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**Chapter 5. Use Districts**

**155.501. Zoning Districts Established**

**[formerly known as § 153.050]**

In order to carry out the recommendations of the Matthews Land Use Plan and the purposes and provisions of this Title, the Town of Matthews is divided into the following zoning and use districts. Districts are grouped as Traditional/Parallel Traditional, Conditional-Only, or Overlay districts.



**155.501.1 Traditional Districts**

- A. Traditional zoning districts are those which have generally been in use in the Town of Matthews for many years and are being brought forward with limited revisions. They are generally listed from most restrictive to least restrictive. Traditional districts generally allow a group of uses matching their descriptive title, as well as many less intensive uses. Each Traditional district has an individual set of dimensional requirements, and will automatically refer to other chapters within this Title for minimum requirements of parking, lighting, landscaping, and other development criteria. Traditional districts may also have an individual set of development standards.
- B. Traditional zoning districts are:
 

Residential Single-Family	Residential Multi-Family	Nonresidential
R-20	R-15MF	R/I
R-15	R-12MF	O
R-12		HUC
R-9		B-1
R-MH		B-3
		B-D
		B-H
		I-1
		I-2
- C. Each Traditional zoning district has its individual purpose and intent statement at § 155.502. Whenever appropriate, each Traditional zoning district shall follow the development criteria at §§ 155.604.1 and 155.604.2 Table of Dimensional Standards, § 155.606 for landscaping, § 155.607 for parking, § 155.608 for signs, and § 155.609 for exterior lighting. When a use is identified as allowed under prescribed conditions for a Traditional district, then the prescribed conditions explained at §155.506 shall also apply to that use in

the Traditional zoning district. [formerly portions of § 153.054 through § 153.062]

**155.501.2 Parallel Traditional Districts**

- A. The provision for Parallel Traditional zoning districts is established to address those situations where an allowed use within a particular Traditional district may be acceptable at a specific location when additional voluntary conditions are offered. The process of designating a Parallel Traditional district allows the Board of Commissioners to approve a proposal for a specific use or list of uses with reasonable conditions to assure compatibility with surrounding properties. Any use permitted under this process must also conform to the development regulations for the corresponding Traditional zoning district. [formerly § 153.200(C)]
- B. Potential uses which may be considered for a Parallel Traditional zoning district are restricted to those uses permitted in the corresponding Traditional zoning district. Uses permitted in Parallel Traditional zoning districts are subject to all applicable development standards and requirements for that use listed in the corresponding Traditional district.
- C. The application for a Parallel Traditional zoning district must contain information and/or site plans which indicate all the principal and accessory uses which are or may be proposed to be developed on the site. Subsequent to the approval of a Parallel Traditional zoning district, only those principal and accessory uses indicated on the approved plan may be constructed and operated on the site.
- D. This is a voluntary procedure which is intended for firm development proposals. It is not intended or suited for securing early zoning for tentative proposals which may not be undertaken for some time. Where a limited selection of uses is offered but a definite physical layout and/or related details of development design have not yet been determined, voluntary conditions for subsequent site plan and elevation plan approval may be incorporated into the conditions for approval.[formerly § 153.200(C)]
- E. Applications for Parallel Traditional zoning district designation shall be considered only if the application is made by the owner of the property or his/her authorized agent. All applications must include a schematic plan drawn to scale and supporting text which will become a part of the ordinance amendment. The application should include at least the items listed below.
  - 1. A boundary survey showing the total acreage, present zoning classifications, date, and north arrow.
  - 2. The owners' names, addresses, and the tax parcel identification numbers of all adjoining properties, those properties across a public street from and all properties which have any portion less than one hundred foot (100') distant from any portion of the tax parcels being requested for rezoning.
  - 3. All existing easements, reservations, and rights-of-way, and all yards required for the zoning district requested.
  - 4. Delineation of areas within the regulatory floodplain as shown on official FEMA flood maps for Mecklenburg County.
  - 5. Proposed uses of land and structures. An application may either be a concept plan which includes a commitment to subsequent site plan and elevation plan approval, or a site specific site plan showing defined footprints for physical improvements to the site.
    - a. Conceptual plan with later site plan and elevation approvals: For residential uses this should include the number of units and an outline of the area where the structures will be located. For nonresidential and mixed uses, this should include the approximate square footage of all structures and an outline of the area where the structures will be located. An estimated schedule for build-out, and proposed phasing shall be included.
    - b. Site specific plans: The allowed use(s); location; approximate square footage; and approximate dimensions of each proposed structure shall be placed on a scale drawing of the site, along with required and provided parking; pedestrian amenities; storm water facilities; loading facilities; solid waste and recycling facilities; required and provided landscaping and screening which will include walls, fences or planting areas as well as treatment of any existing natural features; recreational amenities and open space; proposed number, type, and location of signs; and any other physical improvements proposed for the site.
  - 6. Traffic, parking, and circulation plans for motorized vehicles, bicycles and pedestrians, showing the proposed locations and arrangement of parking spaces, sidewalks and pathways, loading area and dumpster maneuvering space, fire truck access and turn-around locations, and access points to adjacent streets. For conceptual plans, a commitment to submittal of the full circulation plan with

any required site plan and elevation plan.

- 7. A traffic impact analysis is required at time of a request for a Parallel Traditional zoning district or revision to an existing Parallel Traditional zoning district if the subject site is for, or could accommodate, fifty (50) or more dwelling units, or for any nonresidential or mixed use development that meets one or more of the following: covers more than two (2) acres; includes more than three (3) building pads; provides an assembly area for more than four hundred (400) persons; involves office or sales floor area greater than twenty thousand (20,000) gross square feet; is within one hundred fifty (150) lineal feet of any intersection of two (2) designated thoroughfares; within five hundred (500) lineal feet of any public road intersection currently operating as a Level of Service D, E, or F; and/or involves service or delivery vehicles in excess of one (1) ton. **[formerly § 153.201(A) & (B) & Zoning Application Instructions]**
- F. Following Board of Commissioners approval of a Parallel Traditional zoning district, the property shall be identified on the zoning maps by the appropriate Parallel Traditional district designation. This designation is the underlying Traditional district designation plus the letters “(CD)”. **[formerly § 153.203]**
- G. If an application for a Parallel Traditional zoning district is approved, all conditions attached to the approval are binding on the property. All subsequent development and use of the property must be in accordance with the approved plan and conditions. **[formerly § 153.201(D)]**
- H. Any modifications to an approved plan, any revisions to commitments or conditions of development, or any changes in the permitted principal or accessory uses shall be treated the same as changes to the zoning map and shall be processed as an amendment as provided in § 155.401.1 and § 155.401.4. Minor changes in the detail of an approved plan which will not alter the basic relationship of the proposed development to adjacent property, will not alter the uses permitted or increase the density or intensity of development, or will not increase the off-street parking ratio or reduce the yards provided at the boundary of the site may be approved as an Administrative Amendment as provided in § 155.401.5.A. Approved Parallel Traditional districts which choose to incorporate requirements for subsequent site plan and/or elevation plan approval by the Board of Commissioners shall follow the process as given in § 155.401.5.B. **[formerly § 153.201(E)]**

**155.501.3 Conditional-Only Districts**

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- A. Conditional-Only zoning districts have been created to accommodate specific development goals in strategic locations throughout the Town of Matthews boundaries as explained in the Matthews Land Use Plan. These Conditional-Only districts are eligible for designation on parcels of land only when the property owner initiates a request for the designation along with a specific plan for development. Development within a Conditional-Only zoning district shall be in conformance with the voluntary conditions imposed at time of zoning approval.
- B. Conditional-Only zoning districts are:
  - R-VS Residential - Varied Styles
  - CrC Crestdale Conservation
  - SRN Small Residential Neighborhood
  - C-MF Concentrated Multi-Family
  - MUD Mixed Use Development
  - TS Transit Supportive
  - B-1SCD Shopping Center
  - ENT Family Entertainment
  - AU Adult Uses
- C. Each Conditional-Only zoning district has its individual purpose and intent statement at § 155.503. Unless specifically exempted elsewhere in this Title, each Conditional-Only district shall follow the development criteria at § 155.604.3, 4, and/or 5 Table of Dimensional Standards, § 155.606 for landscaping, § 155.607 for parking, § 155.608 for signs, and § 155.609 for exterior lighting. When a use is allowed under prescribed conditions for a Conditional-Only district, then the prescribed conditions explained at § 155.506 shall also apply to the use in the Conditional-Only zoning districts.
- D. Applications for Conditional-Only zoning district designation shall be considered only if the application is made by the owner of the property or his/her authorized agent. All applications must include a schematic

plan drawn to scale and supporting text which will become a part of the zoning conditions applied to the site. The application should include at least the items listed below.

1. A boundary survey showing the total acreage, present zoning classifications, date, and north arrow.
  2. The owners' names, addresses, and the tax parcel identification numbers of all adjoining properties, those properties across a public street from and all properties which have any portion less than one hundred foot (100') distant from any portion of the tax parcels being requested for rezoning.
  3. All existing easements, reservations, and rights-of-way, and all yards required for the zoning district requested.
  4. Delineation of areas within the regulatory floodplain as shown on official FEMA flood maps for Mecklenburg County.
  5. Proposed uses of land and structures. An application may either be a concept plan which includes a commitment to subsequent site plan and elevation plan approval, or a site specific site plan showing defined footprints for physical improvements to the site.
    - a. Conceptual plan with later site plan and elevation approvals: For residential uses this should include the number of units and an outline of the area where the structures will be located. For nonresidential and mixed uses, this should include the approximate square footage of all structures and an outline of the area where the structures will be located. An estimated schedule for build-out, and proposed phasing shall be included.
    - b. Site specific plans: The allowed use(s); location; approximate square footage; and approximate dimensions of each proposed structure shall be placed on a scale drawing of the site, along with required and provided parking; pedestrian amenities; storm water facilities; loading facilities; solid waste and recycling facilities; required and provided landscaping and screening which will include walls, fences or planting areas as well as treatment of any existing natural features; recreational amenities and open space; proposed number, type, and location of signs; and any other physical improvements proposed for the site.
  6. Traffic, parking, and circulation plans for motorized vehicles, bicycles and pedestrians, showing the proposed locations and arrangement of parking spaces, sidewalks and pathways, loading area and dumpster maneuvering space, fire truck access and turn-around locations, and access points to adjacent streets. For conceptual plans, a commitment to submittal of the full circulation plan with any required site plan and elevation plan.
  7. A traffic impact analysis is required at time of a request for a Conditional-Only zoning district or revision to an existing Conditional-Only zoning district if the subject site is for, or could accommodate, fifty (50) or more dwelling units, or for any nonresidential or mixed use development that meets one (1) or more of the following: covers more than two (2) acres; includes more than three (3) building pads; provides an assembly area for more than four hundred (400) persons; involves office or sales floor area greater than twenty thousand (20,000) gross square feet; is within one hundred fifty (150) lineal feet of any intersection of two (2) designated thoroughfares; within five hundred (500) lineal feet of any public road intersection currently operating as a Level of Service D, E, or F; and/or involves service or delivery vehicles in excess of one (1) ton.**[formerly § 153.201(A) & (B) & Zoning Application Instructions]**
- E. In considering an application for a Conditional-Only zoning district, the Board of Commissioners may attach reasonable and appropriate conditions to the location, nature, and extent of each use, as mutually agreed upon by the property owner or his/her authorized agent. In evaluating an application, the Board of Commissioners may consider: whether the request is reasonable and consistent with the policies and objectives of the Matthews Land Use Plan and other adopted plans or studies covering the subject site; what potential adverse impacts could be created on the surrounding area; what land use, transportation, economic, employment, social, and environmental amenities and benefits may result from completion of the proposed development plans. **[formerly 153.201(C)(1) & (2)]**
- F. Following Board of Commissioners approval of a Conditional-Only zoning district, the property shall be identified on the zoning maps by the appropriate Conditional-Only district designation. **[formerly § 153.203]**
- G. If an application for a Conditional-Only zoning district is approved, all conditions attached to the approval are binding on the property. All subsequent development and use of the property must be in accordance with

the approved plan and conditions. **[formerly § 153.201(D)]**

- H. Any modifications to an approved plan, any revisions to commitments or conditions of development, or any changes in the permitted principal or accessory uses shall be treated the same as changes to the zoning map and shall be processed as an amendment as provided in § 155.401.1 and § 155.401.4. Minor changes in the detail of an approved plan which will not alter the basic relationship of the proposed development to adjacent property, will not alter the uses permitted or increase the density or intensity of development, or will not increase the off-street parking ratio or reduce the yards provided at the boundary of the site may be approved as an Administrative Amendment as provided in § 155.401.5.A. Approved Conditional-Only zoning districts which choose to incorporate requirements for subsequent site plan and/or elevation plan approval by the Board of Commissioners shall follow the process as given in § 155.401.5.B. **[formerly § 153.201(E)]**
- I. EARLY DESIGNATION. Applications for zoning designation to the CrC, SRN, C-MF, MUD, TS, or ENT Conditional-Only districts may be submitted for consideration prior to design for specific development activity under the following standards:
1. This option may be used to designate parcels to the TS Transit Supportive District when a parcel for a transit station location has been identified by the appropriate transit agency, and any parcel requesting such early designation is within two thousand five hundred feet (2,500') of the transit station parcel.
  2. This option may be used to designate parcels to the ENT Family Entertainment District when they are identified in an adopted small area plan as being within the geographic boundary of the proposed entertainment focused mixed use neighborhood or within the county Sportsplex.
  3. This option may be used to designate parcels to the CrC Crestdale Conservation District when the parcels are within or adjacent to the land area traditionally considered to be part of the Crestdale community.
  4. This option may be used to designate parcels to the MUD Mixed Use Development, SRN Small Residential Neighborhood, or C-MF Concentrated Multi-Family Districts when the Matthews Land Use Plan or an adopted small area plan identifies the affected parcels as being located where a mixed use, urban-scale neighborhood would be appropriate.
  5. Any application for early designation to one of the listed Conditional-Only districts shall include conditions in written and illustrative formats which may include but are not limited to: a list of expected land uses; styles/types of structures; architectural themes; proposed streetscaping treatment; proposed pedestrian and bicycle facilities; public amenities to be provided; minimum and/or maximum build-out; building envelopes; and a statement that a site plan and/or elevation plan will be reviewed and approved by the Board of Commissioners prior to any land disturbing activity on the site.
  6. At the time any property owner or agent for an owner of a parcel or parcels with early designation desires to begin any land-disturbing activity, they shall submit all plans and documents as detailed in this § 155.501.3 above plus § 155.401.6 and shall meet standards at § 155.503.2 for the CrC district, § 155.503.3 for the SRN district, § 155.503.4 for the C-MF district, § 155.503.5 for the MUD district, § 155.503.6 for the TS district, or § 155.503.8 for the ENT district, along with their request for a site plan and/or elevation plan review and approval by the Board of Commissioners. The site plan and/or elevation plan documents shall include a listing of all the conditions adopted as a part of the early designation (as listed in § 155.501.3.I.5 immediately above), and indicate how each one is being met. This complete submission package shall be reviewed by Town staff in the same way as is done for a full rezoning application, with a report and recommendations provided by Town staff to the Board of Commissioners. The site plan and/or elevation plan approval shall follow the process outlined at § 155.401.5.B. No permits shall be issued and no land-disturbing activity on-site may take place until the site plan and/or elevation plan has received approval from the Board of Commissioners.

#### **155.501.4 Overlay Districts**

- A. Overlay zoning districts are created to provide a unique and consistent set of standards for physical development of set geographic areas. These contained areas have special features which need to be preserved and protected in order to allow these locations to fulfill their potential as special economic or environmental assets of the Town. Generally the development criteria provided for each Overlay district shall be applied in addition to, or on top of, the underlying zoning designation. When standards of an Overlay district conflict

with the underlying zoning district's standard, such as yard requirements, then the provisions in this Title will indicate which standard supersedes the other.

- B. Overlay zoning districts are:
  - DO Downtown Overlay
  - HO Highway 51 Overlay
- C. Each Overlay zoning district has its individual purpose and intent statement at § 155.504, followed by the unique and unifying standards for that Overlay district.

**155.502. Traditional Districts and Parallel Districts Created**

**155.502.1. Single-Family Residential District (R-20)**

- A. The R-20 Single-Family Residential District is established to provide an environment exclusively for single-family housing at a very low density of population and structures. Specified nonresidential uses of public or semi-public nature are permitted in this district. The regulations for this district are designed to maintain a suitable environment for family living. The map symbol and short name for this Single-Family Residential District shall be "R-20". **[formerly part of regulation known as § 153.054]**
- B. Lot development and design standards, as outlined in § 155.605, and dimensional standards of § 155.604.1, apply to the R-20 District. Uses allowed within the R-20 district are given in the Table of Allowed Uses at § 155.505.1. Supplementary standards which may be applicable to certain uses within the R-20 district are listed at § 155.506.

**155.502.2. Single-Family Residential District (R-15)**

- A. The R-15 Single-Family Residential District is established to provide an environment exclusively for single-family housing at a low density of population and structures. Specified nonresidential uses of public or semi-public nature are permitted in this district. The regulations for this district are designed to maintain a suitable environment for family living. The map symbol and short name for this Single-Family Residential District shall be "R-15". **[formerly part of regulation known as § 153.054]**
- B. Lot development and design standards, as outlined in 155.605 and dimensional standards of § 155.604.1, apply to the R-15 District. Uses allowed within the R-15 district are given in the Table of Allowed Uses at § 155.505.1. Supplementary standards which may be applicable to certain uses within the R-15 district are listed at §155.506.

**155.502.3. Single-Family Residential District (R-12)**

- A. The R-12 Single-Family Residential District is established to provide an environment for single-family housing at a low density of population and certain nonresidential uses of public or semi-public nature. The regulations for these districts are designed to maintain a suitable environment for family living. The map symbol and short name for this Single-Family Residential District shall be "R-12". **[formerly part of regulation known as § 153.054]**
- B. Lot development and design standards, as outlined in §155.605 and dimensional standards of § 155.604.1, apply to the R-12 District. Uses allowed within the R-12 district are given in the Table of Allowed Uses at § 155.505.1. Supplementary standards which may be applicable to certain uses within the R-12 district are listed at §155.506.

**155.502.4. Single-Family Residential District (R-9)**

- A. The R-9 Single-Family Residential District is established to provide an environment for single-family housing at various densities of population and certain nonresidential uses of public or semi-public nature. The regulations for this district are designed to maintain a suitable environment for family living. The map symbol and short name for this Single-Family Residential District shall be "R-9". **[formerly part of regulation known as § 153.054]**
- B. Lot development and design standards, as outlined in § 155.605 and dimensional standards of § 155.604.1, apply to the R-9 District. Uses allowed within the R-9 district are given in the Table of Allowed Uses at § 155.505.1. Supplementary standards which may be applicable to certain uses within the R-9 district are listed at § 155.506.

**155.502.5. Manufactured Home District (R-MH)**

- A. The Manufactured Home District is established to provide areas for the orderly development and growth of new and existing manufactured home parks and manufactured home subdivisions. Appearance, dimensional, and housing quality standards are so designed that uses within this District may be soundly and permanently developed and maintained in such a way as not to be harmful to adjacent properties. The map symbol and short name for the Manufactured Home District shall be "R-MH". **[formerly known as § 153.057]**
- B. Uses allowed within the R-MH district are given in the Table of Allowed Uses at § 155.505.1. Supplementary standards which may be applicable to certain uses within the R-MH district are listed at § 155.506.
- C. Manufactured home subdivisions shall follow the lot development and design criteria as outlined in § 155.605.1.A.4. Dimensional standards at § 155.604.1 apply to manufactured home subdivisions. (Ord. No. 2083, passed 5-11-15)
- D. MANUFACTURED HOME PARKS shall comply with the following requirements:
  - 1. MANUFACTURED HOME PARK STANDARDS AND REQUIREMENTS.
    - a. MINIMUM SIZE. Manufactured Home Park tract size shall be five (5) acres.
    - b. MINIMUM FRONTAGE. Minimum Manufactured Home Park tract lot frontage shall be one hundred feet (100') along a public road.
    - c. PERIMETER SETBACK. Manufactured home sites and park structures shall be set back at least fifty feet (50') from any abutting public street right-of-way line, and at least thirty feet (30') from any abutting property line.
    - d. REQUIRED RECREATION AREA. At least ten percent (10%) of the total area of a manufactured home park shall be devoted to recreational use by the residents of the park, including space for community recreation buildings, gardens, outdoor play areas, swimming pools, ball courts, and the like. Space for required landscaping shall not be included for purposes of meeting this requirement.
    - e. There must be at least six (6) manufactured home spaces available at first occupancy.
    - f. ROADS. Private, hard-surfaced roads are required within a manufactured home park. Each manufactured home space shall be directly accessible from an internal private road, with no direct access to public streets. Internal private roads must have a minimum pavement width of twenty feet (20').
    - g. UTILITIES. Each manufactured home park created under this section shall be provided with approved water supply systems and sewerage disposal systems.
    - h. PARKING. Each manufactured home space shall be provided with two (2) off-street parking spaces, and there shall be one visitor space provided for every three (3) manufactured home spaces, located within two hundred feet (200') of the manufactured home space they are intended to serve. In addition, each laundry facility shall be provided with one parking space for every five (5) manufactured home spaces in the manufactured home park
    - i. LANDSCAPING REQUIREMENTS. Manufactured home parks shall comply with the landscaping requirements in § 155.606.
    - j. SIGNS. Signs are permitted in a manufactured home park in accordance with § 155.608.
  - 2. STANDARDS AND REQUIREMENTS FOR INDIVIDUAL MANUFACTURED HOME SPACES.
    - a. LOT AREA. Each manufactured home space shall have an area of at least four thousand five hundred (4,500) square feet.
    - b. LOT FRONTAGE. Each manufactured home space shall have a minimum of forty five (45) lineal feet of lot frontage along an internal park road.
    - c. BUILDING SEPARATION. Manufactured homes shall be separated from each other by not less than twenty feet (20') at any point. Any addition to manufactured homes shall be considered integral parts of the structure and shall comply with these spacing requirements.
    - d. DWELLING UNIT CONSTRUCTION STANDARDS. Manufactured homes must meet or exceed the construction standards promulgated by the United States Department of Housing and Urban Development that were in effect at the time of construction. In addition, each

manufactured home shall meet the following criteria:

- i. All manufactured homes shall be set up in accordance with the standards set by the North Carolina Department of Insurance;
  - ii. The towing apparatus, wheels, axles, and transporting lights shall be removed;
  - iii. Each manufactured home shall have a continuous masonry, metal, or plastic curtain around its entire base which is unpierced except for required ventilation and access.
- e. **OUTDOOR STORAGE.** No storage shall be allowed on or around a manufactured home space other than in a completely enclosed storage facility. This requirement does not include the storage of operable grills, bicycles, and other similar items that are clearly incidental to the dwelling unit. (Ord. 946, passed 12-8-97) **[formerly § 153.057]**

**155.502.6. Multi-Family Residential District (R-15MF)**

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- A. The R-15 Multi-Family Residential District is established to provide an environment for a variety of residential uses, including single-family houses, duplexes, individual multi-family buildings, and apartment building complexes. Densities of development are controlled by minimum lot area requirements for initial and all subsequent dwelling units. Dedication of public and private recreational space is based on the number of dwelling units created. Certain nonresidential uses of a public or semi-public nature are also permitted. The map symbol and short name for the Multi-Family Residential District shall be "R-15MF". **[formerly part of regulation known as § 153.055]**
- B. Lot development and design standards, as outlined in § 155.605, and dimensional standards of § 155.604.1, apply to the R-15MF District. Uses allowed within the R-15MF district are given in the Table of Allowed Uses at § 155.505.1. Supplementary standards which may be applicable to certain uses within the R-15MF district are listed at § 155.506.

**155.502.7. Multi-Family Residential District (R-12MF)**

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- A. The R-12 Multi-Family Residential District is established to provide an environment for a variety of residential uses, including single-family houses, duplexes, individual multi-family buildings, and apartment building complexes. Densities of development are controlled by minimum lot area requirements for initial and all subsequent dwelling units. Dedication of public and private recreational space is based on number of dwelling units created. Certain nonresidential uses of a public or semi-public nature are also permitted. The map symbol and short name for the Multi-Family Residential District shall be "R-12MF". **[formerly part of regulation known as § 153.055]**
- B. Lot development and design standards, as outlined in § 155.605, and dimensional standards of § 155.604.1, apply to the R-12MF District. Uses allowed within the R-12MF district are given in the Table of Allowed Uses at § 155.505.1. Supplementary standards which may be applicable to certain uses within the R-12MF district are listed at § 155.506.

**155.502.8. Residential/Institutional District (R/I)**

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- A. The Residential/Institutional District is established to allow complementary development of certain institutional or public uses in predominantly residential areas. Uses in this District are generally considered compatible with residential growth but are of a significant size or scale which requires extra conditions in order to lessen their impact on neighboring residences. It is intended that uses permitted in this District be scattered within single-family or multi-family zoning districts. The map symbol and short name for the Residential/Institutional District shall be "R/I". **[formerly known as § 153.056]**
- B. Lot development and design standards, as outlined in § 155.605, and dimensional standards of § 155.604.2, apply to the R/I District. Uses allowed within the R/I district are given in the Table of Allowed Uses at § 155.505.2. Supplementary standards which may be applicable to certain uses within the R/I district are listed at § 155.506., such as but not limited to §155.506.6 Child Care Homes and Child Day Care Facilities, §155.506.7 Institutional Uses In Residential Settings, §155.506.8 Recreational Uses In or Adjacent to Residential Settings, §155.506.13 Cemeteries, Mausoleums, Columbarium, and Crematorium, §155.506.15 Commercial Indoor and /or Outdoor Tennis and Racket Clubs and Associated Swimming Pools, §155.506.16 Continuing Care Retirement Communities (CCRC), §155.506.17 Skilled Care (Nursing Home) Facility, and §155.506.18 Motorcycle Safety Training Course. (Am. Ord 2188, passed 11-14-16)

**155.502.9. Office District (O)**

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- A. The Office District is established to provide areas which are conducive to the establishment and continuance of offices, institutions, and commercial activities not involving the sale of merchandise and, generally, of small scale and intensity. Standards are so designed that this district, in some instances, may be established as a buffer between residential districts and any other use districts. The map symbol and short name for the Office District shall be "O". **[formerly part of regulation known as § 153.058]**
- B. Lot development and design standards, as outlined in § 155.605, and dimensional standards of § 155.604.2, apply to the O District. Uses allowed within the O district are given in the Table of Allowed Uses at § 155.505.2. Supplementary standards which may be applicable to certain uses within the O district are listed at § 155.506.

**155.502.10. Historic Urban Core District (HUC)**

- A. The Historic Urban Core District is established for a defined downtown commercial core area only. The boundaries of this area were determined through a study and development of a master plan for the downtown and its future growth. This area includes the properties that have historically provided the concentration of business uses for a small community - primarily retail, office, and civic, including an existing designated Historic District, and minimal expansion land that is likely to exhibit the same intensity of development. In addition to being the heart of the larger community, this district's purpose is to allow and encourage a mix of uses and buildings at a greater density of lot coverage than other nonresidential districts in outlying portions of the Town while preserving and complementing the existing small town downtown character. This district is intended to create and enhance cross connection between properties, especially for pedestrians. The map symbol and short name for the Historic Urban Core District shall be "HUC." **[formerly part of regulation known as § 153.061]**
- B. Lot development and design standards, as outlined in § 155.605, and dimensional standards of § 155.604.2, apply to the HUC District. Uses allowed within the HUC district are given in the Table of Allowed Uses at § 155.505.2. Supplementary standards which may be applicable to certain uses within the HUC district are listed at § 155.506.
- C. Due to the unique character of the downtown center core, and the desire to protect and encourage its continued aesthetic attraction as a historic yet economically viable commercial concentration of uses, the following standards and criteria given in the Downtown Design Standards and Streetscape Improvements apply within the HUC district.
  - 1. Build-to lines for Type I streets shall be 0' from the right-of-way to not more than twenty feet (20') from back of curb/edge of pavement.
  - 2. Build-to lines for Type II, III, or IV streets shall be thirty feet (30') to forty five feet (45') from back of curb/edge of pavement.
  - 3. Minimum setback on other properties shall be twenty feet (20') from back of curb/edge of pavement.
  - 4. Maximum setback on other properties shall be forty feet (40') from back of curb/edge of pavement.
  - 5. For street frontages with existing curb lines or edge of pavement that is being revised with development of the site, then the above setback dimensions shall be measured from the revised street edge.
  - 6. Maximum floor area shall be as provided:

	Retail/Business/Office Uses	Mixed Use Building
1 story (if over 50% 1 story)	25,000 sqft	25,000 sq ft <sup>1</sup>
2 story (if over 50% 2 story)	28,000 sqft	28,000 sq ft <sup>1</sup>
3 story (if over 50% 3 story)	32,000 sqft	32,000 sq ft <sup>1</sup>

<sup>1</sup> Residential uses may cover up to fifty percent (50%) of total floor area in a mixed use building, or up to fifty percent (50%) of total floor area of all habitable structures on a single lot, whichever is applicable; however the first floor "retail" provision in 7 below also applies.

- 7. First floor uses: In order to stimulate pedestrian activity at the street level in the heart of the downtown core, the first floor (street level) must devote fifty percent (50%) of the gross floor area to "retail" activities. The term "retail", for this paragraph only, includes not only the sales of merchandise at retail but may also be construed to mean personal services such as beauty salons and

- barber shops, shoe repair, restaurants, galleries, and similar uses that rely on consistent walk-in traffic, but not drive-through financial services.
8. Streetscape trees shall be required as given in the Streetscape Improvements, when a specific schematic is applicable to a development site, or shall follow the standards of §155.606.3.
  9. Landscape perimeter planting and site perimeter screening as generally required at §155.606.4 and §155.606.6.A are not required for nonresidential and mixed use buildings in the HUC district. Screening requirements for loading or service areas, as given in §155.606.6.B shall apply within the HUC district.
  10. Parking lot landscaping requirements in §155.606.5.A shall apply in the HUC district.
  11. Development of any use or combination of uses in the HUC district must conform to the parking and loading standards in § 155.607, except as listed here:
    - a. For retail, financial institutions, and restaurants: one (1) parking space per each four hundred (400) square feet of floor area or fractional portion devoted to those uses.
    - b. For nonresidential uses fronting on a Type I street and located at or less than the maximum build-to line as established in C.1 or C.2 above and as prescribed in the Downtown Design Guidelines: no off-street parking is required.
    - c. For office uses: one (1) parking space per each four hundred (400) square feet of floor area or fractional portion devoted to that use.
    - d. Parking of motor vehicles is not permitted in the area between the front property line (right-of-way line) and the front of a building, although driveways providing access to a parking area may be installed across this space perpendicular to the street and front of building. (Ord. 945, passed 11-10-97; Am. Ord. 2025A, passed 6-9-14)[**formerly know as §153.061(E), (F), (H), and (I).**]

**155.502.11. Neighborhood Business District (B-1)**

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- A. The Neighborhood Business District is established to create and protect business centers for the retailing of merchandise such as groceries, prescription medicine, and household items and for the provision of professional services for the convenience of dwellers of nearby residential areas. Standards are so designed that uses within this district may be soundly and permanently developed and maintained in such a way as not to be harmful to adjacent residential properties. The map symbol and short name for the Neighborhood Business District shall be "B-1". [**formerly part of regulation known as § 153.060**]
- B. Lot development and design standards, as outlined in § 155.605, and dimensional standards of § 155.604.2, apply to the B-1 District. Uses allowed within the B-1 district are given in the Table of Allowed Uses at § 155.505.2. Supplementary standards which may be applicable to certain uses within the B-1 district are listed at § 155.506.

**155.502.12. High Rise Business District (B-3)**

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- A. The High Rise Business District is established to provide areas in which a variety of retail uses, professional and business services, office and limited wholesaling/warehousing concerns, plus other complementary uses, may be established. The development standards for this district are designed to create concentrations of uses with similar needs for increased building height located generally adjacent to major highways, higher density residential, or mixed use development. The map symbol and short name for the High Rise Business District shall be "B-3." [**formerly part of regulation known as § 153.060**]
- B. Lot development and design standards, as outlined in § 155.605, and dimensional standards of § 155.604.2, apply to the B-3 District. Uses allowed within the B-3 district are given in the Table of Allowed Uses at § 155.505.2. Supplementary standards which may be applicable to certain uses within the B-3 district are listed at § 155.506.

**155.502.13. Distributive Business District (B-D)**

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- A. The Distributive Business District is established to provide areas in which distributive uses, such as warehouses, office and wholesaling concerns, plus other complementary uses may be established and may be given assurances of wholesome surroundings in the future. The development standards for this district are designed also to aid in preventing the creation of traffic congestion and traffic hazards on highways and to aid in protecting nearby residential areas from detrimental aspects of uses permitted within this district. The map symbol and short name for the Distributive Business District shall be "B-D." [**formerly part of**

**regulation known as § 153.060]**

- B. Lot development and design standards, as outlined in § 155.605, and dimensional standards of § 155.604.2, apply to the B-D District. Uses allowed within the B-D district are given in the Table of Allowed Uses at § 155.505.2. Supplementary standards which may be applicable to certain uses within the B-D district are listed at § 155.506.

**155.502.14. Highway Business District (B-H)**

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- A. The Highway Business District is established to create and protect business areas for the retailing of merchandise, which may include establishments generating high volume or frequent customer traffic, and for carrying on professional and business services, often serving a large population. This type of district will be located generally adjacent to major thoroughfares. The map symbol and short name for the Highway Business District shall be "B-H." **[formerly part of regulation known as § 153.060]**
- B. Lot development and design standards, as outlined in § 155.605, and dimensional standards of § 155.604.2, apply to the B-H District. Uses allowed within the B-H district are given in the Table of Allowed Uses at § 155.505.2. Supplementary standards which may be applicable to certain uses within the B-H district are listed at § 155.506.

**155.502.15. Light Industrial District (I-1)**

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- A. The Light Industrial District is established to create and protect industrial areas for the provision of light manufacturing and the distribution of products at wholesale. The standards established for this district are designed to promote sound, permanent light industrial development and also to protect nearby residential areas from the undesirable aspects of industrial development. Whenever possible, areas of this zoning category are separated from residential areas by natural or structural boundaries, such as drainage channels, sharp breaks in topography, strips of vegetation, traffic arteries, and similar features. The map symbol and short name for the Light Industrial District shall be "I-1 District." **[formerly part of regulation known as § 153.062]**
- B. Lot development and design standards, as outlined in § 155.605, and dimensional standards of § 155.604.2, apply to the I-1 District. Uses allowed within the I-1 district are given in the Table of Allowed Uses at § 155.505.2. Supplementary standards which may be applicable to certain uses within the I-1 district are listed at § 155.506.
- C. The minimum setback for uses in the I-1 district may be reduced by 50% when the following requirements are met:
  - 1. No parking is proposed or allowed between the primary use building and the street.
  - 2. The site is part of a larger unified development.
  - 3. The buildings fronting the street are designed with four-sided architecture to address the street. Four-sided architecture is defined as having the following characteristics:
    - a. No expanses of blank walls greater than 25' in length allowed. A blank wall is a façade that does not add to the character of the streetscape and does not contain windows or doors or sufficient ornamentations, decoration, or articulation (such as alternating materials, brick patterns, or similar architectural features).
    - b. Provide an operable doorway entrance from the street side along with a pedestrian walkway to that door.
    - c. All mechanical and HVAC equipment must be screened from view from the street, whether located on the roof or ground. Such equipment may not be located between the building and the street. (Am. Ord. 2059, passed 12-8-14)

**155.502.16. General Industrial District (I-2)**

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- A. The General Industrial District is established to create and protect wholesaling and industrial areas for manufacturing, processing and assembling of parts and products, distribution of products at wholesale, transportation terminals, outside storage of large equipment, supplies, or product, and a broad variety of specialized commercial and industrial operations. Whenever possible, areas of this zoning category are separated from residential areas by natural or structural boundaries, such as drainage channels, sharp breaks in topography, strips of vegetation, traffic arteries and similar features. The map symbol and short name for

the General Industrial District shall be "I-2 District." [formerly part of regulation known as § 153.062]

- B. Lot development and design standards, as outlined in § 155.605, and dimensional standards of § 155.604.2, apply to the I-2 District. Uses allowed within the I-2 district are given in the Table of Allowed Uses at § 155.505.2. Supplementary standards which may be applicable to certain uses within the I-2 district are listed at § 155.506.

