAY DISTRICT

#### **155.504.3. Small Area Plan Overlay District (SAP-O)**

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- A. GENERAL CONCEPT OF OVERLAY. The **Small Area Plan** Overlay District is established to ensure that the policies and intentions of adopted Small Area Plans, Road Corridor Area Plans, and Neighborhood Plans are followed as each of these areas may develop over time. These Small Area Plans, Road Corridor Area Plans, and Neighborhood Plans have been developed with active participation by stakeholder groups and the general public, and adopted by the Matthews Board of Commissioners for a specific geographic area within the Town of Matthews. Each adopted Plan becomes an Appendix to the Matthews Land Use Plan. While each Plan may focus on different specific issues unique to the land area it has studied, these Plans create a vision for future land use and future motorized and non-motorized transportation opportunities for all the land area within the study boundaries. They also may include flexibility in specific future land uses and their densities/intensities, while providing direction on what land use focuses are appropriate in which subareas. These Plans place high priority on creating extensive internal and external connectivity, especially for pedestrians. This Small Area Plan Overlay District may be considered to be applied onto each geographic area studied at any time following adoption of its Small Area Plan, Road Corridor Area Plan, or Neighborhood Plan.

Development and improvement of property in the **Small Area Plan** Overlay District shall comply with the requirements of § 155.504.3. The map symbol and short name for the **Small Area Plan** Overlay District shall be "SAP-O District."

- B. **SMALL AREA PLAN** OVERLAY DISTRICT. In addition to the requirements of the underlying zoning district(s), development and improvements in the **Small Area Plan** Overlay District ("SAP-O District") shall comply with the following requirements, and where the regulations in this Section are in conflict with the regulations of the underlying zoning district, the regulations in this Section shall prevail:
1. PURPOSE AND INTENT. It is the intent of these regulations that development in the SAP-O District shall be in harmony with and shall preserve, **where appropriate**, the natural beauty and character of the existing landscape **while allowing new development**. Ensuring the attractiveness of uses will in turn contribute to and enhance capital investment, trade, tourism, and the general welfare. Therefore, this district is adopted for the additional purposes of:
    - a. Improving the appearance and livability of the community while enhancing its economic vitality.
    - b. Preserving and improving property values by creating and maintaining an ecosystem of sustainable development. This assures a management system of renewable natural resources for both the present and future generations.
    - c. Encouraging new development and redevelopment consistent with the land development visions established and explained by the adopted Small Area Plan for each individual section of the municipality.
    - d. **Balancing the sometimes opposing Town goals of allowing new construction and land disturbance while protecting and enhancing the environment. Preserving trees and natural ground cover will be strongly monitored as plans are provided for new development**

activities, with the understanding that some vegetation loss is inevitable in order to allow new development which will have as significant a long-term economic and social impact on the community as on the Town's environmental vitality.

2. LOCATION AND DIMENSIONS.

- a. The SAP-O District should generally incorporate the same geographical boundaries as an adopted Small Area Plan, Road Corridor Plan, or Neighborhood Plan. In the event there is a desire to revise the boundaries of the adopted study area, an explanation shall be included in any zoning action to add or delete one of more parcels so there is a clear written record why the boundary of the SAP-O District does not match the study area boundaries.
- b. The SAP-O District shall be delineated as an overlay on the official zoning map of the Town.
- c. The SAP-O District shall be applied to the following geographic sectors of the Town of Matthews:
  - i. The Monroe Road Corridor study area, on which a Small Area Plan was adopted June 9, 2014 [pages 117 through 138 of the [Matthews Land Use Plan](#)]. The boundaries generally follow the back edge of large parcels fronting the southwest side of Monroe Road between the Charlotte City limits and NC51, and on the northeast side that tracts from Monroe Road to the CSX rail road between the Charlotte City limits and NC51, to match the study area used in the Small Area Plan.
  - ii. The Family Entertainment District and County Sportsplex, on which a Small Area Plan was adopted December 8, 2014 [pages 139 through 170 of the [Matthews Land Use Plan](#)]. The boundaries generally follow Matthews-Mint Hill Road, US74, I-485, Tank Town Road and the Crestdale neighborhood, to match the study area used in the Small Area Plan.
  - iii. The E John Street/Outer Loop section between I-485 and the County line and extending to the CSX rail road, on which a Small Area Plan was adopted January 9, 2017 [pages 171 through 206 of the [Matthews Land Use Plan](#)]. The boundaries of the area include both sides of E John Street between I-485 and the Union County line, and extend northeast to the CSX rail road, and southwest generally to existing single-family subdivisions, to match the study area used in the Small Area Plan.

