

Motion #2016-1 Miscellaneous UDO Text Changes

In each of the specific text amendment locations below, the existing text to be **deleted** is in blue and **marked with a line through it**, and proposed text to be **added** is blue and in *italics*.

CHAPTER 1

Dictionary Reference

155.103.C. 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 ~~Webster's New Collegiate Dictionary~~ *Merriam-Webster's Collegiate Dictionary*.

Cluster Development and Cottage Cluster Housing Development

Cluster Development: shall mean *a form of single-family detached residential subdivision layout available for use prior to August 13, 2012 in which* a tract of land at least ten (10) acres in area, was under single, corporation, firm, partnership, or association ownership, ~~was~~ *planned and developed as an integral unit in a single development operation or a definitely programmed series of development operations and with reduced lots sizes and common open space equivalent to underlying zoning maximum density*, according to an approved preliminary ~~site subdivision~~ *subdivision* plan, and ~~was~~ *recorded at the Mecklenburg County Register of Deeds prior to August 13, 2012.*

*** Relocate the image currently placed beside the definition of "Cluster Development" to beside the definition of "Cottage Cluster Housing Development".

Commercial Kitchen, Catering Kitchen

Commercial Kitchen or Catering Kitchen: *shall mean a room or any portion of the interior of a building principally designed and used for the cooking and preparation of a prearranged amount and type of food for consumption off premises or in a designated meeting room/facility on or off premises, where those individuals being served the finished food offerings are separate from those conducting the preparation. A Commercial or Catering Kitchen may also include associated pantry and storage areas for ingredients, equipment, serving items, table décor, cleaning supplies, and similar items often used by caterers, mobile food vendors, and institutional uses. A Commercial or Catering Kitchen may exist as a part of a permanent food service establishment (i.e., restaurant, lounge), public use (i.e., school), or institution (i.e., CCRC), or may be a freestanding use with no provision for on-site customers/clients.*

Comprehensive Transportation Plan, or Thoroughfare Plan,

Comprehensive Transportation Plan, or Thoroughfare Plan: shall mean the map and attendant documents approved by ~~the Mecklenburg County Board of Commissioners~~ *the Town of Matthews and/or Charlotte Regional Transportation Planning Organization (CRTPO)* which indicates the system of roads expected to serve major access and travel needs with regard to auto, truck, and transit transportation.

Cultural Community Center

Cultural Community Center: *shall mean a governmental or nonprofit operated building or real property available to the public for the purpose of education about, or display of, cultural issues and items. The facility includes classrooms or similar space(s) for small learning environments, and display area(s) for items relating to a specific geographic area, art form, or other cultural topic. A cultural community center does not include a museum, art gallery, church, or community center/active recreation facility that meets the definition of those uses.*

Housekeeping Unit to be consistent with Family Definition

Housekeeping Unit: shall mean a family, or a group of not more than six (6) individuals of any age, ~~of which any three (3) or more~~ are not related by blood, marriage, or adoption, living together within a dwelling unit and sharing common spaces inside and around the dwelling unit, which may include a kitchen, bathroom(s), hallways, exterior access doors, and on-site parking.

Commercial Vehicle

Vehicle, Commercial, Mid-Range: shall mean a vehicle that is *designed or used for business purposes, is generally* marked with a sign or carries a commercial vehicle license plate, ~~and that is designed or used for business purposes~~ that has a gross vehicle weight rating (GVWR) of less than thirteen thousand (13,000) pounds and a cargo area/work platform (including any installed accessories such as ladder racks, cranes, compressors, hose reels, welders, etc.) that does not exceed eight feet (8') in height. Cargo area/work platforms separate from the cab shall not exceed fourteen feet (14') in fixed length. A camper shell, toolbox within the bed, and similar accessory equipment or a conversion van that is clearly intended and being used for regular personal or household use, but not for any business or commercial activity, will not qualify the vehicle as a commercial vehicle. However, ladder racks, cranes, compressors, hose reels, welders and similar equipment make the vehicle a commercial vehicle.