**155.503. Conditional-Only Districts Created**

**155. 503.1. Residential Varied Style District (R-VS)**

- A. The Residential Varied Style District is established to create beneficial contemporary single-family housing opportunities at higher densities, configurations and styles not traditionally found in Matthews, such as zero-lot line homes, single-family attached including townhouses, patio homes, duplexes, pinwheel design, and similar styles. This district is primarily intended to be utilized in three situations: *i*) near the downtown as detailed in the Downtown Master Plan; *ii*) at specific sites identified by the Land Use Plan as exhibiting unique criteria offering an opportunity for an alternative to traditional detached single-family development; and *iii*) upon request when the proposed site can be demonstrated to accommodate the increased density, exhibits a thoughtful, imaginative use of the land, and demonstrates reasonable and appropriate land use relationships, both within the development itself and with surrounding areas adjacent to the development. All development of land within the Residential – Varied Style – district shall comply with a site plan approved at the time of R-VS designation. The map symbol and short name for the Residential Varied Style District shall be "R-VS". [formerly known as § 153.205]
- B. Lot development and design standards as outlined in § 155.605 apply to the R-VS District. Dimensional standards may vary depending on the type of housing and the size of the overall tract, as given at § 155.604.3 and § 155.604.4. Uses allowed within the R-VS district are given in the Table of Allowed Uses at § 155.505.3. Supplementary standards which may be applicable to certain uses within the R-VS district are listed at § 155.506. Except where the standards given within this subsection § 155.503.1 specifically for the R-VS district differ, the parking provisions at § 155.607, the sign provisions at § 155.608, and the lighting provisions at § 155.609 apply to the R-VS district.
- C. ADDITIONAL STANDARDS UNIQUE TO THE R-VS DISTRICT. In addition to the requirements of other sections of this Title, development and improvements in the Residential – Varied Styles district shall comply with the following requirements. Where the provisions in this § 155.503.1 conflict with the provisions of other Sections of this Title, except for Overlay district requirements, this Section shall prevail.
  - 1. LOCATION REQUIREMENTS. An R-VS District may be located anywhere within the Town in conformance with one or more of the qualifications listed in § 155.503.1.A. above.
  - 2. MINIMUM TOTAL PROJECT AREA: An R-VS designation shall be a minimum of one-half (1/2) acre, and able to accommodate a minimum of six (6) dwelling units when utilizing the dimensional requirements given in § 155.605.
- D. EARLY DESIGNATION. The R-VS district is not eligible for early designation. Each request for R-VS designation shall include a site plan showing, at a minimum, proposed lot lines and building envelopes, new streets and alleys, improvements to existing streets, and type or style of dwelling or nonresidential use on each proposed lot. Written details of number of units, other relevant housing criteria, and proposed conditions are required with the site plan drawing.
- E. REVIEW CRITERIA. In evaluating applications for R-VS designation, the Board of Commissioners shall consider the following:
  - 1. Access to public streets and the adequacy of those streets to carry anticipated traffic.
  - 2. On-site circulation for both pedestrian and vehicular traffic.
  - 3. Adequacy of existing community facilities such as water, sewer, police, and fire protection.
  - 4. Relationship to and impacts upon adjoining and nearby properties and the adequacy of proposed measures to minimize any adverse impacts.
  - 5. The appropriateness of the proposal in relationship to the policies and objectives of the Matthews Land Use Plan and to a more detailed small area plan, if available.

- F. SITE PLAN LAYOUT DESIGN.
1. GENERAL URBAN DESIGN PRINCIPLES. The principles listed at § 155.602 shall be adhered to when designing any development within the R-VS district.
  2. STREET NETWORK.
    - a. When part of the development of an R-VS site, the interconnected network of streets must extend into adjoining areas except where the general goal of integration and connectivity with surrounding uses is deemed inappropriate or impractical due to sensitive natural resources, or unusual topography provide no practical connection alternatives. Street stubs must be provided to adjoining undeveloped areas to accommodate future street connectivity.
    - b. Streets do not have to form a rectangular grid, but may curve or bend to connect to other streets.
    - c. The proposed street network should respect topography and designated environmental resources and be modified accordingly to avoid damages to such resources.
    - d. Sidewalks and street trees must be provided on both sides of all streets.
    - e. Permanent dead-end streets are not permitted except where physical conditions such as limited access highways, sensitive natural resources, or unusual topography provide no practical connection alternatives. Each dead end must be detailed as a circular turn-around, a close, a hammerhead, or a “Y” turn-around and should provide pedestrian connectivity to the maximum extent practicable.
    - f. Private streets and gated streets are prohibited. All streets must be dedicated to the public, although alleys may be private.
    - g. Alleys. Alleys are encouraged to provide vehicular access to off-street parking for individual lots in the R-VS District. Alley entrances should generally align. Variations in alley alignment is encouraged to prevent long stretches of alleys. All alleys shall be identified as either public or private, and any public alley shall be dedicated to the public as provided for in Chapter 7.
    - h. A streetscape and lighting plan shall incorporate street trees to provide both form (canopy) and comfort (shade) to the street and night-time illumination under the tree canopy for safety and ambiance for pedestrians, with adequate illumination for vehicular traffic.
  3. BLOCKS. When new street intersections are created with an R-VS designation, the block lengths shall meet the standards provided in Chapter 7.
  4. PARKING. No parking of vehicles shall be permitted in the required setback for single-family attached groups of more than six (6) units or for any nonresidential uses. On corner lots, parking will not be permitted in the street side yard closer than six feet (6’) to the public right-of-way. Additional parking for guests within the R-VS development is encouraged, either on-street or in small lots of no more than eight (8) spaces in any lot.
- G. BUILDING DESIGN GUIDELINES. All buildings in an R-VS district shall be architecturally compatible in appearance and quality through the use of similar building materials, colors, architectural features and styles. An identified set of architectural styles or specific architectural elements may be utilized to create an overall design theme.
1. Every nonresidential building must be separated from any other building by a distance of twenty five feet (25’).
  2. A single-family attached dwelling group must be separated by sixteen feet (16’) from any other single-family attached dwelling group.
  3. A single-family attached dwelling group must be separated by twenty feet (20’) from any other style of housing.
- H. FLEXIBLE DESIGN. The R-VS district establishes minimum standards for development and design. Those standards however might not always be appropriate to the particular development. Accordingly, new development concepts, innovative design, unique circumstances or public/private ventures may require the use of alternative development or design standards. In such cases, the development requirements specified

here for the R-VS district in § 155.503.1 may be modified through the Flexible Design provisions of § 155.401.7 of this Title.

**155.503.2. Crestdale Conservation District (CrC)**

- A. The Crestdale Conservation District (CrC) is established to protect and preserve the character and atmosphere of the Crestdale neighborhood, a neighborhood of significant historical and cultural value. The Crestdale Conservation District accommodates single-family housing, small scale multi-family housing, and certain nonresidential uses which fit with the character of the Crestdale neighborhood. The Crestdale neighborhood possesses unique land use, design, and other distinctive characteristics but these regulations are intended to maintain an environment suitable for single-family living. The ongoing maintenance of the Crestdale Conservation District is intended to: *i*) protect and stabilize property values; *ii*) preserve desirable and unique physical features; *iii*) prevent blighting caused by intense or undesirable land uses; *iv*) promote compatible new development; *v*) protect natural open space; *vi*) preserve existing tree cover; and *vii*) preserve local history. The map symbol and short name for the Crestdale Conservation District shall be "CrC". **[formerly known as § 153.067.A]**

CrC district designation may result from the creation and adoption of a general concept plan or small area plan which becomes an appendix in the Matthews Land Use Plan. Such a small area plan may include the area traditionally considered to be the historic Crestdale community, or may also include land that could form an expanded neighborhood. Any small area plan which is used to encourage the designation of parcels into the CrC district shall identify how those parcels can share the character and goals of the Crestdale neighborhood, and how they have or will have pedestrian and vehicular connectivity to the historic Crestdale core community. The small area plan may include required elements such as minimum required street and pedestrian networks to assure interconnectivity.

As a Conditional-Only District, parcels of land may be zoned to this category following the procedures explained at § 155.501.3.C. and D., at the time a specific development project is submitted for consideration, or parcels may receive early designation as outlined in § 155.501.3.I., prior to any specific plan due to their location within the geographic area identified for this zoning designation, with the condition that prior to any land disturbing activity other than single-family detached homes on individual lots, a site specific plan for development shall be approved through the site plan approval process as described at § 155.401.5.B.

- B. Lot development and design standards, as outlined in § 155.605, and dimensional standards of § 155.604.3, apply to the CrC District. Uses allowed within the CrC district are given in the Table of Allowed Uses at § 155.505.3. Supplementary standards which may be applicable to certain uses within the CrC district are listed at § 155.506. Except where the standards given within this subsection § 155.503.2 specifically for the CrC district differ, the parking provisions at § 155.607, the sign provisions at § 155.608, and the lighting provisions at § 155.609 apply to the CrC district.
- C. **ADDITIONAL STANDARDS UNIQUE TO THE CrC DISTRICT.** In addition to the requirements of other sections of this Title, development and improvements in the Crestdale Conservation District shall comply with the following requirements. Where the provisions of this Section conflict with the provisions of other Sections of this Title, this Section shall prevail.
1. **LOCATION.** The CrC district shall only be applied within and near the geographic area historically and generally considered to be Crestdale. This area is intersected by East Charles Street/Tank Town Road, Matthews School Road, and Crestdale Road, or a future road connection to East John Street or the Sportsplex/proposed family entertainment neighborhood, and sites within the area must use one or more of these streets to gain access in and out of the neighborhood.
  2. **LANDSCAPING REGULATIONS.** Landscaping in the Crestdale Conservation District should maintain a natural appearance and as such should not appear to have an artificially-created or planned layout. The area historically has had a very open feeling with little delineation of property boundaries which might be found in more traditional developments, therefore requiring vegetation buffers along property lines would not fit with Crestdale's atmosphere. The preferred approach towards landscaping in Crestdale would be the protection of existing trees. The landscaping required on nonresidential properties and suggested for residential sites are listed below.
    - a. **STREETSCAPE PLANTING.** Streetscape trees shall be encouraged on all residential properties and are required on all nonresidential properties in the Crestdale area. Large maturing trees should be placed no greater than fifty feet (50') apart and small maturing trees shall be placed no further than forty feet (40') apart. Trees may be of a variety listed in § 155.606.10

- and flowering trees are preferred. Any property of at least forty feet (40') in width shall have at least one (1) streetscape tree planted. To maintain vehicular safety no tree shall be planted within fifteen feet (15') of a driveway or in a sight triangle at street intersections.
- b. PERIMETER LANDSCAPING. The intent in the CrC district is to encourage an environment without physical property boundaries. Perimeter landscaping is not required or desirable.
  - c. FENCING PROHIBITED. Fencing at property boundaries shall not be permitted on nonresidential properties unless required by local, state, or federal law.
  - d. PARKING LOT LANDSCAPING. Landscaping as required in § 155.606.4 shall be required for parking lots for the purpose of reducing aesthetic impacts of paving or removing the natural vegetation from large areas; to reduce the noise, heat, glare, and dust associated with parking lots; and to control the direction and velocity of surface water runoff.
  - e. Screening on properties used for nonresidential purposes shall be required to prevent the view of storage, trash receptacles, and loading areas from adjoining properties and public streets. Parking lots shall be screened to prevent their unobstructed view from adjacent residential properties. The preferred location of screening is close to the object being screened. Fencing may be used to screen trash receptacles and loading areas. Fencing alone cannot be used as screening but a combination of fencing and vegetation is acceptable. Vegetation must be on the side opposite the new development.
  - f. PRESERVATION OF EXISTING SITE VEGETATION. It is the intent of the town to retain existing trees and natural vegetation areas on the site. Any living deciduous trees at least eight inches (8") DBH, coniferous trees at least twelve inches (12") DBH, and dogwoods, redbuds, and American hollies larger than two inches (2") DBH anywhere outside of the building envelope shall be preserved to the greatest extent possible. These existing trees can be used to meet any landscaping requirements set forth in this Title.
    - i. Existing trees outside of the building envelope shall be marked as protected trees and shall be staked, fenced, or otherwise clearly marked and protected from vehicular movement and material storage during construction or land-disturbing activity.
    - ii. A minimum of fifteen (15) small or large maturing trees shall be retained or planted on the parcel for each acre or proportional area disturbed by development. Required planting or screening should be included in calculating this overall requirement.
3. FENCING AND WALLS. Fencing and walls are not encouraged in the CrC District. On residential properties, no wall or fence may exceed six feet (6') in height within any required yard, and shall not exceed twenty five percent (25%) opacity. This wall and fence height/opacity limitation does not apply to walls and fences not in any required yard or setback, or those constructed around electric and gas substations, sewage treatment plants, pressure regulator stations, buildings to house pumps and lift stations, and similar structures; or municipal reservoirs and water storage tanks. Walls and fences related to these uses may be subject to landscape screening provisions elsewhere in this Title. (Ord. 1241, passed 8-12-02)
4. RESIDENTIAL DEVELOPMENT OPTIONS FOR PROPERTIES GREATER THAN FIVE (5) ACRES.
- a. OPTION 1: LOT DEVELOPMENT STANDARDS. The following standards apply to single family dwelling units, and homes with home based businesses.
    - i. Minimum Lot Area: 6,000 square feet
    - ii. Minimum Lot Width: 50 feet
    - iii. Minimum Set Back: 25 feet
    - iv. Minimum Rear Yard: 25 feet
    - v. Minimum Side Yard: 5 feet, or 0 feet. Use of a zero lot line is permissible only if a ten foot (10') separation can be maintained between the lot line and the adjacent home, so this option would require a ten foot (10') side yard for the opposite side yard on the lot. In addition, a five foot (5') maintenance easement shall be provided to maintain the wall abutting the adjacent property. No windows,

- heating or cooling equipment are permitted along the zero lot line side of the dwelling and the property.
- vi. Maximum Height: 35 feet
- b. **OPTION 2: LOT DEVELOPMENT STANDARDS.** The following standards apply to single-family dwelling units, accessory apartments within a single-family home, accessory apartments separate from, but on the same lot as a single-family house, and homes with home based businesses.
- i. Minimum Lot Area: 12,000 square feet
- ii. Minimum Lot Width: 70 feet
- iii. Minimum Set Back: 30 feet
- iv. Minimum Rear Yard: 50 feet
- v. Minimum Side Yard: 10 feet
- vi. Maximum Height: 35 feet
- c. **OPEN SPACE REQUIREMENTS.** Lots developed under Option 1 must preserve thirty percent (30%) and lots developed under Option 2 must preserve ten percent (10%) of the total land area as public open space. This open space can be left in a natural state or can be used for active and passive recreational purposes. For the purpose of this § 155.503.2, areas designated as open space shall meet these qualifications:
- i. Is not encumbered with any substantial structure, except those that are accessory to the recreational use of the open space, and such structures shall not cover more than five percent (5%) of the total open space.
- ii. Is not contained in any street right-of-way, easements, parking areas, sidewalk, or public facilities area.
- iii. The open space shall be defined on a subdivision plat. If confined to rear lots, it shall be legally and logically accessible to the public.
- iv. The open space must be free from litter and noxious weeds.
- v. The open space shall be set aside in one of two ways:
- Dedicated to the Town if requested by the Town to be used as public open space for parks, greenway, or other public use.
  - Shall be protected by legal arrangements, satisfactory to the Town, sufficient to assure its maintenance and preservation for the purpose intended. Covenants or other acceptable legal arrangements shall specify: ownership of the open space; method of maintenance; responsibility of maintenance; membership and assessment provision; guarantees that any association formed to own and or maintain the open space could not be dissolved without the consent of the Town; and other provisions determined necessary by the Town.
- vi. At least one-half (50%) of the open space required to be set aside under this section shall be useable, meaning an area that is capable of being used and enjoyed for passive or active recreation. For any wooded area, the only cutting of trees permitted shall be for walking/jogging trails, and where an arborist has determined in a written report that a tree is diseased and dying, dead, or in a declining state that would render it unsafe in a public use area. Additional landscaping and tree planting is allowed.
- vii. The open space area that is for active recreation may contain such improvements as athletic courts, and/or fields, picnic facilities, and playground equipment or tot lots. Athletic fields shall be planted in grass with the exception of the infield area of a baseball or softball field which may be left exposed.
5. **RESIDENTIAL DEVELOPMENT STANDARDS FOR PROPERTIES LESS THAN FIVE (5) ACRES.** The following standards apply to single-family dwelling units, accessory apartments within a single-family home, accessory apartments separate from, but on the same lot as a single-family house, and

homes with home based businesses.

- a. Minimum Lot Area: 7,500 square feet
  - b. Minimum Lot Width: 65 feet
  - c. Minimum Set Back: 25 feet
  - d. Minimum Rear Yard: 30 feet
  - e. Minimum Side Yard: 8 feet
  - f. Maximum Height: 35 feet
6. CRESTDALE SITE PLAN AND/OR ELEVATION PLAN APPROVAL FOR USES OTHER THAN SINGLE FAMILY DWELLINGS. A property owner may submit a site plan and/or elevation plan application to the Town Planning office for review and recommendation at any time. Unless specifically allowed to submit only a site plan or only an elevation plan, both are typically required at the same time. Upon completion of review, Town staff and applicants shall meet to review staff findings. Applicants shall provide additional or revised documents as determined necessary to show compliance to all standards. The site plan and/or elevation plan shall then be forwarded to the Matthews Board of Commissioners with staff report and recommendations for final approval, as explained at § 155.401.5.B.

In approving a site plan and/or elevation plan, the Board of Commissioners may attach such reasonable conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of this Section and the general purpose of the CrC District, in addition to those specified in this Title.

7. Site Plan and/or Elevation Plan Application Submission Documents:
- a. DWELLINGS: SINGLE-FAMILY ATTACHED DWELLINGS, TWO-FAMILY; ACCESSORY DWELLING UNIT, AND ACCESSORY APARTMENT: (Ord. No. 1145, passed 1/8/01)
    - i. Completed application.
    - ii. Sketched site plan drawn to scale of no less than one inch (1”) equals one hundred feet (100’).
    - iii. Statement of purpose describing the intended use.
    - iv. A sketch of the structure with a description of materials to be used on the exterior, including siding and roofing material.
    - v. A boundary survey showing total acreage of the property.
    - vi. The owner’s name(s) and addresses and existing land use(s) of all adjoining properties.
  - b. ALL OTHER APPLICATIONS: In addition to the foregoing, all other applications shall also include the following minimum information:
    - i. A landscape, screening, and lighting plan.
    - ii. If the intended use is to be licensed by a state or federal agency, a copy of the license requirements and explanation of how they will be met.
    - iii. A site plan, drawn to scale, showing driveway location(s), sidewalk, edge of public street pavement, required parking, interior parking and vehicular circulation, pedestrian connections between street and buildings and/or to adjacent properties with complementary planned or existing uses, and driveways or street intersections within one hundred fifty feet (150’) of the site.
    - iv. A statement of hours of operation and number of employees.
8. ADDITIONAL REQUIREMENTS FOR SPECIFIC USES. In addition to the lot development standards in this Title, the following uses shall comply with the following standards. Where the requirements of this § 155.503.2 are in conflict with any other provision of this Title, this Section shall prevail.
- a. CHURCHES OR PLACES OF WORSHIP.
    - i. LOT DEVELOPMENT STANDARDS:
      - Minimum Lot Size: 1 acre for churches with seating in largest assembly

room for up to 299 persons, or four (4) acres for churches with 300 or more seating capacity in largest assembly room

- Minimum Lot Width: 100 feet
  - Minimum Setback: 40 feet
  - Minimum Rear Yard: 30 feet
  - Minimum Side Yard: 20 feet
  - Maximum Height: 50 feet
- ii. Protection of existing site vegetation is encouraged.
- iii. OFF-STREET PARKING. Parking shall be to the side or rear of the primary structure and shall comply with the requirements of § 155.607. A pick-up and drop-off area at or near the front entrance shall be permitted.
- iv. ACCESSORY BUILDINGS.
- Siding materials used alone or in combination shall be wood, masonry, architectural metal panels or other such similar aesthetically pleasing materials.
  - Roofing materials shall be asphalt shingles or architectural metal panels.
- v. The development's main entrance must not be on a minor residential street.
- vi. LANDSCAPE PLAN REQUIRED. The landscaping plan is in conformance with the regulations set forth in § 155.606.
- vii. ACCESSORY USES. Accessory uses on the same property may include but are not limited to:
- Child day care facilities:
    - Serve a maximum of one hundred twenty five (125) children.
    - Shall meet all state and federal laws governing such a facility.
    - A minimum of one hundred fifty (150) square feet of secured outdoor recreation space must be provided for each child.
  - Assisted living facilities, homes for the aged, rest homes, nursing homes and adult day care centers:
    - May serve a maximum of one hundred (100) persons.
    - A minimum of one hundred fifty (150) square feet of secured outdoor recreation space must be provided for each resident and a minimum of four hundred (400) square feet of private outdoor recreation space must be provided for each individual apartment unit.
    - Must meet all North Carolina state license requirements for its facility type.
  - Dwellings: single-family attached, duplex, and single-family detached:
    - Must look considerably like a single-family detached dwelling.
    - Only one (1) entrance shall be on the front elevation. All other entrances shall be on the side or rear of the building.
    - Maximum of twenty four (24) residential units.
    - Dwelling units may be individually owned with no conveyance of property with ownership, therefore units shall be exempt from all lot size requirements.
  - Outdoor recreational facilities including tennis and basketball courts.
  - Parks.

- Picnic areas.
  - Pavilion areas.
- viii. A master facilities vision plan with multiple phases of proposed development may be offered for initial site plan review and approval, with future phases in conceptual form only. Site plan review by the Board of Commissioners shall be required for all future phases to verify conformance with the approved master facilities vision plan. (Ord. 1240, passed 7-8-02)
- b. CHILD DAY CARE FACILITIES.
- i. LOT DEVELOPMENT STANDARDS:
    - Minimum Lot Size: 12,000 square feet
    - Maximum Lot Size: 2 acres
    - Minimum Lot Width: 70 feet
    - Minimum Setback: 35 feet
    - Minimum Rear Yard: 35 feet
    - Minimum Side Yard: 10 feet
    - Maximum Height: 35 feet
  - ii. Must meet all requirements of § 155.506.6.
  - iii. Protection of existing site vegetation is encouraged.
  - iv. OFF-STREET PARKING. Off-street parking shall comply with the requirements of § 155.607.
  - v. Serve a maximum of thirty (30) children.
  - vi. Shall meet all state and federal laws governing such a facility.
  - vii. LANDSCAPE PLAN REQUIRED. The landscaping plan is in conformance with the regulations set forth in § 155.606.
- c. SKILLED CARE FACILITIES, ADULT CARE FACILITIES, AND ADULT DAY CARE CENTERS.
- i. LOT DEVELOPMENT STANDARDS:
    - Minimum Lot Size: 12,000 square feet
    - Maximum Lot Size: 2 acres
    - Minimum Lot Width: 70 feet
    - Minimum Setback: 35feet
    - Minimum Rear Yard: 35 feet
    - Minimum Side Yard: 10 feet
    - Maximum Height: 35 feet
  - ii. Protection of existing site vegetation is encouraged.
  - iii. OFF-STREET PARKING. Off-street parking shall comply with the requirements of § 155.607.
  - iv. May serve a maximum of thirty (30) persons.
  - v. Each twenty four (24) hour residential structure may contain only five (5) individual apartment units and these structures must be separated by twenty feet (20'), on all sides, from all other structures.
  - vi. A minimum of one hundred fifty (150) square feet of secured outdoor recreation space must be provided for each resident or maximum capacity of day attendees, plus a minimum of four hundred (400) square feet of private outdoor recreation space must be provided for each individual apartment unit.

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- vii. Must meet all North Carolina state license requirements for its facility type.
- viii. Must not be located within five hundred feet (500') of another skilled care facility, adult care facility, or adult day care center.
- ix. LANDSCAPE PLAN REQUIRED. The landscaping plan is in conformance with the regulations set forth in § 155.606.
- d. COMMERCIAL USES (limited to the inside of buildings with no drive-through or drive-in service):
  - i. LOT DEVELOPMENT STANDARDS:
    - Minimum Lot Size: 6,000 square feet
    - Maximum Lot Size: 15,000 square feet
    - Minimum Lot Width: 50 feet
    - Minimum Setback: 20 feet
    - Minimum Rear Yard: 30 feet
    - Minimum Side Yard: 10 feet
    - Maximum Height: 25 feet
    - Maximum Building Footprint Area: 2,000 square feet
  - ii. Protection of existing site vegetation is encouraged.
  - iii. OFF-STREET PARKING. Off-street parking shall comply with the requirements of § 155.607.
  - iv. Alcoholic beverages and adult materials shall not be sold.
  - v. Commercial developments are limited to non-local streets, Class V and higher.
  - vi. Hours of operation shall be limited to between 8 am and 8 pm.
  - vii. LANDSCAPE PLAN REQUIRED. The landscaping plan is in conformance with the regulations set forth in § 155.606.
  - viii. All dumpster receptacles are adequately screened from public view, except for those receptacles normally meant for patron use.
  - ix. The structure shall use building and roofing materials similar to typical single-family dwellings, and shall significantly appear as a single-family home.
- e. DWELLINGS: SINGLE-FAMILY ATTACHED AND DUPLEX/TWO-FAMILY DWELLINGS. (Ord. No. 1145, passed 1/8/01)
  - i. LOT DEVELOPMENT STANDARDS:
    - Minimum Lot Size: 4,500 square feet per dwelling
    - Minimum Lot Width: 45 feet per dwelling
    - Minimum Setback: 25 feet
    - Minimum Rear Yard: 25 feet
    - Minimum Side Yard: 0 feet on attached sides, 5 feet on unattached sides
    - Maximum Height: 35 feet
  - ii. Protection of existing site vegetation is encouraged.
  - iii. Must look considerably like a single-family detached dwelling.
  - iv. Only one entrance shall be on the front elevation. All other entrances shall be on the side or rear of the building.
- f. ACCESSORY APARTMENT, CONSTRUCTED WITHIN A SINGLE-FAMILY HOME.
  - i. LOT DEVELOPMENT STANDARDS:

The lot development standards given in § 155.503.2.C.4 or 5 above shall be used, whichever one applies.

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- ii. **MAXIMUM NUMBER:** Only one (1) accessory apartment, for a total of two (2) dwelling units per lot shall be permitted.
  - iii. **MAXIMUM FLOOR AREA:** The accessory unit shall not exceed fifty percent (50%) of the total heated square feet of the primary dwelling unit, and shall not exceed nine hundred (900) square feet in heated area.
  - iv. There shall be no more than one (1) person for every three hundred (300) square feet of heated floor area.
  - v. **OFF-STREET PARKING:** One (1) additional off-street parking space shall be provided for an accessory apartment.
  - vi. At least one unit shall be owner occupied.
  - vii. Any additions to the primary structure must portray the character of a single-family home and materials used must be similar in composition and appearance to those of the original building. A building may not be expanded by more than twenty percent (20%) for the purpose of adding an accessory apartment.
  - viii. If an additional door is added to provide access to the accessory apartment it shall not be installed on the front elevation of the building.
- g. **ACCESSORY APARTMENT ON A LOT WITH, BUT SEPARATE FROM, A SINGLE-FAMILY DETACHED HOUSE.**
- i. **LOT DEVELOPMENT STANDARDS:**  
The lot development standards given in § 155.503.2.C.4 or 5 above shall be used, whichever one applies.
  - ii. **MAXIMUM NUMBER:** Only one (1) accessory apartment, for a total of two (2) dwelling units per lot shall be permitted.
  - iii. **LOCATION ON LOT:** The accessory apartment must be located within the area of the lot allowed for principal dwellings (the building envelope).
  - iv. **MAXIMUM FLOOR AREA:** The accessory apartment shall not exceed fifty percent (50%) of the total heated square feet of the primary dwelling unit, and shall not exceed nine hundred (900) square feet in heated area.
  - v. There shall be no more than one (1) person for every three hundred (300) square feet of floor space.
  - vi. **OFF-STREET PARKING:** One (1) additional off-street parking space shall be provided for an accessory apartment.
  - vii. The primary dwelling unit shall be owner occupied.
  - viii. The accessory unit shall be compatible, in appearance, with the principal dwelling unit. The accessory unit must be located behind the front plane of the primary structure.
  - ix. The primary structure may not have an accessory apartment.
  - x. The primary structure and the secondary structure shall be separated by at least ten feet (10'). (Ord. No. 977, passed 5-26-98)

D. **FLEXIBLE DESIGN.** The CrC district establishes minimum standards for development and design. Those standards however may not always be appropriate to a particular segment or building within the development. Accordingly, new development concepts, innovative design, unique circumstances or public/private ventures may require the use of alternative development or design standards. In such cases, the development requirements specified here for the CrC district in § 155.503.2 may be modified through the Flexible Design provisions of § 155.401.7 of this Title.

**155.503.3. Small Residential Neighborhood District (SRN)**

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A. The Small Residential Neighborhood (SRN) District is established to provide an alternative residential environment from a traditional single-family detached subdivision pattern which incorporates various styles of housing intermingled and at differing densities, with an overall density averaging under twenty (20)

dwelling per acre. Improved open space, wooded natural areas, common gardening space, and non-street walking and biking connections are all encouraged to be interwoven into the neighborhood design. A limited amount of nonresidential uses may be incorporated into the proposed development when it can clearly serve the residents within the SRN site through employment opportunities, or by providing civic uses or needed routine services, such as day care or dry cleaners, but not predominately the sale of merchandise. The map symbol and short name for the Small Residential Neighborhood District shall be "SRN".

Consideration of SRN district designation may result from the creation and adoption of a general concept plan or small area plan which becomes an appendix in the Matthews Land Use Plan. Such a small area plan may include all the area of one SRN proposed district, or may include a larger geographic location. Any small area plan which is used as a basis for designation of an SRN district will identify the need for alternative styles and higher density residential development in the vicinity of the proposed location, and show existing or future pedestrian connectivity to a proposed SRN site. The small area plan may include required elements such as minimum required street and pedestrian main networks to assure connectivity to a mix of other uses within a walkable distance.

As a Conditional-Only District, parcels of land may be zoned to this category following the procedures explained at § 155.501.3.C. and D., at the time a specific development project is submitted for consideration, or parcels may receive early designation as outlined in § 155.501.3.I., prior to any specific plan due to their location as an area identified by the Matthews Board of Commissioners for this zoning designation, with the condition that prior to any land disturbing activity, a site specific plan for development shall be approved through the site plan approval process as described at § 155.401.5.B.

- B. Lot development and design standards, as outlined in § 155.605, and dimensional standards of § 155.604.3, apply to the SRN District. Uses allowed within the SRN district are given in the Table of Allowed Uses at § 155.505.3. Supplementary standards which may be applicable to certain uses within the SRN district are listed at § 155.506. Except where the standards given within this subsection § 155.503.3 specifically for the SRN district differ, the parking provisions at § 155.607, the sign provisions at § 155.608, and the lighting provisions at § 155.609 apply to the SRN district.
- C. OTHER STANDARDS UNIQUE TO THE SRN DISTRICT. In addition to the requirements of other sections of this Title, development and improvements in the Small Residential Neighborhood district shall comply with the following requirements. Where the provisions in this § 155.503.3 conflict with the provisions of other Sections of this Title, except for Overlay district requirements, this Section shall prevail.
  - 1. LOCATION REQUIREMENTS. An SRN district may be located anywhere in the Town limits where the Board of Commissioners determines a mix of housing styles will create a beneficial environment both within the district and to the surrounding neighborhoods.
  - 2. MINIMUM TOTAL PROJECT AREA. An SRN designation shall be a minimum of one (1) acre, and include a minimum of six (6) dwelling units when utilizing the dimensional requirements given in § 155.605.A.
  - 3. OPEN SPACE REQUIREMENT. The SRN district project shall include an open space system featuring pedestrian amenities. The open space system may include areas devoted to post construction, water quality and/or storm water detention measures, any required or provided landscaping or screening areas, SWIM buffers, greenways or environmental protection features.
- D. EARLY DESIGNATION. Where a parcel has received the designation of SRN prior to a full development proposal on it, as outlined at § 155.501.3.I, sufficient drawings and documents to clearly prove compliance to the design elements listed in § 155.503.3.E through G below shall be submitted to the Matthews Planning office for review and recommendation in the same way as a rezoning application is handled by Town staff. Upon completion of review, Town staff and applicants shall meet to review staff findings. Applicants shall provide additional or revised documents as determined necessary to show compliance to all standards. Submission of a request for site plan and/or elevation plan approval shall then be forwarded to the Matthews Board of Commissioners. The Board of Commissioners shall receive a report with recommendations from Town Planning staff on how well the proposal meets the intent of the district and the design criteria listed below, and determine when the proposal meets the requirements and can be approved.
- E. REVIEW CRITERIA. In evaluating applications for SRN designation, the Board of Commissioners shall consider the following:

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1. Access to public streets and the adequacy of those streets to carry anticipated traffic.
2. On-site circulation for both pedestrian and vehicular traffic.
3. The amount, variety, and accessibility of passive open space, pedestrian and bicycle amenities, and active recreation parkland within the site and in the immediate surrounding areas.
4. Adequacy of existing community facilities such as water, sewer, police, and fire protection.
5. Relationship to and impacts upon adjoining and nearby properties and the adequacy of proposed measures to minimize any adverse impacts.
6. The appropriateness of the proposal in relationship to the policies and objectives of the Matthews Land Use Plan and to a more detailed small area plan, if available.

**F. SITE PLAN LAYOUT DESIGN.**

1. **GENERAL URBAN DESIGN PRINCIPLES.** The principles listed at § 155.602 shall be adhered to when designing any development within the SRN district.
2. **STREET NETWORK.**
  - a. When part of the development of an SRN site, the interconnected network of streets must extend into adjoining areas except where the general goal of integration and connectivity with surrounding uses is deemed inappropriate or impractical due to sensitive natural resources, or unusual topography provide no practical connection alternatives. Street stubs must be provided to adjoining undeveloped areas to accommodate future street connectivity.
  - b. Streets do not have to form a rectangular grid, but may curve or bend to connect to other streets. Intersections between arterials and collectors must have centerline offsets of at least one hundred fifty feet (150'). This requirement does not apply to intersections between alleys and local streets.
  - c. The proposed street network should respect topography and designated environmental resources and be modified accordingly to avoid damages to such resources.
  - d. Sidewalks and street trees must be provided on both sides of all streets.
  - e. Permanent dead-end streets are not permitted except where physical conditions such as limited access highways, sensitive natural resources, or unusual topography provide no practical connection alternatives. Each dead end must be detailed as a circular turn-around, a close, a hammerhead, or a "Y" turn-around and should provide pedestrian connectivity to the maximum extent practicable.
  - f. Private streets and gated streets are prohibited. All streets must be dedicated to the public, although alleys may be private.
  - g. **Alley Access.** Alleys are encouraged to provide vehicular access to off-street parking for individual dwellings in the SRN district. Alley entrances should generally align, but internal deflections or variations in the alley network to prevent excessive lengths or monotonous views of the rear of structures are encouraged. All alleys shall be identified as either public or private, and any public alley shall be dedicated to the public as provided for in Chapter 7.
  - h. A thematic and cohesive streetscape planting and lighting plan shall be prepared for the SRN district at time of initial designation. The streetscape plan shall incorporate street trees to provide both form (canopy) and comfort (shade) to the street. Street trees give special character and coherence to each street. Lighting shall be incorporated to provide night-time illumination under the tree canopy for safety and ambiance for pedestrians, and adequate illumination for vehicular traffic.
  - i. **FRONTS AND REARS.** Building facades are the public "face" of every building. Owners and occupants are encouraged to utilize planters and window boxes filled with colorful plants along each façade that fronts a public street. The private, interior portions of the development allow residents to have private and semi-private (for apartment and condominium buildings) gardens and courtyards.
3. **BLOCKS.** When new street intersections are created with an SRN designation, the block lengths

shall meet the standards provided in Chapter 7.

4. PARKING.

- a. No parking of vehicles shall be permitted in the required setback for single-family attached groups in straight line row formation of three (3) or more units, for any multi-family buildings, or for any nonresidential uses.
- b. On corner lots, parking will not be permitted in the street side yard closer than six feet (6') to the public right-of-way.
- c. Parking along alleys is allowed, may be at 90 degree, angled, or parallel, and must be of sufficient depth to assure parked vehicles will not impede traffic movement in the alley. Where 90 degree or angled spaces are provided, they must be a minimum of twenty feet (20') in length, and where parallel spaces are provided they must be a minimum of eight feet (8') in width. Any alley with parking spaces immediately adjacent must be paved a minimum of twenty feet (20') in width, with no obstructions such as doors, planters, bollards, mechanical equipment, light poles, etc., that could restrict the full width use of the pavement for vehicular maneuvering in and out of designated parking spaces.
- d. Additional parking for guests within the SRN development is encouraged, either on-street or in small lots of no more than eight (8) spaces in any lot.

G. BUILDING DESIGN GUIDELINES.

1. GENERAL BUILDING DESIGN PRINCIPLES. All buildings in an SRN district shall be architecturally compatible in appearance and quality through the use of similar or complementary building materials, colors, architectural features and styles. An identified set of architectural styles or specific architectural elements may be utilized to create a unique and unifying design theme.
2. A single-family attached dwelling group must be separated by sixteen feet (16') from any other single-family attached dwelling group.
3. A single-family attached dwelling group must be separated by twenty feet (20') from any other style of housing.
4. Every nonresidential building must be separated from any other building by a distance of twenty five feet (25').

H. FLEXIBLE DESIGN. The SRN district establishes minimum standards for development and design. Those standards however might not always be appropriate to the particular development. Accordingly, new development concepts, innovative design, unique circumstances or public/private ventures may require the use of alternative development or design standards. In such cases, the development requirements specified here for the SRN district in § 155.503.43 may be modified through the Flexible Design provisions of § 155.401.7 of this Title.

**155.503.4. Concentrated Multi-Family District (C-MF)**

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A. The Concentrated Multi-Family District is established to provide for a variety of multi-family residential uses at considerably higher densities and within an urban setting not traditionally found in Matthews. This district is intended primarily for housing in the form of attached units, individual multi-family buildings, and planned multi-family complexes with front entrances located close to public streets, and in close proximity to existing or planned transit stops, arterial streets, or the downtown. The district is intended to be employed either as small scattered locations or in larger tracts, but any location shall be designed to accommodate a minimum average of twelve (12) dwelling units per acre with no maximum density established by this code. Location and number of parking spaces is based on various standards that can be met by the development site and its surroundings. Provision and improvement of public and/or private recreational space is based on location and number of dwelling units created. Certain nonresidential uses of a public or semi-public nature are also permitted and strongly encouraged to be incorporated in the overall design. The map symbol and short name for the Concentrated Multi-Family District shall be "C-MF".

Consideration of C-MF district designation may result from the creation and adoption of a general concept plan or small area plan which becomes an appendix in the Matthews Land Use Plan. Such a small area plan may include all the area of one C-MF proposed district, or may include a larger geographic location. Any small area plan which is used to encourage the designation of a C-MF district shall identify the need for higher density residential development in the vicinity of the proposed location, and show existing or future

pedestrian connectivity to a proposed C-MF site. The small area plan may include required elements such as minimum required street and pedestrian main networks to assure connectivity to a mix of other uses within a walkable distance.

