Agenda Item: Zoning Application 2021-739 Columbaria Text Amendment

DATE: October 11, 2020
FROM: Darin Hallman

Background/Issue:

- The Town currently does not have definitions for Columbaria or Open Wall Columbaria even though both are used by the Unified Development Ordinance.

- The applicant seeks to add a definition that would allow smaller columbaria to be treated similarly to a fence/wall.

- Columbaria come in a variety of types and sizes. They can be freestanding walls, outdoor structures, or small buildings. Typically, these are walls lined with small vaults holding cremated remains.

- The text amendment would add a definition for “Open Wall Columbarium” to the Unified Development Ordinance

- The definition would include an exemption for columbaria that are less than or equal to 8 feet in height. Columbaria 8 feet or less would be considered walls by definition.

Proposal/Solution:

- Planning Board made a recommendation to approve only adding the definition of open wall columbaria

- Since Planning Board, the applicant has updated the proposed text to only include the new definition.

Financial Impact:

None

Related Town Goal(s) and/or Strategies:

Quality of Life
Economic Development/Land Use Planning

Recommended Motion/Action:

Approve Zoning Application 2021-739 to add a definition of Open Wall Columbarium
Matthews Board of Commissioners adopts the checked statement below:

A) _____ The requested zoning action, as most currently amended, is recommended for approval, and has been found to be CONSISTENT with the Matthews Land Use Plan (or other document(s)), as follows:

CONSISTENT: The zoning text amendment is consistent with the Matthews Land Use Plan as it continues to provide quality institutional facilities for all citizens and all needs.

REASONABLE: The zoning text amendment is reasonable as it provides clarification to missing definitions in the ordinance.

OR

B) _____ The requested zoning action, as most currently amended, is not approved, and has been found to be INCONSISTENT with the Matthews Land Use Plan (or other document(s)), as follows:

INCONSISTENT: The zoning text amendment is inconsistent with the Land Use Plan because it does not buffer institutional uses from neighboring land uses.

NOT REASONABLE: The zoning text amendment is not reasonable because the text does not provide a stringent enough definition.

(In each case, the Statement must explain why the Board deems the action reasonable and in the public interest (more than one sentence). Reasons given for a zoning request being “consistent” or “not consistent” are not subject to judicial review.)

Date: October 11, 2021
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.