3. PERMITTED USES. Permitted uses, uses permitted subject to specific conditions, and accessory uses located within the SAP-O District shall be determined by the requirements of the underlying zoning district(s), except where development, expansion, and/or redevelopment would conflict with the policies and goals of the adopted Small Area Plan. Any new land disturbing activity within the Entertainment District shall only commence after the subject property has been rezoned to the ENT district. Any new proposed development or land disturbing activity on property with previously approved plans are ~~still~~ subject to the requirements of the SAP-O District.

**Existing single-family residential principal and associated accessory structures may continue to be used for single-family residential purposes, and such structures may be repaired, remodeled, or expanded for such single-family use within the SAP-O District. A parcel with an existing single-family house may be divided so that a smaller parcel is formed for the single-family use, when such new lot conforms to underlying zoning dimensional requirements. The remainder of the property may be recorded at the Mecklenburg County Register of Deeds office as a separate parcel or parcels, and any development or change of zoning action may then be initiated that would conform to the requirements of the SAP-O District.**

4. PLAN REVIEW PROCEDURES.

- a. INDUSTRIAL, COMMERCIAL, AND MULTI-FAMILY DEVELOPMENT. No conditional districts, development, rezoning, land disturbing activity, or site improvement activity, may occur within the SAP-O District without first obtaining approval of a site plan from the Town

Planning Department as outlined in § 155.504.3.D. Any change to zoning conditions or zoning districts shall be subject to all provisions of the SAP-O District, and building or grading permits shall not be issued until a SAP-O District site plan submittal has been approved, which may match an approved site plan for the site adopted when the parcel underwent a rezoning request to follow the adopted Small Area Plan. All development shall conform to an approved site plan. Any substantial deviation from the approved site plan must be resubmitted for review and approval by the Town Planning Department in accordance with these requirements. Appeals of Planning Department decisions on site plans shall be submitted to the Board of Adjustment.

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To accomplish this intention, the SAP-O District will require each new land disturbing activity to indicate how it complies and/or supports the following:

- a. New development, expansion/reuse of current buildings, and redevelopment shall provide written explanation with the site plan to show how the proposed activity conforms to the proposed Land Use Plan map within the adopted Small Area Plan [page 125 of [Matthews Land Use Plan](#)].
- b. Any land disturbing activity shall provide a written explanation with the site plan to show how it conforms to Table 6.1 in the adopted Small Area Plan [page 126 of the [Matthews Land Use Plan](#)] regarding zoning districts for each proposed land use grouping.
- c. Whenever any proposed land disturbing activity may include any portion of a transportation connection as indicated on the adopted Proposed Connections and Improvements map in the Small Area Plan [page 131 of [Matthews Land Use Plan](#)], then a written explanation shall be included with the site plan to explain how that transportation improvement is being accommodated. If the planned development activity does not propose making full improvements within its site during construction, then an explanation shall be provided with the site plan on what future actions will be done and what financial guarantees will be provided at time of this land disturbing activity to assure the transportation improvements will be completed at a designated future phase.
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businesses near the Sportsplex to form a strong economic hub, to anticipate greater intensification of land uses through conversion of surface parking via future shared parking/parking structures, and to anticipate a future mass transit line and station within the new neighborhood.