As a Conditional-Only District, parcels of land may be zoned to this category following the procedures explained at § 155.501.3.C. and D., at the time a specific development project is submitted for consideration, or parcels may receive early designation as outlined in § 155.501.3.I., prior to any specific plan due to their location as an area identified by the Matthews Board of Commissioners for this zoning designation, with the condition that prior to any land disturbing activity, a site specific plan for development shall be approved through the site plan approval process as described at § 155.401.5.B.

- B. Lot development and design standards, as outlined in § 155.605, and dimensional standards of § 155.604.3, apply to the C-MF District. Uses allowed within the C-MF district are given in the Table of Allowed Uses at § 155.505.3. Supplementary standards which may be applicable to certain uses within the C-MF district are listed at § 155.506. Except where the standards given within this subsection § 155.503.4 specifically for the C-MF district differ, the parking provisions at § 155.607, the sign provisions at § 155.608, and the lighting provisions at § 155.609 apply to the C-MF district.
- C. OTHER STANDARDS UNIQUE TO THE C-MF DISTRICT. In addition to the requirements of other sections of this Title, development and improvements in the Concentrated Multi-Family district shall comply with the following requirements. Where the provisions in this § 155.503.4 conflict with the provisions of other Sections of this Title, except for Overlay district requirements, this Section shall prevail.
1. LOCATION REQUIREMENTS. A C-MF district shall meet one (1) or more of the following:
    - a. have frontage on an existing or proposed major or minor thoroughfare;
    - 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; or
    - c. be located within one-half (1/2) mile of the intersection of Trade and John Streets in Downtown. In addition, the Board of Commissioners shall identify though small area plans within the Matthews Land Use Plan, where higher density housing of a C-MF district will create a beneficial environment both within the district and to the surrounding neighborhoods.
  2. MINIMUM TOTAL PROJECT AREA: A C-MF designation shall be either:
    - a. a minimum of three (3) acres, and include a minimum of thirty six (36) dwelling units when adjacent to a thoroughfare or near a transit station; or (Am. Ord. 2141, passed 4-11-16)
    - b. less than one and one-half (1½) acres when within one-half (1/2) mile of the intersection of Trade and John Streets. Any C-MF location shall utilize the dimensional requirements given in § 155.604.3 to determine capacity for maximum build-out density.
  3. EXTERIOR PROJECT EDGE. Outside of the downtown area, The C-MF district shall provide an exterior project edge of at least sixty feet (60') when abutting single-family residentially zoned or developed properties. An exterior project edge of at least twenty five feet (25') will be established along abutting properties assigned to any other zoning category. The exterior project edge does not apply to those portions of the project which front on a public street. For C-MF designations within the downtown less than one and one-half (1 ½) acres in size, the exterior project edge shall be twenty feet (20') abutting single-family residentially zoned or developed properties and ten feet (10') abutting other zoning categories. Buildings fronting a public street shall not be set back further from the outside edge of right-of-way, including transitional right-of-way when applicable, more than twelve feet (12'), and shall have pedestrian pathways to one (1) or more doors from the sidewalk. No building, parking, maneuvering, loading or service areas may be located within an exterior project edge.
  4. MINIMUM PROJECT EDGE SETBACKS. The minimum distance from any abutting property zoned and developed for single-family residential purposes to any building within the project site under forty five feet (45') in height must be at least one hundred feet (100'). The minimum distance from any abutting undeveloped property which is zoned for single-family residential purposes to any building within the project site under forty five feet (45') in height must be at least fifty feet (50'). The minimum distance from any abutting property zoned for single-family residential purposes to any

building within the project site forty five feet (45') in height or higher must be increased by one foot for every one foot in added building height over forty five feet (45'). The minimum distance from any abutting property zoned for any other uses to any building within the project site under forty five feet (45') in height must be at least twenty five feet (25'). The minimum distance from any abutting property zoned for any other uses to any building within the project site forty five feet (45') in height or higher must be increased by one foot (1') for every two feet (2') in added building height over forty five feet (45'). These minimum separation distances do not apply to buildings abutting public streets or to C-MF designations within the downtown that are less than one and one-half (1 ½) acres in size.

5. OPEN SPACE REQUIREMENT. A C-MF designation of three (3) or more acres shall include an open space system featuring pedestrian amenities which must be connected to pedestrian and bicycle facilities in the surrounding neighborhoods. The open space system may include areas devoted to post construction, water quality and/or storm water detention measures, any required or provided landscaping or screening areas, SWIM buffers, greenways or environmental protection features. A minimum of one thirty fifth (1/35) of an acre of open space must be provided for every dwelling unit created. The open space shall generally be located as a single tract within the C-MF designated site and at least one-half (1/2) of it shall be usable by residents and the public for recreation. When the open space requirement cannot feasibly be accomplished on-site, then an off-site location of equivalent size and within one-half (1/2) mile shall be identified as an alternative public park site. This off-site property shall be deeded or dedicated to the Town after it is improved as a park. (Am. Ord. 2025A, passed 6-9-14)
- D. EARLY DESIGNATION. Where a parcel has received the designation of C-MF prior to a full development proposal on it, as outlined at § 155.501.3.I, sufficient drawings and documents to clearly prove compliance to the design elements listed in § 155.503.4.E through G below shall be submitted to the Matthews Planning office for review and recommendation in the same way as a rezoning application is handled by Town staff. Upon completion of review, Town staff and applicants shall meet to review staff findings. Applicants shall provide additional or revised documents as determined necessary to show compliance to all standards. Submission of a request for site plan and/or elevation plan approval shall then be forwarded to the Matthews Board of Commissioners. The Board of Commissioners shall receive a report with recommendations from Town Planning staff on how well the proposal meets the intent of the district and the design criteria listed below, and determine when the proposal meets the requirements and can be approved.
- E. REVIEW CRITERIA. In evaluating applications for C-MF designation, the Board of Commissioners shall consider the following:
  1. Access to public streets and the adequacy of those streets to carry anticipated traffic.
  2. On-site circulation for both pedestrian and vehicular traffic.
  3. The amount, variety, and accessibility of passive open space, pedestrian and bicycle amenities, and active recreation parkland within the site and in the immediate surrounding areas.
  4. Adequacy of existing community facilities such as water, sewer, police, and fire protection.
  5. Relationship to and impacts upon adjoining and nearby properties and the adequacy of proposed measures to minimize any adverse impacts.
  6. The appropriateness of the proposal in relationship to the policies and objectives of the Matthews Land Use Plan and to a more detailed small area plan, if available.
- F. SITE PLAN LAYOUT DESIGN.
  1. GENERAL URBAN DESIGN PRINCIPLES. The principles listed at § 155.602 shall be adhered to when designing any development within the C-MF district.
  2. STREET NETWORK.
    - a. The interconnected network of streets must extend into adjoining areas except where the general goal of integration and connectivity with surrounding uses is deemed inappropriate or impractical due to sensitive natural resources, or unusual topography provide no practical connection alternatives. Street stubs must be provided to adjoining undeveloped areas to accommodate future street connectivity.

- b. Streets do not have to form a rectangular grid, but may curve or bend to connect to other streets. Intersections between arterials and collectors must have centerline offsets of at least one hundred fifty feet (150'). This requirement does not apply to intersections between alleys and local streets.
  - c. The proposed street network should respect topography and designated environmental resources and be modified accordingly to avoid damages to such resources.
  - d. Sidewalks and street trees must be provided on both sides of all streets.
  - e. Permanent dead-end streets are not permitted except where physical conditions such as limited access highways, sensitive natural resources, or unusual topography provide no practical connection alternatives. Each dead end must be detailed as a circular turn-around, a close, a hammerhead, or a "Y" turn-around and should provide pedestrian connectivity to the maximum extent practicable.
  - f. Private streets and gated streets are prohibited. All streets must be dedicated to the public, although alleys may be private.
  - g. Alleys are encouraged to provide vehicular access to off-street parking in the C-MF district. Alley entrances should generally align. Variations in alley alignment is encouraged to prevent long stretches of alleys. All alleys shall be identified as either public or private, and any public alley shall be dedicated to the public as provided for in Chapter 7.
  - h. A thematic and cohesive streetscape planting and lighting plan shall be prepared for tracts of three (3) acres or larger at time of initial C-MF designation. Small sites of one and one-half (1-1/2) acres or less shall include street trees and lighting consistent with surrounding development. The streetscape plan shall incorporate street trees to provide both form (canopy) and comfort (shade) to the street. Street trees give special character and coherence to each street. Lighting shall be incorporated to provide night-time illumination under the tree canopy for safety and ambiance for pedestrians, and adequate illumination for vehicular traffic.
  - i. Building facades are the public "face" of every building. Owners and occupants are encouraged to utilize planters and window boxes filled with colorful plants along each façade that fronts a public street, plaza, parking lot, or similar public use realm. Any interior portions not visible from the public use realm allow residents to have private and semi-private gardens and courtyards.
3. BLOCKS. When a C-MF designation will create new streets or extend streets, the block lengths shall meet the standards provided in Chapter 7.
4. PARKING. No parking of vehicles shall be permitted in the required setback or between buildings and any public street, in order to allow the structures to be located at or near the public right-of-way and provide visual screening of parking.
- a. Location of Off-Street Parking. Parking may be located within buildings, behind buildings, in separate garage structures located to the rear of residential buildings and interior to a C-MF site, or along interior alleys. When parking is located beside or between buildings so that it is visible from a public street or sidewalk, a wall or hedge between three (3') and four and one-half (4-1/2') feet shall be provided to block view of parked vehicles from any public street or pedestrian pathway. Access to off-street parking shall be provided by alleys or private driveways. Parking along alleys is allowed, may be at 90 degree, angled, or parallel, and must be of sufficient depth to assure parked vehicles will not impede traffic movement in the alley. Where 90 degree or angled spaces are provided, they must be a minimum of twenty feet (20') in length, and where parallel spaces are provided they must be a minimum of eight feet (8') in width. Any alley with parking spaces immediately adjacent must be paved a minimum of twenty feet (20') in width, with no obstructions such as doors, dumpsters, planters, bollards, mechanical equipment, street light poles, etc., that could restrict the full width use of the pavement for vehicular maneuvering in and out of designated parking spaces.
  - b. PARKING STRUCTURES. Parking structures are encouraged to create shared parking opportunities and to reduce the footprint of surface lots. Structured parking may extend

below grade and may contain multiple levels of parking above grade. Parking structures may contain other uses above the parking levels provided the entire building does not exceed the height allowed in the C-MF district. Partially enclosed parking spaces may be created with habitable space cantilevered over them at the rear of a building, or along the side of a building when a solid wall blocks view of parked vehicles from any public street or pedestrian pathway.

- c. SHARED PARKING. Where nonresidential uses are within or immediately adjacent to a C-MF site, shared parking may be utilized.
  - i. Shared location of cumulative required spaces. Owners and developers are encouraged to design a shared parking system for C-MF dwellings and nearby nonresidential uses to distribute the daily and twenty four (24) hour parking load in a joint effort in shared parking lots or structures. A written agreement between property owners explaining what parcels or buildings shall utilize shared parking, and which will remain binding on future owners and land uses, shall be signed and recorded with the Mecklenburg County Register of Deeds office.
  - ii. Shared use of same spaces. Shared parking of required parking spaces may be permitted with approval from the Planning Director as provided in § 155.607.2.G.6 of this Title.

- 5. BUILDINGS FRONTING ON PUBLIC STREETS. Buildings within a C-MF site shall provide a “front door” appearance toward any public street, which will require pedestrian scale doors and windows, with pedestrian walkways from the streetside sidewalk to the buildings and between buildings when appropriate. When a building is located directly across a street from significantly different style, use, or scale of lots or buildings, the principal facade on the C-MF building must be varied with a change of architectural expression that reflects the widths of the narrower lots or smaller buildings. These changes in expression shall include a break in façade plane and/or roofline, and may also incorporate other vertical elements running from sidewalk to roof, such as a change in fenestration, style or texture. These changes must soften the visual effect of larger scale buildings directly across the street from narrower buildings.

G. BUILDING DESIGN GUIDELINES.

- 1. GENERAL BUILDING DESIGN PRINCIPLES. The principles listed at § 155.603 shall be adhered to when designing any development within the C-MF district. All buildings within the C-MF district must be architecturally compatible in appearance and quality through the use of similar building materials, colors, architectural features and styles. An identified set of architectural styles or specific architectural elements may be utilized to create an overall design theme.
- 2. EXTERIOR BUILDING WALLS.
  - a. Primary exterior wall materials, which shall cover at least seventy five percent (75%) of each façade, excluding any glazed areas, shall consist of brick, other masonry, or native stone (or synthetic equivalent).
  - b. Secondary materials, which may cover up to twenty five percent (25%) of each façade, excluding any glazed areas, may include hardiboard siding, wood siding, and stucco.
  - c. Accent materials and trim may cover up to ten percent (10%) of each façade excluding any glazed areas. Such accents and trim materials may include pre-cast masonry (for trim and cornice elements only), Gypsum Reinforced Fiber Concrete (GFRC—for trim elements only), metal (for beams, lintels, trim elements and ornamentation only), and split-faced block (only for piers, foundation walls and chimneys). All accent and trim materials shall be identified on elevation plans.
  - d. Colors of all non-glazing exterior materials on any building shall be limited to no more than three (3), unless the building is both larger in overall size than sixty thousand (60,000) square feet and at least three (3) stories in height. Such larger buildings may employ up to five (5) distinct colors on its exterior facades. For the purpose of this standard, the term color shall also refer to two (2) clearly different shades of the same color, such as a light green and a dark green, or a pastel pink and a burgundy red.
  - e. Alternative percentages of listed materials or types of materials may be requested by the

**TOWN OF MATTHEWS UNIFIED DEVELOPMENT ORDINANCE**

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Flexible Design Provisions at § 155.503.4.H. at the time of initial district designation, or through the Administrative Amendment process for an individual building after it has received site plan and elevation plan approval.

3. CONFIGURATIONS AND TECHNIQUES FOR EXTERIOR WALLS: The following configurations and techniques are permitted.
  - a. WALLS
    - i. Wall openings shall correspond to interior space and shall not span across building structure such as the floor structural and mechanical thickness.
    - ii. Material changes shall be made within a constructional logic as where an addition (of a different material) is built onto the original building.
  - b. WOOD SIDING AND WOOD SIMULATION MATERIALS
    - i. Lap siding (horizontal) configuration
    - ii. Smooth or rough-sawn finish (no faux wood grain)
  - c. BRICK, BLOCK AND STONE. Must be detailed and in an appropriate load-bearing configurations.
  - d. STUCCO (cementitious finish). Smooth or sand only, no roughly textured finish.
  - e. STORY HEIGHT. The ground story of residential buildings shall be a minimum of ten feet (10') tall. The ground story of nonresidential and mixed-use buildings must be from twelve feet (12') to eighteen feet (18') tall. Buildings with parking at the ground level and residential units above shall have their first floor a minimum of ten feet (10') tall. Each story above the ground story shall be at least eight feet (8') tall. Any upper story taller than twelve feet (12') will count as two (2) stories. Story heights are measured from the floor to the bottom of the lowest structural member that supports the story above.
  - f. Minimum stories. All multi-family buildings with more than six (6) dwelling units shall be at least two (2) stories in height.
  - g. EXCEPTIONS. Any requested deviations from these standards shall be submitted for consideration during the elevation plan approval process. If the elevation plan has been approved and a building permit has been issued, a request for Administrative Amendment may be submitted which shall automatically require Town Board final determination.
4. ROOFS AND PARAPETS. Buildings in the C-MF district at or under three (3) stories in height shall not utilize a flat roof design, unless located in the downtown and adjacent or across the street from a nonresidential structure. The design standards for roofs and parapets are as follows:
  - a. Roof Materials. The following materials are permitted.
    - i. Clay or concrete (faux clay)
    - ii. Tile (barrel or flat roman)
    - iii. Slate (equivalent synthetic or better)
    - iv. Metal (standing seam, equivalent or better)
    - v. Dimensional Asphalt shingles
    - vi. Cedar Shingles
    - vii. Cornices and soffits may be a combination of wood, vinyl, and/or metal.
  - b. Parapets shall generally not extend above the top of a flat or single pitch (shed) roof more than six feet (6') fronting a public street. Parapets may be used to visually screen roof-top mechanical equipment, and a utilitarian penthouse structure may be attached to the interior side of a parapet extension in order to screen equipment. Parapets shall appear from the exterior as part of the exterior wall, and as such shall be composed of the same materials and limited to the same colors and finishes as the materials of the exterior walls. When a parapet also serves as a security railing for any activity on a rooftop, a parapet not facing a public street may incorporate different materials than the exterior wall from which it extends, such as glass, metal mesh, and poles. When a parapet faces a public street and also serves as a security railing for a rooftop activity, such as a green roof or open air patio,

then the parapet may be designed such that it has openings in its vertical surface to allow visibility and air flow through it. Such openings shall not be lower than three feet (3') from the roof surface nor exceed eighteen inches (18") in width.

- c. EXCEPTIONS. Any requested deviations from these standards shall be submitted for consideration during the elevation plan approval process. If the elevation plan has been approved and a building permit has been issued, a request for Administrative Amendment may be submitted which shall automatically require Town Board final determination.
5. CONFIGURATIONS AND TECHNIQUES. The following configurations and techniques are permitted:
- a. PITCHED ROOFS. Pitch is exclusive of roofs behind parapets.
    - i. Simple hip and gable roofs shall be symmetrically pitched between 4:12 and 10:12.
    - ii. Shed roofs, attached to the main structure, shall be pitched between 3:12 and 8:12.
    - iii. Eaves, when provided, must overhang eighteen (18) to thirty inches (30") on a principal building for the initial four (4) stories. For each additional story; six inches (6") shall be added to the minimum and twelve inches (12") shall be added to the maximum, up to a maximum projection of seven feet (7').
    - iv. Eaves on accessory buildings, dormers, and other smaller structures must overhang at least eight inches (8").
    - v. Timber eaves and balcony brackets must be a minimum of four-by-four inches (4" by 4") in dimension.
  - b. PARAPET AND CORNICE STANDARDS.
    - i. Allowed only for sites where the roof material is not visible from any adjacent street.
    - ii. Buildings without visible roof surfaces and overhanging eaves may create an overhang with a cornice projecting horizontally between six (6") and twelve inches (12") beyond the building walls on the primary structure for the initial four (4) stories. For each additional story; six inches (6") shall be added to the minimum and twelve inches (12") shall be added to the maximum, up to a maximum projection of six feet (6').
  - c. EXCEPTIONS. Any requested deviations from these standards shall be submitted for consideration during the elevation plan approval process. If the elevation plan has been approved and a building permit has been issued, a request for Administrative Amendment may be submitted which shall automatically require Town Board final determination.
6. WINDOWS AND DOORS. The standards for windows and doors are as follows:
- a. Windows shall be of anodized aluminum, wood, clad wood, vinyl, or steel.
  - b. Window glass shall be clear or lightly-tinted and non-reflective, with light transmission at the ground story at least seventy five percent (75%) and for the upper stories at least sixty percent (60%), with modification as necessary to meet any applicable building and energy code requirements.
  - c. Specialty windows, with a maximum of one per thirty (30) lineal feet along any façade facing any public street or public use realm, per story is allowed. A specialty window may utilize stained, opalescent, or translucent glass, or glass block, and shall not exceed forty eight (48) square feet in area. Mirrored glass shall not be used when visible from any public street or public use realm.
  - d. Operable windows and doors onto patios and balconies are allowed for residential units on any story.
  - e. Window screens shall be black or gray. Screen frames shall match window frame material or be dark anodized.
  - f. Doors designed primarily for pedestrian use shall be of wood, clad wood, or steel and may include glass panes. Doors designed for vehicular use may be of any material and style consistent with the architectural detail of the building.

- g. Double-height entryways (those that span more than one [1] story) are not allowed.
7. CONFIGURATIONS AND TECHNIQUES FOR DOORS AND WINDOWS. The following are permitted:
- a. The horizontal dimension of the opening shall not exceed the vertical dimension except where otherwise prescribed in this Title.
  - b. Windows may be ganged horizontally.
  - c. Bay or bow windows, curved corner windows, or windows at corner of buildings are allowed on all stories for residential units.
  - d. Exterior shutters, if applied, shall be sized and mounted appropriately for the window at one-half the width, even if inoperable.
  - e. Windows on any story above the ground story may be double-hung, single-hung, awning, or casement windows. Fixed windows are permitted only as specialty windows or when a component of a system including an operable window within a single wall opening.
  - f. Residential units shall have panes of glass no larger than sixty inches (60") vertical by thirty six inches (36") horizontal when vertically oriented, or no larger than forty eight inches (48") vertical by sixty inches (60") horizontal when horizontally oriented, except where opening to an outdoor balcony or patio. When necessary to meet building codes for egress purposes windows may exceed the dimensions given here.
  - g. Nonresidential windows and doors at the street level shall not have individual panes of glass larger than eight feet (8') in height by four feet (4') wide.
  - h. All window pane surface area of ground story nonresidential buildings shall allow views into the building interior for a depth of at least eight feet (8') where the interior space is retail, restaurant, office, or similar area accessible to the public. This shall not include restrooms, or restricted employee-only accessed areas, such as a kitchen, inventory storage, or loading dock. Windows shall not be made opaque by window treatments except for operable sunscreen devices within the conditioned space.
  - i. Garage doors or operable coverings over vehicle use (service/loading) wall openings shall not face the primary public street unless they are set back from the building façade and from the public right-of-way at least twenty feet (20').
  - j. Doors shall not be recessed more than three feet (3') behind the shop-front windows and, in any case, shall have a clear view and path to a forty five degree (45°) angle past the perpendicular from each side of the door.
  - k. FIRST FLOOR ELEVATION ENTRANCES. Nonresidential uses shall have their primary public walk-in entrances level with, to no greater than six inches (6") above the adjacent walkway. When a nonresidential use has more than one (1) primary public entrance and more than a one foot (1') difference in finished grade at various doorways, then the entrance adjacent to a public street shall meet this requirement. Residential buildings shall have their first habitable story at least eighteen inches (18") above the adjacent public walkway. Residential buildings with multiple doors shall meet this height standard for doors facing public streets. Exceptions may be allowed through a site plan review, when a written explanation is provided to indicate the basis for alternate design.
  - l. Awnings and canopies are encouraged at entrance doorways for weather protection.
  - m. EXCEPTIONS. Any requested deviations from these standards shall be submitted for consideration during the elevation plan approval process. If the elevation plan has been approved and a building permit has been issued, a request for Administrative Amendment may be submitted which shall automatically require Town Board final determination.
8. SIGNAGE. In addition to the sign standards at § 155.608 and any provisions of an overlay district, when applicable, the following standards apply in the C-MF district:
- a. Where a building is designed to house multiple businesses or uses, each capable of desiring identification signage, the building shall provide a master sign plan prior to receiving a Certificate of Occupancy. The master sign plan shall be reviewed and approved by the Town Board of Commissioners as provided at § 155.608.9. It shall include a designated horizontal sign band for all nonresidential uses on the ground or street level story, and

- identify where the building name may be placed. The sign band for the ground story level shall not be higher than sixteen feet (16') or lower than nine feet (9') above the adjacent public sidewalk, street or public use realm.
- b. Individual letters placed within the designated first floor sign band shall not exceed eighteen inches (18") in height or width and three inches (3") in relief for any buildings placed at, or within ten feet (10') of the adjacent public street. Company logos and other non-word elements may be placed within the sign band. All words, logos, and related elements used within the sign band to identify a business shall be arranged so that together they fit within a rectangular area up to sixty (60) square feet per business enterprise.
  - c. Company logos or names may be placed or painted within ground floor office windows.
  - d. A masonry or bronze plaque bearing the building name may be placed in the building's parapet wall or under the eaves, and above the upper story windows. The building name identification may alternatively be sculpted into the building façade. Any such plaque or sculpted material shall not exceed eighteen (18) square feet and shall be limited to the façade incorporating the primary pedestrian entrance. When the building exceeds three stories in height, the building name identification area may be increased by two (2) square feet for each additional story when the identification is placed at or above the top habitable story. The building name may also be displayed on a separate masonry or bronze plaque or sculpted into the building wall material at the ground story level and shall not exceed four (4) square feet.
  - e. Projecting signs placed perpendicular to the building facade and identifying a business enterprise or residential use within the building may be placed within ten feet (10') of an associated street level door in the designated first story sign band or on exterior walls of the second story, not to exceed twenty four feet (24') in height. Projecting signs shall not exceed twenty four (24) square feet in area or extend further than four feet (4') from the façade, and shall have a minimum of seven feet six inches (7'6") clear height above any sidewalk, plaza, or public use realm.
  - f. Because all buildings are expected to be at or close to the public street, sidewalk, or a public use realm, no freestanding signs are allowed for individual buildings. Freestanding signs may be employed as gateway identification markers to the development as identified in a master sign plan.
9. **AWNINGS, CANOPIES, AND ARCADES:** When an awning, canopy, or arcade is incorporated into a building, the following requirements shall apply:
- a. A minimum of ten feet (10') clear height shall be provided for any awning, canopy, or arcade above any sidewalk, plaza, or public use realm.
  - b. Awnings may extend from the front façade of the building up to one-half (1/2) of the width of the sidewalk area below, not to exceed nine feet (9'), whichever is less. If this extension reaches into the public right-of-way, an encroachment agreement with the Town or State is required. In no case shall an awning interfere with the placement, natural growth, and maintenance of any street trees, street signs, or lighting.
  - c. Canopies and arcades may extend from the front façade of the building up to the full width of the sidewalk area below. If this extension reaches into the public right-of-way, an encroachment agreement from the Town or State is required. In no case shall a canopy interfere with the placement, natural growth, and maintenance of any street trees, street signs, or lighting.
  - d. Awnings may be made of canvas or treated canvas material, may be designed to retract against the wall of the building, and shall not include any shiny or reflective materials.
  - e. Canopies and arcades may be made of wood, metal, or glass, or a combination of these or similar permanent rigid materials, and shall not include any shiny or reflective materials.
  - f. No internal illumination shall be projected through an awning, canopy, or arcade.
10. **MECHANICAL EQUIPMENT AND STORAGE ITEMS.** The following shall be placed behind and away from any front or corner side building line, outside of any required sight triangle of any street or driveway intersection, not be stored or located within any street, and be screened from view

from the public use realm:

- a. Air compressors, mechanical pumps, exterior water heaters, water softeners, utility and telephone company transformers, meters or boxes, storage tanks, garbage dumpsters and compressors, and similar free-standing equipment shall not be installed or placed within any area on the site considered public use realm. Any line of view of such items from the public realm shall be provided with plant materials or other hardscape items to visually screen them.
  - b. Backflow preventers as required by the public utility company should not hinder use of, or block pedestrian flow through, the public use realm, and they shall be covered and screened from view.
  - c. Utility meters for individual residential or nonresidential uses that are installed on or near a building wall and must be regularly accessed for data collection shall be screened from view from the public realm through the use of a fence, wall, evergreen landscape materials, or other visual block. When vegetation is used, it shall be evergreen or coniferous species with a minimum height at planting of three feet (3'), and expected to grow to a height to shield view of the mechanical equipment from the public realm within four (4) growing seasons.
  - d. Garbage and recycling containers, and similar items which must be stored and then moved on an ongoing schedule for servicing shall be stored in a location that is completely screened from view from the public realm to a minimum height of six feet (6') through the use of a fence, wall, or other visual block. The usual storage location and the temporary staging area for servicing of such containers shall be designed and identified as part of the site plan process.
  - e. Roof mounted equipment shall be placed behind and away from any front or corner side building line and be screened from view from the public realm. Screening may be accomplished by parapet walls, utilitarian penthouse structures attached to the interior of a parapet extension, equipment covers, or similar. These items may also be set back from the edge of a building at least ten feet (10') and camouflaged by color matching the roof when they do not exceed two feet (2') in height.
  - f. Skylights, roof vents and stacks, exhaust fans, plumbing for green roofs, elevator mechanism, and other items or equipment with permanent placement on the roof of a building shall be physically separated from any portion of a rooftop that is designed for access and use by the residents of the building.
- H. FLEXIBLE DESIGN. The C-MF district establishes minimum standards for development and design. Those standards however might not always be appropriate to the particular development. Accordingly, new development concepts, innovative design, unique circumstances or public/private ventures may require the use of alternative development or design standards. In such cases, the development requirements specified here for the C-MF district in § 155.503.4 may be modified through the Flexible Design provisions of § 155.401.7 of this Title.

**155.503.5. Mixed-Use District (MUD)**

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- A. The Mixed-Use District is established to create the opportunity for master planning of sites for mixed- and/or multiple-use development. The Mixed-Use District is intended to be used on multi-acre sites with unique locational criteria such as at interstate interchanges, intersections of major highways, and/or transit stations. This district offers an opportunity for creative site development, planning and design standards while ensuring appropriate land use relationships to surrounding areas. The map symbol and short name for the Mixed-Use District shall be "MUD". **[formerly part of regulation known as § 153.208]**

Consideration of MUD district designation may result from the creation and adoption of a general concept plan or small area plan which becomes an appendix in the Matthews Land Use Plan. Such a small area plan may include all the area of one MUD district, or may include a larger geographic location. Any small area plan which is used to encourage the designation of a MUD district shall identify the need for a mixed- or multiple-use urban and walkable environment, and may provide unique characteristics or thematic elements to be preserved or enhanced in the vicinity. The small area plan may include required elements if the build-out is to be phased over time, such as initial required street and pedestrian main networks to assure connectivity, or a minimum/maximum amount of certain types of land uses to guarantee a full range mix of

uses.

As a Conditional-Only District, parcels of land may be zoned to this category following the procedures explained at § 155.501.3.C. and D., at the time a specific development project is submitted for consideration, or parcels may receive early designation as outlined in § 155.501.3.I., prior to any specific plan due to their location as an area identified by the Matthews Board of Commissioners for this zoning designation, with the condition that prior to any land disturbing activity, a site specific plan for development shall be approved through the site plan approval process as described at § 155.401.5.B.

- B. Lot development and design standards, as outlined in § 155.605, and dimensional standards of § 155.604.3, apply to the MUD District. Uses allowed within the MUD district are given in the Table of Allowed Uses at § 155.505.3. Supplementary standards which may be applicable to certain uses within the MUD district are listed at § 155.506. Except where the standards given within this subsection § 155.503.5 specifically for the MUD district differ, the parking provisions at § 155.607, the sign provisions at § 155.608, and the lighting provisions at § 155.609 apply to the MUD district.
- C. OTHER STANDARDS UNIQUE TO THE MIXED-USE DISTRICT. In addition to the requirements of other sections of this Title, development and improvements in the Mixed Use District (“MUD District”) shall comply with the following requirements. Where the provisions in this § 155.503.5 conflict with the provisions of other Sections of this Title, except for Overlay district requirements, this Section shall prevail.
  - 1. LOCATION REQUIREMENTS. A MUD District shall have frontage on an existing or proposed major or minor thoroughfare.
  - 2. MINIMUM TOTAL PROJECT AREA. A MUD designation shall be a minimum of fifteen (15) acres. Build-out of the overall development may be constructed in multiple phases over time.
  - 3. EXTERIOR PROJECT EDGE. The MUD District shall provide an exterior project edge of at least one hundred feet (100’) will be established along abutting single-family residentially zoned and developed properties. An exterior project edge of at least fifty feet (50’) will be established along abutting single-family residentially zoned properties which are undeveloped. An exterior project edge of at least fifteen feet (15’) will be established along abutting properties assigned to any other zoning category. The exterior project edge does not apply to those portions of the project which front on a public street. No building, parking, maneuvering, loading or service areas may be located within an exterior project edge.
  - 4. MINIMUM PROJECT EDGE SETBACKS. The minimum distance from any abutting property zoned and developed for residential purposes to any building within the project site under forty five feet (45’) in height must be at least one hundred feet (100’). The minimum distance from any abutting undeveloped property which is zoned for residential purposes to any building within the project site under forty five feet (45’) in height must be at least fifty feet (50’). The minimum distance from any abutting property zoned for residential purposes to any building within the project site forty five feet (45’) in height or higher must be increased by one foot (1’) for every one foot (1’) in added building height over five feet (45’). The minimum distance from any abutting property zoned for nonresidential purposes to any building within the project site under five feet (45’) in height must be at least fifteen feet (15’). The minimum distance from any abutting property zoned for nonresidential purposes to any building within the project site forty five feet (45’) in height or higher must be increased by one foot (1’) for every two feet (2’) in added building height over forty five feet (45’). These minimum separation distances do not apply to buildings abutting public streets. However, such buildings must comply with the setback requirements established under § 155.604.3.
  - 5. OPEN SPACE REQUIREMENT. The MUD District project shall include an open space system featuring pedestrian amenities. The open space system may include areas devoted to post construction, water quality and/or storm water detention measures, any required or provided landscaping or screening areas, SWIM buffers, greenways or environmental protection features. Any proposal for a MUD District shall include a comprehensive open space plan along with the implementation schedule for the open space system. The open space system may be constructed in multiple phases over time.
- D. EARLY DESIGNATION. Where a parcel has received the designation of MUD prior to a full development proposal on it, as outlined at § 155.501.3.I, sufficient drawings and documents to clearly prove compliance to the design elements listed in § 155.503.5.E through G below shall be submitted to the Matthews Planning office for review and recommendation in the same way as a rezoning application is handled by Town staff. Upon completion of review, Town staff and applicants shall meet to review staff findings. Applicants shall

provide additional or revised documents as determined necessary to show compliance to all standards. Submission of a request for site plan and/or elevation plan approval shall then be forwarded to the Matthews Board of Commissioners. The Board of Commissioners shall receive a report with recommendations from Town Planning staff on how well the proposal meets the intent of the district and the design criteria listed below, and determine when the proposal meets the requirements and can be approved.

E. **REVIEW CRITERIA.** Proposals for mixed- and multiple-use development may be eligible for rezoning to the MUD District only if they incorporate the principles of urban community design, including:

1. A highly interconnected street network, dispersing traffic and providing safe convenient routes for pedestrians and bicyclists.
2. High-quality public spaces, with all building facades having windows and doors facing tree-lined streets, plazas, squares, or neighborhood parks.
3. Compact development, creating a walkable urban environment and conserving land and energy through reduced automobile usage and advanced techniques such as stormwater infiltration.
4. Diversity not homogeneity, with a variety of building types, street types, open spaces, and land uses providing for people of all ages and every form of mobility.
5. Resilient and sustainable neighborhoods, adaptable over time to improved public transit and to changing economic conditions.

F. **SITE PLAN LAYOUT DESIGN.**

1. **GENERAL URBAN DESIGN PRINCIPLES.** The principles listed at § 155.602 shall be adhered to when designing any development within the MUD district.

2. **STREET NETWORK.**

- a. The interconnected network of streets must extend into adjoining areas except where the general goal of integration and connectivity with surrounding uses is deemed inappropriate or impractical due to sensitive natural resources, or unusual topography provide no practical connection alternatives. Street stubs must be provided to adjoining undeveloped areas to accommodate future street connectivity.
- b. Streets do not have to form a rectangular grid, but may curve or bend to connect to other streets. Intersections between arterials and collectors must have centerline offsets of at least one hundred fifty feet (150'). This requirement does not apply to intersections between alleys and local streets.
- c. The proposed street network should respect topography and designated environmental resources and be modified accordingly to avoid damages to such resources.
- d. Sidewalks and street trees must be provided on both sides of all streets. Street trees may be omitted where arcades are provided which would restrict adequate space for natural tree canopy growth.
- e. Permanent dead-end streets are not permitted except where physical conditions such as limited access highways, sensitive natural resources, or unusual topography provide no practical connection alternatives. Each dead end must be detailed as a circular turn-around, a close, a hammerhead, or a "Y" turn-around and should provide pedestrian connectivity to the maximum extent practicable.
- f. Private streets and gated streets are prohibited. All streets must be dedicated to the public, although alleys may be private.
- g. **ALLEYS AND SERVICE ACCESS.** A clearly-defined network of rear and side alleys is encouraged to provide vehicular access to off-street parking and service/loading facilities for individual lots in the MUD District. Alley entrances should generally align so as to provide ease of ingress for service vehicles, but internal deflections or variations in the alley network are encouraged to prevent excessive or monotonous views of the rear of structures resulting from long stretches of alleys. All alleys shall be identified as either public or private, and any public alley shall be dedicated to the public as provided for in Chapter 7.
- h. **THE STREETScape.** A thematic and cohesive streetscape planting and lighting plan shall

be prepared for the MUD district at time of initial designation. The streetscape plan shall incorporate street trees to provide both form (canopy) and comfort (shade) to the street. Street trees give special character and coherence to each street. Lighting shall be incorporated to provide night-time illumination under the tree canopy for safety and ambiance for pedestrians, and adequate illumination for vehicular traffic.

- i. **FRONTS AND REARS.** Building facades are the public “face” of every building. Owners and occupants are encouraged to utilize planters and window boxes filled with colorful plants along each façade that fronts a public street, plaza, parking lot, or similar public use realm. The private, interior portions of the lots (toward the alley) allow commercial operators to utilize these spaces as efficient working environments unseen by the public and allow residents to have private and semi-private (for apartment and condominium buildings) gardens and courtyards.
3. **BLOCKS.** Except as otherwise provided, block perimeters may not exceed eight hundred (800) lineal feet as measured along the edges of each street right-of-way forming the block. Blocks may alternatively be broken by a civic space provided that lot is at least fifty feet (50’) wide and will provide perpetual pedestrian access between the blocks and to any lots that front the civic space. Smaller blocks are encouraged to promote walkability.