Vehicle, Commercial, Large: shall mean a vehicle that *is designed or used for business purposes, is generally* marked with a sign or carries a commercial vehicle license plate, ~~and that is designed or used for business purposes~~ that has a gross vehicle weight rating (GVWR) of thirteen thousand (13,000) pounds or more. Large commercial vehicle also includes a vehicle with a GVWR of less than thirteen thousand (13,000) pounds if the height of any portion of the vehicle exceed eight feet (8') (including any installed accessories such as ladder racks, cranes, compressors, hose reels, welders, etc.), or the length of the cargo area/work platform exceeds fourteen feet (14') in fixed length.

CHAPTER 4

Change in Town Board Abstention Votes for Text Changes

155.401.1.F.

F. ACTION BY THE BOARD OF COMMISSIONERS. After receiving the recommendations and report of the Planning Board, the Board of Commissioners may adopt an ordinance approving, modifying, or rejecting the application or amendment. *In accordance with GS 160A-75, a member of the Board of Commissioners who is present and not excused from participating on a final vote on a requested change in zoning district or text of this Title, and does not vote, that member's lack of a vote will not be counted as an affirmative vote.*

Removal of Protest Petition Option

Revise text at 155.401.4.C.1.; Delete all of text at 155.401.4.D.5. and 155.401.4.F.

155.401.4.C.

C. NOTIFICATION REQUIREMENTS. In addition to the requirements for notification in § 155.401.1.D, the following forms of notice shall be provided:

1. NOTICE BY MAIL. The owner of the subject parcel(s) of land, and the owners of all parcels of land which *abut, are across a public right-of-way, and/or* are wholly or partially within one hundred feet (100') of any point of the subject property, ~~when calculated to exclude any public right-of-way one hundred feet (100') wide or less,~~ as shown on the most current county tax listing, shall be mailed a notice of a public hearing on the proposed zoning map amendment by first class mail. The applicant shall prepare such notices and ~~shall also include in the notice an explanation of the protest petition to all property owners required to receive mailed notification of the proposed zoning map change and~~ shall deliver said notices to the Planning Office at the time of zoning application submission. *If any citizen submits a written statement regarding the proposed zoning change to the Planning office and Town Clerk at least two (2) business days prior to the scheduled decision date, the Clerk shall deliver the written statement to the Board of Commissioners.*

155.401.4.D.

D. PROCESS FOR AMENDING THE ZONING MAP.

~~5. ADDITIONAL CRITERIA FOR ZONING MAP AMENDMENTS INVOLVING PARALLEL TRADITIONAL OR CONDITIONAL ONLY ZONING DISTRICTS (CONDITIONAL DISTRICTS). During years where a municipal election is held, no public hearing for a new conditional district designation shall be held from October 1 until the day following the new Board of Commissioners' organizational meeting if a qualified protest petition is filed. Where no qualified protest petition is submitted for a new conditional district designation, but someone speaks in opposition at the public hearing during the period from~~

October 1 until the day after the new Board's organizational meeting, then the decision shall be postponed on the zoning map amendment request until a date after the newly constituted Board of Commissioners is seated.

~~F. PROTEST PETITIONS. In the event that the Board of Commissioners receives a valid petition protesting any reclassification of property, the petition for zoning map change shall become effective only upon an affirmative vote of three-fourths (3/4) of the members of the Board of Commissioners, including the Mayor, who are not excused from voting.~~

~~1. QUALIFIED PETITIONS. A petition in opposition to a zoning map change shall be considered a qualified protest petition if the petition meets the requirements of GS 160A-385(2) and the following:~~

