Zoning Application 2021-739 Columbaria Text Amendment

TO: Matthews Board of Commissioners
DATE: September 13, 2021
FROM: Darin Hallman, Planner

Background

Matthews Presbyterian Church would like to install a walled garden at the corner of West John Street and South Freemont Street. This walled garden would be allowed by the Town’s current development regulations except that the walls of the garden will have vaults for funerary urns. Because of vaults, the walls are considered a columbarium by the ordinance and a structure that must conform to all setbacks.

The Church requests that the Town add a definition of Open Wall Columbaria to clarify the terminology of a columbarium and that the Town modify the prescribed conditions for Cemeteries, Mausoleums, Columbarium, and Crematorium to exempt columbaria from a 40-foot setback from streets. [Attachment 1]

Impact

The Town does not have a definition of Open Wall Columbaria or Columbaria even though both are referenced in the Unified Development Ordinance. The Part 1 of the proposed language would provide a description of an open wall columbarium. The proposal would also allow an exemption from the definition for columbaria that are than 8 feet tall or smaller. These would be treated similarly to a wall or fence. In residential zoning districts, restrictions for walls and fences would still apply such as a maximum height of 6 feet in side or rear setbacks and a maximum height of 4 feet in any front setback.

Generally, there are not restrictions for fences in non-residential zoning districts.

The Part 2 of the request to alter the prescribed conditions to allow columbaria within 40-feet of a street would apply to all columbaria regardless of size. If the proposal was approved as submitted, this would include those over 8 feet in height. The underlying setbacks would still apply for columbaria over 8 feet.

Related Town Goal
Economic Development/Quality of Life

Recommended Action
Hold the public hearing in order to receive further comments on the proposed text amendment. Staff recommends removing changes to the Prescribed Conditions in Part 2.
Proposed Text Amendment

Red underline indicates added text.
Red strikethrough indicates deleted text.

Part I (Add Definition of Open Wall Columbaria)

155.103 Definitions

C. DEFINITIONS. The following words and terms when used in the interpretation and administration of this Title shall have the meaning set forth here except where otherwise specifically indicated. Words and terms not defined here shall be defined as specified in the latest published edition of Merriam-Webster’s Collegiate Dictionary. [formerly known as § 153.007]

Fence: shall mean an artificially constructed barrier of wood, masonry, stone, metal, wire, and/or other manufactured or durable natural materials erected to enclose, screen, or separate areas, but not including hedges, shrubbery, trees, or other natural growth.

Structure: shall mean anything constructed or erected, the use of which requires location on the land or attachment to something having a permanent location on the land, excluding fences, walls used as fences, garden trellises, arbors, sports backstops, and similar items when such items are less than six feet (6’) in height and twelve inches (12”) in depth.

Open Wall Columbaria: shall mean an open aired wall, lined with vaults or niches for funerary urns, that has a height greater than 8 feet. Open wall columbaria less than the height standard of this definition shall be treated as a wall.

Part II (Remove open wall columbaria general right of way setback)

155.506.13 Cemeteries, Mausoleums, Columbarium, and Crematorium.

A. Private or public cemeteries, as a stand-alone use or in association with a place of worship, may be permitted in or near residential neighborhoods, in the R-20, R-15, R-12, R-9, R/I, Cr/C, O, R-VS, SRN, and C-MF districts, when meeting the following criteria.

B. STANDARDS,

1. Tombstones, monuments, and open wall columbarium must be located at least twenty-five feet (25’) from any side or rear lot line which adjoins lots in a residential area and at least ten feet (10’) from any side or rear lot line which adjoins all other properties. In any case, they tombstones and monuments must be at least forty feet (40’) from any street right-of-way.

2. Buildings for the maintenance, management, rent, or sale of cemetery lots, burial or remembrance sites, mausoleums, crypts, and columbarium within enclosed structures must be located at least one hundred feet (100’) from any lot lines which adjoin lots in a residential area. Otherwise, any such buildings must conform to the requirements for principal uses in the district where they are located. [formerly known as § 153.189]
ZONING APPLICATION FOR UNIFIED DEVELOPMENT ORDINANCE TEXT CHANGE
AS PROVIDED IN THE UDO AT 155.401.3

APPLICATION NUMBER 2021-739  DATE FILED 7/28
APPLICANT'S NAME Matthews Presbyterian Church
APPLICANT'S MAILING ADDRESS PO Box 97, Matthews, NC 28106
APPLICANT'S PHONE NUMBER/EMAIL ADDRESS 704-847-4094/ jpurdiejr@carolina.rr.com

I request consideration of the following change in text of the Matthews Unified Development Ordinance:

Requested text change is:

☑ a change in wording to existing Section(s)
☑ an addition to Section(s)
☐ a deletion of wording at existing Section(s)

Below is the text requested to be changed, added or deleted:

Existing Section  See Attached  Proposed Section  See Attached

See Attached

(continue on additional page(s) as necessary)
What is the intended effect of this request?

To clarify the definition of a columbarium as a wall and not a structure.