Block perimeters may exceed this limit, up to a maximum of four thousand (4,000) lineal feet, only if one or more of the following conditions apply:

- a. The block has at least one block face on an arterial street; or
  - b. The block face contains valuable natural features or significant historic resources that should not be crossed by a street.
4. **PARKING.** While public street cross sections may include on-street parking on many streets and parking requirements may be reduced within the MUD district, a substantial amount of required parking will need to be provided on private property, either on the same parcel as the associated use or on a nearby parcel.

a. **MINIMUM VEHICULAR PARKING STANDARDS.** The following minimum requirements are established in the MUD district:

- i. Nonresidential uses: 1 space per 300 square feet of gross floor area.
- ii. Planned multiple-family development:

Size of Unit	Spaces Required Per Unit
1,249 square feet or less	1.00
1,250 square feet or more	1.25

- iii. All other residential uses as permitted in the MUD District are required to provide off-street motor vehicle parking in accordance with the minimum standards set forth in § 155.607.2 of this Title.
- b. **BICYCLE PARKING.** Bicycle parking spaces shall be provided in accordance with § 155.607.2.D of this Title.
- c. **LOCATION OF OFF-STREET PARKING.** To the maximum extent practicable, off-street parking spaces must be located within buildings or behind buildings so that buildings screen parking areas from sidewalks and streets. In no case may parking be located in the setback or yard in front of a building. Parking lots in non-streetside (interior of block) side yards may be allowed provided these lots are placed a minimum of twenty feet (20’) from lot lines adjoining rights-of-way, excluding alleys. Access to off-street parking shall be provided by private driveways or shared alleys. Parking along alleys is allowed, may be at 90 degree, angled, or parallel, and must be of sufficient depth to assure parked vehicles will not impede traffic movement in the alley. Where 90 degree or angled spaces are provided, they must be a minimum of twenty feet (20’) in length, and where parallel spaces are provided they must be a minimum of eight feet (8’) in width. Any alley with parking spaces immediately adjacent must be paved a minimum of twenty feet (20’) in width, with no obstructions such as doors, dumpsters, planters, bollards, mechanical equipment, street light poles, etc., that could restrict the full width use of the pavement for vehicular

- maneuvering in and out of designated parking spaces. Cross access is required between adjoining rear/side parking lots.
- d. The required minimum number of off-street parking spaces may be provided in any location within the MUD District project area. However, each construction phase of the MUD project must comply with the off-street parking requirements of this § 155.503.5.
  - e. SHARED PARKING.
    - i. Shared location of cumulative required spaces. Owners and developers are encouraged to design a shared parking system for part or all of a MUD District to distribute the daily and twenty four (24) hour parking load in a joint effort in shared parking lots or structures. Shared internal parking facilities increase building and public use coverage fronting streets within the district. Shared off-site parking facilities may initially be surface lots that may be converted to structured parking if and when intensity of development within the district reaches a level where structured parking becomes economically viable to the surrounding uses. A written agreement between property owners explaining what parcel or parcels shall utilize structured parking, and which will remain binding on future owners and land uses, shall be signed and recorded with the Mecklenburg County Register of Deeds office. Conversion of surface parking to structured parking shall provide documentation that minimum required spaces continue to be provided for all included properties.
    - ii. Shared use of same spaces. Shared parking of required parking spaces may be permitted with approval from the Planning Director as provided in § 155.607.2.G.6 of this Title.
  - f. Where on-street or public parking lot spaces are located within four hundred feet (400') of a building entrance, up to a twenty five percent (25%) reduction to required on-site parking may be allowed for new construction.
  - g. New on-street parking spaces developed adjacent to and in conjunction with a new building may be counted toward the minimum on-site parking requirements for that building. Any such on-street parking spaces may only be attributed to meeting minimum parking requirements for one new building.
  - h. PARKING STRUCTURES. Parking structures are encouraged to create shared parking opportunities and to reduce the footprint of surface lots. Single-use parking structures must be located behind other buildings. Structured parking is permitted and encouraged in mixed use buildings. Structured parking may extend below grade and may contain multiple levels of parking above grade. Parking structures may contain other uses above the parking levels provided the entire building does not exceed the height allowed in the MUD District. Partially enclosed parking spaces may be created with habitable space cantilevered over them at the rear of a building, or along the side of a building when a solid wall blocks view of parked vehicles from any public street or pedestrian pathway.
5. USES UNABLE TO UTILIZE STREETFRONT FENESTRATION. When certain uses such as a theater or planetarium cannot comply with the required door and window standards for primary facades, then they may be constructed in a manner that they will be separated from adjacent streets by a use or uses that will create the necessary openings in the exterior wall surface.
- a. Indoor public assembly space may be created when appropriate for the related use, such as a ticket and concessions area and customer lobby for a theater, or an exhibition and display space for a museum. Adequate windows and door openings would be required in this space along the exterior wall, allowing view from the public realm to an occupied and active interior space.
  - b. Liner buildings may be used. When designed to provide visual enclosure for a particular use from a public street or public use area, they may be detached from or attached to the building(s) they are concealing. Liner buildings must meet the primary façade transparency requirements in § 155.503.5.G.
  - c. Liner buildings may be used for any purpose allowed on the lot on which they are located

except exclusively for parking.

6. WIDE BUILDINGS. When a wide building is placed directly across a street from significantly narrower lots or buildings, the principal façade on the wide building must be varied with a change of architectural expression that reflects the widths of the narrower lots. These changes in expression may be a vertical element running from sidewalk to roof, a change in fenestration or style, color, or texture, or a break in façade plane or roof line. These changes may be subtle or significant, but must soften the visual effect of very wide buildings directly across the street from narrower buildings.

G. BUILDING DESIGN GUIDELINES.

1. GENERAL BUILDING DESIGN PRINCIPLES. The principles listed at § 155.603 shall be adhered to when designing any development within the MUD district. All buildings within the MUD District project must be architecturally compatible in appearance and quality through the use of similar building materials, colors, architectural features and styles. An identified set of architectural styles or specific architectural elements may be utilized to create an overall design theme.
2. EXTERIOR BUILDING WALLS.
  - a. Primary exterior wall materials, which shall cover at least seventy five percent (75%) of each façade, excluding any glazed areas, shall consist of brick, other masonry, or native stone (or synthetic equivalent).
  - b. Secondary materials, which may cover up to twenty five percent (25%) of each façade, excluding any glazed areas, may include hardiboard siding, wood siding, and stucco.
  - c. Accent materials and trim may cover up to ten percent (10%) of each façade excluding any glazed areas. Such accents and trim materials may include pre-cast masonry (for trim and cornice elements only), Gypsum Reinforced Fiber Concrete (GFRC—for trim elements only), metal (for beams, lintels, trim elements and ornamentation only), and split-faced block (only for piers, foundation walls and chimneys). All accent and trim materials shall be identified on elevation plans.
  - d. Colors of all non-glazing exterior materials on any building shall be limited to no more than three (3), unless the building is both larger in overall size than sixty thousand (60,000) square feet and at least three (3) stories in height. Such larger buildings may employ up to five (5) distinct colors on its exterior facades. For the purpose of this standard, the term color shall also refer to two (2) clearly different shades of the same color, such as a light green and a dark green, or a pastel pink and a burgundy red.
  - e. Alternative percentages of listed materials or types of materials may be requested by the Flexible Design Provisions at § 155.503.5.H. at the time of initial district designation, or through the Administrative Amendment process for an individual building after it has received site plan and elevation plan approval.
3. CONFIGURATIONS AND TECHNIQUES FOR EXTERIOR WALLS: The following configurations and techniques are permitted.
  - a. WALLS
    - i. The horizontal dimension of the wall opening shall not exceed the vertical dimension except where otherwise prescribed in this Title.
    - ii. Wall openings shall not span vertically more than one (1) story.
    - iii. Wall openings shall correspond to interior space and shall not span across building structure such as the floor structural and mechanical thickness.
    - iv. Material changes shall be made within a constructional logic—as where an addition (of a different material) is built onto the original building.
  - b. WOOD SIDING AND WOOD SIMULATION MATERIALS
    - i. Lap siding (horizontal) configuration
    - ii. Smooth or rough-sawn finish (no faux wood grain)
  - c. BRICK, BLOCK AND STONE. Must be detailed and in an appropriate load-bearing configurations.

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- d. STUCCO (cementitious finish). Smooth or sand only, no roughly textured finish.
  - e. STORY HEIGHT. The ground story of nonresidential and mixed-use buildings must be from twelve feet (12') to eighteen feet (18') tall. The ground story of residential buildings shall be a minimum of ten feet (10') tall. Each story above the ground story shall be at least eight feet (8') tall. Any upper story taller than twelve feet (12') will count as two (2) stories. Story heights are measured from the floor to the bottom of the lowest structural member that supports the story above.
  - f. EXCEPTIONS. Any requested deviations from these standards shall be submitted for consideration during the elevation plan approval process. If the elevation plan has been approved and a building permit has been issued, a request for Administrative Amendment may be submitted which shall automatically require Town Board final determination.
4. ROOFS AND PARAPETS. The design standards for roofs and parapets are as follows:
- a. Roof Materials. The following materials are permitted.
    - i. Clay or concrete (faux clay)
    - ii. Tile (barrel or flat roman)
    - iii. Slate (equivalent synthetic or better)
    - iv. Metal (standing seam, equivalent or better)
    - v. Dimensional Asphalt shingles
    - vi. Cedar Shingles
    - vii. Cornices and soffits may be a combination of wood, vinyl, and/or metal.
  - b. Parapets shall generally not extend above the top of a flat or single pitch (shed) roof more than six feet (6') fronting a public street. Parapets may be used to visually screen roof-top mechanical equipment, and a utilitarian penthouse structure may be attached to the interior side of a parapet extension in order to screen equipment. Parapets shall appear from the exterior as part of the exterior wall, and as such shall be composed of the same materials and limited to the same colors and finishes as the materials of the exterior walls. When a parapet also serves as a security railing for any activity on a rooftop, a parapet not facing a public street may incorporate different materials than the exterior wall from which it extends, such as glass, metal mesh, and poles. When a parapet faces a public street and also serves as a security railing for a rooftop activity, such as a green roof or open air dining, then the parapet may be designed such that it has openings in its vertical surface to allow visibility through it. Such openings shall not be lower than three feet (3') from the roof surface nor exceed eighteen inches (18") in width.
  - c. EXCEPTIONS. Any requested deviations from these standards shall be submitted for consideration during the elevation plan approval process. If the elevation plan has been approved and a building permit has been issued, a request for Administrative Amendment may be submitted which shall automatically require Town Board final determination.
5. CONFIGURATIONS AND TECHNIQUES. The following configurations and techniques are permitted:
- a. PITCHED ROOFS. Pitch is exclusive of roofs concealed behind parapets.
    - i. Simple hip and gable roofs shall be symmetrically pitched between 4:12 and 10:12.
    - ii. Shed roofs, attached to the main structure, shall be pitched between 3:12 and 8:12.
    - iii. Eaves, when provided, must overhang eighteen inches (18") to thirty inches (30") on a principal building for the initial four (4) stories. For each additional story; six inches (6") shall be added to the minimum and twelve inches (12") shall be added to the maximum, up to a maximum projection of seven feet (7').
    - iv. Eaves on accessory buildings, dormers, and other smaller structures must overhang at least eight inches (8").
    - v. Timber eaves and balcony brackets must be a minimum of four-by-four inches (4" by 4") in dimension.

- b. PARAPET AND CORNICE STANDARDS.
    - i. Allowed only for sites where the roof material is not visible from any adjacent street.
    - ii. Buildings without visible roof surfaces and overhanging eaves may create an overhang with a cornice projecting horizontally between six inches (6") and twelve inches (12") beyond the building walls on the primary structure for the initial four (4) stories. For each additional story, six inches (6") shall be added to the minimum and twelve inches (12") shall be added to the maximum, up to a maximum projection of six feet (6').
  - c. EXCEPTIONS. Any requested deviations from these standards shall be submitted for consideration during the elevation plan approval process. If the elevation plan has been approved and a building permit has been issued, a request for Administrative Amendment may be submitted which shall automatically require Town Board final determination.
6. WINDOWS AND DOORS. The standards for windows and doors are as follows:
- a. Windows shall be of anodized aluminum, wood, clad wood, vinyl, or steel.
  - b. Window glass shall be clear or lightly-tinted and non-reflective, with light transmission at the ground story at least ninety percent (90%) and for the upper stories at least seventy five percent (75%), with modification as necessary to meet any applicable building and energy code requirements.
  - c. Specialty windows, with a maximum of one per thirty (30) lineal feet along any façade facing any public street or public use realm, per story is allowed. A specialty window may utilize stained, opalescent, or translucent glass, or glass block, and shall not exceed forty eight (48) square feet in area. Mirrored glass shall not be used on any ground story façade or on any story when visible from any public street or public use realm.
  - d. Operable windows and doors onto patios and balconies are allowed for residential units on any story, and for nonresidential and mixed use buildings above the ground story.
  - e. Window screens shall be black or gray. Screen frames shall match window frame material or be dark anodized.
  - f. Doors designed primarily for pedestrian use shall be of wood, clad wood, or steel and may include glass panes. Doors designed for vehicular use may be of any material and style consistent with the architectural detail of the building.
  - g. Double-height entryways (those that span more than one [1] story) are not allowed.
7. CONFIGURATIONS AND TECHNIQUES FOR DOORS AND WINDOWS. The following are permitted:
- a. The horizontal dimension of the opening shall not exceed the vertical dimension except where otherwise prescribed in this Title.
  - b. Windows may be ganged horizontally (maximum five [5] per group) if each grouping is separated by a mullion, column, pier or wall section that is at least seven inches (7") wide.
  - c. Windows shall be no closer than thirty inches (30") to building corners (excluding bay windows).
  - d. Exterior shutters, if applied, shall be sized and mounted appropriately for the window at one-half the width, even if inoperable.
  - e. Windows on any story above the ground story may be double-hung, single-hung, awning, or casement windows. Fixed windows are permitted only as specialty windows or when a component of a system including an operable window within a single wall opening.
  - f. Residential buildings or residential floors of mixed use buildings shall have panes of glass no larger than thirty six inches (36") vertical by thirty inches (30") horizontal. The maximum pane size for office uses is forty eight (48") vertical by forty (40") horizontal. When necessary to meet building codes for egress purposes windows may exceed the dimensions given here.
  - g. Nonresidential windows and doors at the street level shall not have individual panes of glass larger than eight feet (8') in height by four feet (4') wide.

- h. All window pane surface area of ground story nonresidential buildings shall allow views into the building interior for a depth of at least eight feet (8') where the interior space is retail, restaurant, office, or similar area accessible to the public. This shall not include restrooms, or restricted employee-only accessed areas, such as a kitchen, inventory storage, or loading dock. Windows shall not be made opaque by window treatments except for operable sunscreen devices within the conditioned space.
  - i. Garage doors or operable coverings over vehicle use (service/loading) wall openings shall not face the primary public street unless they are set back from the building façade and from the public right-of-way at least twenty feet (20').
  - j. Doors shall not be recessed more than three feet (3') behind the shop-front windows and, in any case, shall have a clear view and path to a forty five degree (45°) angle past the perpendicular from each side of the door.
  - k. FIRST FLOOR ELEVATION ENTRANCES. Nonresidential and mixed use buildings shall have their primary public walk-in entrances level with, to no greater than six inches (6") above the adjacent walkway. When a nonresidential or mixed use building has more than one primary public entrance and more than a one foot (1') difference in finished grade at various doorways, then the entrance adjacent to a public street shall meet this requirement. Residential buildings shall have their first habitable story at least eighteen inches (18") above the adjacent public walkway. Residential buildings with multiple doors shall meet these height standards for doors facing public streets. Exceptions may be allowed through a site plan review, when a written explanation is provided to indicate the basis for alternate design.
  - l. Arcades, awnings, and canopies are encouraged along the front of buildings facing public streets and the public use realm.
  - m. EXCEPTIONS. Any requested deviations from these standards shall be submitted for consideration during the elevation plan approval process. If the elevation plan has been approved and a building permit has been issued, a request for Administrative Amendment may be submitted which shall automatically require Town Board final determination.
8. SIGNAGE. The standards for signs are as follows:
- a. Where a building is designed to house multiple businesses or uses, each capable of desiring identification signage, the building shall provide a master sign plan prior to receiving a Certificate of Occupancy. The master sign plan shall be reviewed and approved by the Town Board of Commissioners as provided at § 155.608.9. It shall include a designated horizontal sign band for all uses on the ground or street level story, and designated locations for identification of businesses in upper level stories and for identifying the building name itself. The sign band for the ground story level shall not be higher than sixteen feet (16') or lower than nine feet (9') above the adjacent public sidewalk, street or public use realm.
  - b. Individual letters placed within the designated first floor sign band shall not exceed eighteen inches (18") in height or width and three inches (3") in relief for any buildings placed at, or within ten feet (10') of the adjacent public street. Company logos and other non-word elements may be placed within the sign band. All words, logos, and related elements used within the sign band to identify a business shall be arranged so that together they fit within a rectangular area up to sixty (60) square feet per business enterprise.
  - c. Company logos or names may be placed or painted within ground floor or second story office windows.
  - d. Attached signs for buildings designed and used as a single business enterprise or a multi-family residential building:
    - i. Any combination of letters, logos, and other elements shall be considered one sign for any building up to sixty thousand (60,000) square feet GFA and/or up to three stories. This sign shall fit within a rectangular area not to exceed one hundred (100) square feet, and not to exceed ten feet (10') in height. This single sign is allowed per each building façade that is at an eighty (80) or greater degree angle from an adjacent building façade.

- ii. Any combination of letters, logos, and other elements shall be considered one sign for any building equal to or greater than sixty thousand (60,000) square feet GFA and more than three (3) stories. This sign shall fit within a rectangular area not to exceed two hundred fifty (250) square feet, and not to exceed sixteen feet (16') in height.
  - e. A masonry or bronze plaque bearing the building name may be placed in the building's parapet wall or under the eaves, and above the upper story windows. The building name identification may alternatively be sculpted into the building façade. Any such plaque or sculpted material shall not exceed eighteen (18) square feet and shall be limited to the façade incorporating the primary pedestrian entrance. The building name may also be displayed on a separate masonry or bronze plaque or sculpted into the building wall material at the ground story level and shall not exceed four (4) square feet.
  - f. Projecting signs placed perpendicular to the building facade and identifying a business enterprise or residential use within the building may be placed within ten feet (10') of an associated street level door in the designated first story sign band or on exterior walls of the second story, not to exceed twenty four feet (24') in height. Projecting signs shall not exceed twenty four (24) square feet in area or extend further than four feet (4') from the façade, and shall have a minimum of seven feet six inches (7'6") clear height above any sidewalk, plaza, or public use realm.
  - g. Because all buildings are expected to be at or close to the public street, sidewalk, or a public use realm, no freestanding signs are anticipated for individual buildings. Freestanding signs may be employed as gateway identification markers to various subareas at the exterior boundaries of and within the MUD District as locations are determined by the approved general concept plan.
9. **AWNINGS, CANOPIES, AND ARCADES:** When an awning, canopy, or arcade is incorporated into a building, the following requirements shall apply:
- a. A minimum of ten feet (10') clear height shall be provided for any awning, canopy, or arcade above any sidewalk, plaza, or public use realm.
  - b. Awnings may extend from the front façade of the building up to one-half (1/2) of the width of the sidewalk area below, not to exceed nine feet (9'), whichever is less. If this extension reaches into the public right-of-way, an encroachment agreement with the Town or State is required. In no case shall an awning interfere with the placement, natural growth, and maintenance of any street trees, street signs, or lighting.
  - c. Canopies and arcades may extend from the front façade of the building up to the full width of the sidewalk area below. If this extension reaches into the public right-of-way, an encroachment agreement from the Town or State is required. In no case shall a canopy interfere with the placement, natural growth, and maintenance of any street trees, street signs, or lighting.
  - d. Awnings may be made of canvas or treated canvas material, may be designed to retract against the wall of the building, and shall not include any shiny or reflective materials.
  - e. Canopies and arcades may be made of wood, metal, or glass, or a combination of these or similar permanent rigid materials, and shall not include any shiny or reflective materials.
  - f. No internal illumination shall be projected through an awning, canopy, or arcade.
10. **MECHANICAL EQUIPMENT AND STORAGE ITEMS.** The following shall be placed behind and away from any front or corner side building line, outside of any required sight triangle of any street or driveway intersection, not be stored or located within any street, and be screened from view from the public use realm:
- a. Air compressors, mechanical pumps, exterior water heaters, water softeners, utility and telephone company transformers, meters or boxes, storage tanks, garbage dumpsters and compressors, and similar free-standing equipment shall not be installed or placed within any area on the site considered public use realm. Any line of view of such items from the public realm shall be provided with plant materials or other hardscape items to visually screen them.

- b. Backflow preventers as required by the public utility company should not hinder use of, or block pedestrian flow through, the public use realm, and they shall be covered and screened from view.
  - c. Utility meters for individual residential or nonresidential uses that are installed on or near a building wall and must be regularly accessed for data collection shall be screened from view from the public realm through the use of a fence, wall, evergreen landscape materials, or other visual block. When vegetation is used, it shall be evergreen or coniferous species with a minimum height at planting of three feet (3'), and expected to grow to a height to shield view of the mechanical equipment from the public realm within four (4) growing seasons.
  - d. Garbage and recycling containers, and similar items which must be stored and then moved on an ongoing schedule for servicing shall be stored in a location that is completely screened from view from the public realm to a minimum height of six feet (6') through the use of a fence, wall, or other visual block. The usual storage location and the temporary staging area for servicing of such containers shall be designed and identified as part of the site plan process.
  - e. Roof mounted equipment shall be placed behind and away from any front or corner side building line and be screened from view from the public realm. Screening may be accomplished by parapet walls, utilitarian penthouse structures attached to the interior of a parapet extension, equipment covers, or similar. These items may also be set back from the edge of a building at least ten feet (10') and camouflaged by color matching the roof when they do not exceed two feet (2') in height.
  - f. Skylights, roof vents and stacks, exhaust fans, plumbing for green roofs, elevator mechanism, and other items or equipment with permanent placement on the roof of a building shall be physically separated from any portion of a rooftop that is designed for access and use by the residents, occupants, or customers of the building.
- H. **FLEXIBLE DESIGN.** The MUD District establishes minimum standards for development and design. Those standards however might not always be appropriate to the particular development. Accordingly, new development concepts, innovative design, unique circumstances or public/private ventures may require the use of alternative development or design standards. In such cases, the development requirements specified here for the MUD district in § 155.503.5 may be modified through the Flexible Design provisions of § 155.401.7 of this Title.

#### **155.503.6. Transit-Supportive District (TS)**

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- A. The Transit-Supportive District is established to create beneficial new mixed-use development opportunities at higher densities and intensities of use not customarily found in Matthews specifically to provide a pedestrian-oriented physical environment that reduces vehicle miles traveled within the district and accommodates the physical needs of public transit services. This district is intended to be established within one thousand three hundred (1,300') to two thousand five hundred feet (2,500') of a transit station or park and ride facility and may be established in advance of public transit service if located in accordance with the Matthews Land Use Plan along an existing, planned or proposed transit service corridor. The Transit-Supportive District is characterized by density and a diversity of land uses in mixed-use buildings with off-street parking in parking structures, wide sidewalks, on-street parking, and public plazas. The map symbol and short name for the Transit-Supportive District shall be "TS District".

A general concept plan will be created and adopted for each identified transit station location, and will become an appendix in the Matthews Land Use Plan. Each transit station small area plan may offer unique focus elements based on the specific character of the surrounding land uses and transportation network. Elements anticipated in all transit station small area plans include placing the densest uses that will generate the most walkable interfaces closest to the stations, with primary entrances to commercial and service uses highly accessible to transit passengers as well as neighborhood residents. These transit station general concept plans may include required elements if the build-out may be phased over time, such as initial required street and pedestrian main networks to assure connectivity, or a minimum/maximum amount of certain types of land uses to guarantee a full range mix of uses. The suggested maximum boundaries of each distinct TS district location may be identified in the station general concept plans.

As a Conditional-Only District, parcels of land may be zoned to this category at the time a specific development project is submitted for consideration, or parcels may receive early designation as outlined at § 155.501.3.I to this category prior to any specific plans due to their proximity to an identified existing or future transit station or park and ride facility, with the condition that prior to any land disturbing activity, a site specific plan for development shall be approved through the site plan approval process as described at § 155.401.5.B.

- B. Lot development and design standards, as outlined in § 155.605, and dimensional standards of § 155.604.3, apply to the TS district. Uses allowed within the TS district are given in the Table of Allowed Uses at § 155.505.3. Supplementary standards which may be applicable to certain uses within the TS district are listed at § 155.506. Except where the standards given within this subsection § 155.503.6 specifically for the TS district differ, the parking provisions at § 155.607, the sign provisions at § 155.608, and the lighting provisions at § 155.609 apply to the TS district.
- C. **ADDITIONAL STANDARDS UNIQUE TO THE TRANSIT-SUPPORTIVE DISTRICT.** In addition to the requirements of other sections of this Title, development and improvements in the Transit-Supportive District (“TS District”) shall comply with the following requirements. Where the provisions in this Section conflict with the provisions of other Sections of this Title, this Section shall prevail.
  - 1. **LOCATION REQUIREMENTS.** The TS District must have frontage on an existing or proposed public transit route and be located within a ten (10) minute walk (two thousand five hundred feet [2,500’]) of an existing or approved future transit stop or station. A parcel not adjacent to the public transit corridor but within a ten (10) minute walking distance of an existing improved transit stop or station may also qualify for designation to the TS District. No development may occur on a parcel zoned TS until a general concept plan for the nearby transit station area is approved.
  - 2. **MINIMUM TOTAL PROJECT AREA:** There is no minimum project area.
  - 3. **EXTERIOR PROJECT EDGE.** Because the TS District is established to provide and enhance connectivity between a transit stop or station and its environs and because the edge of the District should be a seamless transition with adjoining districts, an exterior project edge is not required. However, land uses and building typologies in the TS District shall closely mimic the land uses and building typologies on adjacent property or land uses shown on the Matthews Land Use Plan on adjacent property.
  - 4. **DEVELOPMENT STANDARDS.** Development permitted within the TS District shall comply with the standards for building typologies permitted in the TS District as provided in § 155.605 of this Title, and the urban design principles in § 155.503.6.F and G. below.
- D. **EARLY DESIGNATION PROCESS.** Where a parcel has received the designation of TS prior to a full development proposal on it, as outlined at § 155.501.3.I, sufficient drawings and documents to clearly prove compliance to the design elements listed in § 155.503.6.E through G below shall be submitted to the Matthews Planning office for review and recommendation in the same way as a rezoning application is handled by Town staff. Upon completion of review, Town staff and applicants shall meet to review staff findings. Applicants shall provide additional or revised documents as determined necessary to show compliance to all standards. Submission of a request for site plan and/or elevation plan approval shall then be forwarded to the Matthews Board of Commissioners. The Board of Commissioners shall receive a report with recommendations from Town Planning staff on how well the proposal meets the intent of the district and the design criteria listed below, and determine when the proposal meets the requirements and can be approved.
- E. **REVIEW CRITERIA.** Proposals for transit-supportive development may be eligible for rezoning to the TS District only if they incorporate the principles of transit-supportive design, including:
  - 1. A highly interconnected street network, dispersing traffic and providing safe convenient routes for pedestrians and bicyclists.
  - 2. High-quality public spaces, with all building facades having windows and doors facing tree-lined streets, plazas, squares, or neighborhood parks.
  - 3. Compact development, creating a walkable urban environment and conserving land and energy through reduced automobile usage and advanced techniques such as stormwater infiltration.
  - 4. Diversity not homogeneity, with a variety of building types, street types, open spaces, and land uses providing for people of all ages and every form of mobility.
  - 5. Resilient and sustainable neighborhoods, adaptable over time to improved public transit and to

changing economic conditions.

F. SITE PLAN LAYOUT GENERAL DESIGN.

1. GENERAL URBAN DESIGN PRINCIPLES. Principles listed at § 155.602 shall be adhered to when designing any development within the TS district
  - a. Buildings form the public realm that is primarily streets and pedestrian pathways.
  - b. The street is a coherent space, with consistent building form. This agreement of buildings facing across the public realm contributes to a clear public space and identity.
  - c. Buildings oversee the street with active fronts. This overview of the public realm contributes to vital and safe public space.
  - d. Land should be clearly public or private in public view and under surveillance or private and protected.
  - e. Buildings are designed for communal encounters, and must be designed for the urban situation within the Town. Views are directed to the public space as much as possible.
  - f. Vehicle storage/parking, (not including on-street parking), garbage storage and collection, and mechanical equipment are kept away from the public realm.
2. STREET NETWORK.
  - a. The interconnected network of streets must extend into adjoining areas except where the general goal of integration and connectivity with surrounding uses is deemed inappropriate or impractical due to sensitive natural resources, or unusual topography provide no practical connection alternatives. Street stubs must be provided to adjoining undeveloped areas to accommodate future street connectivity.
  - b. Streets do not have to form a rectangular grid, but may curve or bend to connect to other streets. Intersections between arterials and collectors must have centerline offsets of at least one hundred fifty feet (150'). This requirement does not apply to intersections between alleys and local streets.
  - c. The proposed street network should respect topography and designated environmental resources and be modified accordingly to avoid damages to such resources.
  - d. Sidewalks and street trees must be provided on both sides of all streets. Street trees may be omitted where arcades are provided which would restrict adequate space for natural tree canopy growth.
  - e. Permanent dead-end streets are not permitted except where physical conditions such as limited access highways, sensitive natural resources, or unusual topography provide no practical connection alternatives. Each dead end must be detailed as a circular turn-around, a close, a hammerhead, or a "Y" turn-around and should provide pedestrian connectivity to the maximum extent practicable.
  - f. Private streets and gated streets are prohibited. All streets must be dedicated to the public.
  - g. ALLEYS AND SERVICE ACCESS. A continuous network of rear and side alleys must provide vehicular access to off-street parking and service/loading facilities for individual lots in the TS District. Alley entrances should generally align so as to provide ease of ingress for service vehicles, but internal deflections or variations in the alley network are encouraged to prevent excessive or monotonous views of the rear of structures resulting from long stretches of alleys. All alleys shall be identified as either public or private, and any public alley shall be dedicated to the public as provided for in Chapter 7.
  - h. THE STREETScape. A streetscape planting and lighting plan shall be prepared for each block face of each public street as any adjacent parcel is designated into the TS district. The streetscape plan shall incorporate street trees to provide both form (canopy) and comfort (shade) to the street. Street trees give special character and coherence to each street. Lighting shall be incorporated to provide night-time illumination under the tree canopy for safety and ambiance for pedestrians, and adequate illumination for vehicular traffic.
  - i. FRONTS AND REARS. Building facades are the public "face" of every building. Owners and occupants are encouraged to utilize planters and window boxes filled with colorful plants along each façade that fronts a public street, plaza, parking lot, or similar public use realm.

The private, interior portions of the lots (toward the alley) allow commercial operators to utilize these spaces as efficient working environments unseen by the public and allow residents to have private and semi-private (for apartment and condominium buildings) gardens and courtyards.

3. **BLOCKS.** Except as otherwise provided, block perimeters may not exceed eight hundred (800) lineal feet as measured along the edges of each street right-of-way forming the block. Blocks may alternatively be broken by a civic space provided that lot is at least fifty feet (50') wide and will provide perpetual pedestrian access between the blocks and to any lots that front the civic space. Smaller blocks are encouraged to promote walkability.
  - a. Block perimeters may exceed this limit, up to a maximum of four thousand (4,000) lineal feet, only if one or more of the following conditions apply:
    - i. The block has at least one block face on an arterial street; or
    - ii. The block face contains valuable natural features or significant historic resources that should not be crossed by a street.
  - b. Any single block face wider than six hundred feet (600') must include a publicly dedicated sidewalk, passage, or trail at least twelve feet (12') in width that connects to another street.
4. **OFF-STREET PARKING.** While public street cross sections may include on-street parking on many streets and parking requirements may be reduced within the TS district, a substantial amount of required parking will need to be provided on private property, either on the same parcel as the associated use or on a nearby parcel.
  - a. **PARK-ONCE SYSTEM.** An owner/developer is encouraged to implement a park-once system of shared parking for part or all of a TS District to distribute the commercial parking load between on-street parking and shared parking lots or structures. An extensive park-once system may be submitted for approval as an alternative parking plan.

In order to reduce the amount of separate surface parking lots which can visually and spatially dominate development and therefore adversely affect desired density of build-out, vehicle parking shall have both a short-term and a long-term plan. Any development project proposed in the TS District shall show how it can provide for its share of parking needs when initially constructed, as well as a longer-term future demand. Off-site parking within shared parking facilities shall be allowed and is encouraged in order to increase building and/or public use coverage fronting streets within the district. At the time of initial approval, a development proposal shall identify whether the project will include one or more of the following, either upon initial construction or at a later phase: twenty (20) or more residential units; six thousand (6,000) square feet or more of business or retail space; fifty (50) or more seating accommodations in a restaurant; or any public assembly or recreational use facility that can accommodate fifty (50) or more persons (participants or attendees). Any proposed development meeting any of the given categories shall agree to participation in the district-wide shared parking program. This shared parking program may allow multiple separate buildings or development projects to allocate a certain percentage of their required parking to a shared off-site parking facility, and may require property owners to participate in a special assessment process to build structured parking when certain district build-out levels are reached. Shared off-site parking facilities may initially be surface lots that shall be converted to structured parking when district density levels are reached. A written agreement between property owners explaining what parcel or parcels may utilize parking on a separate parcel, now and/or in the future, and which will remain binding on future owners and land uses, shall be signed and recorded with the Mecklenburg County Register of Deeds office prior to any land disturbing activity or any permit being issued for a parcel that requires off-site parking to meet minimum parking standards.
  - b. **LOCATION OF OFF-STREET PARKING.** To the maximum extent practicable, off-street parking spaces must be located within buildings or behind buildings so that buildings screen parking areas from sidewalks and streets. In no case may parking be located in the setback or yard in front of a building. Parking lots in non-streetside (interior of block) side yards may be allowed provided these lots are placed a minimum of twenty feet (20') from

- lot lines adjoining rights-of-way, excluding alleys. Parking in shared off-site lots shall be within one thousand feet (1,000') of the property.
- C. ACCESS TO OFF-STREET PARKING. Alleys must be the primary source of vehicular access to off-street parking. Parking along alleys or lanes may be 90 degree, angled, or parallel, and must be of sufficient depth to assure parked vehicles will not impede traffic movement in the alley. Where 90 degree or angled spaces are provided, they must be a minimum of twenty feet (20') in length, and where parallel spaces are provided they must be a minimum of eight feet (8') in width. Any alley with parking spaces immediately adjacent must be paved a minimum of twenty feet (20') in width, with no obstructions such as doors, dumpsters, planters, bollards, mechanical equipment, street light poles, etc., that could restrict the full width use of the pavement for vehicular maneuvering in and out of designated parking spaces. Cross access is required between adjoining rear/side parking lots.
  - d. PARKING STRUCTURES. Parking structures are encouraged to create shared parking opportunities and to reduce the footprint of surface lots. Single-use parking structures must be located behind other buildings. Structured parking is permitted and encouraged on liner buildings and mixed use buildings. Structured parking may extend below grade and may contain multiple levels of parking above grade. Parking structures may contain other uses above the parking levels provided the entire building does not exceed the height allowed in the TS District. Partially enclosed parking spaces may be created with habitable space cantilevered over them at the rear of a building, or along the side of a building when a solid wall blocks view of parked vehicles from any public street or pedestrian pathway.
5. USES UNABLE TO UTILIZE STREETFRONT FENESTRATION. When certain uses such as a theater, parking, or planetarium cannot comply with the required door and window standards for primary facades, then they may be constructed in a manner that they will be separated from adjacent streets by liner buildings.
- a. Liner buildings must be at least two (2) stories in height with not less than twenty feet (20') in depth.
  - b. Liner buildings may be detached from or attached to the building(s) they are concealing.
  - c. Liner buildings may be used for any purpose allowed on the lot on which they are located except exclusively for parking.
  - d. Liner buildings must meet the primary façade transparency requirements in § 155.503.6.G.
6. WIDE BUILDINGS. When a wide building is placed directly across a street from significantly narrower lots or buildings, the principal facade on the wide building must be varied with a change of architectural expression that reflects the widths of the narrower lots. These changes in expression may be a vertical element running from sidewalk to roof, a change in fenestration or style, color, or texture, or a break in facade plane or roof line. These changes may be subtle or significant, but must soften the visual effect of very wide buildings directly across the street from narrower buildings.
- a. STORY HEIGHT. The ground story of nonresidential and mixed-use buildings must be from twelve feet (12') to eighteen feet (18') tall. The ground story of residential buildings shall be a minimum of ten feet (10') tall. Each story above the ground story shall be at least eight feet (8') tall. Any upper story taller than twelve feet (12') will count as two (2) stories. Story heights are measured from the floor to the bottom of the lowest structural member that supports the story above.
  - b. FIRST FLOOR ELEVATION ENTRANCES. Nonresidential and mixed use buildings shall have their primary public walk-in entrances level with, to no greater than six inches (6'') above the adjacent walkway. When a nonresidential or mixed use building has more than one primary public entrance and more than a one foot (1') difference in finished grade at various doorways, then the entrance adjacent to a public street shall meet this requirement. Residential buildings shall have their first habitable story at least eighteen inches (18'') above the adjacent public walkway. Residential buildings with multiple doors shall meet these height standards for doors facing public streets. Exceptions may be allowed through a site plan review, when a written explanation is provided to indicate the basis for alternate design.

- c. LINER BUILDINGS. The character of some uses of land, such as theaters and parking structures, would preclude their buildings from complying with the door and window requirements for primary facades. Such buildings may be constructed in a manner that they will be separated from adjacent streets (but not alleys) by liner buildings. Liner buildings:
  - i. Must be at least two (2) stories in height with not less than twenty feet (20') in depth;
  - ii. May be detached from or attached to the buildings they are concealing;
  - iii. May be used for any purpose allowed on the lot on which they are located except for parking; and
  - iv. Must meet the primary facade transparency requirements in the preceding subsection.