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- b. Any land disturbing activity shall provide a written explanation with the site plan to outline how it meets or supports each of the Guiding Principles adopted as part of the Small Area Plan [page 146 of [Matthews Land Use Plan](#)].
- c. Any land disturbing activity shall provide a written explanation with the site plan to verify any proposed new land use is allowed in the ENT district.
- d. Any land disturbing activity that could incorporate any portion of the Primary (Main) Street Network as shown on the map in the adopted Small Area Plan [page 160 of [Matthews Land Use Plan](#)] shall provide a written explanation with the site plan to explain how that transportation improvement is being accommodated. If the planned development activity does not propose making full improvements within its site during construction, then an explanation on what future actions will be done and what financial guarantees will be provided at time of this land disturbing activity shall be included with the site plan to assure it will be completed at a designated future phase.
- e. Any land disturbing activity that may incorporate any portion of needed future rights-of-way or future easement for light rail facilities shall indicate the potentially impacted land area, and shall show it as reserved on the site plan.
- f. Any land disturbing activity that could incorporate any segment of a new street shall indicate its location and public improvements on the site plan. The applicable street cross section as shown in the adopted Small Area Plan [pages 161 – 613 of [Matthews Land Use Plan](#)] shall be identified on the site plan, and any proposed deviations to the applicable cross section shall be enumerated. Deviations may be reviewed through a Public Improvement Variance or Flexible Design process.
- g. Any land disturbing activity shall provide a written explanation with the site plan on how it meets or supports the Policy Statement as adopted by the Board of Commissioners for this Small Area Plan on February 23, 2015 [<https://matthews.municipalcms.com/files/documents/ENTApprovedPolicyStatement1332011826012816PM.pdf>].

3. THE E JOHN ST/OUTER LOOP STUDY AREA. The study of this segment of Town was completed in anticipation of new development pressure once new road improvements are completed on E John Street and/or when new water and sanitary sewer facilities are brought into the study area. This segment is primarily undeveloped or underdeveloped. The overall vision for this segment of Town is to create a more urban-scale mixed use environment that has multiple pedestrian and bicycle pathways, including sidewalks, greenways, and multi use paths into and through the study area, as well as connecting nearby neighborhoods to it.

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- b. Whenever any proposed land disturbing activity may include any portion of a transportation connection as indicated on the adopted Conceptual Street and Pedestrian Networks map in the Small Area Plan [page 200 of [Matthews Land Use Plan](#)], then a written explanation shall be included with the site plan to explain how that transportation improvement is being accommodated. If the planned development activity does not

propose making full improvements within its site during construction, then an explanation shall be included with the site plan on what future actions will be done and what financial guarantees will be provided at time of this land disturbing activity to assure it will be completed at a designated future phase.

- c. Any land disturbing activity shall provide a written explanation with the site plan to identify the Action Items adopted within the Small Area Plan that are being supported and furthered by the proposed development activity. This includes Action Items for Land Use, Destinations and Placemaking, Urban Design, Transportation, Utilities, and Natural Resources and Open Space [pages 186, 190, 193, 201, 202, and 204 of [Matthews Land Use Plan](#)].

