

**ZONING MOTION 2012-6**  
**INITIATED BY MATTHEWS BOARD OF COMMISSIONERS**

**MOTION TO CHANGE:**                      x   **TEXT**  
           **DISTRICT BOUNDARIES**  
(IF FOR A CHANGE IN DISTRICT BOUNDARIES, LIST PARCEL(S) AFFECTED)

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**DATE OF INITIAL DISCUSSION TO SET HEARING 9-10-12**

**PUBLIC HEARING DATE 10-8-12**

**PROPOSED ACTION**

- 1) Add new definitions and regulations on parking of commercial vehicles in residential districts (SF, MF, and R-MH).
- 2) Revise and update definitions relating to camping trailers and recreational vehicles.
- 3) Add and revise definitions and regulations on animal care activities.

**AFFECTED AND/OR ADJACENT PROPERTY OWNERS NOTIFIED NA**

**ATTACHMENTS INCLUDE Proposed new text at multiple sections of the Zoning Ordinance**

**PROTEST PETITION FILED?**                   **YES (IF YES, DATE)**  
      NA   **NO**

**OTHER COMMENTS:** The provisions for commercial vehicle parking clarify what vehicles may be parked overnight at a residence. The provisions for animal care facilities clarify the different types of uses and where they may appropriately be located.

## **Proposed Text Revisions for Commercial and Recreational Vehicle Parking within Residential Districts in the Zoning Ordinance**

### **§153.007 Definitions**

**(New) Recreational vehicle (RV)** A vehicle for non commercial, recreational use, either self propelled or able to be mobile on land when towed by a separate vehicle or when placed on a separate trailer, including a motor home, travel trailer, camper shell, cab over camper, fifth wheel, horse trailer, or a trailer which transports a recreational vehicle such as a boat, water craft or off road vehicle.

**(Revise) TRAILER, OVERNIGHT CAMPING.** For purposes of this chapter the following shall be considered an overnight camping trailer:— A vehicle or structure designed to be transported and intended for occasional recreational use for living and sleeping accommodations, which may include:

(1) **CAMPING TRAILER.** A canvas, temporary, folding structure mounted on wheels and designed for travel, recreation, and vacation use.

(2) **MOTOR HOME.** A portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self propelled vehicle.

(3) **PICK-UP COACH.** A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.

(4) **TRAVEL TRAILER.** A vehicular, portable structure built on a chassis, designed as a temporary dwelling for travel, recreation, and vacation, having its body width not to exceed eight feet and its body length not to exceed 32 feet.

### **§153.116 Definitions (within Parking Chapter)**

**(New) (F) Mid-range Commercial Vehicle**— Any vehicle designed or used for business purposes that has a gross vehicle weight rating (GVWR) of less than 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 (8) ft. in height . Cargo area/work platforms separate from the cab shall not exceed 14 feet in 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.

**(New) (G) Large Commercial Vehicle** – Any vehicle designed or used for business purposes that has a GVWR of 13,000 pounds or more. Large commercial vehicles also include vehicles with a GVWR of less than 13,000 pounds if the height of any portion of the vehicle exceeds 8 feet (including any installed accessories such as ladder racks, cranes, compressors, hose reels, welders, etc), or the length of the cargo area/work platform exceeds 14 feet.

**§ 153.054 Single-Family Residential Districts (Permitted Uses)**

~~(Delete) (B)(7) Trailer, recreational, and overnight camping vehicles (stored unoccupied on a lot behind a line established by front of house).~~

**§ 153.054 Single-Family Residential Districts (Accessory Uses)**

(New)(D) (7) Mid range commercial vehicle parking, as prescribed in §153.128 (C).

(New)(D)(8) Recreational vehicle and overnight camping trailer parking, when stored unoccupied on a lot behind a line established by the front of house.