G. GENERAL BUILDING DESIGN PRINCIPLES.

- 1. The principles listed at § 155.603 shall be adhered to when designing any development within the TS district. An identified set of architectural styles or specific architectural elements may be utilized to create an overall design theme.
- 2. EXTERIOR BUILDING WALLS
  - a. Primary materials, which shall cover at least seventy five percent (75%) of each façade, excluding any glazed areas, shall consist of brick, other masonry, or native stone (or synthetic equivalent).
  - b. Secondary materials, which may cover up to twenty five percent (25%) of each façade, excluding any glazed areas, may include hardiboard siding, wood siding, and stucco.
  - c. Accent materials and trim may cover up to ten percent (10%) of each façade excluding any glazed areas. Such accents and trim materials may include pre-cast masonry (for trim and cornice elements only), Gypsum Reinforced Fiber Concrete (GFRC—for trim elements only), metal (for beams, lintels, trim elements and ornamentation only), and split-faced block (only for piers, foundation walls and chimneys). All accent and trim materials shall be identified on elevation plans.
  - d. Colors of all non-glazing exterior materials on any building shall be limited to no more than three, unless the building is both larger in overall size than sixty thousand (60,000) square feet and at least three (3) stories in height. Such larger buildings may employ up to five (5) distinct colors on its exterior facades. For the purpose of this standard, the term color shall also refer to two (2) clearly different shades of the same color, such as a light green and a dark green, or a pastel pink and a burgundy red.
  - e. Alternative percentages of listed materials or types of materials may be requested by the Flexible Design Provisions at § 155.503.6.H. at the time of initial district designation, or through the Administrative Amendment process for an individual building after it has received site plan and elevation plan approval.
- 3. CONFIGURATIONS AND TECHNIQUES FOR EXTERIOR WALLS: The following configurations and techniques are permitted.
  - a. WALLS
    - i. The horizontal dimension of the wall opening shall not exceed the vertical dimension except where otherwise prescribed in this Title.
    - ii. Wall openings shall not span vertically more than one (1) story.
    - iii. Wall openings shall correspond to interior space and shall not span across building structure such as the floor structural and mechanical thickness.
    - iv. Material changes shall be made within a constructional logic—as where an addition (of a different material) is built onto the original building.
  - b. WOOD SIDING AND WOOD SIMULATION MATERIALS
    - i. Lap siding (horizontal) configuration
    - ii. Smooth or rough-sawn finish (no faux wood grain)

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- c. BRICK, BLOCK AND STONE. Must be detailed and in an appropriate load-bearing configurations.
  - d. STUCCO (cementitious finish). Smooth or sand only, no roughly textured finish.
4. ROOFS AND PARAPETS. Roofs and parapets should demonstrate a commonsense recognition of the climate by utilizing appropriate pitch, drainage, and materials in order to provide visual coherence to the Station Area. The design standards for roofs and parapets are as follows:
- a. ROOF MATERIALS. The following materials are permitted.
    - i. Clay or concrete (faux clay)
    - ii. Tile (barrel or flat roman)
    - iii. Slate (equivalent synthetic or better)
    - iv. Metal (standing seam, equivalent or better)
    - v. Dimensional Asphalt shingles
    - vi. Cedar Shingles
    - vii. Cornices and soffits may be a combination of wood, vinyl, and/or metal.
  - b. Parapets shall generally not extend above the top of a flat or single pitch (shed) roof more than six feet (6') fronting a public street. Parapets may be used to visually screen roof-top mechanical equipment, and a utilitarian penthouse structure may be attached to the interior side of a parapet extension in order to screen equipment. Parapets shall appear from the exterior as part of the exterior wall, and as such shall be composed of the same materials and limited to the same colors and finishes as the materials of the exterior walls. When a parapet also serves as a security railing for any activity on a rooftop, a parapet not facing a public street may incorporate different materials than the exterior wall from which it extends, such as glass, metal mesh, and poles. When a parapet faces a public street and also serves as a security railing for a rooftop activity, such as a green roof or open air dining, then the parapet may be designed such that it has openings in its vertical surface to allow visibility through it. Such openings shall not be lower than three feet (3') from the roof surface nor exceed eighteen inches (18") in width.
5. CONFIGURATIONS AND TECHNIQUES. The following configurations and techniques are permitted:
- a. PITCHED ROOFS. Pitch is exclusive of roofs concealed behind parapets.
    - i. Simple hip and gable roofs shall be symmetrically pitched between 4:12 and 10:12.
    - ii. Shed roofs, attached to the main structure, shall be pitched between 3:12 and 8:12.
    - iii. Eaves, when provided, must overhang eighteen (18) to thirty inches (30") on a principal building for the initial four (4) stories. For each additional story; six inches (6") shall be added to the minimum and twelve inches (12") shall be added to the maximum, up to a maximum projection of seven feet (7').
    - iv. Eaves on accessory buildings, dormers, and other smaller structures must overhang at least eight inches (8").
    - v. Timber eaves and balcony brackets must be a minimum of four-by-four inches (4" x 4") in dimension.
  - b. PARAPET, CORNICE AND COPING STANDARDS.
    - i. Allowed only for sites where the roof material is not visible from any adjacent street.
    - ii. Buildings without visible roof surfaces and overhanging eaves may create an overhang with a cornice projecting horizontally between six (6") and twelve inches (12") beyond the building walls for the on the primary structure for the initial four (4) stories. For each additional story; six inches (6") shall be added to the minimum and twelve inches (12") shall be added to the maximum, up to a maximum projection of six feet (6').
    - iii. SKYLIGHTS, ROOF VENTS, MECHANICAL EQUIPMENT, AND SIMILAR UTILITARIAN

ITEMS. Skylights, roof vents, stacks, mechanical equipment, plumbing apparatus for green roofs, and other mechanical or utility equipment with permanent placement on the roof of a building shall be screened from view from any public street or public use area. Screening may be accomplished by parapet walls, utilitarian penthouse structures attached to the interior of a parapet extension, equipment covers, or similar. These items may also be set back from the edge of a building at least ten feet (10') and camouflaged by color matching the roof when they do not exceed two feet (2') in height.

6. WINDOWS AND DOORS. The placement, type, and size of windows and doors help to establish the scale and vitality of the public realm. For nonresidential and mixed use buildings, they allow interplay between the business interiors and the street or public realm space. For residential buildings, they foster “eyes on the street” surveillance which provides for security and safety in the area. Windows should be divided by multiple panes of glass. This helps the window “hold” the surface of the façade, rather than appearing like a “hole” in the wall, an effect produced by a large single sheet of glass. The standards for windows and doors are as follows:
  - a. Windows shall be of anodized aluminum, wood, clad wood, vinyl, or steel.
  - b. Window glass shall be clear or lightly-tinted and non-reflective, with light transmission at the ground story at least ninety percent (90%) and for the upper stories at least seventy five percent (75%), with modification as necessary to meet any applicable building and energy code requirements.
  - c. Specialty windows, with a maximum of one per thirty (30) lineal feet along any façade facing any public street or public use realm, per story is allowed. A specialty window may utilize stained, opalescent, or translucent glass, or glass block, and shall not exceed forty eight (48) square feet in area. Mirrored glass shall not be used on any ground story façade or on any story when visible from any public street or public use realm.
  - d. Operable windows and doors onto patios and balconies are allowed for residential units on any story, and for nonresidential and mixed use buildings above the ground story.
  - e. Window screens shall be black or gray. Screen frames shall match window frame material or be dark anodized.
  - f. Doors designed primarily for pedestrian use shall be of wood, clad wood, or steel and may include glass panes. Doors designed for vehicular use may be of any material and style consistent with the architectural detail of the building.
7. CONFIGURATIONS AND TECHNIQUES FOR DOORS AND WINDOWS. The following are permitted:
  - a. The horizontal dimension of the opening shall not exceed the vertical dimension except where otherwise prescribed in this Title.
  - b. Windows may be ganged horizontally (maximum five [5] per group) if each grouping is separated by a mullion, column, pier or wall section that is at least seven inches (7") wide.
  - c. Windows shall be no closer than thirty inches (30") to building corners (excluding bay windows).
  - d. Exterior shutters, if applied, shall be sized and mounted appropriately for the window at one-half the width, even if inoperable.
  - e. Windows on any story above the ground story may be double-hung, single-hung, awning, or casement windows. Fixed windows are permitted only as specialty windows or when a component of a system including an operable window within a single wall opening.
  - f. Residential buildings or residential floors of mixed use buildings shall have panes of glass no larger than thirty six inches (36") vertical by thirty inches (30") horizontal. The maximum pane size for office uses is forty eight inches (48") vertical by forty (40") horizontal. When necessary to meet building codes for egress purposes windows may exceed the dimensions given here.
  - g. Nonresidential windows and doors at the street level shall not have individual panes of glass larger than eight feet (8') in height by four feet (4') wide.
  - h. All window pane surface area of ground story nonresidential buildings shall allow views

into the building interior for a depth of at least eight feet (8') where the interior space is retail, restaurant, office, or similar area accessible to the public. This shall not include restrooms, or restricted employee-only accessed areas, such as a kitchen, inventory storage, or loading dock. Windows shall not be made opaque by window treatments except for operable sunscreen devices within the conditioned space.

- i. Garage doors or operable coverings over vehicle use (service/loading) wall openings shall not face the primary public street unless they are set back from the building façade and from the public right-of-way at least twenty feet (20').
  - j. Double-height entryways (those that span more than one [1] story) are not allowed.
  - k. Doors shall not be recessed more than three feet (3') behind the shop-front windows and, in any case, shall have a clear view and path to a forty five degree (45°) angle past the perpendicular from each side of the door.
  - l. Arcades, awnings, and canopies are encouraged along the front of buildings facing public streets and the public use realm.
8. **SIGNAGE.** Signs within the TS district commercial frontages should be clear, informative to the public and should weather well. Signage is desirable for advertising shops and offices, and as decoration. Signs should be scaled to the nature of the district, which is a mixed-use, pedestrian-oriented environment centered by a heavily trafficked motor vehicle corridor. Signage that is glaring or too large creates distraction, intrudes into and lessens the urban environment pedestrian experience, and creates visual clutter. The standards for signs are as follows:
- a. Where a building is designed to house multiple businesses or uses, each capable of desiring identification signage, the building shall provide a master sign plan prior to receiving a Certificate of Occupancy. The master sign plan shall be reviewed and approved by the Town Board of Commissioners as provided at § 155.608.9. It shall include a designated horizontal sign band for all uses on the ground or street level story, and designated locations for identification of businesses in upper level stories and for identifying the building name itself. The sign band for the ground story level shall not be higher than sixteen feet (16') or lower than nine feet (9') above the adjacent public sidewalk, street or public use realm.
  - b. Individual letters placed within the designated first floor sign band shall not exceed eighteen inches (18") in height or width and three inches (3") in relief for any buildings placed at, or within ten feet (10') of the adjacent public street. Company logos and other non-word elements may be placed within the sign band. All words, logos, and related elements used within the sign band to identify a business shall be arranged so that together they fit within a rectangular area up to sixty (60) square feet per business enterprise.
  - c. Company logos or names may be placed or painted within ground floor or second story office windows.
  - d. Attached signs for buildings designed and used as a single business enterprise or a multi-family residential building:
    - i. Any combination of letters, logos, and other elements shall be considered one (1) sign for any building up to sixty thousand (60,000) square feet GFA and/or up to three (3) stories. This sign shall fit within a rectangular area not to exceed one hundred (100) square feet, and not to exceed ten feet (10') in height. This single sign is allowed per each building façade that is at an eighty (80) or greater degree angle from an adjacent building façade.
    - ii. Any combination of letters, logos, and other elements shall be considered one sign for any building equal to or greater than sixty thousand (60,000) square feet GFA and more than three (3) stories. This sign shall fit within a rectangular area not to exceed two hundred fifty (250) square feet, and not to exceed sixteen feet (16') in height.
  - e. A masonry or bronze plaque bearing the building name may be placed in the building's parapet wall or under the eaves, and above the upper story windows. The building name identification may alternatively be sculpted into the building façade. Any such plaque or sculpted material shall not exceed eighteen (18) square feet and shall be limited to the

- façade incorporating the primary pedestrian entrance. The building name may also be displayed on a separate masonry or bronze plaque or sculpted into the building wall material at the ground story level and shall not exceed four (4) square feet.
- f. Projecting signs placed perpendicular to the building facade and identifying a business enterprise or residential use within the building may be placed within ten feet (10') of an associated street level door in the designated first story sign band or on exterior walls of the second story, not to exceed twenty four feet (24') in height. Projecting signs shall not exceed twenty four (24) square feet in area or extend further than four feet (4') from the façade, and shall have a minimum of seven feet six inches (7'6") clear height above any sidewalk, plaza, or public use realm.
  - g. Because all buildings are expected to be at or close to the public street, sidewalk, or a public use realm, no freestanding signs are anticipated for individual buildings. Freestanding signs may be employed as gateway identification markers to various subareas at the exterior boundaries of and within the TS District as locations are determined by the approved general concept plan.
9. **AWNINGS AND CANOPIES:** When an awning or canopy is incorporated into a building, the following requirements shall apply:
- a. A minimum of ten feet (10') clear height shall be provided for any awning or canopy above any sidewalk, plaza, or public use realm.
  - b. Awnings may extend from the front façade of the building up to one-half (1/2) of the width of the sidewalk area below, not to exceed nine feet (9'), whichever is less. If this extension reaches into the public right-of-way, an encroachment agreement with the Town or State is required. In no case shall an awning interfere with the placement, natural growth, and maintenance of any street trees, street signs, or lighting.
  - c. Canopies may extend from the front façade of the building up to the full width of the sidewalk area below. If this extension reaches into the public right-of-way, an encroachment agreement from the Town or State is required. In no case shall a canopy interfere with the placement, natural growth, and maintenance of any street trees, street signs, or lighting.
  - d. Awnings may be made of canvas or treated canvas material, may be designed to retract against the wall of the building, and shall not include any shiny or reflective materials.
  - e. Canopies may be made of wood, metal, or glass, or a combination of these or similar permanent rigid materials, and shall not include any shiny or reflective materials.
  - f. No internal illumination shall be projected through an awning or canopy.
10. **MECHANICAL EQUIPMENT AND STORAGE ITEMS.** The following shall be placed behind and away from any front or corner side building line, not be stored or located within any street, and be screened from view from the public use realm:
- a. Air compressors, mechanical pumps, exterior water heaters, water softeners, utility and telephone company transformers, meters or boxes, storage tanks, garbage dumpsters and compressors, and similar equipment shall not be installed or placed within any area considered public use realm.
  - b. Backflow preventers as required by the public utility company shall not be located within the public use realm, and shall be covered or screened from view.
  - c. Garbage and recycling containers, and similar items which must be stored and then moved on an ongoing schedule for servicing shall be stored in a location that is completely screened from view from the public realm to a minimum height of six feet (6') through the use of a fence, wall, or other visual block.
  - d. Utility meters for individual residential or nonresidential uses that are installed on or near a building wall and must be regularly accessed for data collection shall be screened from view from the public realm through the use of a fence, wall, evergreen landscape materials, or other visual block.
  - e. Roof mounted equipment shall be placed behind and away from any front or corner side

building line and be screened from view from the public realm.

- H. FLEXIBLE DESIGN. The TS district establishes minimum standards for development and design. Those standards however may not always be appropriate to a particular segment or building within the development. Accordingly, new development concepts, innovative design, unique circumstances or public/private ventures may require the use of alternative development or design standards. In such cases, the development requirements specified here for the TS district (in § 155.503.6) may be modified through the Flexible Design provisions of § 155.401.7 of this Title.

**155.503.7. Shopping Center District (B-1SCD)**

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- A. The Shopping Center District is established to provide for the development and efficient operation of integrated shopping centers or retail sales establishments which exceed one hundred thousand (100,000) square feet of total floor area. "Retail" for this district shall include predominately the sale of merchandise and prepared food and drink. This district requires locations with easy vehicular access and high visibility to draw visitors from a wide geographic area, while providing adequate treatment of district edges to ensure these developments are not detrimental to adjacent uses or the orderly and well-planned development of the community. All development of land within the Shopping Center district shall comply with a site plan approved at the time of district designation. The Shopping Center District is primarily intended for properties that already have been developed as predominately or exclusively retail complexes. Where new sites are considered for this zoning district, it is anticipated they will be designed with multi-story structures and be located in conjunction with higher density residential and mixed use developments. The map symbol and short name for the Shopping Center District shall be "B-1SCD".
- B. Lot development and design standards, as outlined in § 155.605, and dimensional standards of § 155.604.3, apply to the B-1SCD District. Uses allowed within the B-1SCD district are given in the Table of Allowed Uses at § 155.505.3. Supplementary standards which may be applicable to certain uses within the B-1SCD district are listed at § 155.506. Except where the standards given within this subsection § 155.503.7 specifically for the B-1SCD district differ, the parking provisions at § 155.607, the sign provisions at § 155.608, and the lighting provisions at § 155.609 apply to the B-1SCD district.
- C. Additional Standards Unique to B-1SCD District. In addition to the requirements of other sections of this Title, development and improvements in the Shopping Center District shall comply with the following requirements. Where the provisions in this § 155.503.7 conflict with the provisions of other Sections of this Title, except for Overlay district requirements, this Section shall prevail.
1. LOCATION REQUIREMENTS. A B-1SCD district shall have frontage on an existing or proposed major or minor thoroughfare.
  2. MINIMUM TOTAL PROJECT AREA. A B-1SCD designation shall be a minimum of three (3) acres, and shall be designed to have more than one hundred thousand (100,000) square feet of retail (sale of merchandise and food establishments) and other commercial building area. Build-out of the overall development may be constructed in multiple phases over time.
  3. EXTERIOR STREET EDGE. The B-1SCD district shall provide an exterior street edge of at least forty feet (40') along all public streets at the exterior edge of a B-1SCD district. No building, patio, parking, maneuvering, loading or service areas may be located within this streetside edge.
  4. MINIMUM INTERIOR AND NONSTREET EDGES. The minimum distance from any building at or under thirty five feet (35') high to an abutting property line must be at least twenty five feet (25'). The minimum distance from any building greater than thirty five feet (35') in building height to an abutting property line shall be twenty five feet (25') plus one foot (1') for every one foot (1') in added building height when the adjacent property is zoned or used for residential purposes. When the abutting property is zoned for nonresidential purposes, the distance shall be increased over twenty five feet (25') by an additional one foot (1') for every two feet (2') of additional building height. Buildings abutting public streets in the interior of a B-1SCD district shall be set back a minimum of forty feet (40') from the street.
  5. OPEN SPACE REQUIREMENT. The B-1SCD district encourages development of an open space system featuring pedestrian amenities. The open space system may include areas devoted to post construction, water quality and/or storm water detention measures, any required or provided landscaping or screening areas, SWIM buffers, greenways or environmental protection features.
- D. EARLY DESIGNATION. The B-1SCD district is not eligible for early designation. Each request for B-

1SCD designation shall include a site plan showing, at a minimum, general exterior dimensions, total square footage, proposed locations of parking and off-street loading facilities, proposed new streets or improvements to existing streets, driveway access points, an internal traffic and circulation plan, and pedestrian facilities within and providing connections to adjacent properties.

E. REVIEW CRITERIA. Proposals for B1-SCD designation shall provide explanation on how they complement the surrounding neighborhoods and incorporate principles of good community design, including:

1. Access to public streets and the adequacy of those streets to carry anticipated traffic.
2. On-site circulation for both pedestrian and vehicular traffic.
3. Adequacy of existing community facilities such as water, sewer, police, and fire protection.
4. Relationship to and impacts upon adjoining and nearby properties and the adequacy of proposed measures to minimize any adverse impacts.
5. The appropriateness of the proposal in relationship to the policies and objectives of the Matthews Land Use Plan and to a more detailed small area plan, if available.

F. SITE PLAN LAYOUT DESIGN.

1. GENERAL URBAN DESIGN PRINCIPLES. The principles listed at § 155.602 shall be adhered to when designing any development within the B-1SCD district.

2. STREET NETWORK.

- a. The interconnected network of streets must extend into adjoining areas except where the general goal of integration and connectivity with surrounding uses is deemed inappropriate or impractical due to sensitive natural resources, or unusual topography provide no practical connection alternatives. Street stubs must be provided to adjoining undeveloped areas to accommodate future street connectivity.
- b. Streets do not have to form a rectangular grid, but may curve or bend to connect to other streets. Intersections between arterials and collectors must have centerline offsets of at least one hundred fifty feet (150'). This requirement does not apply to intersections between alleys and local streets.
- c. The proposed street network should respect topography and designated environmental resources and be modified accordingly to avoid damages to such resources.
- d. Sidewalks and street trees must be provided on both sides of all streets. Street trees may be omitted where arcades are provided which would restrict adequate space for natural tree canopy growth.
- e. Permanent dead-end streets are not permitted except where physical conditions such as limited access highways, sensitive natural resources, or unusual topography provide no practical connection alternatives. Each dead end must be detailed as a circular turn-around, a close, a hammerhead, or a "Y" turn-around and should provide pedestrian connectivity to the maximum extent practicable.
- f. Private streets and gated streets are prohibited. All streets must be dedicated to the public, although alleys may be private.
- g. ALLEYS AND SERVICE ACCESS. A clearly-defined network of rear and side alleys is encouraged to provide vehicular access to off-street parking and service/loading facilities for individual buildings. Alley entrances should generally align so as to provide ease of ingress for service vehicles, but internal deflections or variations in the alley network are encouraged to prevent excessive or monotonous views of the rear of structures resulting from long stretches of alleys. All alleys shall be identified as either public or private, and any public alley shall be dedicated to the public as provided for in Chapter 7.
- h. THE STREETScape. A thematic and cohesive streetscape planting and lighting plan shall be prepared for the B-1SCD district at time of initial designation. The streetscape plan shall incorporate street trees to provide both form (canopy) and comfort (shade) to the street. Street trees give special character and coherence to each street. Lighting shall be incorporated to provide night-time illumination under the tree canopy for safety and ambiance for pedestrians, and adequate illumination for vehicular traffic.



- stone (or synthetic equivalent).
  - b. Secondary materials, which may cover up to twenty five percent (25%) of each façade, excluding any glazed areas, may include hardiboard siding, wood siding, and stucco.
  - c. Accent materials and trim may cover up to ten percent (10%) of each façade excluding any glazed areas. Such accents and trim materials may include pre-cast masonry (for trim and cornice elements only), Gypsum Reinforced Fiber Concrete (GFRC—for trim elements only), metal (for beams, lintels, trim elements and ornamentation only), and split-faced block (only for piers, foundation walls and chimneys). All accent and trim materials shall be identified on elevation plans.
  - d. Colors of all non-glazing exterior materials on any building shall be limited to no more than three, unless the building is both larger in overall size than sixty thousand (60,000) square feet and at least three (3) stories in height. Such larger buildings may employ up to five (5) distinct colors on its exterior facades. For the purpose of this standard, the term color shall also refer to two (2) clearly different shades of the same color, such as a light green and a dark green, or a pastel pink and a burgundy red.
  - e. Alternative percentages of listed materials or types of materials may be requested through the site plan and elevation plan approval process.
3. CONFIGURATIONS AND TECHNIQUES FOR EXTERIOR WALLS: The following configurations and techniques are permitted.
- a. WALLS
    - i. The horizontal dimension of the wall opening shall not exceed the vertical dimension except where otherwise prescribed in this Title.
    - ii. Wall openings shall not span vertically more than one (1) story.
    - iii. Wall openings shall correspond to interior space and shall not span across building structure such as the floor structural and mechanical thickness.
    - iv. Material changes shall be made within a constructional logic—as where an addition (of a different material) is built onto the original building.
  - b. WOOD SIDING AND WOOD SIMULATION MATERIALS
    - i. Lap siding (horizontal) configuration
    - ii. Smooth or rough-sawn finish (no faux wood grain)
  - c. BRICK, BLOCK AND STONE. Must be detailed and in an appropriate load-bearing configurations.
  - d. STUCCO (cementitious finish). Smooth or sand only, no roughly textured finish.
  - e. STORY HEIGHT. The ground story of buildings must be a minimum of twelve feet (12') tall. Each story above the ground story shall be at least eight feet (8') tall. Any upper story taller than twelve feet (12') will count as two stories. Story heights are measured from the floor to the bottom of the lowest structural member that supports the story above.
  - f. Exceptions. Any requested deviations from these standards shall be submitted for consideration during the elevation plan approval process. If the elevation plan has been approved and a building permit has been issued, a request for Administrative Amendment may be submitted which shall automatically require Town Board final determination.
4. ROOFS AND PARAPETS. The design standards for roofs and parapets are as follows:
- a. Roof Materials. The following materials are permitted.
    - i. Clay or concrete (faux clay)
    - ii. Tile (barrel or flat roman)
    - iii. Slate (equivalent synthetic or better)
    - iv. Metal (standing seam, equivalent or better)
    - v. Dimensional Asphalt shingles
    - vi. Cedar Shingles

- vii. Cornices and soffits may be a combination of wood, vinyl, and/or metal.
  - b. Parapets shall generally not extend above the top of a flat or single pitch (shed) roof more than six feet (6') fronting a public street. Parapets may be used to visually screen roof-top mechanical equipment, and a utilitarian penthouse structure may be attached to the interior side of a parapet extension in order to screen equipment. Parapets shall appear from the exterior as part of the exterior wall, and as such shall be composed of the same materials and limited to the same colors and finishes as the materials of the exterior walls. When a parapet also serves as a security railing for any activity on a rooftop, a parapet not facing a public street may incorporate different materials than the exterior wall from which it extends, such as glass, metal mesh, and poles. When a parapet faces a public street and also serves as a security railing for a rooftop activity, such as a green roof or open air dining, then the parapet may be designed such that it has openings in its vertical surface to allow visibility through it. Such openings shall not be lower than three feet (3') from the roof surface nor exceed eighteen inches (18") in width.
  - c. Exceptions. Any requested deviations from these standards shall be submitted for consideration during the elevation plan approval process. If the elevation plan has been approved and a building permit has been issued, a request for Administrative Amendment may be submitted which shall automatically require Town Board final determination.
5. CONFIGURATIONS AND TECHNIQUES. The following configurations and techniques are permitted:
- a. PITCHED ROOFS. Pitch is exclusive of roofs concealed behind parapets.
    - i. Simple hip and gable roofs shall be symmetrically pitched between 4:12 and 10:12.
    - ii. Shed roofs, attached to the main structure, shall be pitched between 3:12 and 8:12.
    - iii. Eaves, when provided, must overhang eighteen (18) to thirty inches (30") on a principal building for the initial four (4) stories. For each additional story, six inches (6") shall be added to the minimum and twelve inches (12") shall be added to the maximum, up to a maximum projection of seven feet (7').
    - iv. Eaves on accessory buildings, dormers, and other smaller structures must overhang at least eight inches (8").
    - v. Timber eaves and balcony brackets must be a minimum of four-by-four inches (4" by 4") in dimension.
  - b. PARAPET AND CORNICE STANDARDS.
    - i. Allowed only for sites where the roof material is not visible from any adjacent street.
    - ii. Buildings without visible roof surfaces and overhanging eaves may create an overhang with a cornice projecting horizontally between six (6") and twelve inches (12") beyond the building walls on the primary structure for the initial four (4) stories. For each additional story, six inches (6") shall be added to the minimum and twelve inches (12") shall be added to the maximum, up to a maximum projection of six feet (6').
  - c. Exceptions. Any requested deviations from these standards shall be submitted for consideration during the elevation plan approval process. If the elevation plan has been approved and a building permit has been issued, a request for Administrative Amendment may be submitted which shall automatically require Town Board final determination.
6. WINDOWS AND DOORS. The standards for windows and doors are as follows:
- a. Windows shall be of anodized aluminum, wood, clad wood, vinyl, or steel.
  - b. Window glass shall be clear or lightly-tinted and non-reflective, with light transmission at the ground story at least ninety percent (90%) and for the upper stories at least seventy five percent (75%), with modification as necessary to meet any applicable building and energy code requirements.
  - c. Specialty windows are allowed only when approved through the elevation plan. A

- specialty window may utilize stained, opalescent, or translucent glass, or glass block, and shall not exceed forty eight (48) square feet in area. Mirrored glass shall not be used when visible from any public street or public use realm.
- d. Operable windows and doors onto patios and balconies are allowed for nonresidential and mixed use buildings above the ground story.
  - e. Window screens shall be black or gray. Screen frames shall match window frame material or be dark anodized.
  - f. Doors designed primarily for pedestrian use shall be of wood, clad wood, or steel and may include glass panes. Doors designed for vehicular use may be of any material and style consistent with the architectural detail of the building.
  - g. Double-height entryways (those that span more than one [1] story) are not allowed.
7. CONFIGURATIONS AND TECHNIQUES FOR DOORS AND WINDOWS. The following are permitted
- a. The horizontal dimension of the opening shall not exceed the vertical dimension except where otherwise prescribed in this Title.
  - b. Windows may be ganged horizontally without limit to encourage storefront design.
  - c. Windows may reach to or turn at building corners.
  - d. Exterior shutters, if applied, shall be sized and mounted appropriately for the window at one-half the width, even if inoperable.
  - e. Windows on any story above the ground story may be double-hung, single-hung, awning, or casement windows.
  - f. Nonresidential windows and doors at the street level may utilize large individual panes of glass without size limit.
  - g. All window pane surface area of ground story nonresidential buildings shall allow views into the building interior for a depth of at least eight feet (8') where the interior space is retail, restaurant, office, or similar area accessible to the public. This shall not include restrooms, or restricted employee-only accessed areas, such as a kitchen, inventory storage, or loading dock. Windows shall not be made opaque by window treatments except for operable sunscreen devices within the conditioned space.
  - h. Garage doors or operable coverings over vehicle use (service/loading) wall openings shall not face the primary public street unless they are set back from the building façade and from the public right-of-way at least twenty feet (20').
  - i. Doors shall not be recessed more than three feet (3') behind the shop-front windows and, in any case, shall have a clear view and path to a forty five degree (45°) angle past the perpendicular from each side of the door.
  - j. FIRST FLOOR ELEVATION ENTRANCES. Nonresidential and mixed use buildings shall have their primary public walk-in entrances level with, to no greater than six inches (6") above the adjacent walkway. When a nonresidential or mixed use building has more than one (1) primary public entrance and more than a one foot (1') difference in finished grade at various doorways, then the entrance adjacent to a public street shall meet this requirement. Exceptions may be allowed through a site plan review, when a written explanation is provided to indicate the basis for alternate design.
  - k. Arcades, awnings, and canopies are encouraged along the front of buildings facing public streets and the public use realm.
  - l. EXCEPTIONS. Any requested deviations from these standards shall be submitted for consideration during the elevation plan approval process. If the elevation plan has been approved and a building permit has been issued, a request for Administrative Amendment may be submitted which shall automatically require Town Board final determination.
8. SIGNAGE. In addition to the sign standards at § 155.608 and any provisions of an overlay district, when applicable, the following standards apply in the B-1SCD district:
- a. Where a building is designed to house multiple businesses or uses, each capable of desiring identification signage, the building shall provide a master sign plan prior to receiving a

Certificate of Occupancy. The master sign plan shall be reviewed and approved by the Town Board of Commissioners as provided at § 155.608.9. It shall include a designated horizontal sign band for all nonresidential uses on the ground or street level story, and identify where the building name may be placed. The sign band for the ground story level shall not be higher than sixteen feet (16') or lower than nine feet (9') above the adjacent public sidewalk, street or public use realm.

- b. Anchor and junior anchor tenants desiring sign placement other than on a designated sign band shall have sign placement identified and approved through the master sign plan.
9. AWNINGS, CANOPIES, AND ARCADES: When an awning, canopy, or arcade is incorporated into a building, the following requirements shall apply:
- a. A minimum of ten feet (10') clear height shall be provided for any awning, canopy, or arcade above any sidewalk, plaza, or public use realm.
  - b. Awnings may extend from the front façade of the building up to one-half (1/2) of the width of the sidewalk area below, not to exceed nine feet (9'), whichever is less. If this extension reaches into the public right-of-way, an encroachment agreement with the Town or State is required. In no case shall an awning interfere with the placement, natural growth, and maintenance of any street trees, street signs, or lighting.
  - c. Canopies and arcades may extend from the front façade of the building up to the full width of the sidewalk area below. If this extension reaches into the public right-of-way, an encroachment agreement from the Town or State is required. In no case shall a canopy interfere with the placement, natural growth, and maintenance of any street trees, street signs, or lighting.
  - d. Awnings may be made of canvas or treated canvas material, may be designed to retract against the wall of the building, and shall not include any shiny or reflective materials.
  - e. Canopies and arcades may be made of wood, metal, or glass, or a combination of these or similar permanent rigid materials, and shall not include any shiny or reflective materials.
  - f. No internal illumination shall be projected through an awning, canopy, or arcade.
10. MECHANICAL EQUIPMENT AND STORAGE ITEMS. The following shall be placed behind and away from any front or corner side building line, outside of any required sight triangle of any street or driveway intersection, not be stored or located within any street, and be screened from view from the public use realm:
- a. Air compressors, mechanical pumps, exterior water heaters, water softeners, utility and telephone company transformers, meters or boxes, storage tanks, garbage dumpsters and compressors, and similar free-standing equipment shall not be installed or placed within any area on the site considered public use realm. Any line of view of such items from the public realm shall be provided with plant materials or other hardscape items to visually screen them.
  - b. Backflow preventers as required by the public utility company should not hinder use of, or block pedestrian flow through, the public use realm, and they shall be covered and screened from view.
  - c. Utility meters that are installed on or near a building wall and must be regularly accessed for data collection shall be screened from view from the public realm through the use of a fence, wall, evergreen landscape materials, or other visual block. When vegetation is used, it shall be evergreen or coniferous species with a minimum height at planting of three feet (3'), and expected to grow to a height to shield view of the mechanical equipment from the public realm within four (4) growing seasons.
  - d. Garbage and recycling containers, and similar items which must be stored and then moved on an ongoing schedule for servicing shall be stored in a location that is completely screened from view from the public realm to a minimum height of six feet (6') through the use of a fence, wall, or other visual block. The usual storage location and the temporary staging area for servicing of such containers shall be designed and identified as part of the site plan process.

- e. Roof mounted equipment shall be placed behind and away from any front or corner side building line and be screened from view from the public realm. Screening may be accomplished by parapet walls, utilitarian penthouse structures attached to the interior of a parapet extension, equipment covers, or similar. These items may also be set back from the edge of a building at least ten feet (10') and camouflaged by color matching the roof when they do not exceed two feet (2') in height.
- f. Skylights, roof vents and stacks, exhaust fans, plumbing for green roofs, elevator mechanism, and other items or equipment with permanent placement on the roof of a building shall be physically separated from any portion of a rooftop that is designed for access and use by the occupants or customers of the building.

**155.503.8. Entertainment District (ENT)**

A. The Entertainment (ENT) District is established to provide a unique set of land uses and design criteria for a defined geographic portion of the community, with a specific emphasis on providing multiple entertainment opportunities for people of all ages, both permanent residents and visitors. The Entertainment District shall incorporate spaces for permanent residences, transitory housing, employment opportunities, indoor and outdoor recreation, shopping, dining, and daily living services in a compact pedestrian-friendly neighborhood. Provision shall be made for various modes of transportation. All construction and uses of land within the Entertainment district shall comply with an approved general concept plan for the District, and no land disturbing activity may take place until compliance with the approved concept plan is documented to, and confirmed by, the Town Planning Office. The map symbol and short name for the Entertainment District shall be "ENT".

The general concept plan to be created and adopted for the ENT district will become an appendix in the Matthews Land Use Plan. This small area plan should include required elements for build-out to be conducted in phases over time, such as initial required street/pedestrian primary, or main, networks to assure interconnectivity through the overall area, minimum different types of land uses required to be built in the first phase, communal storm water detention facilities, a minimum/maximum amount of certain types of land uses to guarantee a full range mix of uses, at what point temporary surface parking lots will be converted to shared or structured parking, minimum required building heights, or maximum footprint size of big box buildings. Overall maximum development build-out may also be included in the conceptual small area plan.

As a Conditional-Only District, parcels of land may be zoned to this category following the procedures explained at § 155.501.3.C. and D., at the time a specific development project is submitted for consideration, or parcels may receive early designation as outlined in § 155.501.3.I., prior to any specific plan due to their location within the geographic area identified for this zoning designation, with the condition that prior to any land disturbing activity, a site specific plan for development shall be approved through the site plan approval process as described at § 155.401.5.B.

B. Lot development and design standards, as outlined in §155.605, and dimensional standards of § 155.604.3, apply to the ENT District. Uses allowed within the ENT district are given in the Table of Allowed Uses at § 155.505.3. Supplementary standards which may be applicable to certain uses within the ENT district are listed at § 155.506. Except where the standards given within this subsection § 155.503.8 specifically for the ENT district differ, the parking provisions at § 155.607, the sign provisions at § 155.608, and the lighting provisions at § 155.609 apply to the ENT district.

C. Additional Standards Unique to the ENT District. In addition to the requirements of other sections of this Title, development and improvements in the Entertainment District shall comply with the following requirements. Where the provisions in this Section conflict with the provisions of other Sections of this Title, this Section shall prevail. Due to the nature of the Sportsplex as a public park, density and structural build-out related criteria included below would not logically apply to the Sportsplex portion of the overall neighborhood. Where such urban design standards would conflict with the open space and protected forested portions within the public Sportsplex itself, they shall not apply within the Sportplex portion of the overall neighborhood, and the specific design criteria of the approved park plans shall prevail.

- 1. LOCATION. The ENT District shall only be applied within the geographic area designated by Matthews Board of Commissioners as the regional Sportsplex and adjacent new mixed use neighborhood. This area is roughly bounded by Matthews-Mint Hill Road, Independence Boulevard, I-485, and Tank Town Road/Crestdale neighborhood.
- 2. EXTERIOR PROJECT EDGE. The ENT District is established to provide and enhance both daily

living activities and recreational opportunities for local residents and visitors within a distinct and limited geographic area, as well as enabling easy and logical connections to surrounding and nearby development. Therefore, clearly defined gateway entrances to the ENT neighborhood are appropriate. All development within the ENT district and along Matthews-Mint Hill Road frontage shall be designed to be visually complementary to existing or planned development across the street. All development within the ENT District and adjacent to the Crestdale neighborhood shall be designed to be visually complementary and shall incorporate uses that do not adversely impact the predominantly residential nature of the Crestdale community. Height and bulk of buildings shall be designed so they do not visually overwhelm adjacent single story scale development. This may be accomplished through stepped back building heights, relatively narrow building extensions toward the adjacent properties, landscaped buffers, greenway trails, public plazas, and/or other design elements.