~~a. The protest petition must be signed by the owners of either: twenty percent (20%) or more of the area included in the proposed change or five percent (5%) of the area of a one hundred (100) foot wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. In evaluating the sufficiency of a protest under this provision a discrete or separate area shall be calculated for any noncontiguous part of an area proposed for zoning map change that is physically separated from other areas proposed for change by property (not including right of way) that is not part of the requested zoning map change; a street right of way shall not be considered in computing the one hundred (100) foot buffer area as long as the street right of way is one hundred feet (100') wide or less. When less than an entire parcel of land is being rezoned, the one hundred (100) foot buffer shall be measured from the property line of the entire parcel. [verbatim from GS § 160A-385(2)]~~

~~b. Completed protest petitions shall be submitted to the Planning Office at least two (2) business days prior to the day of the public hearing.~~

~~c. The Planning Director, or designee, in consultation with the Town Attorney shall determine if the petition meets the criteria for a qualified protest petition. In the absence of evidence to the contrary, the Town may rely on the County tax listing to determine the owners of potentially qualifying parcels. Where multiple persons are listed as owners for a parcel, all must sign the petition for that parcel to be included in the calculation of qualifying area. Upon their determination, the Town Clerk shall inform the Board of Commissioners that a petition has been filed and indicate whether the petition is qualified. The Planning Director, or designee, may notify the applicant as to the validity of the protest petition.~~

~~2. WITHDRAWAL OF QUALIFIED PROTESTS. Persons or entities who have signed protest petitions may withdraw their signatures at any time prior to the vote on the proposed zoning map change by the Board of Commissioners.~~

~~3. EXEMPTIONS. The foregoing provisions concerning protest petitions shall not be applicable to any zoning map change that establishes the Town's zoning designation on property that has been added to the Town's jurisdiction as a result of annexation, or to an amendment to an adopted conditional district if the amendment does not change the types of uses that are permitted within the district or increase the approved density for residential development, or increase the total approved size of nonresidential development, or reduce the size of buffers or screening approved for the conditional district, except as provided by general or local law.~~

Centralized Box Units

***155.405.4 General Subdivision Design Criteria

- A. CENTRALIZED BOX UNITS (CBUs) FOR USPS MAIL DELIVERY. Where the US Postal Service determines there is a need to utilize one or more Centralized Box Units (CBUs) in place of individual curb-side mailboxes, then the following dimensional and design criteria shall be followed:
- 1. Any CBU placement shall meet the requirements of the US Postal Service for unobstructed pavement and individual CBU unit(s), and shall be situated to meet ADA requirements. CBUs shall be placed where there is a logical, safe and direct walking path between the CBU location and the homes, offices, or other establishments being provided with mail delivery service.*
 - 2. Any CBU structure shall not extend over the required minimum width of the public sidewalk, over the street curb and gutter, or over any bike facility.*
 - 3. Any CBU shall not open directly toward travel lanes (bicycle or motor vehicle) within the street without adequate space for the carrier and users to open individual unit boxes to insert or retrieve mail.*
 - 4. A CBU shall be accessible from the adjacent sidewalk when one is provided.*

- 5. A CBU shall be set back from the edge of pavement or back of curb at least five feet (5') when no sidewalk or pedestrian path is either immediately adjacent or connected by a minimum 5' wide solid surface path.
- 6. A CBU shall not be placed any closer to an intersection of two Class V, VI, or VI-L streets than forty feet (40').
- 7. A minimum of two (2) on- or off-street parking spaces shall be provided within eighty feet (80') of any CBU which is located on a Class IV or higher street. These parking spaces shall be placed such that the carrier or individual visiting the CBU does not need to cross a Class IV or higher street after exiting the vehicle.

Update Required Language of the Survey and Accuracy Certificate on Final Plats.