**§ 153.055 Multi-Family Residential Districts (Permitted Uses)**

~~(Delete) (B)(11) Trailer, recreational, and overnight camping vehicles (stored unoccupied on a lot behind a line established by the front of house).~~

**§ 153.055 Multi-Family Residential Districts (Accessory Uses)**

(New)(D) (8) Mid range commercial vehicle parking, as prescribed in §153.128 (C).

(New)(D)(9) Recreational vehicle and overnight camping trailer parking, when stored unoccupied on a lot behind the required minimum setback line.

**§ 153.057 Manufactured Home District (Permitted Uses)**

~~(Delete)(B)(10) Trailer, recreational, and overnight camping vehicles (stored unoccupied on a lot and not within the required setback).~~

**§ 153.057 Manufactured Home District (Accessory Uses)**

(New)(D) (10) Mid range commercial vehicle parking, as prescribed in §153.128 (C).

(New)(D)(11) Recreational vehicle and overnight camping trailer parking, when stored unoccupied on a lot behind a line established by the front of house.

**§ 153.166 Customary Home Occupations**

Customary home occupations may be established in a dwelling in single family or multi family residential districts, the R MH district, or office districts. In office districts, these uses are subject to all requirements of that district.

- A. The home occupation must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling.
- B. Use of the dwelling for this purpose must be limited to 25% of one floor of the principal building or 50% of one floor of an accessory building.
- C. No outside storage may be used in connection with the home occupation.
- D. Machinery that causes noises or other interference in radio or television reception is prohibited. Additionally, no equipment or process shall be employed that will cause noise, vibration, odor, glare, or electrical or communication interference detectable to the normal senses off the lot, in the case of detached dwelling units, or outside the dwelling unit, in the case of attached dwelling units.

- E. Internal or external alterations inconsistent with the residential use of the building will not be permitted.
- F. Only residents of the dwelling may be engaged in the home occupation.
- G. No display of products may be visible from the street.
- H. Permitted customary home occupations include, but are not limited to: home based businesses such as offices for professionals such as architects, brokers, counselors, clergy, dentists, doctors, cartographers, engineers, insurance agents, lawyers, real estate agents, accountants, editors, publishers journalists, psychologists, contract management, graphic design, landscape design, surveyors, cleaning services, alterations, certified massage therapists, travel agents, telecommuting, gift baskets, flower arrangements, home craft businesses (such as artists, quilters, sculptors, musicians weavers, jewelry making, photographers), instructional services (such as teaching music, dance, art, yoga, tutoring) and other similar uses.
- I. ~~Vehicles used primarily as passenger vehicles only will be permitted in connection with the conduct of the customary home occupation.~~ Only one mid range commercial vehicle as defined in §153.116 may be used in conjunction with a home occupation and must comply with § 153.128 (C).
- J. Services provided for any of the permitted home occupations must be limited to no more than two clients at a time. In the event of a time overlap between scheduled appointments, additional clients may be permitted on the premises.
- K. Prohibited customary home occupations include, but are not limited to: caterers, food vendors, equipment and vehicle repair shops, appliance repair shops, small mechanical repair shops, barber shops, beauty shops, kennels, commercial bakeries, veterinarian clinics, funeral homes, cabinetry making, welding, trucking, adult oriented businesses, warehousing, on site vehicular sales, and other similar uses. ('72 Code, § 3102) (Ord. 477, passed 2 8 88; Am. Ord. 875, passed 5 9 94; Am. Ord. 877, passed 5 9 94) Ord No. 1532; passed 1 8 07) Penalty, see § 153.999

**§ 153.128      LOCATIONAL PROHIBITIONS.**

(A) Parking in the setback is not permitted for any multi family use or for any use in the office or distribution business districts except for single family or duplex dwellings. Above ground, multi level parking structures are not permitted in the setback, side yard, or rear yard of any multi family use or for any use in the office or distribution business district.

(B) In residential districts, parking in the setback or side or rear yard is not permitted for institutional uses listed in §§ 153.054(E)(2), 153.054(E)(3), 153.055(E)(5), or 153.055(E)(6).

