

Agenda Item: Zoning Motion 2013-4, Unified Development Ordinance

DATE: October 8, 2013
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Background/Issue:

Several years ago, the Town began the process of discussing how to revise and then implement its vision for development and redevelopment, with the intent to “turn the Queen Mary”. This involved numerous separate elements, such as a visioning assessment comparing photos of all types of development to determine what was acceptable and desirable in Matthews in the future, a complete overhaul of the Town’s comprehensive development policies into the Matthews Land Use Plan and Downtown Master Plan, and major revisions to existing land development codes into the draft Unified Development Ordinance, or UDO. While the Land Use Plan and the Downtown Master Plan outline visions and adopted policies, the UDO gives the regulatory framework to make these visions and policies come to fruition. The UDO sets the standards and requirements for anyone conducting any land disturbing activity to follow, whether it involves construction of street and utility infrastructure, rezoning, development of vacant property, reuse of buildings, or conversion and rehabilitation of underdeveloped sites.

Proposal/Solution:

The careful review and adoption of new land development codes that interweave the adopted policies for the community will enhance the Town’s presentation of its desires to developers and property owners. The proposed schedule is to allow several months’ time between Town Board approval of the final document and actual start of use of the regulations within it – a separate enactment date.

Financial Impact:

Initial work on the UDO document was done through a consultant, but all work the last couple of years has been done by staff in-house, so there are no outstanding costs.

Related Town Goal: Economic Development/Land Use Planning

Recommended Motion:

Open the public hearing and consider comments presented. If there are considerable concerns raised, Town Board may choose to continue the hearing to their November 11 meeting, in order to allow time for further refinements to the document to be written and placed on-line for review. When Town Board has allowed time for comments to be offered, they can close the hearing and refer the draft document to the Planning Board for their formal review and recommendation.

Comparison Between Current Zoning Ordinance and Proposed UDO

What's the same:

Much of the new UDO will reflect today's ordinances. Some basic provisions that are being brought forward with negligible change include:

- All the existing residential zoning districts
- The opportunity for conditional district zoning
- Two overlay districts for the greater downtown area and along NC51
- Storm water quality controls, flood prevention controls, minimum housing standards and enforcement procedures
- Enforcement and penalty provisions
- The various text amendments that have been adopted over the past few years (animal care uses, small scale alcohol production, commercial vehicle parking, houses with 2 kitchens, specialty retail uses, etc.)
- Landscape provisions
- Outdoor lighting chapter

What's new with the UDO:

- Multiple separate codes combined into one coordinated document
- Many updated and new definitions
- More illustrations and photos (many yet to be included in draft document)
- List of allowed uses, dimensional standards, and submission requirements for subdivisions now combined into tables for easier viewing
- Outdated Rural district eliminated and duplicate Office districts combined
- Uses other than single-family houses allowed in the CrC district will no longer require a quasi-judicial Special Use Permit approval, but can follow a simpler site plan review
- Creation of several new zoning districts to allow construction of more flexible styles of development -- Small Residential Neighborhood (SRN), Concentrated Multi-Family (C-MF), Transit Supportive (TS), and Family Entertainment (ENT)
- Allow "early designation" zoning for many conditional zoning districts, allowing applicants to obtain zoning designation based on stated Town visions for the area, and later returning with specific site plans when ready for construction
- Board of Adjustment procedures revised to comply with new State statutes
- Listing of responsibilities for various positions and corporate bodies involved in some portion of land development activities
- Procedures for amending zoning on properties, amending text of the UDO, amending text in the Land Use Plan are spelled out, and expanded options for Administrative Amendments and Site Plan/Elevation Plan approvals are explained
- Subdividers will no longer need to wait for Town Board approval of final plats
- Today's General Business (B-2) district, which has transitioned over the years to be restricted along Independence Blvd corridor only, is being renamed the Highway Business, or B-H district
- Design criteria have been added to all Conditional-Only zoning districts: R-VS, CrC, SRN, C-MF, MUD, TS, B-1SCD, ENT, and AU; this provides property owners and applicants with a clear understanding of the style of development expected in each district

- As new design criteria are developed and adopted for the Downtown area, they will be incorporated into the UDO (existing adopted standards apply until new ones are added)
- New uses listed in the Tables of Allowed Uses include: spa and massage service, banquet/meeting facility, call center, crematorium, pet cemetery, solar collector installation, indoor archery or firearms range, passive use park, stadium, recycled material collection, urban farming, garage/yard sales, outdoor vending machines
- Cottage cluster housing developments are defined and design standards outlined, to be allowed in residential districts with a conditional rezoning action
- Medium density ecological development, a concept previously limited to the CrC district only, will now be allowed in various higher density residential and mixed use districts
- Outside storage as a stand-alone use has always been understood to be allowed only in the I-2 Heavy Industrial district, and this is now clarified
- Manufacturing uses, which used to be individually listed in great detail, have now been collapsed into two groups
- Provisions for home-based businesses have been substantially updated
- Standards for urban farms have been created to allow community gardening and related activities as an accessory to a residence or as a stand-alone use in any district
- Farmers' markets are now defined and allowed in certain zoning districts both in and outside the downtown
- Mobile food vending is defined and provisions have been created for their location in certain districts
- Reduced parking provisions have been added for mixed use districts where urban styles of development are required
- Queuing requirements have been added for those uses that typically will have vehicles idling while waiting in line or conducting business on-site
- Dimensions for parking areas have been added, including maximum size of unbroken parking lots
- Standards for parking garages have been added
- Compact car, motorcycle, bicycle, and valet parking have all been identified
- Provisions for occasional overflow parking have been created
- Signs over 5' in height cannot be placed closer than 10' to a pedestrian walkway
- Incidental signs ("enter", "ATM", etc.) near drive entrances may now include business identification
- Temporary advertising signs for businesses can now be placed on a property for up to 60 days annually (up from 45)
- Businesses anywhere in Town can now use a sandwich board type of portable sign
- Feather signs are defined and up to 5 are allowed per business at 30 sq ft in size and 12' in height, when located at least 10' out of the right-of-way
- Provisions for gateway signage for mixed- or multi-use developments over 10 acres have been added
- Opportunity for larger identification signage for large recreational facilities in the Independence sign corridor has been added
- Standards for street block lengths and cul-de-sac lengths have been updated
- A connectivity index has been created for new developments to enhance walkability
- Alternative designs in place of circular cul-de-sac ends are allowed
- Standards for a traffic impact analysis (formerly in instructions for zoning applications) have been incorporated here

(Not all changes may be specifically referenced here)

zo-udo comparison