***155.405.9 Contents of the Sketch Plan, Preliminary Plan, and Final Plat.

2. ~~SURVEY AND ACCURACY CERTIFICATE.~~

~~The undersigned surveyor, being duly sworn, deposes and says that the plat upon which this certificate appears was prepared in accordance with G.S. § 47-30 as amended, is in all respects correct according to the best of his or her knowledge and belief, and was prepared from an actual survey made by him or her on the _____ day of _____, 20____ with a maximum linear error of closure of _____, and a maximum field error of angular closure of _____.~~

Date _____ Land Surveyor _____ Seal or stamp

2. CERTIFICATE OF SURVEYORS RESPONSIBILITIES AND ACCURACY.

I, _____, certify that this plat was drawn under my supervision from an actual survey made under my supervision (deed description recorded in Book _____, page _____, (and/or other description); that the boundaries not surveyed are clearly indicated as drawn from information found in Book _____, page _____; that the ratio of precision as calculated is 1: _____; that this plat was prepared in accordance with NCGS § 47-30 as amended. Witness my original signature, registration number and seal this _____ day of _____, 20____.

Surveyors Signature

Registration Number

Chart for Subdivision plats

***155.405.9 on page 4-29 "Topo maps w/ 2' contours" should NOT be a requirement of final plats, only for preliminary plans

SKETCH PLAN
PRELIMINARY
PLAT
FINAL PLAT

PROPOSED CONDITIONS:

- Topographic maps with contour intervals no greater than two feet (2')



Public Improvement Guarantees

***155.405.10 Subdivision Improvement Guarantees Revise wording to remain consistent with the language in SL 2015-187 about Subdivision Bonding

C. GUARANTEE REQUIREMENTS.

1. TYPE 1 GUARANTEE. Prior to release of the final plat for recordation and before issuance of any building permits, a surety bond, letter of credit, or other approved form of security guarantee that provides equivalent security to a surety bond or letter of credit, in an amount determined by Mecklenburg County Land Use and Environmental Services Agency shall be filed with the County. This performance guarantee will be

assure that the final one-inch surface course will be applied to each street once the street has met the conditions outlined in Chapter 7 for acceptance for maintenance. The delayed application of the surface course shall be considered as a testing period for the streets installed in order that any defects or deficiencies will have had at least one full cycle of seasons in which to appear, except as provided for in Chapter 7 where the Board of Commissioners waives the one (1) year waiting period. In the event that defects or deficiencies do appear, the developer shall repair those defects in a manner approved by the Town Public Works Director, Town Engineer, and Mecklenburg County Land Use and Environmental Services Agency prior to applying the final one-inch surface course.

2. TYPE 2 GUARANTEE. Where the improvements required by this Title have not been completed prior to the submission of the Final Plat for approval, the approval of the Final Plat shall be subject to the subdivider filing a surety bond, ~~cash bond, or an irrevocable~~ letter of credit, *or other form of guarantee that provides equivalent security* with Mecklenburg County Land Use and Environmental Services Agency and/or the Town Public Works Director, in an amount to be determined by the appropriate agency, with sureties satisfactory to the Town guaranteeing the installation and construction of the required improvements. Upon completion of the improvements as required by this Title, written notice shall be given by the subdivider to Mecklenburg County Land Use and Environmental Services Agency and the Town Engineer. Upon receipt of this notice, Mecklenburg County Land Use and Environmental Services Agency and the Town Engineer shall cause an inspection of the improvements to be made and, if all outstanding items have been satisfactorily resolved, shall, within thirty (30) days of the date of notice, authorize in writing the release of the surety given.

CHAPTER 5

C-MF District Location Requirements – Add Improved Bus Stop While No Transit Stations Are Yet Determined or Built

*** 155.503.4.C.1. Location Requirements

- b. At least one third (1/3) of the site must be within 2,400 lineal feet of a designated transit station *or transit stop shelter*.