3. **OVERALL ARCHITECTURAL THEME AND DESIGN.** Because the ENT District creates an opportunity for a concentrated location of development unlike any other site within the Town, an overall set of architectural elements and site design amenities to “brand” the area may be appropriate. The specific elements shall be determined by the Town Board of Commissioners prior to construction of any buildings or improvements. Details may include specific exterior building materials to be incorporated within structures, maximum dimensions of surface parking lots, street lighting and other street furniture, landscape species and hardscape elements, placement of public art, gateway and internal directory signage design, greenway and pedestrian trail cross sections, mandatory inclusion/location of pedestrian connectivity, street cross sections, and similar public area amenities that may benefit from being internally consistent. Exterior boundary pedestrian amenities extending to surrounding locations may also be incorporated into the required design themes for the ENT District.
- D. **EARLY DESIGNATION PROCESS.** Where a parcel has received designation of ENT district prior to a full development proposal on it, as outlined at § 155.501.3.I, sufficient drawings and documents to clearly prove compliance to the design elements listed in § 155.503.8.E through G below shall be submitted to the Matthews Planning Office for review and recommendation in the same way as a rezoning application is handled by Town staff. Upon completion of review, Town staff and applicants shall meet to review staff findings. Applicants shall provide additional or revised documents as determined necessary to show compliance to all standards. Submission of a request for site plan and/or elevation plan approval shall then be forwarded to the Matthews Board of Commissioners. The Board of Commissioners shall receive a report with recommendations from Town Planning staff on how well the proposal meets the intent of the district and the design criteria listed below, and determine when the proposal meets the requirements and can be approved.
- E. **REVIEW CRITERIA.** Proposals for development in the ENT District shall be approved only if they conform to the adopted overall concept plan for the area and incorporate adopted desired elements of a mixed use entertainment focused neighborhood, including:
1. A highly interconnected street network, dispersing traffic while providing safe and convenient routes for pedestrians and bicyclists.
  2. High-quality public spaces, with all building facades which face such public spaces having windows and doors facing tree-lined streets, plazas, squares, or neighborhood parks.
  3. Compact development, creating a walkable urban environment and conserving land and energy through reduced automobile usage and advanced techniques such as stormwater infiltration.
  4. Diversity not homogeneity, with a variety of building types, street types, open spaces, and land uses providing for people of all ages and every form of mobility.
  5. Resilient and sustainable mix of residential, business, service, and recreational land uses that will be adaptable over time to improved public transit and to changing economic conditions.
  6. Vertical and horizontal mix of uses to maximize the opportunities for a safe and active neighborhood.
  7. Parking plans that address both short-term and long-term needs, with strategies for future shared structured parking within the overall neighborhood. This may include creation of a neighborhood-wide shared parking special assessment system as further outlined in § 155.503.8.F. below.

F. SITE PLAN LAYOUT GENERAL DESIGN.

1. GENERAL URBAN DESIGN PRINCIPLES. With proper urban form, a greater integration of building uses is natural and comfortable. The principles listed in § 155.602.1 shall apply in the ENT District outside of the Sportsplex.
2. STREET NETWORK.
  - a. The interconnected network of streets must extend into adjoining areas except where connectivity is deemed inappropriate or impractical due to sensitive natural resources or unusual topography, or where existing development patterns provide no practical connection opportunities. The entire district is anticipated to be built out over time, in phases, so the exact placement of all streets is not expected to be determined prior to initial development within the district.
  - b. Streets do not have to form a rectangular grid, but may curve or bend to connect to other streets. In order to assure an overall framework for connectivity within, and through, the ENT district, a “main street” layer of proposed street network shall be determined as part of the approved general concept plan. At least two street intersections shall be identified to directly connect the Sportsplex public park to the remainder of the ENT District, and at least one (1) street intersection shall directly connect the Sportsplex public park to the exterior edge of the district.
  - c. The proposed street network should respect topography and designated environmental resources and be modified accordingly to avoid damages to such resources.
  - d. Sidewalks and street trees must be provided on both sides of all streets. Street trees may be omitted where alternative public use areas are designed adjacent to a street.
  - e. Permanent dead end streets are not permitted, except for side or rear access alleys.
  - f. Private streets or gated streets are prohibited, and all streets must be dedicated to the public. However, streets that provide vehicular access solely to a building or buildings where at least 90 percent (90%) of the gross floor area of the building or buildings is devoted to residential uses, or streets that provide vehicular access to a building or buildings that also abut and have frontage on a public street may be private provided that all private streets must be constructed to public street standards and a public access easement must be provided over and across all private streets to allow public use of such private streets. (Am. Ord. 2269, passed 11-13-17)
  - g. Rear or side access alleys are permitted throughout the neighborhood and may serve as primary vehicular ingress to individual buildings or parcels in the ENT District. Alleys may be utilized to separate vehicular access and parking for residential units, to access loading and delivery spaces for nonresidential uses, to provide access to employee parking, and to allow the public to reach side or rear secondary entrances to businesses. All alleys shall be identified as either public or private, and any public alley shall be dedicated to the public as provided for in Chapter 7.
  - h. A streetscape planting and lighting plan shall be prepared for each block face of each public street, and shall incorporate street trees designed to grow into an arching canopy that will not impede pedestrian or vehicular movement or visibility. A variety of species may be utilized throughout the neighborhood, but will not exceed five (5) tree species per block face. To the greatest extent possible, street trees and street lighting shall be installed when the street and sidewalk are constructed.
  - i. Building facades are the public “face” of every building. Owners and tenants are encouraged to utilize planters and window boxes filled with colorful plants along each façade that fronts a public street, plaza, parking lot, or similar public use area.
3. BLOCKS. Except as otherwise provided, block perimeters may not exceed eight hundred (800) lineal feet as measured along the edges of each street right-of-way forming the block. Blocks may alternatively be broken by a civic space provided that lot is at least fifty feet (50’) wide and shall provide perpetual pedestrian access between the blocks and to any lots that front the civic space. Smaller blocks are encouraged to promote walkability.
  - a. Blocks may exceed this limit, up to a maximum of four thousand (4,000) linear feet, only

if one (1) or more of the following conditions apply:

- i. The block has at least one block face on a numbered state or federal highway or expressway/freeway.
  - ii. The block has at least a portion of its block face partially within the Sportsplex public park property.
  - iii. The block face contains valuable natural features which should not be crossed by a street.
  - iv. The block face cannot have buildings on one side due to utility easement restrictions.
- b. Any single block face wider than six hundred feet (600') must include a publicly dedicated sidewalk, or walkway at least twelve feet (12') in width that connects to another street.
4. OFF-STREET PARKING. While public street cross sections should include on-street parking on many streets within the overall neighborhood, the majority of required parking spaces will be provided on private property, either on the same parcel as the associated use or on a nearby parcel.
- a. SHARED PARKING PROGRAM. An owner/developer is expected to design and implement a park-once system of shared parking to distribute the commercial parking load between on-street spaces and shared parking lots or structures. In order to reduce the amount of separate surface parking lots which can visually and spatially dominate development and therefore adversely affect desired density of build-out, vehicle parking shall have both a short-term and a long-term plan. Any development project proposed in the ENT District shall show how it can provide for its share of parking needs when initially constructed, as well as a longer-term future demand. Off-site parking within shared parking facilities shall be allowed and is encouraged in order to increase building and/or public use coverage fronting streets within the district. At the time of initial approval, a development proposal shall identify whether the project will include one or more of the following, either upon initial construction or at a later phase: twenty (20) or more residential units; six thousand (6,000) square feet or more of business or retail space; fifty (50) or more seating accommodations in a restaurant; or any public assembly or recreational use facility that can accommodate fifty (50) or more persons (participants or attendees). Any proposed development meeting any of the given categories shall agree to participation in the neighborhood-wide shared parking program. This shared parking program may allow multiple separate buildings or development projects to allocate a certain percentage of their required parking to a shared off-site parking facility, and may require property owners to participate in a special assessment process to build structured parking when certain neighborhood build-out levels are reached. Shared off-site parking facilities may initially be surface lots that shall be converted to structured parking when neighborhood density levels are reached. A written agreement between property owners explaining what parcel or parcels may utilize parking on a separate parcel, now and/or in the future, and which will remain binding on future owners and land uses, shall be signed and recorded with the Mecklenburg County Register of Deeds office prior to any land disturbing activity or any permit being issued for a parcel that requires off-site parking to meet minimum parking standards.
  - b. To the maximum extent possible, off-street parking spaces must be located within buildings or behind buildings so that buildings screen parking areas from sidewalks and streets. In no case shall parking be located in the setback or yard in front of a building. Parking lots in non-streetside (interior of block) side yards may be allowed provided these lots are placed a minimum of twenty feet (20') from lot lines adjoining rights-of-way, excluding alleys.
  - c. Access to off-street parking spaces shall be provided by one- or two-way private drives or public alleys. Parking spaces immediately adjacent to drives or alleys may be ninety degree (90°), angled, or parallel, and must be of sufficient depth to assure parked vehicles will not impede traffic movement in the drive or alley. Where ninety degree (90°) or angle spaces are provided, they must be a minimum of twenty feet (20') in length, and where parallel spaces are provided they must be a minimum of eight feet (8') in width. Any drive or alley

with parking spaces immediately adjacent must be paved a minimum of twenty feet (20') in width, with no obstructions, such as doors, dumpsters, planters, bollards, mechanical equipment, street light poles, etc., that could restrict the full width use of the pavement for vehicular maneuvering in and out of the designated parking spaces. Cross access is required between adjoining rear/side parking lots.

- d. Parking structures are encouraged to create shared parking opportunities and to reduce the footprint of surface lots. Single-use parking structures must be located behind other buildings. Structured parking is permitted and encouraged on liner buildings and mixed use buildings. Structured parking may extend below grade and may contain multiple levels of parking above grade. Parking structures may contain other uses above the parking levels provided the entire building does not exceed the height allowed in the ENT District. Partially enclosed parking spaces may be created with habitable space cantilevered over them at the rear of a building, or along the side of a building when a solid wall blocks view of parked vehicles from any public street or pedestrian pathway.
5. **USES UNABLE TO UTILIZE STOREFRONT FENESTRATION.** When certain uses such as a theater, parking, or planetarium cannot comply with the required door and window standards for primary facades, then they may be constructed in a manner that they will be separated from adjacent streets (but not alleys) by liner buildings. Liner buildings:
    - a. Must be at least two stories in height with not less than twenty feet (20') in depth.
    - b. May be detached from or attached to the building(s) they are concealing.
    - c. May be used for any purpose allowed on the lot on which they are located except for parking.
    - d. Must meet the primary façade transparency requirements in § 155.503.8.G. below.
  6. **WIDE BUILDINGS.** When a wide building is placed directly across a street from substantially narrower lots or buildings, the principal façade of wide buildings must be varied with a change of architectural expression that reflects the widths of the narrower lots. These changes in expression may be a vertical element running from the sidewalk to the roof, a change in fenestration or style, color, or texture, or a break in façade plane or roof line. These changes must be of sufficient visual impact to soften the perception of a single wide building.
  7. **BUILDING STORIES AND STORY HEIGHT.** All buildings shall be a minimum of two (2) stories in height within the ENT District, except when a single story structure has a ground floor at least twenty feet (20') tall. The ground story of nonresidential and mixed use buildings shall be from twelve (12') to eighteen feet (18') tall. The ground floor of residential buildings shall be a minimum of ten feet (10') tall. Each story above the ground floor in residential, nonresidential, and mixed use buildings shall be at least eight feet (8') tall. Story heights are measured from the floor to the bottom of the lowest structural member that supports the story above.
  8. **FIRST FLOOR ELEVATION ENTRANCES.** Nonresidential and mixed use buildings shall have their primary public walk-in entrances level with, to no greater than six inches (6") above, the adjacent public walkway. When a nonresidential or mixed use building has more than one (1) primary public entrance and has more than a one foot (1') difference in finished grade at the various doorways, then the entrance adjacent to a public street shall meet this requirement. Residential buildings shall have their first habitable story at least eighteen inches (18") above the adjacent public walkway. Residential buildings with multiple doors shall meet this height standard for doorways facing public streets. Exceptions may be allowed through a site plan review, when a written explanation is provided to indicate the basis for alternate design.
- G. **BUILDING AND STRUCTURE DESIGN PRINCIPLES.**
1. **GENERAL BUILDING DESIGN PRINCIPLES.** These principles favor an aesthetic that allows a contemporary influence within a more traditional framework. They call for a determination of an overall visual or architectural theme and selection of exterior materials that are appropriate for the region. Structures may exhibit unique details and should not utilize a standard or corporate facade that is repeated, or intended to be repeated, in multiple communities. While structures within the ENT district may be initially built to house a specific use, the buildings shall be designed to accommodate future alternative uses. These building design principles concentrate on the views

from the public realm, including public streets, public sidewalks or walkways, parks, plazas, civic greens, squares, and unrestricted parking areas (those not reserved solely for residents/employees). The general building design principles listed at § 155.603 shall be utilized when designing any site within the ENT district. While only materials, techniques, and product types are prescribed here, equivalent or better practices and products are encouraged when appropriate. When requested, they must be submitted to the Town Planning office either for Administrative Amendment as explained at 155.401.5 or Flexible Design as explained at § 155.401.7., whichever applies.

2. EXTERIOR BUILDING WALLS. Exterior walls of buildings shall generally reflect a unified design and set of materials (all-sided architecture). They should express the construction techniques and structural constraints to assure long-lasting buildings. Extensive use of glass or glazing, particularly at ground floor level and facing any public use areas is strongly encouraged and expected.
  - a. Primary materials, which shall cover at least sixty percent (60%) of each façade, excluding any glazed areas, shall consist of brick, other masonry, native stone or synthetic equivalent, or cementitious materials with a distinct dimensional surface.
  - b. Secondary materials, which may cover up to forty percent (40%) of each façade excluding any glazed areas, may include hardiboard siding, wood siding, stucco, and metal.
  - c. Accent materials and trim may cover up to ten percent (10%) of each façade excluding any glazed areas. Such accents and trim materials shall be identified on elevation plans.
  - d. Colors of all non-glazing exterior materials on any building shall be limited to no more than three, unless the building is both larger in overall size than sixty thousand (60,000) square feet and at least three (3) stories in height. Such larger buildings may employ up to five (5) distinct colors on its exterior facades. For the purpose of this standard, the term color shall also refer to two (2) clearly different shades of the same color, such as a light green and a dark green, or a pastel pink and a burgundy red.
  - e. Alternative percentages of listed materials or types of materials may be requested by the Flexible Design Provisions at § 155.503.8.H. at the time of initial district designation, or through the Administrative Amendment process for an individual building after it has received site plan and elevation plan approval.
3. CONFIGURATIONS AND TECHNIQUES FOR EXTERIOR WALLS. The following are permitted:
  - a. DOORWAYS AND WALL OPENINGS.
    - i. Pedestrian use doors to nonresidential uses from a public street shall not be recessed more than three feet (3') behind the building façade and shall have a clear view and path to a forty five degree (45°) angle past the perpendicular from each side of the door.
    - ii. The horizontal dimension of a door or wall opening shall not exceed the vertical dimension except where required for a specific purpose such as loading, or vehicle entrance/exit. When a wall opening has its horizontal dimension exceeding its vertical measurement, it shall not directly face a public pedestrian use area. Where a garage door or vehicular service opening with an operable covering is located, the garage door or covering shall be recessed at least two feet (2') in from the vertical plane of the surrounding wall.
    - iii. Doorways and wall openings shall not span vertically more than one (1) story.
    - iv. Doorways and wall openings shall correspond to interior space.
    - v. Changes from one material to another shall have a logical placement from a construction viewpoint, so that the placement of a separate material is visually and structurally appropriate.
  - b. WOOD AND WOOD-LOOK.
    - i. Horizontal lap siding of wood or simulated wood material is allowed.
    - ii. Wood or wood-look products used as an exterior wall covering and placed in any other configuration than horizontal lap siding shall be identified on elevation

- plans.
  - iii. Wood or wood-look products may have a smooth or rough-sawn appearance.
  - c. Brick, other masonry, and stone must be used in an appropriate load-bearing configuration. Generally heavier masonry and stone materials shall be utilized at the base of a building and support lighter-weight materials such as wood. All masonry materials shall have a distinct dimensional surface.
  - d. Stucco and other cementitious finish materials may be rough or sand finish, but shall have a distinct dimensional surface.
  - e. Metal materials may have a smooth or flat finish, and may be protected to preserve a shine or satin appearance, or may be intended to weather to a dull finish. Metal materials may also have a three-dimensional surface with embossing or sculptural elements embedded within it.
  - f. Any requested deviations from these standards for exterior walls shall be submitted for consideration during the elevation plan approval process. If the elevation plan has been approved and a building permit has been issued, a request for Administrative Amendment may be submitted which shall automatically require Town Board final determination.
4. ROOFS AND PARAPETS. Roofs and parapets should demonstrate a commonsense recognition of the climate by utilizing appropriate pitch, drainage, color, and materials in order to provide visual coherence to the district's overall aesthetic theme. Specific design standards for roofs and parapets are as follows:
- a. ROOF MATERIALS. The following roofing materials are permitted:
    - i. Dimensional asphalt shingles.
    - ii. Cedar shingles.
    - iii. Metal – standing seam, equivalent or better.
    - iv. Slate – natural, synthetic equivalent or better.
    - v. Tile.
    - vi. Clay, natural or faux, or concrete.
    - vii. Cornices and soffits may be a combination of wood vinyl, and/or metal.
    - viii. Alternative “green roof” materials that provide adequate support for live plantings and surrounding walking/maintenance space are encouraged.
  - b. Parapets shall generally not extend above the top of a flat or single pitch (shed) roof more than six feet (6') fronting a public street. Parapets may be used to visually screen roof-top mechanical equipment, and a utilitarian penthouse structure may be attached to the interior side of a parapet extension in order to screen equipment. Parapets shall appear from the exterior as part of the exterior wall, and as such shall be composed of the same materials and limited to the same colors and finishes as the materials of the exterior walls. When a parapet also serves as a security railing for any activity on a rooftop, a parapet not facing a public street may incorporate different materials than the exterior wall from which it extends, such as glass, metal mesh, and poles. When a parapet faces a public street and also serves as a security railing for a rooftop activity, such as a green roof or open air dining, then the parapet may be designed such that it has openings in its vertical surface to allow visibility through it. Such openings shall not be lower than three feet (3') from the roof surface nor exceed eighteen inches (18") in width.
5. CONFIGURATIONS AND TECHNIQUES FOR ROOFS AND PARAPETS. The following are permitted:
- a. PITCHED ROOFS. Pitch is exclusive of roofs concealed behind parapets.
    - i. Simple hip and gable roofs shall be symmetrically pitched between 4:12 and 10:12.
    - ii. Single pitch shed roofs, attached to the main structure, shall be pitched between 3:12 and 8:12.

- iii. Eaves, when provided, must overhang eighteen (18) to thirty (30) inches on a principal building for the initial four (4) stories. For each additional story, six inches (6") shall be added to the minimum, and twelve inches (12") shall be added to the maximum, up to a maximum projection of seven feet (7').
  - iv. Eaves on accessory buildings, dormers, and other smaller structures must overhang at least eight inches (8").
  - v. Timber eaves and balcony brackets must be a minimum of four by four inches (4" x 4") in dimension.
  - b. PARAPET, CORNICE AND COPING STANDARDS.
    - i. Buildings without visible roof surfaces due to parapet wall extensions and without overhanging eaves may create an overhang with a cornice projecting horizontally between six (6") and twelve inches (12") beyond the plane of the building wall on a principal building for the initial four (4) stories. For each additional story, six inches (6") shall be added to the minimum and twelve inches (12") shall be added to the maximum, up to a maximum projection of six feet (6').
  - c. Skylights, Roof Vents, Mechanical Equipment, and Similar Utilitarian Items. Skylights, vents, stacks, mechanical equipment, plumbing apparatus for green roofs, and other mechanical or utility equipment with permanent placement on the roof of a building shall be screened from view from any public street or public use area. Screening may be accomplished by parapet walls, utilitarian penthouse structures attached to the interior of a parapet extension, equipment covers, or similar. These items may also be set back from the edge of a building at least ten feet (10') and camouflaged by color matching the roof when they do not exceed two feet (2') in height.
  - d. Exceptions. Any requested deviations from these roof and parapet standards shall be submitted for consideration during the elevation plan approval process. If the elevation plan has been approved and a building permit has been issued, a request for Administrative Amendment may be submitted which will automatically require Town Board final determination.
6. WINDOWS AND DOORS. The placement, type, and size of windows and doors help establish scale and vitality. For nonresidential and mixed use buildings, they allow interplay between business interior and the adjacent street or public realm space. For residential buildings, they foster "eyes on the street" surveillance which provides for security and safety in the vicinity. Windows should be divided by multiple panes of glass. This helps retain the consistency of the vertical surface of the building façade, rather than appearing like a "hole" in the wall, an effect which can be produced by a large single sheet of glass. Standards are as follows:
- a. Windows shall be of anodized aluminum, wood, clad wood, vinyl, or steel.
  - b. Window glass shall be clear or lightly-tinted and non-reflective, with light transmission at least sixty percent (60%), with modification as necessary to meet any applicable building and energy code requirements.
  - c. Specialty windows, with a maximum of one per thirty (30) lineal feet along any façade facing any public street or public use realm, per story, is allowed. A specialty window may utilize stained, opalescent, or translucent glass, or glass block, and shall not exceed forty eight (48) square feet in area. Mirrored glass shall not be used on any ground story façade or on any story when visible from any public street or public use realm.
  - d. Operable windows and doors onto patios or balconies are allowed for residential units on any story, and for nonresidential and mixed use buildings above the ground story.
  - e. Window screens shall be black or gray. Screen frames shall match window frame material or be dark anodized aluminum.
  - f. Doors designed primarily for pedestrian use shall be of wood, clad wood, or steel and may include glass panes. Doors designed for vehicular use may be of any material and style consistent with the architectural detail of the building.
7. CONFIGURATIONS AND TECHNIQUES FOR DOORS AND WINDOWS. The following are

permitted:

- a. The horizontal dimension of an opening shall not exceed the vertical dimension except where otherwise prescribed in this section.
  - b. Windows may be ganged horizontally if each grouping is separated by a mullion, column, pier, or wall section that is at least seven inches (7") wide.
  - c. Exterior shutters, if applied, shall be sized and mounted appropriately for the window at one-half the width, even if inoperable.
  - d. Windows on any story above the ground story may be double-hung, single-hung, awning, or casement windows. Fixed windows are permitted only as specialty windows or when a component of a system including an operable window within a single wall opening.
  - e. Windows above the ground story level shall not have any individual pane of glass exceed forty eight inches (48") vertical by forty inches (40") horizontal.
  - f. When necessary to meet building codes for egress purposes, windows may exceed the dimensions given here.
  - g. Nonresidential windows and doors at the street level shall not have individual panes of glass larger than eight feet (8') in height by four feet (4') wide.
  - h. All window pane surface area of ground story nonresidential buildings shall allow views into the building interior for depth of at least eight feet (8') where the interior space is retail, restaurant, office or similar area accessible to the public. This shall not include restrooms, or restricted employee-only accessed areas, such as a kitchen, inventory storage, or loading dock. Windows shall not be made opaque by window treatments except for operable sunscreen devices within the conditioned space.
  - i. Garage doors or operable coverings for vehicle use (service/loading) wall openings shall not directly face the primary public street unless they are set back from the building façade and from the public right-of-way at least twenty feet (20').
  - j. EXCEPTIONS. Any requested deviations from these window and door standards shall be submitted for consideration during the elevation plan approval process. If the elevation plan has been approved and a building permit has been issued, a request for Administrative Amendment may be submitted which will automatically require Town Board final determination.
8. SIGNAGE. Signs within the ENT Entertainment District should be clear and informative to the public and should weather well. Signage should be scaled to the nature of the district, which is a mixed use, pedestrian-oriented environment with slower-moving vehicular traffic. Signage that is glaring or too large creates distraction, intrudes into and lessens the Entertainment District experience, and creates visual clutter. In addition to the regulations in the Signs subchapter at § 155.608, standards for signs in the ENT District are as follows:
- a. Where a building is designed to house multiple businesses or uses, each capable of desiring identification signage:
    - i. The building shall provide a master sign plan prior to receiving a Certificate of Occupancy. The master sign plan shall be reviewed and approved by the Town Board of Commissioners as provided at § 155.608.9. It shall include a designated horizontal sign band for all uses on the ground or street level story, and designated locations for identification of businesses in upper level stories and for identifying the building name itself. The sign band for the ground story level shall not be higher than sixteen feet (16') or lower than nine feet (9') above the adjacent public sidewalk, street or public use realm.
    - ii. Individual letters placed within the designated first floor sign band shall not exceed twenty four inches (24") in height or width for any buildings placed at, or within ten feet (10') of, the adjacent public street. Company logos and other non-word elements may be placed within the sign band. All words, logos, and related elements used within the sign band to identify a business shall be arranged so that together they fit within a rectangular area up to sixty (60) square feet per business

- enterprise.
- iii. Nonresidential uses on stories above the street or ground level may display identification signs within areas designated by the master sign plan for the building. These signs shall be on exterior walls of the second story only, and shall not exceed twenty four feet (24') in height from the adjacent public sidewalk, street, or public use realm.
  - b. Attached signs for buildings designed and used as a single business enterprise or a multi-family residential building:
    - i. Any combination of letters, logos, and other elements shall be considered one sign for any building up to sixty thousand (60,000) square feet GFA and/or up to three stories. This sign shall fit within a rectangular area not to exceed one hundred (100) square feet, and not to exceed ten feet (10') in height. This single sign is allowed per each building façade that is at an eighty (80) or greater degree angle from an adjacent building façade.
    - ii. Any combination of letters, logos, and other elements shall be considered one sign for any building equal to or greater than sixty thousand (60,000) square feet GFA and more than three (3) stories. This sign shall fit within a rectangular area not to exceed two hundred fifty (250) square feet, and not to exceed sixteen feet (16') in height.
  - c. A masonry or bronze plaque bearing the building name may be placed on the building's parapet wall or under the eaves, and above the top story windows. The building name identification may alternatively be sculpted into the building façade. Any such plaque or sculpted material shall not exceed eighteen (18) square feet and shall be limited to the façade incorporating the primary pedestrian entrance. The building name may also be displayed on a separate masonry or bronze plaque or sculpted into the building wall material at the ground story level and shall not exceed four (4) square feet.
  - d. Projecting signs placed perpendicular to the building façade and identifying a business enterprise or residential use within the building may be placed within ten feet (10') of an associated street level door in the designated first story sign band or on exterior walls of the second story, not to exceed twenty four feet (24') in height. Projecting signs shall not exceed twenty four (24) square feet in area or extend further than four feet (4') from the façade, and shall have a minimum of seven feet six inches (7'6") clear height above any sidewalk, plaza, or public use realm.
  - e. Because all buildings are expected to be at or close to the public street, sidewalk, or a public use realm, no freestanding signs are anticipated for individual buildings. Freestanding signs may be employed as gateway identification markers to various subareas at the exterior boundaries of and within the ENT District.
9. **AWNINGS AND CANOPIES.** When an awning or canopy is incorporated into a building, the following requirements shall apply:
- a. A minimum of ten feet (10') clear height shall be provided for any awning or canopy above any sidewalk, plaza, or public use realm.
  - b. Awnings may extend from the front façade of the building up to one-half of the width of the sidewalk area below, not to exceed nine feet (9'), whichever is less. If this extension reaches into the public right-of-way, an encroachment agreement with the Town or State is required. In no case shall an awning interfere with the placement, natural growth, and maintenance of any street trees, street signs, or lighting.
  - c. Canopies may extend from the front façade of the building up to the full width of the sidewalk area below. If this extension reaches into the public right-of-way, an encroachment agreement from the Town or State is required. In no case shall a canopy interfere with the placement, natural growth, and maintenance of any street trees, street signs, or lighting.
  - d. Awnings may be made of canvas or treated canvas material, may be designed to retract against the wall of the building, and shall not include any shiny or reflective materials.

- e. Canopies may be made of wood, metal, or glass, or a combination of these or similar permanent rigid materials, and shall not include any shiny or reflective materials.
  - f. No internal illumination shall be projected through an awning or canopy.
10. MECHANICAL EQUIPMENT AND STORAGE ITEMS. The following shall be placed behind and away from any front or corner side building line, not be stored or located within any street, and be screened from view from the public use realm:
- a. Air compressors, mechanical pumps, exterior water heaters, water softeners, utility and telephone company transformers, meters or boxes, storage tanks, garbage dumpsters and compressors, and similar equipment shall not be installed or placed within any area considered public use realm.
  - b. Backflow preventers as required by the public utility company shall not be located within the public use realm, and shall be covered or screened from view.
  - c. Garbage and recycling containers, and similar items which must be stored and then moved on an ongoing schedule for servicing shall be stored in a location that is completely screened from view from the public realm to a minimum height of six feet (6') through the use of a fence, wall, or other visual block.
  - d. Utility meters for individual residential or nonresidential uses that are installed on or near a building wall and must be regularly accessed for data collection shall be screened from view from the public realm through the use of a fence, wall, evergreen landscape materials, or other visual block.
  - e. Roof mounted equipment shall be placed behind and away from any front or corner side building line and be screened from view from the public realm as outlined at § 155.503.8.G.5.c.
- H. FLEXIBLE DESIGN. The ENT district establishes minimum standards for development and design. Those standards however may not always be appropriate to a particular segment or building within the development. Accordingly, new development concepts, innovative design, unique circumstances or public/private ventures may require the use of alternative development or design standards. In such cases, the development requirements specified here for the ENT district (as shown in ENT section text above) may be modified through the Flexible Design provisions of § 155.401.7 of this Title.

### **155.503.9. Adult Use District (AU)**

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- A. The Adult Use District is established to provide areas in which adult entertainment or sexually oriented business may be established. Adult establishments, because of their very nature, are recognized as having serious objectionable operational characteristics upon adjacent neighborhoods and residential or institutional uses. It has been demonstrated that the establishment of adult businesses often creates problems for law enforcement agencies, by the very nature of these businesses and the difficulty often experienced in trying to determine if the operations are of a legal nature. Special regulation of these establishments is necessary to ensure that these adverse effects will not contribute to a *de facto* downgrading or blighting of surrounding neighborhoods and uses. It is the intent of this District to restrict the concentration of these uses and to separate these uses from residential and institutional uses or areas. All development of land within the Adult Uses district shall comply with a site plan approved at the time of district designation. The map symbol and short name for the Adult Use District shall be "AU". **[formerly part of regulation known as § 153.059]**
- B. Lot development and design standards, as outlined in § 155.605, and dimensional standards of § 155.604.3, apply to the AU District. Uses allowed within the AU district are given in the Table of Allowed Uses at § 155.505.3. Supplementary standards which may be applicable to certain uses within the AU district are listed at § 155.506. Except where the standards given within this subsection § 155.503.9 specifically for the AU district differ, the parking provisions at § 155.607, the sign provisions at 155.608, and the lighting provisions at § 155.609 apply to the AU district.
- C. OTHER STANDARDS UNIQUE TO THE ADULT USE DISTRICT. In addition to the requirements of other sections of this Title, development and improvements in the Adult Use district shall comply with the following requirements. Where the provisions in this § 155.503.9 conflict with the provisions of other Sections of this Title, except for Overlay district requirements, this Section shall prevail.
  - 1. LOCATION REQUIREMENTS. An AU district shall not be located:

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- a. within one thousand five hundred feet (1,500') of another AU designated property; or
  - b. within one thousand five hundred feet (1,500') of any elementary or secondary school, any church or place of worship, any child day care facility, or any single-family residence (attached or detached); or
  - c. within one thousand feet (1,000') of any establishment with an on-premise ABC license; all as measured in a straight line from property line to property line.
2. **MAXIMUM TOTAL PROJECT AREA:** An AU designation shall not exceed five thousand (5,000) square feet in floor area. No more than one (1) adult business establishment shall be allowed on the same property or in the same building in any AU district designation.
  3. **EXTERIOR PROJECT EDGE.** An AU property shall meet the dimensional standards listed at § 155.604.3. In order to prevent unintended exposure of adult business establishment activities by individuals off-site, no printed material, photograph, video, live show, or other visual presentation format shall be visible from outside the walls of the establishment, nor shall any live or recorded voices, music, or sounds be heard from outside the walls of the establishment.
- D. **EARLY DESIGNATION.** The AU district is not eligible for early designation. Each request for AU designation shall include a site plan showing, at a minimum, a scale drawing of the property, the location of required setbacks and yards, the location of existing and proposed buildings, doors, parking, landscaping, lighting, and signage.
- E. **REVIEW CRITERIA.** In evaluating applications for AU designation, the Board of Commissioners shall consider the following:
1. Access to public streets.
  2. Visibility of doors and parking areas from public streets.
  3. Adequacy of existing community facilities such as water, sewer, police, and fire protection.
  4. Relationship to and impacts upon adjoining and nearby properties and the adequacy of proposed measures to minimize any adverse impacts.
  5. The appropriateness of the proposal in relationship to the policies and objectives of the Matthews Land Use Plan and to a more detailed small area plan, if available.
- F. **SITE PLAN LAYOUT DESIGN.**
1. **GENERAL URBAN DESIGN PRINCIPLES.** The principles listed at § 155.602 shall be adhered to when designing any development within the AU district.
  2. **STREET NETWORK.** Due to the small size nature of AU properties, new streets or expansions of streets are not anticipated to be included with an AU designation.
    - a. Sidewalk and street trees shall be provided in front of any AU property if not already in existence.
    - b. A lighting plan shall be prepared for the AU district as required at § 155.609. Lighting shall be incorporated to provide night-time illumination under the tree canopy for safety and ambiance for pedestrians, and adequate illumination for vehicular traffic.
    - c. Building facades are the public “face” of every building. The primary patron entrance shall face the public street or be a side entrance adjacent to the parking area.
  3. **BLOCKS.** Due to the small size nature of AU properties, block lengths are not anticipated to be included with an AU designation.
  4. **PARKING.** No ground level parking of motor vehicles shall be permitted in the required setback. The space within the required setback shall not be used as maneuvering space for the parking or unparking of vehicles, except that driveways providing ingress and egress to the parking area may be installed across the setback area. Parking structures are not allowed.
- G. **BUILDING DESIGN GUIDELINES.**
1. **GENERAL BUILDING DESIGN PRINCIPLES.** The principles listed at § 155.603 shall be adhered to when designing any development within the AU district. Because any structure in an AU district shall provide for a business establishment, the standards given for building walls, roofs, windows and doors, and mechanical equipment in the B-1SCD district shall be used for the AU district.

2. SIGNAGE. The standards given in § 155.608 shall apply in the AU district.
3. AWNINGS, CANOPIES, AND ARCADES: No canopy or arcade shall be used in an AU district. An awning may be placed over a doorway entrance.
4. STORAGE. No outdoor storage shall be allowed in an AU district.

**155.504 Overlay Districts Created**

**155.504.1. Downtown Overlay District (DO)**

- A. GENERAL CONCEPT OF OVERLAY. The Downtown Overlay District is established to implement the policies, recommendations and standards of the *Downtown Master Plan* and any related adopted Design Guidelines and Streetscape which together create a framework for preserving, revitalizing, and expanding on the social, cultural and architectural heritage of the downtown area of the Town of Matthews. The Downtown Master Plan was developed after thorough study of the downtown's characteristics and its history. The Downtown Overlay District is created to continue to focus on the concentrated central business area of Matthews to protect its unique position in the community, and to acknowledge the downtown's role in economic viability and general welfare of the Town as a whole. The historic downtown and its fringe areas are anticipated to develop and redevelop in the near future due to increased population and demand for more urban services nearby. The Downtown Overlay District includes both the existing historic core and proposed extensions of the commercial hub in order to direct new expansion in a compatible development approach to the existing urban core. This district stresses sensitivity to the pedestrian environment; urban design; urban open space; pedestrian scale signs, street furniture and amenities; and, urban landscaping in both the existing historic business core and in fringe areas anticipated to receive development pressure/opportunities over time. The Downtown Master Plan is hereby adopted by reference. Development and improvement of property in the Downtown Overlay District shall comply with the requirements of § 155.504.1. The map symbol and short name for the Downtown Overlay District shall be "DO District." **[formerly known as § 153.064.A]**
- B. DOWNTOWN OVERLAY DISTRICT. In addition to the requirements of the underlying zoning district(s), development and improvements in the DO District shall comply with the following requirements, and where the regulations in this Section are in conflict with the regulations of the underlying zoning district, the regulations in this Section shall prevail:
  1. PERMITTED USES. Permitted uses, uses permitted subject to specific conditions, and accessory uses within the DO District shall be determined by the requirements of the underlying zoning district(s).
  2. Live/work units are permitted in the DO District provided they comply with the requirements of § 155.503.2.W.
  3. AREA, YARD AND HEIGHT REGULATIONS. Area, yard, and height regulations shall be determined by the requirements of the underlying zoning district, except that:
    - a. Communications antenna, wireless facility, or tower height within the DO District shall not exceed thirty-five feet (35');
    - b. Only wireless stealth applications are allowed in the 100 block of N Trade Street because it is a designated National Historic Commercial District. These wireless facilities shall comply with the requirements in § 155.506.41. (Am. Ord. 2280A, passed 2-12-18)
- C. Forming the Unique Character of the Overlay District. The Downtown Master Plan provides general concepts and policies for future development in the downtown area. Design Guidelines and Streetscape Improvements, as may be amended from time to time, and adopted by the Board of Commissioners, are incorporated here by reference.
  1. CREATION OF STREETScape DESIGN STANDARDS. The relationship between a building and areas for pedestrian or vehicular circulation must be carefully planned in order to avoid negative impacts of one upon the other. The Downtown Master Plan illustrates design standards for the public rights-of-way for the majority of existing streets within the DO District. New streets shall be assigned a street type category as they are proposed, in order to assure consistency in development of the public rights-of-way. All buildings and uses developed in the DO District must meet the following minimum standards.
    - a. PAVING. Paving systems in the public rights of- way must conform to the standards of the Downtown Master Plan and/or adopted standards in Chapter 7 of this Title. The paving systems used on private plazas, walkways, drives, and parking areas not in the public right-

of-way may be different in color, material, and texture from those specified for public properties. The paving systems must be of a compatible pattern and scale to provide a transition into the paving system on public property.