D. SITE PLAN SUBMITTAL PROCESS.

1. SITE PLAN REVIEW PROCESS AS PART OF A ZONING APPLICATION. When any land disturbing activity is proposed that requires a change in zoning district or revisions of previously approved zoning conditions, that property shall complete the necessary zoning actions as outlined at 155.401, prior to receiving site plan approval to comply with the SAP-O. If the zoning documents include sufficient information as will be needed for the SAP-O site plan compliance, as listed in 155.504.3.D.3 below, then the Planning Office may undertake a review of the SAP-O compliance documents while the zoning application is being considered, and may be able to approve the Overlay compliance as soon as the zoning action is approved. The SAP-O site plan review may also be submitted to begin at any time after the zoning application has been successfully approved.
2. SITE PLAN REVIEW PROCESS NOT REQUIRING ANY ZONING ACTION. When any land disturbing activity is proposed that is in compliance with the current zoning designation on the parcel(s) and therefore does not need any further zoning action, then the site plan documents as listed at 155.504.3.D.3 below shall be submitted to the Planning Office for SAP-O compliance at such time as the applicant has them ready for review.
3. SITE PLAN SUBMITTAL REQUIREMENTS. Site plan submittal for any development activity shall include but not be limited to:
  - a. A vicinity map clearly establishing the location of the project with readily recognizable landmarks.
  - b. A development summary including total acres in development, proposed uses, total building square footage, required parking, and provided parking spaces, total impervious surface area, and the percentage of lot covered by impervious surface. This information shall be supplied in table form on the site plan.
  - c. An accurate drawing of property boundaries.
  - d. Existing topography, water courses and water bodies, floodplains and floodways, or other areas that would require extensive clearing and grading or alteration for development.
  - e. Identification and location of all existing site improvements, including streets, water, sewer, storm drainage, buildings, and other significant site features and any existing or former easements (driveway, street, utility, construction, etc.) which may have cleared vegetative matter, and/or could allow clearing or grading.
  - f. Proposed location, type, and size of each sign to be employed on the site.
  - g. Location of proposed buildings, driveways, and parking areas.
  - h. Location of trash dumpsters and required screening.
  - i. Grading, drainage, erosion and sedimentation control, layout, and utility plans.
  - j. Landscaping Plan to include:
    - i. ~~Vegetation survey as outlined at §155.606.8. Prior to any site disturbance, approximate locations and species of all deciduous and coniferous trees at least three inches (3") DHB, and all dogwoods, redbuds and American hollies at least four feet high, which are located in any required buffer or screen area, and in any area not being disturbed by the planned development.~~ The canopy drip line of

- ~~these trees~~ all large-maturing trees at least eight inches (8") DBH, and all dogwoods, redbuds and American hollies at least four feet (4') high shall be delineated. A brief assessment of the above inventoried trees, indicating major deformity, disease, and or damage may be included. Where groves of the protected trees exist that will not be removed or disturbed, it is permitted to label the grove as such on the plan drawing, stating the approximate number of protected trees and species mix, without specifying data of each individual tree.
- ii. Locations, species, and size of all protected trees proposed for removal shall be shown in outline form using a dashed line for the canopy drip line. Reasons for removing protected trees shall be explicitly stated on the Landscaping Plan.
  - iii. Locations, dimensions, and square footage of required buffer strips and parking lot landscaping.
  - iv. Details of required landscaping, showing species, dimensions, and spacing of planted materials and the use and protection of existing vegetation. ~~Each plant unit in front tree buffer areas shall be marked as meeting one (1) of the options given in § 155.504.2.B.7.h.~~
  - v. Proposed timeline for landscaping.
- k. Name of the project, owner, name and address of engineer, architect, planner or landscape architect, scale, date, and north arrow.
  - l. Minor changes or additions to existing development or approved plans may submit an abbreviated site plan. An abbreviated site plan shall be allowed when the proposed change is physically limited to only a contained portion of the site. An abbreviated site plan shall include, but shall not be limited to, items a, b, e, g, j, and k in this Section. The Planning Director shall determine when an abbreviated site plan may be submitted for a detailed site plan and what items must be included.
4. **ADDITIONAL MISCELLANEOUS STANDARDS.** The following standards shall also apply to development and land disturbing activities within any SAP-O designated location.
- a. **PRESERVATION OF EXISTING SITE VEGETATION.** In addition to any required landscape areas on non single-family developments, it is the intent of the SAP-O District regulations to retain existing vegetation on the site at the time of development or any other land disturbing activity. In any required landscape buffer, and in any location within the site that will not be disturbed, all deciduous and coniferous trees at least eight inches (8") caliper shall be considered protected. Elsewhere on the site, trees of these sizes and larger are encouraged to be preserved and incorporated into the development plan.
  - b. **ADEQUATE SIGHT TRIANGLES REQUIRED.** At all points of egress from off-street parking areas to a road and at corners of road intersections, unobstructed visibility shall be maintained in accordance with the requirements of Mecklenburg County LUESA and the regulations adopted by the North Carolina Department of Transportation, in "*Subdivision Roads: Minimum Construction Standards*" (May 1, 1983) and any subsequent amendments, or the regulations adopted by the Town of Matthews, whichever are the greater.
  - c. **LANDSCAPE MAINTENANCE.** The owner, tenant, and their agent, if any, shall be jointly and severally responsible for the maintenance and protection of all landscaping existing or hereafter installed which shall be maintained in a healthy growing condition. Maintenance shall include watering, weeding, mowing, fertilizing, treating, mulching, pruning, removal and replacement of dead or diseased trees and shrubs on a regular basis so as to present a neat and well-kept appearance at all times. Trees and shrubs are to be maintained in their natural form, and should not be pruned or shaped inconsistent with their species natural growth habits.
  - d. **ACCESS POINTS AND TRAFFIC MOVEMENT ALONG DESIGNATED THOROUGHFARES AND RAPID TRANSIT ROUTES** WITHIN THE DISTRICT. Traffic service and land access are