Tables of Allowed Uses

Cultural Community Center

*** 155.505.1 (Table 1 only) Add in the Institutional uses category for Cultural Community Center, *subject to §155.506.07*, and add PC for a use allowed under prescribed conditions in R-20, R-15, R-12, R-9, and CrC

Commercial or Catering Kitchen, without on-site (in-building) customer/client food service

***155.505.2. and 3. Add in the General Commercial Uses Category of the Tables “*Commercial or catering kitchen, without on-site customer/client food service*” as a permitted by-right use (P) in the B-1, B-3, B-H, I-1, MUD, B-1SCD, and ENT districts

Room Renting Standards

***155.506.5 delete reference to multiple kitchen interior

B. STANDARDS.

3. Room renting shall not be allowed within an accessory apartment, ~~or within a dwelling unit with more than one (1) kitchen~~.
5. ~~No separate kitchen shall be allowed for use by roomers. One (1)~~ A common use kitchen with shared cooking facilities for all occupants of the dwelling will be permitted.

Provisions for Dwellings with Multiple Kitchens

***155.506.9 Revise reference to number of kitchens to conform to Zoning Aesthetics law

155.506.9 ACCESSORY APARTMENTS AND SINGLE FAMILY DWELLINGS WITH MULTIPLE KITCHENS

- A. An accessory apartment is a second and subordinate dwelling on the same parcel of land as a single family dwelling. It may be located within the same building as the principal dwelling or may be in a separate building. A single family dwelling generally has **only** one (1) full appliance kitchen. Accessory apartments and homes with multiple kitchens may be allowed in the R-20, R-15, R-12, R-9, R-VS, and CrC districts.
- B. STANDARDS.
 - 1. The maximum floor area of an accessory apartment shall not exceed fifty percent (50%) of the gross floor area of the principal dwelling unit on the lot. Under no circumstances may the accessory apartment be greater than seven hundred fifty (750) square feet.
 - 2. A single-family dwelling may have more than one (1) full kitchen within the principal residential structure and/or an accessory building when full interior access exists between all living areas, such that no division of space would create a physically separate dwelling unit (duplex or accessory apartment), and the building(s) is/are clearly designed for use by a single household.

Cultural Community Center in Residential Districts

*** 155.506.7 Add prescribed conditions for “cultural community center” for single-family districts to allow Outen Pottery to be defined and allowed as a cultural community center:

A. Some nonresidential uses are of a character and geographical need that they can be located within a residential neighborhood without causing significant disturbance to the quality of life. These types of institutional or governmental/public services may include: arboretum; fire and/or EMS stations and police stations; churches and places of worship under four hundred (400) seating capacity; and K-12 schools under one hundred (100) students. These uses may be allowed in the R-20, R-15, R-12, R-9, R-MH, R-VS, and CrC districts when meeting the following provisions. *A cultural community center may be allowed in the R-20, R-15, R-12, and R-9 districts when meeting the standards listed below.* In the R/I district, churches and places of worship may be allowed at various sizes when certain dimensional criteria are met, as described here.

B. STANDARDS.

- 6. *A cultural community center may be operated by a governmental agency or a nonprofit organization when offering educational opportunities on specific cultural topics and viewing of cultural artifacts on a predetermined schedule.*
 - a. *When adjacent to single family uses, a cultural community center shall provide landscape screening on non-streetside lot boundaries.*
 - b. *Any on-site parking and vehicle maneuvering areas shall not be placed within twenty feet (20') of an exterior property line or within the required front setback.*
 - c. *Exterior lighting shall comply with 155.609.*
 - d. *Any activities that are open to the public shall take place between the hours of 8:00 AM and 10:00 PM.*

Communications Tower Location and Spacing

*** 155.506.41.B.3. Allowed zoning districts and spacing for Trunked Public Safety Towers. This would potentially allow the state’s proposed tower on NCDOT property at I-485 and US74 interchange, while still calling for Town Board approval of the spacing between Trunked Public Safety Towers.