- b. **STREET FURNITURE AND AMENITIES.** Walking surfaces, street furniture, light fixtures, information signs, and kiosks constructed in the public right-of-way or required setback/minimum build-to line must be consistent with the Downtown Master Plan. Exterior lighting used on private plazas and walkways must be complementary in design motif to that specified in the Streetscape Improvements.
  - c. **STREET TREES.** Street trees in public right-of-way shall be installed as properties are developed or separate from adjacent private property activity in accordance with the Downtown Master Plan. Above ground planters shall not be used to fulfill the street tree requirement. As new streets are proposed, the streetscape design shall be developed consistent with the class of street type assigned to it.
2. **GENERAL URBAN DESIGN AND DEVELOPMENT GUIDELINES.** The harmonious relationship between land uses and their environment requires that certain areas be addressed during project planning. These relationships deal with the streetscape, historic buildings and places, and open spaces. Development or redevelopment subject to these provisions shall be built in accordance with the minimum urban design standards set forth in this Section. The purpose of this Section is to define the minimum urban design standards for development in the DO District in order to preserve the small-town character while encouraging revitalization and expansion. It is not the intent or expectation that new development should replicate a previous time period, but the general design principles in place when the majority of the current historic core was developed are being recreated here for consistency in context for those buildings constructed between 1900 and 1940. The guiding general principles are as follows:
- a. Buildings should address the street.
    - i. Entrances should face the street and be accessible from the sidewalk.
    - ii. Site layout should place the building generally at or near the front of the lot as indicated in the Streetscape Improvements, with parking to the side and/or rear of the building.
  - b. Buildings should be designed to be compatible with the context of the neighborhood.
    - i. Scale of new buildings should be in harmony with existing structures.
    - ii. Materials, colors, and styles should be compatible with existing structures.
  - c. Building styles should be traditional, or styles adapted from local and regional interpretations of traditional architecture
    - i. Building style should be appropriate to the intended use.
    - ii. Choice of building materials, elements, and details should be consistent with chosen architectural style. Elements that are obviously of another style should be avoided.
  - d. Overall design, use of materials, and ornamentation should be kept simple and in harmony with the scale of the building. Additional illustrative detail on how urban design standards may be satisfied is provided in the Downtown Master Plan.
3. **STRUCTURE DESIGN GUIDELINES**
- a. **BUILD-TO LINES REQUIRED.** Build-to lines are established for most existing streets in the DO District. As new streets are proposed, they will be assigned a street type category and build-to lines shall be assigned. Any new construction in the 100 block of North Trade Street, because it contains the majority of historic commercial structures set at or near the sidewalk, shall not exceed ten feet (10') setback from the right-of-way, except for outdoor café-type or other outdoor uses when a fence or wall is carried across the right-of-way to continue the visual continuity of building faces.
  - b. **BUILDING BULK AND MASSING.** Building bulk is categorized in width-to-height or height-to-width ratio and by a percentage of lot width coverage. All new buildings or additions to existing structures shall fall within a width-to-height or height-to width ratio between

1:1.5 to 1:1. New nonresidential or mixed use construction located within the DO District shall utilize a design in which the building coverage of the lot facing the street at the street entrance level shall be at least seventy five percent (75%) of the total frontage of the lot. Required landscape areas, and up to twenty-five feet (25') of driveway width, may be excluded from the lot frontage calculation. Where several new buildings are proposed to be developed adjacent to each other along the same side of a street front, the percentage for drive openings may be combined and averaged within that block face, in order to allow one (1) or two (2) driveways or loading areas for all the adjacent buildings.

- c. **BUILDING DESIGN.** Street walls and entrances must be designed to encourage and complement pedestrian-scale activity. Building design should not be conceived in isolation, as a singular entity, but should consider the structures at either side and in the neighborhood in general. It is intended that this be accomplished principally by the use of architectural criteria such as building materials, roof styles, attachments to buildings, and windows and doors arranged so that the uses are visible from and/or accessible to the street on at least fifty percent (50%) of the length of the ground level street frontage.
- i. **WINDOWS.** Where windows are used, they must be clear, transparent glass. Multi-paned shop front windows are preferred and no single glass pane shall be greater than twelve (12) square feet. Double hung windows with a height-to-width proportion of 2:1 are preferred for upper stories. Casements for windows shall be of wood, vinyl, or painted metal and may have stone, brick, or cast concrete lintels and sills. Window glass shall always be set back from the building face rather than flush. Shop front windows shall not be lower than two feet (2') from the ground plane at front wall. Windows on the front of a building facing a street shall be at least fifteen (15) square feet and up to forty percent (40%) of the total street front first floor facade in Precinct 1 (described in the Downtown Master Plan) and up to sixty percent (60%) of the total street front first floor facade in Precinct 2 (described in the Downtown Master Plan).
- ii. **BLANK WALLS.** Expanses of solid wall facing a pedestrian use area, which may include a street, plaza, park, or parking lot, are not permitted to exceed ten (10) linear feet. A blank exterior wall, when necessary, shall be broken or interrupted by one or more of the following:
- A public doorway made of transparent materials;
  - A doorway made of opaque materials and recessed at least three feet (3') and not more than five feet (5');
  - A public stairway directly available at street/plaza/park/parking lot level, but not fire escapes or false stairways;
  - A window of at least fifteen (15) square feet in area and no more than four feet (4') above the ground surface.
- iii. **BUILDING MATERIALS.** Building materials should repeat and/or complement the types found in existing downtown buildings. Brick or wood shall be the predominant building materials of any wall facing a public street or pedestrian use area. Predominant shall mean no less than seventy five percent (75%) of the non-glassed wall surface facing the street or pedestrian use area. Materials used for awnings and canopies are exempt from this provision and shall not be included in the calculation. Other acceptable materials include stone, concrete-based stucco, concrete, horizontal wood siding or wood shingle. Brick may be painted or unpainted. Trim shall be stone, cast stone, cast concrete, or painted wood.
- iv. **ROOF STYLES.** Roof styles shall reflect those generally found in the downtown and fringe areas. Due to the concentration of flat-roofed commercial buildings on the 100 block of North Trade Street, any new development there shall use a flat roof. Elsewhere in the DO District flat roofs may be used if appropriate to the overall building style and to neighboring structures. Other acceptable roof styles include hipped, gables, or cross gabled. Roof pitch shall be between 5:12 and 10:12. Single pitch shed roofs are not allowed except as a minor attachment to

the rear of a structure, with minor defined as less than ten percent (10%) of the building footprint. Mansard-style roofs or mansard attachments to a building wall are not permitted.

- v. DOORWAYS. Recessed doorways at street fronts are required and at non-street pedestrian use areas are encouraged. This provides a sense of entry and adds subtle variety to the streetscape. All structures shall have a street front entryway of at least one (1) square foot for each five hundred (500) square feet of floor area with a ten (10) square foot minimum. When a structure will provide off-street parking to the side or rear in a separate or combined lot, then the same doorway size requirements apply to the side or rear of the building. The maximum distance of recess from the exterior wall plan is five feet (5'). Doors shall be of wood, painted metal, or simulated wood material, or a combination of one of the above materials and glass. No glass shall be positioned lower than two feet (2') above ground level at door entrance.
  - vi. COLORS. Colors of buildings shall follow the Design Guidelines, including the number of main and trim colors and the combinations of light and dark shades. Colors of adjacent structures shall be considered in choosing color schemes for compatibility.
  - vii. EXTERIOR SURFACES. Reflectivity of exterior surfaces, except for painted wood siding, shall not exceed a reflectivity value of thirty six percent (36%), as measured under the applicable provisions of Federal Specifications DD-G-451d 1977.
  - viii. PROTECTED BUILDING ENTRANCES. The entrances to buildings and shop front windows are permitted to have canopies and awnings made of canvas or treated canvas material. Vinyl or metal awnings are not permitted. Awnings or canopies may extend from the building up to one-half (1/2) of the width of the sidewalk area in front of the building or nine (9), whichever is less. If this extension would reach into the public right-of-way, an encroachment agreement from the town or state is required. In no case shall an awning or canopy extend beyond the curb line of any public street, nor shall it interfere with the growth or maintenance of street trees. A minimum overhead clearance of eight feet (8') from the adjacent pedestrian area or sidewalk must be maintained. Curved awnings shall not be used, except over a single door at the rear entrance of a building.
- 4. SIGNS. Signs shall comply with the requirements of § 155.608, generally, and § 155.608.14, specifically.
  - 5. RESIDENTIAL CONSTRUCTION DESIGN STANDARDS. The Downtown Master Plan provides details on building design and setting for single-family and multi-family residential structures and shall be applied to any new residential development within the DO District.
- D. DEVELOPMENT REVIEW. Applicants planning any demolition, development, or redevelopment on property located in the DO District are required to meet with the Town Planning Department and Development Technical Review Committee during the conceptual design process in order that the applicant and staff may review the building and streetscape of the Downtown Master Plan as they relate to that location. The applicant shall submit plans to the Town Planning Department during the formal design review stage prior to receiving any building permit to ensure that the plans meet the minimum standards for the DO District. Building, demolition and/or zoning permits shall not be issued until the Town Planning Department approves the proposal as in conformance with this Title.
- 1. SITE PLAN SUBMITTAL REQUIREMENTS. Site plan submittal for any development activity in the DO District shall include but not be limited to:
    - a. A vicinity map clearly establishing the location of the project with readily recognizable landmarks.
    - b. A development summary including land area in development, proposed use(s), total building square footage, required parking, provided parking spaces, indicating where off-lot parking is being included.

- c. An accurate drawing of property boundaries.
  - d. Existing topography of existing vacant land to be disturbed by the development activity, and where appropriate, water courses and water bodies, floodplains and floodways, or other areas that would require extensive clearing and grading or alteration for development.
  - e. Identification and location of all existing site improvements, including streets, water, sewer, storm drainage, buildings, overhead power or telephone/cable lines, cross access easements, and utility easements.
  - f. Proposed location, type, and size of each sign (attached, freestanding, portable) to be employed on the site.
  - g. Location of proposed buildings, driveways, and parking areas.
  - h. Location of trash dumpsters or bins and required screening.
  - i. Grading, drainage, erosion and sedimentation control, and utility plans.
  - j. Landscaping, including street trees, parking lot islands, and perimeter planting where required. The canopy drip line of any existing trees meeting the sizes listed in § 155.606.6 shall be indicated and noted whether or not they will remain. Details of required landscaping, showing species, dimensions, and spacing of planted materials shall be provided, with a proposed timeline for installation.
  - k. Name of the project, owner, and name and address of engineer, architect, planner or landscape architect, scale, date, and north arrow.
2. In the event a parcel of land is also located within the Highway NC51 Overlay which creates conflicting regulations, such as building or pavement location, then any parcel fronting on Highway NC51 shall follow only the provisions in the HO district, and not the Downtown Overlay, for any regulated criteria where conflicts exist. **[formerly known as § 153.064]**
- E. Parking and Loading Standards. Permitted uses within the Downtown Overlay are required to provide off-street motor vehicle and bicycle parking and loading according to the minimum standards in § 155.607, except where the Historic Urban Core District (HUC) specifically authorizes different parking allotments for specific uses. If off-site, non-street parking to meet these requirements are not met, the office or agent authorized by the Board of Commissioners to issue Certificates of Occupancy shall revoke the occupancy permit for the applicable use and shall not issue a building or occupancy permit, as explained at § 155.213, until those requirements are met. One of the following parking reduction options may be used to reduce on-site motor vehicle parking requirements.
- 1. PUBLIC PARKING SPACES. Where on-street or public parking lot spaces are located within four hundred feet (400') of a building entrance, up to a twenty five percent (25%) reduction to required on-site parking may be allowed for new construction or where a change of use requires more intensive parking.
  - 2. SHARED PARKING. Joint use of up to twenty five percent (25%) of required parking spaces may be permitted with approval from the Zoning Administrator for different uses on newly-developed mixed use parcels provided that the property owner can demonstrate that uses will not overlap in hours of operation or in demand for shared spaces. If a newly developed site is to be subdivided, a shared parking agreement shall be provided to the Zoning Administrator for any lots that would otherwise show a parking deficiency. This agreement must include written permission from the private parking lot owner(s) and must identify the location and number of parking spaces to be made available, and at what days and times of the day these spaces may be credited to the use which otherwise is deficient in parking.
  - 3. ON-STREET SPACES. New marked on-street parking spaces developed adjacent to and in conjunction with a new building or group of buildings, or a change of use within an existing building, may be counted toward the minimum on-site parking requirements for that/those buildings. New marked spaces must be located on public streets and within four hundred feet (400') of the new building(s) or change of use with which they are associated. Any such on-street spaces may only be attributed to meeting minimum parking requirements for one new building.

**155.504.2. Highway NC51 Overlay District (HO)**

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- A. GENERAL CONCEPT OF OVERLAY. The Highway NC51 Overlay District is established to protect and preserve

the natural scenic beauty along designated lengths of this major thoroughfare, while allowing the orderly development of land located along the highway. In order to protect and enhance both the public and private interests in and along the highway system, this district is established for the additional purpose of:

1. Protecting the public investment and lengthening the time during which the highway can continue to serve its functions without expansion or relocation by expediting the free flow of traffic and reducing the hazards arising from unnecessary points of ingress, egress and cluttered roadside development.
2. Reducing the costs of future highway expansions by requiring that buildings and structures be sufficiently set back from the right-of-way to provide adequate storage for vehicles until they can safely enter the highway; and
3. Reserving adequate roadside space through which neighborhood traffic may be admitted to and from the highway system in a manner that avoids undue traffic concentrations, sudden turnings and stops and other hazards.

Development and improvement of property in the Highway 51 Overlay District shall comply with the requirements of § 155.504.2. The map symbol and short name for the Highway 51 Overlay District shall be "HO District." [formerly known as § 153.066.A]

- B. HIGHWAY NC51 OVERLAY DISTRICT. In addition to the requirements of the underlying zoning district(s), development and improvements in the Highway NC51 Overlay District ("HO District") shall comply with the following requirements, and where the regulations in this Section are in conflict with the regulations of the underlying zoning district, the regulations in this Section shall prevail:

1. PURPOSE AND INTENT. It is the intent of these regulations that development in the HO District shall be in harmony with and shall preserve the natural beauty and character of the existing landscape. Ensuring the attractiveness of uses will in turn contribute to and enhance capital investment, trade, tourism, and the general welfare. Therefore, this district is adopted for the additional purposes of:
  - a. Improving the appearance and livability of the community while enhancing its economic vitality.
  - b. Preserving and improving property values by creating and maintaining an ecosystem of sustainable development. This assures a management system of renewable natural resources for both the present and future generations.
  - c. Protecting and enhancing the environment by preserving trees and natural ground cover, which reduces soil erosion and localized flooding, recharges ground water and regenerates oxygen, reduces the impacts of heat and cold to the man-made urban fabric of pavement and buildings, and conserves energy.
2. LOCATION AND DIMENSIONS.
  - a. The HO District should be generally located along limited access interstate or divided highway approaches to, through or, around the Town.
  - b. The HO District shall be located on both sides of an existing or proposed major thoroughfare within the Town's zoning jurisdiction and shall be not less than five hundred feet (500') and not more than one thousand feet (1,000') deep measured from the edge of the existing or proposed right-of-way. The HO District shall follow identifiable boundaries whenever possible and shall be delineated as an overlay on the official zoning map of the Town. When a new right-of-way has been established by an approved Comprehensive Transportation Plan, the district boundaries shall be calculated from the newly established right-of-way. (Am. Ord. 2231, passed 6-12-17)
  - c. In the event a parcel of land is also located within the Downtown Overlay which creates conflicting regulations, such as building or pavement location, then any parcel fronting on Highway NC51 shall follow only the provisions in the HO district, and not the Downtown Overlay, for any regulated criteria where conflicts exist.
3. PERMITTED USES. Permitted uses, uses permitted subject to specific conditions, and accessory uses located within the HO District shall be determined by the requirements of the underlying zoning district(s). Any development or land disturbing activity on previously approved plans are still subject to the requirements of the HO District.

4. PLAN REVIEW PROCEDURES.
  - a. INDUSTRIAL, COMMERCIAL, AND MULTI-FAMILY DEVELOPMENT. No conditional districts, development, rezoning, land disturbing activity, or site improvement activity, other than single-family residential development may occur within the HO District without first obtaining approval of a detailed or abbreviated site plan from the Town Planning Department as allowed in § 155.504.2.B.5. Any change to zoning conditions or zoning districts shall be subject to all provisions of the HO District, and building or grading permits shall not be issued until a HO District site plan submittal has been approved. All development shall conform to an approved site plan. Any substantial deviation from the approved site plan must be resubmitted for review and approval by the Town Planning Department in accordance with these requirements. Appeals of Planning Department decisions on site plans shall be submitted to the Board of Adjustment.
  - b. SINGLE-FAMILY RESIDENTIAL DEVELOPMENT. All new or re-platted single-family residential developments and subdivisions must comply with the minimum thoroughfare buffering, signage, underground utility, and access standards of the HO District. Plan review shall be administered through the normal zoning and subdivision review process, supplemented by applicable additional requirements of the HO District.
5. SITE PLAN SUBMITTAL REQUIREMENTS. Site plan submittal for any development activity, except those listed in § 155.504.2.B.5.1, shall include but not be limited to:
  - a. A vicinity map clearly establishing the location of the project with readily recognizable landmarks.
  - b. A development summary including total acres in development, proposed uses, total building square footage, required parking, and provided parking spaces, total impervious surface area, and the percentage of lot covered by impervious surface. This information shall be supplied in table form on the site plan.
  - c. An accurate drawing of property boundaries.
  - d. Existing topography, water courses and water bodies, floodplains and floodways, or other areas that would require extensive clearing and grading or alteration for development.
  - e. Identification and location of all existing site improvements, including streets, water, sewer, storm drainage, buildings, and other significant site features and any existing or former easements (driveway, street, utility, construction, etc.) which may have cleared vegetative matter, and/or could allow clearing or grading.
  - f. Proposed location, type, and size of each sign to be employed on the site.
  - g. Location of proposed buildings, driveways, and parking areas.
  - h. Location of trash dumpsters and required screening.
  - i. Grading, drainage, erosion and sedimentation control, layout, and utility plans.
  - j. Landscaping Plan to include:
    - i. Prior to any site disturbance, approximate locations and species of all deciduous and coniferous trees at least three inches (3") DBH, and all dogwoods, redbuds and American hollies at least four feet high, which are located in any required buffer or screen area, and in any area not being disturbed by the planned development. The canopy drip line of those trees shall be delineated. A brief assessment of the above inventoried trees, indicating major deformity, disease, and or damage may be included. Where groves of the protected trees exist that will not be removed or disturbed, it is permitted to label the grove as such on the plan drawing, stating the approximate number of protected trees and species mix, without specifying data of each individual tree.
    - ii. Locations, species, and size of all protected trees proposed for removal shall be shown in outline form using a dashed line for the canopy drip line. Reasons for removing protected trees shall be explicitly stated on the Landscaping Plan.
    - iii. Locations, dimensions, and square footage of required buffer strips and parking lot landscaping.

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- iv. Details of required landscaping, showing species, dimensions, and spacing of planted materials and the use and protection of existing vegetation. Each plant unit in front tree buffer areas shall be marked as meeting one (1) of the options given in § 155.504.2.B.7.h.
    - v. Proposed timeline for landscaping.
  - k. Name of the project, owner, name and address of engineer, architect, planner or landscape architect, scale, date, and north arrow.
  - l. Minor changes or additions to existing development or approved plans may submit an abbreviated site plan. An abbreviated site plan shall be allowed when the proposed change is physically limited to only a contained portion of the site. An abbreviated site plan shall include, but shall not be limited to, items a, b, e, g, j, and k in this Section. The Planning Director shall determine when an abbreviated site plan may be submitted for a detailed site plan and what items must be included.
- 6. GENERAL SITE DEVELOPMENT STANDARDS. The lot development standards of both the HO District and the underlying zoning district shall apply. Where the standards of the HO District and the underlying district(s) differ, the more restrictive standard shall apply:
  - a. REQUIRED MINIMUM LOT AREA.
    - i. For lots for single-family detached or attached dwellings, multi-family dwellings, and all other lots not bordering directly on Highway NC51, the required minimum lot area of the underlying district shall apply.
    - ii. All nonresidential lots bordering on Highway NC51 shall be at least two (2) acres in size, except that lots may be smaller: *i*) when those lots are contained within a unified multi-lot development plan which is part of a conditional district zoning process; and *ii*) where shared driveway access is used; and *iii*) where no more than one (1) driveway for a minimum five hundred feet (500') of frontage along Highway NC51 will exist. All lots shall be developed with a unified approach to landscaping and buffering, access points, parking and loading, lighting, and noise.
    - iii. Lots bordering on Highway NC51 which were created prior to January 7, 1991, and which are less than two (2) acres shall be handled in accordance with the nonconforming regulations in Chapter 3 of this Title. (Am. Ord. 2059, passed 12-8-14)
  - b. LOT COVERAGE. Stormwater retention shall be required on all lots, and in no case shall impervious surface, such as rooftops, walkways, paving, and the like exceed seventy five percent (75%) of the site.
  - c. YARDS. The required front, side, and rear yard requirements of the underlying zoning district shall apply, except that the required protective buffer areas shall in all instances take precedence. No building shall in any instance be closer than fifteen feet (15') from any required buffer or screen area.
  - d. BUILDING HEIGHT. The maximum building height limit of the underlying zoning district shall apply, except that where allowed, communications antennas, wireless facilities, or communications towers shall comply with the height limits given in § 155.506.4. Communication towers shall be located a minimum straight line distance of one hundred fifty feet (150') from the nearest edge of right-of way to Highway NC51. Where guy wires are used, their point of connection to the ground shall be used to determine the minimum one hundred fifty foot (150') distance. (Ord. 912, passed 1-27-97; Am. Ord. 2280A, passed 2-12-18)
  - e. PARKING AND LOADING REQUIREMENTS. Parking and loading requirements shall be provided in accordance with the underlying zoning district, except as provided otherwise as follows:
    - i. LOCATION OF OFF-STREET PARKING, LOADING, AND STORAGE AREAS. Any paved or impervious surface designed or intended to be used by vehicles, including off-street parking, loading and storage areas shall be located to the side and rear of all principal nonresidential structures of sites fronting Highway NC51. Off-street

parking to the side of a structure shall be no closer to Highway NC51 right-of-way than the structure or sixty feet (60'), whichever is less. For corner lots, the side of the lot facing the more major thoroughfare shall be considered the front yard for the purpose of this requirement. Exemptions to this provision may only be granted under certain circumstances:

- When the applicant can demonstrate that placement of those facilities in the side or rear yards would require greater clearing and grading than if those facilities were to be located in the front yard. An alternative design layout showing what vegetation would be lost that can be retained by front yard paving must be provided.
  - When the applicant can demonstrate that the necessary vehicular and pedestrian circulation of the proposed use cannot function without front yard parking, loading, or storage. A written description of the use, and why the front yard vehicular use area cannot be eliminated or relocated elsewhere on the site must be provided.
- ii. ENHANCED LANDSCAPING PLAN REQUIRED. An enhanced landscaping plan shall be part of any request for an exemption as described in § 155.504.2.B.6.e.i, above. Enhanced landscaping located between the vehicular use area and Highway NC51 shall include evergreen shrub screening, berms, low fencing with evergreen shrubs on the street side, or a combination of methods to significantly reduce the amount of pavement and vehicles viewed from Highway NC51. In addition, any paved area used for parking subject to a request for an exemption shall be required to provide at least one existing or planted tree of a minimum three inch (3") caliper and minimum eight foot (8') height for every five (5) parking spaces. These trees must be located in tree islands with minimum dimensions as given in § 155.504.2.B.11.b. Property at a higher grade than Highway NC51 shall not be reason to exempt the requirement for enhanced landscaping.
- iii. EXEMPTIONS. An exemption may be granted under § 155.504.2.B.6.e.i, above by the Planning Director when no other variances to the HO District requirements are requested. If any other variances are necessary, an exception to front yard paved areas may only be determined by the Board of Adjustment.
- f. LOCATION OF UTILITY CONNECTIONS. For properties fronting Highway NC51, utilities such as water, sewer, natural gas, telephone, cable, etc., shall only be located in the portion of the required front protective buffer that is disturbed for driveway access when trees of protected size exist. If a variance to this provision is requested, the applicant must demonstrate how trees and tree roots will be protected from damage during construction or future maintenance/repair, and that new easements will not include any existing or new trees required by § 155.504.2.B.7.
7. PROTECTED BUFFER YARD REQUIRED ALONG HIGHWAY NC51.
- a. GENERAL REQUIREMENTS. A protected buffer yard shall be created on all sites fronting Highway NC51. Within this yard, all deciduous and coniferous trees three inches caliper or larger, and all dogwoods, redbuds, and American hollies four feet (4') high or larger shall be considered of protected size. The front of the protected buffer yard shall be left in a natural state to the greatest extent possible. Clearing of small brush, vines, dead wood, trash, etc., is permitted when done in a method so as not to damage roots, limbs, trunks, bark, etc., of protected vegetation. Mulch of natural material only may be placed around existing or added trees and shrubs in the protected buffer yard.
- b. MINIMUM PROTECTED BUFFER YARD REQUIRED. A protected buffer yard shall be established from the edge of the existing or proposed right-of-way as follows:
- i. HIGHWAY NC51: Thirty feet (30'), minimum.
  - ii. SERVICE ROAD ALONG HIGHWAY NC51: Where a service road right-of-way abuts and parallels Highway NC51 right-of-way, twenty five feet (25'), minimum.
- c. When road construction, utility locations, or similar action has cleared some or all of this

buffer yard of tree cover, then the buffer yard shall be measured from the undisturbed tree line, when one exists within fifty feet (50') of the edge of the right-of-way. Utility easements, sidewalk easements, current or former temporary construction easements, and similar restrictions shall be shown on the site plan submittal as described in § 155.504.2.B.5.e.

- d. Where no natural vegetation including trees of protected size exists within a fifty foot (50') depth from the right-of-way of Highway NC51, or parallel service road, then the minimum buffer yard shall be measured from the edge of the right-of-way.
- e. INTERSECTING STREETS. A minimum protected yard of twenty five feet (25') shall be established adjacent to any street right-of-way which intersects and shares common access with Highway NC51 for a distance of two hundred feet (200') from the intersection of the rights-of-way of the street and Highway NC51.
- f. APPEAL. In a case where an individual parcel has been rendered virtually unusable due to establishment of the buffer yard, there may be grounds for a variance or appeal, provided that all other conditions set forth in this section are met. In granting any such variance or appeal, the Town Board of Adjustment may require the applicant to compensate in equivalent landscaping improvements any vegetative matter that is lost through an encroachment into the buffer yard
- g. EMERGENCY ACCESS DRIVEWAYS. Emergency access driveways may cross through the special highway buffer yard when included as a zoning condition in a conditional district zoning. Emergency access driveways may be paved or may use a porous surface, but existing or new landscape plant material will not be required. An emergency access driveway may not exceed twenty four feet (24') in width through the front protected buffer yard (Ord. 1303, passed 9-8-03)
- h. SPECIFIC LANDSCAPING REQUIREMENTS. A distinctive streetscape will be created along Highway NC51 buffer, including two hundred feet (200') on intersecting streets and on parallel service roads, composed of one (1) plant unit for every forty feet (40') or fraction thereof, not including necessary drive access points and required sight triangle locations. A plant unit shall be composed, at a minimum, of one (1) of the following combinations of plants as listed in § 155.606.14 of this Title:
  - i. A combination of existing trees of required protected size which will be retained, and which total more than twenty four inches (24") caliper.
  - ii. A combination of both existing trees of required protected size and newly planted trees which would total more than twenty four inches (24") caliper.
  - iii. Two (2) large-maturing deciduous trees, and three (3) small-maturing trees; or
  - iv. Three (3) large-maturing evergreen trees, and three (3) small maturing trees; or
  - v. Two (2) large-maturing deciduous trees, and two (2) large-maturing evergreen trees; or
  - vi. One (1) large-maturing deciduous tree, two (2) large-maturing evergreen trees, and two (2) small-maturing trees; or
  - vii. Two (2) large-maturing deciduous trees, one (1) large-maturing evergreen tree, and one (1) small-maturing tree; or
  - viii. Seven (7) small-maturing trees.

The arrangement and location of landscaping in Highway NC51 buffer yard shall be designed in a random spacing, not in a straight line, to give the appearance of a naturalized setting, and shall be part of the landscape plan submitted for site plan approval. Existing plant material of minimum protected size shall be retained, except where an approved driveway access or existing utility easements are located.

- 8. SITE PERIMETER BUFFER YARD REQUIRED FOR NONRESIDENTIAL AND MULTIPLE-FAMILY USES IN THE HO DISTRICT. In addition to Highway NC51 protected buffer yard, an undisturbed buffer yard shall be retained along all side and rear yard property boundaries abutting an existing residential use or residentially zoned area. Single-family residential uses shall provide Highway NC51 protected

buffer yard but are not be required to provide side and rear yard buffers.

a. GENERAL REQUIREMENTS.

- i. MINIMUM BUFFER YARD REQUIRED. A minimum twenty foot (20') undisturbed buffer strip shall be retained along all side and rear yard property boundaries abutting an existing residential use or residentially zoned area.
- ii. PERFORMANCE STANDARDS. The required side or rear yard buffers shall be seventy five percent (75%) opaque year round. The more intense land use shall be required to provide the buffer as part of its yard requirement. Natural vegetation must be retained whenever possible. Buffer strips may be occupied only by natural and/or planted vegetation, berms, and fencing.

b. LANDSCAPING REQUIREMENTS. One or more of the following means shall be used to supplement the natural vegetation as necessary or to provide an adequate buffer where no natural vegetation exists:

- i. PLANTED BUFFER STRIPS. The planted buffer strips shall be at least six foot (6') tall and provide approximately seventy five percent (75%) visual opacity within two (2) years of planting. Three (3) rows of planting material shall be provided.
- ii. COMBINATION BUFFER STRIP WITH FENCING:
  - Fencing shall be five (5) to seven (7) feet in height. The use of natural fence materials such as wood, brick, and stone is encouraged.
  - If a solid fence is used, two (2) rows of planted materials shall be provided at a minimum height of three feet (3') at initial planting and give at least fifty percent (50%) visual opacity of the fence at planting.
  - If a permeable fence is used, two (2) rows of planted materials shall be provided and give approximately seventy five percent (75%) visual opacity of the fence within two (2) years of planting.
  - The buffer vegetation shall be located between the fence and the common property line.
- iii. COMBINATION BERM WITH VEGETATION.
  - An earthen berm may be used in conjunction with planted vegetation, provided that the combined height of berm and planted vegetation shall be at least six feet (6') and provide approximately seventy five percent (75%) opacity within two (2) years of planting.
  - The slope of the berm shall be stabilized with vegetation and be no steeper than 3:1. The height of the berm shall be six feet (6') or less, with a level or rounded area on top of the berm. The berm shall be constructed of compacted earth.

9. PRESERVATION OF EXISTING SITE VEGETATION. In addition to the required minimum protected buffer yard along the right-of-way of Highway NC51 and site perimeter buffers on non single-family developments, it is the intent of the HO District regulations to retain existing vegetation on the site at the time of development or any other land disturbing activity. In any required landscape buffer, and in any location within the site that will not be disturbed, all deciduous and coniferous trees at least three inches (3") caliper and all dogwoods, redbuds, and American hollies at least four feet (4') high shall be considered protected. Elsewhere on the site, trees of these sizes and larger are encouraged to be preserved and incorporated into required landscaping, but will not be considered protected as described below. The following steps shall be accomplished in chronological order:

- a. Trees shall be initially inventoried as part of the Landscape Plan, in accordance with § 155.504.2.B.5.j.
- b. If any of these trees are to be cleared from the site, reasons for doing so shall be clearly stated on the Landscape Plan. Those trees marked as being required to be removed are not considered protected trees for the remainder of this Section.
- c. Existing trees specified on the required Landscape Plan to remain on the site under these

- requirements shall be considered protected trees. Individual protected trees or groves of protected trees shall be staked, fenced, or otherwise clearly marked and protected from material storage and vehicular movement during construction and in the final landscape design.
- d. If a protected tree is destroyed or dies within three years after completion of construction, then replacement trees of total equal diameter shall be planted on the site. Tree destruction or death during this three (3) year period shall be assumed to be the result of construction/development work unless: *i*) the tree destruction is easily verified as due to an act of God (storm, lightning strike, and the like); or, *ii*) the property owner provides documentation from an arborist of an alternate explanation for the tree's death.
  - e. A minimum of fifteen (15) large maturing deciduous or evergreen trees at least three inch (3") caliper and a minimum of eight feet (8') in height shall be retained or planted on the parcel for each acre of proportionate area disturbed by development. Required front, side or, rear landscaped buffers should be included in calculating this overall requirement. For every twenty four inches (24") caliper total retained within the disturbed area of the site, the project shall be credited with one tree which may be counted toward this fifteen (15) tree per acre minimum performance standard. Credits shall not apply to the removal of existing trees at or over the size limits for "protected" status listed elsewhere in this § 155.504.2.B.9.
10. **ADEQUATE SIGHT TRIANGLES REQUIRED.** At all points of egress from off-street parking areas to a road and at corners of road intersections, unobstructed visibility shall be maintained in accordance with the requirements of the Mecklenburg County Engineering Department and the regulations adopted by the North Carolina Department of Transportation, in "*Subdivision Roads: Minimum Construction Standards*" (May 1, 1983) and any subsequent amendments, or the regulations adopted by the governing body, whichever are the greater.
  11. **PARKING LOT AND PAVEMENT LANDSCAPING.** Landscaping is required for parking lots and other areas of paved surface to reduce the aesthetic impacts of paving or removal of natural vegetation from large areas; to reduce the noise, heat, glare, and dust associated with parking lots; and to control the direction and velocity of surface water runoff.
    - a. **APPLICABILITY.** Landscaping shall be required for all off-street parking facilities with five (5) or more spaces or any areas of two thousand five hundred (2,500) square feet or more devoted for vehicular use. A landscaping plan shall be submitted in accordance with § 155.504.2.B.5.j.
    - b. **INTERIOR LANDSCAPING REQUIRED.** Interior landscaping is defined as the landscaping required within the perimeter of the parking lot, including the planting islands, curbed areas, corner lots, parking spaces, and all interior driveways and aisles, except those with no parking spaces located on either side. Interior landscaping shall be in the form of planting islands, either separate or protruding from the perimeter of the parking lot. The planting islands shall be located appropriately in the parking facility to create parking sub areas and to help establish distinct patterns of traffic flow. No planted area in any island shall have a dimension of less than twelve feet (12'), or eight feet (8') with minimum overall area not less than one hundred forty four (144) square feet. Smaller protrusions from planting islands shall not have deciduous trees planted within them. At least one (1) existing or planted large-maturing tree shall be provided for every ten (10) parking spaces, except small trees are allowed where they are within an overhead power line easement. No parking space shall be located more than forty feet (40') from a tree either in an island or outside of the parking lot. Trees should be generally distributed evenly throughout the parking lot. All parking spaces shall be blocked or curbed to prevent vehicles from overhanging planting islands or landscaped yards by more than one foot (1') or damaging adjacent fences or screens. (Am. Ord. 2264, passed 10-9-17)
    - c. **ENHANCED INTERIOR LANDSCAPING REQUIRED** In accordance with § 155.504.2.B.6.e, the interior landscaping requirements for parking lots and other paved vehicular use areas approved in front yards shall be increased as required in § 155.504.2.B.6.e.ii.
  12. **LANDSCAPE MAINTENANCE.** The owner, tenant, and their agent, if any, shall be jointly and severally responsible for the maintenance and protection of all landscaping existing or hereafter installed

which shall be maintained in a healthy growing condition. Maintenance shall include watering, weeding, mowing, fertilizing, treating, mulching, pruning, removal and replacement of dead or diseased trees and shrubs on a regular basis so as to present a neat and well-kept appearance at all times. All replacement plantings should be installed at a frequency and species composition similar to that found under similar environmental conditions in undisturbed forested areas. Trees and shrubs are to be maintained in their natural form, and should not be pruned or shaped inconsistent with their species natural growth habits.