necessary but sometimes conflicting functions of a transportation network. Although major roadways may provide both traffic service and land access, access may be controlled to avoid jeopardizing the primary traffic service function or to provide improved safety, especially for pedestrians and bicyclists. The following provisions are intended to protect the public interest and safety of all users by achieving reasonable access control of certain thoroughfares. Existing or future thoroughfares subject to these standards include Monroe Road in the Monroe Road Corridor Plan, Independence Pointe Parkway in the Entertainment District Plan, and East John Street in the E John St/Outer Loop Plan, as well as the Silver Line light rail alignment.

- i. The term “access control” refers to all techniques intended to minimize the traffic interference associated with driveway access or transit line crossings, whether the use is commercial, industrial, or residential.
  - ii. Whenever a tract proposed for a multiple lot or multiple use development borders on a thoroughfare or the Silver Line alignment, the development shall provide one or more vehicular access points to public streets other than the designated thoroughfare or directly over the Silver Line alignment, unless compliance with this requirement is not reasonably practicable due to the size or shape of the tract to be developed. The SAP Overlay site plan, any conditional zoning site plan, and any final plat creating the development shall indicate a limitation on driveway access to the thoroughfare or across the Silver Line alignment for those lots which have alternative access.
  - iii. For lots having more than five hundred feet (500’) of frontage on a thoroughfare, driveways shall be no closer than five hundred feet (500’). For a lot having less than five hundred feet (500’) of frontage on a thoroughfare, one (1) driveway onto that thoroughfare may be allowed if the primary transportation network plans for the area would be satisfied. Whenever possible, a minimum distance of two hundred feet (200’) must be maintained between adjacent driveways, and shared driveways for multiple lots should be used to the greatest extent possible. In those instances, a wider driveway may be permitted, conditioned on NCDOT and/or Town approval.
  - iv. Ingress to and egress from a corner lot or reverse frontage lot adjacent to a thoroughfare shall be limited to the more minor thoroughfare or local street.
  - v. Emergency access driveways may be created, using the separation requirements listed above, where specifically included as part of approved zoning conditions in a conditional zoning district and designed to meet NCDOT or Town requirements. Emergency access driveways shall primarily use a solid subsurface with natural cover, such as porous block subsurface and grass cover, and may be crossed with a removable or breakaway barricade, gate, chain, bollards, or other method to prevent general public use.
  - vi. Departures from the foregoing standards may be authorized through a Public Improvement Variance or Flexible Design Standards when the Town determines, upon the advice of the NCDOT, that a particular development design or technique can achieve a satisfactory level of access control consistent with the objectives of this Section.
- e. UNDERGROUND UTILITIES REQUIRED. All utilities under the control of the property owner or developer shall be placed underground. Utilities such as water, sewer, natural gas, telephone, cable, etc., shall only be located in the portion of the required street front landscape area that does not have existing trees that can be protected or will not have newly planted trees. If a variance to this provision is requested, the applicant must demonstrate how trees and tree roots will be protected from damage during construction or future maintenance/repair.
  - f. APPEAL. In a case where an individual parcel has been rendered virtually unusable due to

establishment of **these SAP-O requirements**, there may be grounds for a variance or appeal, provided that all other conditions set forth in this section are met. In granting any such variance or appeal, the Town Board of Adjustment may require the applicant to compensate in equivalent landscaping improvements any vegetative matter that is lost through an **alternative site layout**.

155.505.3 SAP-O final draft

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