(New) (C) In the single family, multi family, and manufactured home districts, parking of commercial vehicles is not allowed, except under the following provisions.

- (1) One mid range commercial vehicle may be parked overnight (9 PM to 7 AM) on the same lot as an occupied dwelling unit. It shall only be parked on a clearly delineated parking pad or driveway, and shall not be within the required front setback.

- (2) Vehicles intended and regularly used to transport people to and from institutional uses as listed at § 153.054(E)(2) and (3), or 153.055(E)(5) and (6) may be parked overnight (9 PM to 7 AM) on the same lot as the institutional use. They shall only be parked on a clearly delineated parking pad.
- (3) A rental or moving van or truck may only park overnight (9 PM to 7 AM) in these zoning districts for the purposes of loading or unloading personal belongings for the lot at which it is parked. A temporary parking permit issued by the Matthews Police Department shall be posted in the front windshield of the truck or van indicating the date(s) it is allowed to be parked overnight.
- (4) Emergency response vehicles, road and utility repair and maintenance vehicles, delivery trucks, and similar vehicles used for emergency situations, repair of public infrastructure, or for the delivery of goods and services are exempt from this parking limitation while they are needed on the site.
- (5) Commercial and construction vehicles and equipment at an active development site or active construction staging area are exempt from this parking limitation.

## Text Amendment - Animal Care Facilities

### §153.007 Definitions

**(New) Animal Grooming Facility** – An establishment where domesticated animals may be bathed, brushed and combed; hair or fur coats and nails may be clipped; flea dips or other methods of removing dirt, odors, and parasites from skin, fur or feathers may be provided; or related animal treatments and services may be offered that will enhance animal health, aesthetic value, or appeal.

**(Revised) Kennel, Commercial.** Any persons, or groups of persons or corporations engaged in the commercial business of breeding, buying, selling or boarding five or more dogs, or any person who owns five or more “show dogs”, each of whom is shown at an official dog show at least once each year. A building, along with any combination of other buildings, structures and land designed and used for the boarding, breeding, and care of five or more domesticated animals for profit.

**(New) Kennel, Daycare** – A self contained building that provides partial day supervision for domesticated animals during typical business hours, not to exceed 10 consecutive hours during a 24 hour day, and does not include overnight boarding. Outdoor play and exercise areas or runs shall be fenced or securely enclosed on all sides and located in the rear yard.

**Veterinary Clinic.** A veterinary clinic is a facility where small animals or pets are given medical or surgical treatment and are cared for only while they are there for treatment.

**(New) Veterinary Hospital** – An establishment for the diagnosis, treatment, and prevention of animal diseases and injuries which may include medical and surgical services and 24 hour surveillance of recuperating animals.

### §153.060 (C) Business Districts (Uses under prescribed conditions)

**(Revise)** (20) Veterinary Clinics, animal grooming facilities, and daycare kennels(no outside kennels). B 1 and B 2 only. See §153.185

**(Revise)** (30) Veterinary Hospital and commercial kennel. ~~B 2 and~~ B D only. See §153.185

### §153.062 (C) Industrial Districts (Uses under prescribed conditions)

**(Revise)** (9) Veterinary hospitals, animal grooming facilities, daycare kennels, and commercial kennels. See §153.185.

**(Revise)** §153.185 **Veterinary Clinics, Veterinary Hospital, Daycare Kennels, Commercial Kennels, and Animal Grooming Facilities.**

- A. Veterinary clinics, daycare kennels, and animal grooming facilities are allowed in the B 1, B 2, and Industrial districts subject to the area, yard and height regulations of the district, any other applicable requirements and the ordinance and the following limitations:
1. # Each use, either individually or in a shared use setting must be within a completely enclosed building with no outside storage or animal areas. Outside storage of materials, feed or waste shall not be permitted.
  2. The boarding of animals is not permitted for daycare kennels or animal grooming facilities. At veterinary clinics, however, restricted boarding only shall be limited to occasional

