Zoning Application 2020-721: Text amendment to modify the Open Space requirements in the C-MF zoning district

TO: Matthews Board of Commissioners
DATE: December 31, 2020
FROM: Robert Will, Senior Planner

Background

Currently the C-MF (concentrated multi-family) zoning district has an open space requirement that is unique and not a part of other conditional-only zoning districts: 1/35 of an acre per dwelling unit. Because of the intended high dwelling unit density of the district this has had the consequence of limiting development in the C-MF district on small to medium size sites (3 acres or more).

The purpose of the C-MF district is “to provide for a variety of multi-family residential uses at considerably higher densities and within an urban setting not traditionally found in Matthews…The district is intended to be employed either as small scattered locations or in larger tracts, but any location shall be designed to accommodate a minimum average of twelve (12) dwelling units per acre with no maximum density established by this code.”

The proposed text amendment completely rewrites Section 155.503.4 C (5), the section that sets forth the open-space requirement for the C-MF zoning district, which is attached to this memo. Summary of existing regulation:
• Sites larger than 3 acres must provide open-space equal to 1/35 of an acre per dwelling unit.
• 1/2 of the designated open space must be usable by residents or the public.
• If the open-space cannot be accommodated on site it must be dedicated within one-half mile and developed as a park.

The proposed text amendment language is also attached to this memo. Summary of proposed regulation:
• Minimum site size reduced to 1.5 acres with an open-space requirement of 5% of the lot area.
• Specific standards for the design and designation of public and private open-space.
• No off-site open space provision.

Related Town Goal
Economic Development/Quality of Life

Recommended Action
Hold the continued public hearing in order to receive further comments on the proposed text amendment.
Current C-MF open space requirements Section 155.503.4 C (5)

OPEN SPACE REQUIREMENT. A C-MF designation of three (3) or more acres shall include an open space system featuring pedestrian amenities which must be connected to pedestrian and bicycle facilities in the surrounding neighborhoods. The open space system may include areas devoted to post construction, water quality and/or storm water detention measures, any required or provided landscaping or screening areas, SWIM buffers, greenways or environmental protection features. A minimum of one thirty fifth (1/35) of an acre of open space must be provided for every dwelling unit created. The open space shall generally be located as a single tract within the C-MF designated site and at least one-half (1/2) of it shall be usable by residents and the public for recreation. When the open space requirement cannot feasibly be accomplished on-site, then an off-site location of equivalent size and within one-half (1/2) mile shall be identified as an alternative public park site. This off-site property shall be deeded or dedicated to the Town after it is improved as a park. (Am. Ord. 2025A, passed 6-9-14).
Remove the existing provision for Open Space in the C-MF zoning district and replace with the new wording below:

155.503.4.C.

5. OPEN SPACE REQUIREMENT. A C-MF designation of one-half (1.5) acres or more acres shall include open space as follows:

Development shall provide a minimum of on-site open space in accordance with the following:

a. 5% of lot area.

Driveways, parking areas, required bicycle parking areas, backflow preventer areas, above ground utility areas, mailboxes, and required buffers do not count toward on-site open space requirements.

b. Development shall provide a minimum of public on-site open space in accordance with the following:

i. 25% of required open space for mixed-use development.

ii. Residential development is not required to provide public on-site open space.

Public Open Space. Open space maintained for the use of the general public. Public open space may include parks, plazas and public seating areas.

c. When located within a required on-site open space area, a non-residential structure no greater than 750 square feet in gross floor area is allowed within the on-site open space and may be included in the calculation of total on-site open space.

d. Design of Open Space.

1. Open space shall meet the following design requirements organized by type of open space (i.e. public or private).

   a. Open space designed for outdoor living and recreation (public & private).
   b. Open space may be located on the ground, decks, galleries, porches, terraces, or roofs. Open space shall have a minimum dimension of twelve feet on each side (public & private).
   c. Open space may be located on balconies for attached unit multi-family and single-family attached. Balconies shall have a minimum dimension of seven (7) feet on each side (private).
   d. Open space area need not be contiguous, but each open space area shall comply with minimum dimensional standards (public & private).
   e. A minimum of 25% of total required Open Space area shall be contiguous (public).
   f. Required open space shall abut both a principal building and a public or required sidewalk (public).
   g. The surface area of the open space shall not be more than 18 inches lower nor 18 inches higher than the elevation of any adjacent public or required sidewalk (public).
   h. When located at ground level, the required open space area shall be substantially covered with grass, live groundcover, shrubs, plants, trees, or usable outdoor hardscape features, such as courtyards, seating areas, patios, fountains/water features (public & private).
   i. Circulation within the open space area shall follow the likely desire lines of its users, connecting pedestrians to rights-of-ways that abut the open space, entrances to adjacent buildings, and any design features, such as seating areas (public).
   j. Usable outdoor amenities, such as grills, pools, tennis courts, or playgrounds, are permitted as part of the required open space (public & private).