B. STANDARDS

3. TABLE

MAXIMUM ANTENNA TOWER HEIGHT (FEET) IN MULTI-FAMILY, MIXED USE AND NONRESIDENTIAL ZONING DISTRICTS			
District	Adjacent to any residential zoning district		When no residential district is adjacent
	Non-stealth	Stealth	1 user/2 users/3 users/Trunked Public Safety
R-15MF, R-12MF, SRN, C-MF	Not permitted	80*	80*/ 100/ 120/ not permitted
R/I	Not permitted	80*/***	80*/ 100 / 120 / not permitted
0	50	80*	100*/ 120 / 140 / not permitted
B-1, B-1SCD, B-D	50	80*	120*/ 140 / 160 / not permitted

B-H	50 60	80*	160*/ 180 / 200 / not permitted 180*/ 200 / 220 / 400 **
B-3, I-1, MUD, TS, ENT	60	80*	180*/ 200 / 220 / not permitted
I-2	60	80*	200*/ 220 / 240 / 400 **

(Ord. 919, passed 4-28-97)

* Where there are existing nonresidential structures that exceed the above-given height limit (such as electric transmission towers), then these structures may also be used for antenna locations. These limits may be increased by twenty feet (20') for each additional user co-locating on the stealth structure up to an additional forty feet (40'), and only when such location will not require the antenna to be lighted.

** (1) There are no residential zoning districts within one thousand foot (1,000') radius of the proposed tower site, *or are across a controlled access right-of-way from any residential district.*

CHAPTER 6

Landscaping

Correct a reference number in Planting Standards

***155.606.12.I. At all points of egress from off-street parking areas to a road, and at corners of road intersections, unobstructed visibility for sight triangles shall be maintained as defined in 155.601.44. 13.

Parking

Bike Parking for Schools

***155.607.7.B. Table of Required Parking

Revise bicycle parking for “Elementary schools and middle schools” and for “Senior high schools, trade and vocational schools, and colleges and universities” to a lesser requirement than 10 spaces per classroom

1. INSTITUTIONAL AND MUNICIPAL USES	REQUIRED BICYCLE PARKING SPACES	REQUIRED MOTOR VEHICLE PARKING SPACES
Elementary schools and middle schools	10 3 spaces per classroom	Three (3) spaces per each room used for administrative offices or class instruction, or a space for each six (6) seats in auditoriums and other places of assembly or facilities available to the public, whichever is greater
Elementary schools and middle schools	10 6 spaces per classroom	Two (2) spaces per each room used for administrative offices or class instruction
Senior high schools, trade and vocational schools, and colleges and universities	10 5 spaces per classroom	Five (5) spaces per each room used for administrative offices or class instruction, or one space for each five seats in auditoriums and other places of assembly or facilities available to the public, whichever is greater
Senior high schools, trade and vocational schools, and colleges and universities	10 7 spaces per classroom	Four (4) spaces per each room used for administrative offices or class instruction, or one space for each six seats in auditoriums and other places of assembly or facilities available to the public, whichever is greater

Parking for Commercial or Catering Kitchens without on-site (in-building) customer/client food service

***155.607.7.B Table of Required Parking

Add new parking requirements for this use

2. GENERAL COMMERCIAL USES	REQUIRED BICYCLE	REQUIRED MOTOR VEHICLE
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	PARKING SPACES	PARKING SPACES
<i>Commercial or Catering kitchens w/o in-building service</i>	<i>10% of auto parking</i>	<i>One (1) space per 400 sq ft GFA, plus one (1) space per each two (2) non-kitchen employees (i.e., catering servers, food truck vendors, etc.)</i>
<i>Commercial or Catering kitchens w/o in-building service</i>	<i>15% of auto parking</i>	<i>One (1) space per 600 sq ft GFA, plus one (1) space per each three (3) non-kitchen employees (i.e., catering servers, food truck vendors, etc.)</i>

Signs

Add a reference number to the Lighting Chapter for Signs Tables

***155.608.13 Signs in Mixed Use and Nonresidential Districts (HUC, B-1, B-3, B-D, B-H, I-1, I-2, MUD, TS, B-1SCD, ENT, AND AU).