- overnight observation, emergency and/or surgery recovery and those animals with special needs (medical or geriatric care).
3. Provisions for adequate containerized solid waste disposal shall be assured with removal no less frequently than one time a week. Any form of disposal which allows odor or fumes shall be in violation of this section.
  4. All animals must be treated, washed and fed within an enclosed building with the exception of single day, special events (dog flea dips, etc.) allowed only at animal clinics or animal grooming facilities.
  5. The drainage of all liquid by products ~~from a veterinary clinic~~ shall be discharged by a permitted sanitary sewer line and shall not be disposed of by way of storm sewers.
  6. All building plans submitted for a veterinary clinic, daycare kennel, or animal grooming facility, whether for a new or existing structure, must be accompanied by a certification by a registered architect or acoustical engineer that no sounds emitted through the outside walls or roof of the building will exceed 45 decibels.
  7. Animal grooming may be done either in a retail pet specialty store, veterinary clinic or hospital, or in an establishment existing solely for the purposes of animal grooming.
- B. Veterinary hospitals and commercial kennels are allowed in the ~~B-2~~, B D, and Industrial Districts subject to the area, yard and height requirements of the ordinance and the following limitations.
1. Provisions for adequate containerized solid waste disposal shall be assured with removal no less frequently than one time a week. Any form of disposal which allows odor or fumes shall be in violation of this section.
  2. All animals must be treated, washed and fed within an enclosed building with the exception of single day, special events (dog flea dips, etc.).
  3. The drainage of all liquid by products from a veterinary hospital shall be discharged into a permitted sanitary sewer line and shall not be disposed of by way of storm sewers.
  4. All building plans submitted for a veterinary hospital or commercial kennel, whether for a new or existing structure must be accompanied by a certification by a registered architect or acoustical engineer that no sounds emitted through the outside walls or roof of the building will exceed 45 decibels.
  5. Outside storage of materials, feed, or waste shall not be permitted.

(Delete)

- ~~C. Commercial kennels are allowed in the Industrial districts subject to the area, yard and height regulations of the district, any other applicable requirements of the ordinance and the following limitations:~~
- ~~1. Outside storage of materials, feed, or waste shall not be permitted.~~
  - ~~2. Provisions for adequate containerized solid waste disposal shall be assured with removal no less frequently than one time a week. Any form of disposal which allows odor or fumes shall be in violation of this section.~~
  - ~~3. All animals must be treated, washed and fed within an enclosed building with the exception of single day, special events (dog flea dips, etc.)~~
  - ~~4. The drainage of all liquid by products shall be discharged into a permitted sanitary sewer line and shall not be disposed of by way of storm sewers.~~
- ~~D. Animal grooming may be done either in a veterinary clinic or hospital, or in an establishment existing solely for the purposes of animal grooming. When a separate establishment it may be located in the B-1, B-2, B-D and Industrial districts, subject to the area, yard and height~~

~~regulations of the district, any other applicable requirements of the ordinance and the following limitations:~~

- ~~1. It must be within a completely enclosed building with no outside storage or animal areas. Outside storage of materials, feed or waste shall not be permitted.~~
- ~~2. The boarding of animals shall not be permitted.~~
- ~~3. Provisions for adequate containerized solid waste disposal shall be assured with removal no less frequently than one time a week. Any form of disposal which allows odor or fumes shall be in violation of this ordinance.~~
- ~~4. All animals must be treated, washed and fed within an enclosed building with the exception of single day, special events (dog flea dips, etc.).~~
- ~~5. The drainage of all liquid by products from an animal grooming establishment shall be discharged into a permitted sanitary sewer line and shall not be disposed of by way of storm sewers.~~
- ~~6. All building plans submitted for an animal grooming establishment, whether for a new or existing structure, must be accompanied by a certification by a registered architect or acoustical engineer that no sounds emitted through the outside walls or roof of the building will exceed 45 decibels. ('72 Code, § 3127) (Ord. 477, passed 2-8-88; Am. Ord. 875, passed 5-9-94) Penalty, see § 153.999~~

