A. ILLUMINATION LIMITATION. All signs, except temporary and portable signs, may be illuminated. See § 155.608.5.D for categories of internal and external illumination.

CHAPTER 7

Subdivision Bonding Changes per State Law Changes

***155.710. Inspections [of Completed or Partially Completed, Required Public Improvements].

F. ~~For~~ When subdivisions or developments are being developed in phases or for development of adjoining tracts, and upon which lots structures are being and/or are to be constructed, a surety bond, letter of credit, or ~~certificate of deposit~~ other form of guarantee that provides equivalent security to a surety bond or letter of credit filed with the Mecklenburg County LUESA in the amount determined by Mecklenburg County LUESA and the Town Engineer shall be required, or the bond by §§ 155.405.8.C. and 155.405.10. shall be retained, in order to insure that the completed streets shall be in acceptable completed condition at the time such subsequent phases of active development activity are completed is concluded.

1. ~~In the event that there is not definite beginning date for the commencement of the future phases, and the Board of Commissioners finds it unreasonable to require the continuation of securities, the Mecklenburg County LUESA may will~~ release the posted securities. ~~This may be done~~ only after the Mecklenburg County LUESA and the Town Public Works Director have determined that all work guaranteed by the securities filed has been completed within the subject phase in compliance with the standards set forth in these regulations, and that barricades approved by the Mecklenburg County LUESA in accordance with § 155.703.B have been installed at the termination point of any street leading into future phases of the development.

2. All subsequent development of future phases or development of adjoining tracts, whether or not those phases are shown on a preliminary plan, shall not be allowed, nor shall the removal of barricades required by § 155.703.B be allowed, and no access to adjoining property for development purposes shall be allowed via previously completed sections of a subdivision or development site until the developer shall first have filed a surety bond, or irrevocable letter of credit or other form of security as described in § 155.710.F with Mecklenburg LUESA in an amount determined by Mecklenburg LUESA. ~~The bond shall be a maintenance bond to guarantee the maintenance of all streets to be used for access to future phases or adjoining tracts during development of those tracts or phases. For determining the amount of bond required by this section, Mecklenburg LUESA shall consider the following:~~

- a. ~~The length of streets in the existing subdivision/development or previously completed sections of subject site from the new development phase or site out to the nearest arterial street which is most likely to be used to provide access to the site;~~
- b. ~~The condition of any existing streets which are likely to be utilized for access to the property being developed;~~
- c. ~~Any existing defects noted by the Town Public Works Director provided for in § 155.710.G; and~~
- d. ~~The number of lots or building sites in the proposed development.~~

G. The maintenance performance bond required by this section shall not be released until the phase under development has met the criteria for acceptance of streets as outlined in § 155.405.10, and it has been determined by Mecklenburg LUESA and the Town Public Works Director that streets which were used for access

~~to future phases or adjoining tracts are in an acceptable *completed* condition and that any damage suffered by those streets has been repaired. For the purpose of this section, any damage suffered by a street used for access to property being developed shall be presumed to have been caused by construction traffic except any defects noted by the Public Works Director. The Public Works Director shall on request from the developer inspect existing streets likely to be used by construction traffic and document the condition of streets prior to commencement of development of that subdivision or development site. Any existing defects in streets shall be noted, and the developer will not be responsible for repair of those existing defects. If construction traffic uses any Town maintained streets prior to calling the Town Public Works Director for inspection and setting of fee for security, all defects noted by the Public Works Director on Town maintained access streets shall be required to be included in the security bond and shall be required to be repaired by the subdivider or developer prior to release of the maintenance bond. (Ord. No. 1010; passed 11-9-98)~~

Acceptance of Dedicated Streets

Revise language for how it is being interpreted now for "80% built out" provision.

***155.711.B.2.b.

b. At least eighty percent (80%) of the lots fronting on the street or streets requested for maintenance contain an occupied dwelling unit, *occupied multi family, commercial or mixed use building, or occupied permanent principal use which does not involve a building* ; and