13. SIGNAGE STANDARDS. The sign standards of the underlying zoning district and the requirements of § 155.608 of this Title shall apply to land development in the HO District. In addition, for sites bordering Highway NC51, the location of freestanding signs is further limited to any disturbed portion of the site, including the roadway or driveway access corridor from Highway NC51 right-of-way, but not in any other portion of the required front Highway NC51 protected buffer yard, and no additional clearing shall be permitted in said buffer yard. Permanent signs may only be installed within the portion of the protected buffer which must be cleared for driveway access. Feather signs shall not be placed within, or in front of, the protected buffer yard.
14. OUTDOOR LIGHTING. All outdoor lighting shall be shielded in a manner that no direct glare from the light source can be seen from an abutting right-of-way line or from an abutting residential use or district.
15. UNDERGROUND UTILITIES REQUIRED. All utilities under the control of the property owner or developer shall be placed underground.
16. ACCESS POINTS AND TRAFFIC MOVEMENT ALONG HIGHWAY NC51. Traffic service and land access are necessary but conflicting functions of a highway system. Although major roadways may provide both traffic service and land access, access is a secondary function that should be controlled to avoid jeopardizing the primary traffic service function. The following provisions are intended to protect the public interest and safety of highway users by achieving reasonable access control.
  - a. The term “access control” refers to all techniques intended to minimize the traffic interference associated with driveway access, whether the use is commercial, industrial, or residential.
  - b. Whenever a tract proposed for a residential subdivision borders on a special highway, then all lots created out of that tract must have sufficient frontage on another street (either pre-existing or created as part of the subdivision) so that direct access to that lot need not be provided by the special highway, unless compliance with this requirement is not reasonably practicable due to the size or shape of the tract to be divided. The final plat creating the subdivision shall indicate a limitation on driveway access to the special highway for those lots which have alternative access.
  - c. To separate basic conflict areas and gain control of access, techniques which will allow the reduction of driveway numbers or directly increase the spacing between driveways or between driveways and intersections will be required to achieve the following limitations for driveway access in relation to highway frontage:
    - i. For lots having more than five hundred feet (500') of frontage on special highway, driveways shall be no closer than five hundred (500) linear feet.
    - ii. For a lot having less than five hundred feet (500') of frontage on a special highway, only one (1) driveway onto that highway shall be allowed. Whenever possible, a minimum distance of two hundred feet (200') must be maintained between driveways of adjacent lots.
    - iii. Ingress to and egress from a corner lot or reverse frontage lot adjacent to a special highway shall be limited to the more minor thoroughfare.
    - iv. Adjacent or adjoining lots with small highway frontages are encouraged to combine access to one (1) driveway. In those instances, a wider driveway may be permitted, conditioned on DOT approval.
    - v. Whenever separate or single parcels are assembled under one purpose, plan, entity, or usage, consolidation of existing direct access shall be required to the extent feasible. Approval depends on the developers' plans to use existing

- driveways, close other existing driveways, or redesign and rebuild some existing driveways. However, the spacing and number of access points should not exceed the limits set based on highway frontage.
- vi. Emergency access driveways may be created, using the separation requirements listed in (i) through (v), above, where specifically included as part of approved zoning conditions in a conditional zoning district and designed to meet NCDOT requirements. Emergency access driveways shall primarily use a solid subsurface with natural cover, such as porous block subsurface and grass cover, and may be crossed with a removable or breakaway barricade, gate, chain, bollards, or other method to prevent general public use. (Ord. 1303, passed 9-8-03)
  - vii. Departures from the foregoing standards may be authorized when the town determines, upon the advice of the NCDOT, that a particular development design or technique can achieve a satisfactory level of access control consistent with the objectives of this Section.
17. APPROVED PLANT LIST. Recommended plant species for use within the HO District shall be as set forth in the “Table of Approved Trees and Shrubs,” in § 155.606.14 of this Title. The list has been prepared to increase the likelihood of survival and to reduce maintenance requirements of plant species and varieties which are most commonly found in a natural wooded setting in the region. These are the plant varieties most likely to be found and are desired to be retained in buffer areas, and other required landscaped areas. All plants utilized in all developments in the HO District should pay particular attention to preserving and protecting the species identified in the “Table of Approved Trees and Shrubs,” when they are found on sites to be developed or otherwise disturbed. All plants utilized in landscape plans, whether identified in the Table or not, should be generally adapted to the normal climatic and environmental conditions expected for the Matthews area. This list is not intended to be a comprehensive survey of plants found within the overlay district, but it will serve as a guide to appropriate plant selection. If the plants selected are from this approved list, further review will not be necessary. Plants which are not on this list may be used, if it can be shown that the selected species satisfies one (1) or more of the following criteria:
- a. An indigenous species to the area, adapted to the proposed site conditions; or
  - b. A cultivated species which is well suited for use in this area; or
  - c. A cultivated species which will be used in a manner that it will not be adversely affected by normal climatic environmental conditions; or
  - d. Any plant species which has been previously approved for use.
18. ALTERNATIVE HO DISTRICT BUFFER PLAN. In the event that property located in the HO District also abuts the boundary of another overlay district, competing interest may occur. When the Board of Commissioners receives a petition to rezone such property to a conditional use district or a parallel conditional use district (or a petition to amend a previously approved conditional use district site plan or parallel conditional use district site plan), a condition may be added that provides for an alternative HO District buffer landscaping plan that provides a significant increase in benefit over the HO District requirements and complies with the requirements of this § 155.504.2.B.18. Petitioner shall include in the petition to rezone the request for the Board of Commissioners’ consideration and approval of an alternative HO District buffer landscaping plan, and such plan shall be submitted to the Town Planning Department concurrently with the petition to rezone. In the event that the Board of Commissioners approves the petition to rezone, it may, in its discretion, approve or deny the request for an alternative HO District buffer landscaping plan.
- a. REQUIRED INFORMATION. When applying for the consideration and approval of an alternative HO District buffer landscaping plan, the following information must be submitted with the petition to rezone:
    - i. A site plan containing all of the information outlined in § 155.504.2.B.5, including the HO District buffer landscaping plan;
    - ii. A letter to the Planning Director that contains a statement of intent that outlines the purposes and objectives of the proposed alternative HO District buffer landscaping plan, and that describes the nature of the existing vegetation in the

- required HO District buffer and the special landscape design features being proposed by the alternative HO District buffer landscaping plan that make the request a significant increase in benefit over the existing HO District requirements and worthy of approval;
- iii. The pedestrian walkway system proposed for the entire property included in the petition to rezone and its connections to adjoining properties; and
  - iv. Any other relevant information that Petitioner may feel is appropriate.
- b. The Planning Director may require additional information that may be necessary for an adequate review of the proposed alternative HO District buffer landscaping plan.
- c. The intent of this § 155.504.2.B.18 is to allow for the removal of coniferous trees and certain deciduous trees from the required HO District buffer and to provide for the replacement of any such trees three inches (3”) in caliper or larger that are removed with superior deciduous trees at three inches (3”) in caliper at the time of installation to be installed in various locations on the property subject to the petition to rezone. Specifically, Petitioner may propose the removal of the following trees in the HO District buffer landscaping plan:
- i. Coniferous trees of any size;
  - ii. Sweet gum or black gum trees less than eight inches (8”) in caliper; and
  - iii. Any other deciduous trees less than three inches in caliper. Petitioner may not propose the removal of the following trees:
    - Dogwoods, redbuds and American hollies of any size;
    - Sweet gum or black gum trees eight inches in caliper or larger; and
    - Any other deciduous trees three inches in caliper or larger.

For each and every tree three inches (3”) in caliper or larger to be removed from the HO District buffer, the alternative HO District buffer landscaping plan must provide by way of a note that each such tree will be replaced with one (1) deciduous tree at least three inches (3”) in caliper at the time of installation to be installed on the property subject to the petition to rezone inside or outside of the HO District buffer. The specific locations of the replacement trees will be set out on the landscaping plan that must be submitted to the Town Planning Department pursuant to § 155.504.2.B.5.j.

- d. Those portions of the property subject to the petition to rezone that are not within the HO District buffer shall comply with the minimum landscaping requirements of § 155.606 of this Title. Accordingly, the replacement trees required to be installed on the property subject to the petition to rezone shall be in addition to, and not in lieu of, the minimum landscaping requirements for such property under the requirements of § 155.606 of this Title.
- e. REVIEW AND APPROVAL. In evaluating a request for the approval of an alternative HO District buffer landscaping plan, the Board of Commissioners may consider whether such plan meets the objectives listed below:
- i. Preserves all dogwoods, redbuds, and American hollies of any size within the HO District buffer.
  - ii. Excepting sweet gum or black gum trees less than eight inches (8”) in caliper, preserves all deciduous trees three inches (3”) in caliper or larger within the HO District buffer.
  - iii. Provides for the replacement of any tree removed from the HO District buffer that is three inches (3”) in caliper or larger with one (1) deciduous tree at least three inches (3”) in caliper at the time of installation to be installed on the property subject to the petition to rezone.
  - iv. Provides for the protection of existing trees that remain in the HO District buffer and their root systems during the grading and construction processes and for the replacement of any trees inadvertently damaged during grading or construction.

- v. Gives consideration to the location of existing trees to be preserved within the HO District buffer and their proximity to retaining walls, parking lot grading areas and other factors that may affect such trees.
- vi. Provides assurances for the maintenance of the original quality of all landscape elements including both existing and new planting materials located within the HO District buffer in accordance with the provisions of § 155.504.2.B.
- vii. Exhibits innovative and thoughtful landscape elements and design.
- viii. Provides for a reasonable and appropriate relationship to the abutting Highway NC51 and surrounding public street system.
- ix. Enhances the walkability of the community at large as well as the livability of the people living within the proposed development. (Ord. 1283, passed 2-10-03) [formerly known as § 153.066.]

### **155.504.3. Entertainment District Overlay District**

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#### **A. ENTERTAINMENT DISTRICT OVERLAY DISTRICT.**

1. General concept. This Overlay District is established to ensure that the policies and intentions of the adopted Entertainment District Small Area Plan are followed as the area develops over time. The Small Area Plan was developed with active participation by stakeholder groups and the general public, and adopted by the Matthews Board of Commissioners becoming an Appendix to the Matthews Land Use Plan. The intent of the Plan is to provide multiple entertainment opportunities (in addition to those available at the Mecklenburg County Regional Sportsplex located within the district) for people of all ages, and to incorporate space for residences, transitory housing, employment, recreation, shopping, dining and daily living services in a compact pedestrian-friendly neighborhood, while accommodating various modes of transportation (including fixed guideway public transit, scheduled to traverse the district in the future).

The Plan creates a vision for future land use and future motorized and non-motorized transportation opportunities for all the land area within the study boundaries while including flexibility in specific future land uses and their densities/intensities, and providing appropriate land use goals. The Plan places priority on creating extensive internal and external connectivity - especially for pedestrians – in recognition of the eventual development of a rapid transit line and station within the district’s boundaries.

2. Location and dimensions.
  - a. The Entertainment Overlay District shall be delineated as an overlay on the Official Zoning Map of the Town. The map symbol and short name for the Entertainment District Small Area Plan Overlay District shall be "ENT-O District."
  - b. The ENT-O District incorporates the same geographical boundaries as the adopted Entertainment District Small Area Plan.
  - c. Development and improvement of property in the ENT-O District shall comply with the requirements of § 155.504.3.
3. Purpose and intent. The purpose and intent of these regulations is to guide future development in the ENT-O District so as to be in harmony with and preserve, where appropriate, the natural beauty and character of the existing landscape while allowing appropriate new development to occur. Ensuring the attractiveness of future land uses will in turn contribute to and enhance capital investment, trade, tourism, and the general welfare of both the population of the district and of the larger community. Therefore, this district is adopted for the purposes of:
  - a. Improving the appearance and livability of the community while enhancing its economic vitality.
  - b. Preserving and improving property values by creating and maintaining an ecosystem of sustainable development thereby assuring a management system of renewable natural resources for both the present and future generations.
  - c. Encouraging new development and redevelopment consistent with the land development visions established and explained by the adopted Small Area Plan.
  - d. Balancing the sometimes-opposing Town goals of allowing new construction and land disturbance while protecting and enhancing the environment. Preserving trees and natural ground cover will be closely monitored as plans are provided for new development activities, with the understanding that some vegetation loss is inevitable in order to allow new development which will have as significant

a long-term economic and social impact on the community as on the Town's environmental vitality.

**B. UNIQUE CHARACTER**

1. The unique character and vision for the Entertainment District led to adoption of the following Principles in the area planning process:
  - a. Create urban scale neighborhood, notably in anticipation of establishment of a future public transit station within the study area.
  - b. Create a diverse mixture of complementary land uses, taking advantage of proximity of the Sportsplex.
  - c. Extend pedestrian friendly features developed within the Sportsplex property throughout the remainder of the district.
  - d. Create unique identity that represents the appeal of the area.
  - e. Practice energy-efficient design.
  - f. Adopt and apply a set of urban design principles that when applied to the built environment will result in an attractive, vibrant, and sustainable community.
2. Permitted uses. Permitted uses, uses permitted subject to specific conditions, and accessory uses located within the ENT-O District shall be determined by the requirements of the underlying zoning district(s).

**C. DEVELOPMENT STANDARDS.**

In addition to the requirements of the underlying zoning district(s), development and improvements in the ENT-O District shall comply with the following requirements, and where the regulations in this Section are in conflict with the regulations of the underlying zoning district, the regulations in this Section shall prevail:

1. Proposed development within the ENT-O District shall be subject to the development standards, design principles and review criteria contained within § 155.503.8.E, F and G.
2. Given the Town's goal of creating an environment for a mix of businesses, no single "big box" retail establishment (defined as merchandise sales as sole or primary activity in excess of 70,000 square feet) shall be allowed. Hotels/conference centers and movie theatres are exempted from this limitation.
3. Residential to commercial ratios: no more than 600 dwelling units are to receive construction permits until at least 40,000 square feet of commercial space is under construction or completed within the District.
4. Commercial to residential ratios: no more than 120,000 square feet of commercial space is to receive construction permits until at least 240 dwelling units are under construction or completed within the district.
5. Right-of-way width for the future Independence Pointe Parkway through the district is to be planned and reserved during the subdivision process for 140-foot width in order to accommodate multi-modal travel, including automobiles, pedestrians, bicyclists, on-street parking and future public transit/fixed guideway, as well as right-of-way amenity features.
6. Transportation networks and connectivity proposed as part of development in the district shall comply with the locational, dimensional, and design requirements as specified in:
  - a. Town of Matthews *Entertainment District Small Area Plan* (2014)
  - b. Town of Matthews *Comprehensive Transportation Plan* (2013)
  - c. Charlotte Regional Transportation Planning Organization *Comprehensive Transportation Plan* (2018)
  - d. Charlotte Area Transit System *2030 Transit Corridor System Plan* (as updated)
  - e. Charlotte Area Transit System design and engineering studies for the Silver Line light railIn any instance where the above-referenced requirements may be seen to conflict, the more stringent requirement shall be applied to proposed land development.

**D. SITE PLAN SUBMITTAL PROCESS.**

All development and other site improvement activity in the ENT-O District is subject to submittal and approval of a site plan from the Town Planning & Development Department as outlined in §155.504.2.B.5. Any substantial deviation from a previously approved site plan must be resubmitted for review and approval by the Town Planning & Development Department in accordance with these requirements.

1. In addition to the above, site plans submitted for development within the ENT-O District shall contain the following:
  - a. Landscaping Plan. It is the intent of the Overlay Districts to the greatest extent possible retain existing vegetation on development sites at the time of development. Landscaping plan to consist of:

- i. Vegetation survey as outlined at §155.606.8. The canopy drip line of all large-maturing trees at least eight inches (8”) DBH, and all dogwoods, redbuds and American hollies at least four feet (4’) high shall be delineated and determined to be “protected”. A brief assessment of the above inventoried trees, indicating major deformity, disease, and or damage may be included. Where groves of the protected trees exist that will not be removed or disturbed, it is permitted to label the grove as such on the plan drawing, stating the approximate number of protected trees and species mix, without specifying data of each individual tree.
  - ii. Locations, species, and size of all protected trees proposed for removal shall be shown in outline form using a dashed line for the canopy drip line. Reasons for removing protected trees shall be stated on the Landscaping Plan.
  - iii. Locations, dimensions, and square footage of required buffer strips and parking lot landscaping.
  - iv. Details of required landscaping, showing species, dimensions, and spacing of planted materials and the use and protection of existing vegetation.
  - v. Proposed timeline for landscaping.
- b. Adequate sight triangles and sight distance. At all points of egress from off-street parking areas and other vehicular site access points to public roads as well as at corners where public roads intersect, unobstructed visibility shall be maintained in accordance with the requirements of Mecklenburg County LUESA and the regulations adopted by the North Carolina Department of Transportation, in “Subdivision Roads: Minimum Construction Standards” (May 1, 1983) and any subsequent amendments, or the regulations adopted by the Town of Matthews, whichever are the greater. This section applies both in instances where both site access/driveways intersect with public roads, and where two public roads intersect with one another.
- c. Site access control. The design of an efficient, attractive, and safe transportation network as part of proposed development is essential both to the development’s success and the larger community’s continued viability. Periodically the goal of moving vehicular traffic quickly and efficiently to, from, and through a development site can work at cross-purposes to providing safe and reasonable site access to motorists, pedestrians, and bicyclists, or to other goals the development intends to achieve. Major roadways and public transit fixed guideways (both existing and planned) may serve the greater area’s transportation needs well, but without careful planning this may come at the expense of the quality of the proposed development.

For the purpose of this section, the term “site access control” refers to techniques intended to minimize traffic interference associated with development site driveway access or transit line crossings. The following provisions are intended to create a balance among all site users by achieving reasonable site access control to and from these roadways and guideways:

- i. When a development site borders or is bisected by an existing or proposed thoroughfare or proposed public transit fixed guideway, the development shall provide at least one vehicular site access point to a public street other than to that thoroughfare (or guideway), unless compliance is not reasonably practicable. Full movement access to and from the thoroughfare cannot be guaranteed. Primary or exclusive site access should not be provided which crosses the proposed fixed guideway.
- ii. When a development site contains in excess of 500 feet (500’) of frontage on a thoroughfare, proposed driveways shall be no closer than 500 feet (500’) from one another.
- iii. When a development has less than 500 feet (500’) of frontage on a thoroughfare, one driveway shall be allowed onto the thoroughfare if the primary transportation network plans for the area would in that manner be satisfied.
- iv. Whenever possible, a minimum distance of 200 feet (200’) should be maintained between adjacent driveways, both within the development site and between the site and adjacent properties (shared driveways between adjoining parcels is encouraged, and should be used to the greatest extent possible).
- v. Ingress/egress to/from corner and reverse frontage lots adjacent to thoroughfares shall be limited to the street with the more minor roadway classification.

2. **SITE PLAN REVIEW PROCESS AS PART OF A ZONING APPLICATION.** When any land disturbing activity is proposed that requires a change in zoning district or revisions of previously approved zoning conditions, that property shall complete the necessary zoning actions as outlined at § 155.401, prior to receiving site plan approval to comply with the ENT-O. If the zoning documents include sufficient information

as will be needed for the ENT-O site plan compliance, as listed in § 155.504.3.D., then the Planning & Development Department may undertake a concurrent review of the ENT-O compliance documents while the zoning application is being considered, and may be able to approve the Overlay compliance as soon as the zoning action is approved. The ENT-O site plan review may also be submitted to begin at any time after the zoning application has been successfully approved.

3. SITE PLAN REVIEW PROCESS NOT REQUIRING ZONING ACTION. When land disturbing activity is proposed that is in compliance with the current zoning designation on the parcel(s) and therefore does not need any further zoning action, then the site plan documents as listed at § 155.504.3.D shall be submitted to the Planning & Development Department for ENT-O compliance at such time as the applicant has them ready for review.
- E. Overlay Compliance Plan. Since the ENT-O District originated from development and adoption of a Small Area Plan that contain a series of development goals, guidelines, and expectations, submittal of an Overlay Compliance Plan is required. This Compliance Plan is to be prepared by applicants of proposed development and is intended to provide a detailed description of how the development proposal intends to address any applicable goals, principles, or implementation action items for the development site and its environment contained within the applicable Small Area Plan, (or other relevant Town of Matthews or Mecklenburg County adopted planning policies). The Compliance Plan shall be submitted together with the proposed development Site Plan to the Planning & Development Department and is subject to review by the Planning & Development Director. (Ord No. 2434, Passed 9-9-19)

#### **155.505. Tables of Allowed Uses**

Use of a building, structure or land shall be allowed only in the zoning districts indicated and for the purposes specified in the following Tables of Allowed Uses. Each use is mutually exclusive and does not encompass other uses listed in the Tables. If a use is listed for one or more districts as an allowed use, then it is only allowed in that or those districts, and shall not be allowed within any district which does not indicate it is allowed.

While most land uses will be assumed to be eligible to be located within one or more zoning districts within the Town limits, some land uses may not be listed on these tables. Occasionally a new land use category may become viable, or a new combination of activities prompts a new land use type designation, and amendments may be made to this Title to incorporate new land use categories as the need arises. When a specific use category is not clearly and directly related to a listed use category, and therefore cannot be determined to be considered essentially the same as a listed use, then it is not allowed in the Town without amendment to this Chapter. The Zoning Administrator will interpret whether a land use category fits within a listed category. Criteria for interpretations on land uses are given at 155.203.C.

Some land use activities have been determined by the Town to not be appropriate for overall community public health and safety, or may create adverse environmental impacts to surrounding properties, such as hazardous waste incinerators. Some unlisted uses have been determined to be injurious or not beneficial to the Town's economic viability, such as billboards that detract from the visual aesthetics of the community. Some uses may be of a density or intensity of development, create a level of noise, lights, odors, or vibrations, or generate inappropriate amounts of traffic that would not be consistent with the land use policies, long range visions, and community values for the Town.

A principal use listed in the Tables in any district denoted by the letter "P" is permitted by right provided all other requirements of state law, this Title, and all other applicable ordinances and regulations of the Town of Matthews have been satisfied. A principal use listed in the Tables of Allowed Uses in any district denoted by the letters "PC" is an allowed use with prescribed conditions and is only allowed subject to the provisions of § 155.506. An accessory use listed in the Tables of Allowed Uses in any district denoted by the letters "Acc" is allowed only when a permitted principal use exists on the same property, and shall not be allowed without the accompanying permitted use. A use of building, structure or land not indicated by either "P", "PC", or "Acc" is not allowed in that district. **[formerly known as § 153.052]**

TOWN OF MATTHEWS UNIFIED DEVELOPMENT ORDINANCE

TABLE OF ALLOWED USES: TRADITIONAL AND PARALLEL TRADITIONAL DISTRICTS 155.505.1							
USES BY GROUPING	RESIDENTIAL ZONING DISTRICTS						
RESIDENTIAL USES	R-20	R-15	R-12	R-9	R-MH	R-15MF	R-12MF
Accessory apartment, subject to § 155.506.9	PC	PC	PC	PC			
Accessory residential use and structure clearly incidental to the permitted principal residential use	ACC	ACC	ACC	ACC	ACC	ACC	ACC
Children’s home, foster care facility and similar non-profit institution providing domiciliary care for children						P	P
Cottage Cluster Housing Development, subject to § 155.506.22	PC	PC	PC	PC		PC	PC
Dormitory for senior high and post secondary school operated by and located on the principal site of the institution served.							
Dwelling, one-family attached						PC	PC
Dwelling, one-family detached	P	P	P	P	P	P	P
Dwelling, one-family detached with multiple full kitchens subject to § 155.506.9	PC	PC	PC	PC			
Dwelling, two-family/duplex						P	P
Dwelling, manufactured home					P		
Dwelling, multi-family, single building on a lot						P	P
Dwelling, multi-family, multiple building complex						P	P
Dwelling, zero-lot line						P	P
Equestrian-oriented subdivision, subject to § 155.506.2	PC	PC					
Group Home, family care home, and sheltered household subject to § 155.506.3	PC	PC	PC	PC		PC	PC
Home-based business, subject to § 155.506.1	PC	PC	PC	PC	PC	PC	PC
Limited food and beverage sales in neighborhood common facility, subject to § 155.506.14	PC	PC	PC	PC	PC	PC	PC
Manufactured home park					P		
Manufactured home park office or service building for recreational facilities, meeting room for residents, and similar uses					P		
Medium density ecological development subject to § 155.506.23							
Monastery, convent, and similar group housing for individuals of a religious order							
Private stable, subject to § 155.506.12	ACC	ACC	ACC	ACC			
Propane storage or other home fuel storage, accessory to a permitted principal use or building, subject to the Fire Prevention Code of the National Board of Fire Underwriters	ACC	ACC	ACC	ACC	ACC	ACC	ACC
Room renting and boarding, subject to § 155.506.5	PC	PC	PC	PC		PC	PC

P - Permitted by Right

PC - Allowed under prescribed conditions as further outlined in § 155.506

ACC - Allowed as an accessory use

Table 505.1- 1

TOWN OF MATTHEWS UNIFIED DEVELOPMENT ORDINANCE

RESIDENTIAL USES	R-20	R-15	R-12	R-9	R-MH	R-15MF	R-12MF
Subdivision sales office, subject to § 155.506.21	PC	PC	PC	PC	PC	PC	PC
Swimming pool for one dwelling behind principal residential structure	ACC	ACC	ACC	ACC	ACC	ACC	ACC
Trailer, recreational, and overnight camping vehicle stored unoccupied on a lot behind the established setback and not within 10 feet of street side corner	ACC	ACC	ACC	ACC	ACC	ACC	ACC

INSTITUTIONAL & GOVERNMENTAL USES	R-20	R-15	R-12	R-9	R-MH	R-15MF	R-12MF
Adult care home, subject to § 155.506.3	PC	PC	PC	PC		PC	PC
Adult care home							
Adult day care facility							
Arboretum, subject to § 155.506.7	PC	PC	PC	PC	PC		
Assisted living, subject to § 155.506.3	PC	PC	PC	PC		PC	PC
Assisted living facility							
Cemetery, mausoleum, and columbarium, subject to § 155.506.13	PC	PC	PC	PC			
Church and place of worship with less than 400 seating capacity and/or with programs of up to 100 persons operated on a daily (weekday) basis, subject to § 155.506.7	PC	PC	PC	PC	PC		
Church and place of worship without size restrictions							
College and university without stadium							
College and university with stadium							
Continuing care retirement community, subject to § 155.506.16							
Cultural Community Center, subject to § 155.506.07	PC	PC	PC	PC			
Fire and/or EMS station, subject to § 155.506.7	PC	PC	PC	PC	PC		
Fire and/or EMS station, police station							
Heliport, medically related							
Hospital							
Laboratory and research facility, medical, dental or optical when part of hospital complex							
Medical, dental, optical office and clinic when part of hospital complex							
Police Station, subject to § 155.506.7	PC	PC	PC	PC	PC		
Public library							

P - Permitted by Right

PC - Allowed under prescribed conditions as further outlined in § 155.506

ACC - Allowed as an accessory use

**TOWN OF MATTHEWS UNIFIED DEVELOPMENT ORDINANCE**

<b>INSTITUTIONAL &amp; GOVERNMENTAL USES</b>	<b>R-20</b>	<b>R-15</b>	<b>R-12</b>	<b>R-9</b>	<b>R-MH</b>	<b>R-15MF</b>	<b>R-12MF</b>
School, elementary, middle, and senior high, public and private, less than 100 student capacity, subject to § 155.506.7	PC	PC	PC	PC	PC		
School, elementary, middle, and senior high, public and private							
Skilled Nursing Care Facility, subject to § 155.506.17							

<b>OFFICE &amp; SERVICE USES</b>	<b>R-20</b>	<b>R-15</b>	<b>R-12</b>	<b>R-9</b>	<b>R-MH</b>	<b>R-15MF</b>	<b>R-12MF</b>
Bank, credit union, and similar financial service							
Barber shop, beauty salon, nail salon, and similar personal service							
Child day care facility, subject to § 155.506.6	PC	PC	PC	PC		PC	PC
Civic, fraternal, and social club							
Contractor's office without accessory storage							
General and professional office							
Laboratory and research facility, medical, dental or optical							
Medical, dental, optical office and clinic							
Museum and art gallery operated on a noncommercial basis							
Office with display of sample merchandise to wholesalers and retailers when the samples are only visible within the building and no sales, inventory or delivery of merchandise from building							
Spa, massage service							
Telephone exchange							

<b>GENERAL COMMERCIAL USES</b>	<b>R-20</b>	<b>R-15</b>	<b>R-12</b>	<b>R-9</b>	<b>R-MH</b>	<b>R-15MF</b>	<b>R-12MF</b>
Adult use, subject to § 155.506.46							
Alcohol and alcoholic beverage, wine, and beer production and sales, subject to § 155.506.45							
Animal grooming facility, subject to § 155.506.42							
Armory for meetings and training of military organizations							
Auction house							
Bakery, retail including manufacturing of goods for sale on the premises only							
Ballroom, banquet or meeting/catering hall							

*P - Permitted by Right*

*PC - Allowed under prescribed conditions as further outlined in § 155.506*

*ACC - Allowed as an accessory use*

TOWN OF MATTHEWS UNIFIED DEVELOPMENT ORDINANCE

GENERAL COMMERCIAL USES	R-20	R-15	R-12	R-9	R-MH	R-15MF	R-12MF
Bed and breakfast establishment, subject to § 155.506.4	PC	PC	PC	PC		PC	PC
Boat and watercraft sales, new and used							
Brewery							
Brewpub, subject to § 155.506.45							
Building material storage and wholesale and retail sales without outside storage							
Building material storage and wholesale and retail sales with outside storage							
Call center							
Car wash							
Coin operated laundry							
Commercial school and school providing adult training in any of the arts, sciences, trades, or professions, without retail sales of merchandise							
Commercial or catering kitchen, without on-site customer/client food service							
Commercial use in multifamily and office buildings, subject to § 155.506.31							
Communications tower and antenna, subject to § 155.506.41	PC	PC	PC	PC	PC	PC	PC
Copy, printing and photo processing							
Crematorium, when located on same lot as a cemetery or funeral home, subject to 155.506.13	PC	PC	PC	PC			
Crematorium, stand alone, subject to 155.506.13							
Drive-up service window, subject to § 155.506.33							
Exterminator, pest control							
Farmers' market, subject to § 155.506.43							
Florist shop							
Funeral home							
Gas station with convenience store, subject to § 155.506.49							
Gas pump without convenience store							
Greenhouse, commercial, without retail sales							
Heliport							
Installation of tires sold within an enclosed building of at least 145,000 sq. ft. with internal storage only, limited to 7,250 sq. ft.							
Installation and servicing of accessory equipment (i.e. audio, security, navigational, etc.) for vehicles sold within an enclosed building with internal storage only							
Internet sweepstakes, or adult gaming facility § 155.506.50							

P - Permitted by Right

PC - Allowed under prescribed conditions as further outlined in § 155.506

ACC - Allowed as an accessory use

TOWN OF MATTHEWS UNIFIED DEVELOPMENT ORDINANCE

GENERAL COMMERCIAL USES	R-20	R-15	R-12	R-9	R-MH	R-15MF	R-12MF
Kennel, animal day care, subject to § 155.506.42							
Kennel, commercial, subject to § 155.506.42							
Laundry and dry cleaning establishment not to exceed 4,500 sq ft gross floor area							
Laundry and dry cleaning establishment not to exceed 10,000 sq ft gross floor area							
Live work unit, subject to § 155.506.10							
Live work unit							
Manufactured home sales							
Microbrewery, subject to § 155.506.45							
Mini storage facility							
Mobile vendor, subject to § 155.506.43							
Motel and hotel, subject to § 155.506.22							
Motel and hotel							
Motor vehicle service facility limited to oil change, tire rotation and replacement, and similar minor maintenance service, not over 3 service bays and no overnight vehicle storage							
Motor vehicle repair garage including engine overhaul, body and paint shop and similar operations							
Motor vehicle, passenger, and motorcycle, new and used, sales and rental							
Motor vehicle, commercial or recreational, new and used, sales and rental							
Motorcycle safety training course, subject to § 155.506.18							
Museum or art gallery							
Nursery, commercial, with or without greenhouse							
Outdoor equipment and machinery, sales and repair							
Outdoor sales in conjunction with a permanent business, subject to § 155.506.36							
Parking lot and parking garage/structure							
Pet cemetery, including any accessory structure							
Post Office							
Professional, financial, personal and recreational service not otherwise listed							
Pushcart vending, subject to § 155.506.43							
Radio and television station							
Repair and servicing of any article the sale of which is permitted in the district, except as otherwise listed							

P - Permitted by Right

PC - Allowed under prescribed conditions as further outlined in § 155.506

ACC - Allowed as an accessory use

Table 505.1- 5

TOWN OF MATTHEWS UNIFIED DEVELOPMENT ORDINANCE

GENERAL COMMERCIAL USES	R-20	R-15	R-12	R-9	R-MH	R-15MF	R-12MF
Repair and servicing, indoors only, of any article the sale of which is permitted in the district, except as otherwise listed							
Restaurant, lounge and nightclub without drive-thru or drive-in service							
Restaurant with drive-thru or drive-in service							
Retail sales, general merchandise, unless otherwise listed							
Secondhand goods, retail sales without outside storage, unless otherwise listed							
Secondhand goods, retail sales, unless otherwise listed							
Selling from a semitruck without a cab, subject to § 155.506.36							
Sign printing							
Social gathering, seminar, reception, which is ancillary to the principal permitted use and on property designated historic by the Town							
Solar collector installation, subject to § 155.506.48	ACC	ACC	ACC	ACC	ACC	ACC	ACC
Specialty sales establishment with substantial on-site assembly, processing, packaging, and/or distribution, and processes sales for off-site customers, subject to § 155.506.39							
Studio for gymnast, artist, designer, photographer, musician, sculptor, and similar							
Towing operation with vehicle storage only within an enclosed structure							
Towing operation with vehicle storage yard							
Upholstering in a workroom setting not to exceed 1,500 sq. ft. of gross floor area							
Utility trailer, not exceed a loading capacity of 500 cubic feet, sales and rental							
Veterinary clinic or hospital, subject to § 155.506.42							

P - Permitted by Right

PC - Allowed under prescribed conditions as further outlined in § 155.506

ACC - Allowed as an accessory use

TOWN OF MATTHEWS UNIFIED DEVELOPMENT ORDINANCE

RECREATION & ENTERTAINMENT USES	R-20	R-15	R-12	R-9	R-MH	R-15MF	R-12MF
Amusement, commercial outdoors, including miniature golf, golf course, golf driving range, ride, slide, waterparks, paintball course and similar commercial enterprise requiring physical dexterity, except as regulated elsewhere, subject to § 155.506.40							
Archery or firearms range, indoor only, subject to § 155.506.47							
Arcade, game room							
Athletic or sports fields, ballfields, in a concentration of three or more, and similar indoor or outdoor physical recreation facility intended for use by teams of participants							
Bowling alley							
Community recreation center, fitness/health center, gymnasium, YMCA, and similar use with multiple physically involved activities, primarily indoor, can take place concurrently							
Country club, swimming club, community recreation center, and tennis or racket club operated on a noncommercial membership basis, subject to § 155.506.8	PC	PC	PC	PC	PC		
Golf course operated on a noncommercial basis, subject to § 155.506.8	PC	PC	PC	PC	PC		
Ice or roller rink							
Indoor commercial recreation not otherwise listed							
Park and playground operated on a noncommercial basis for the purposes of public recreation, subject to § 155.506.8	PC	PC	PC	PC	PC		
Park, predominately passive use, subject to § 155.506.8	PC	PC	PC	PC	PC		
Park and playground, not otherwise listed						P	P
Riding stable, commercial, subject to § 155.506.35							
Skateboard facility, subject to § 155.506.40							
Stadium, and other outdoor assembly facility where primary use involves both spectator and performer							
Swimming pool, single neighborhood, below Junior Olympic size, no outside membership, subject to § 155.506.8	PC	PC	PC	PC	PC		
Swimming pool, as a stand alone facility, indoor or outdoor, or outdoor as part of a recreational facility, public or private							
Swimming pool, any size, accessory to multi-family residential use, not within 100 feet of property line						ACC	ACC

P - Permitted by Right

PC - Allowed under prescribed conditions as further outlined in § 155.506

ACC - Allowed as an accessory use

TOWN OF MATTHEWS UNIFIED DEVELOPMENT ORDINANCE

RECREATION & ENTERTAINMENT USES	R-20	R-15	R-12	R-9	R-MH	R-15MF	R-12MF
Tennis and racket club, commercial, indoor or outdoor							
Tennis and racket sports courts, indoor or outdoor							
Tennis and racket club and associated swimming facility, indoor and/or outdoor, with golf practice facility, subject to § 155.506.15							
Theater, drive-in							
Theater, housed within an enclosed structure							
Theater, outdoor stage facility							

INDUSTRIAL & MANUFACTURING USES	R-20	R-15	R-12	R-9	R-MH	R-15MF	R-12MF
Bakery and baking plant including manufacturing, wholesale and retail							
Blacksmith shop							
Bottling and canning works for nonalcoholic beverages including distribution							
Bus and transit vehicle repair and storage							
Contractor's facility with storage yard							
Distilling or manufacturing of alcohol and alcoholic beverage, subject to § 155.506.45							
Laundry and dry cleaning establishment greater than 10,000 sq ft gross floor area							
Outside storage, except as otherwise listed							
Mail order facility							
Manufacturing, processing, assembling of components into completed craft or custom made items in facilities not exceeding 3,000 sq. ft.							
Manufacturing, heavy, which may include the mechanical or chemical transformation of materials or substances into new items, or the fabrication and/or the assembly of component parts, or other industrial processing, bulk storage, and handling of products primarily from extracted or raw materials, any aspect of which has potential to produce noise, dust, glare, odors, vibration, smoke or steam, fire hazard, or other noxious emission beyond the property lines except as otherwise listed							
Manufacturing, light, which may include the assembly or processing of predominantly previously prepared materials into finished products or parts and the packaging of such materials, all contained within an entirely enclosed building and no detectable noise, dust, glare, odors, vibration, smoke or steam, fire hazard, or other noxious emission shall exit the building except as otherwise listed							

P - Permitted by Right

PC - Allowed under prescribed conditions as further outlined in § 155.506

ACC - Allowed as an accessory use

TOWN OF MATTHEWS UNIFIED DEVELOPMENT ORDINANCE

INDUSTRIAL & MANUFACTURING USES	R-20	R-15	R-12	R-9	R-MH	R-15MF	R-12MF
Metal product fabricating, processing, and manufacturing, and machine shop without blast furnace or drop forge							
Metal product fabricating, processing, and manufacturing, and machine shop including the use of a blast furnace or drop forge							
Packing shed, fruit and vegetable							
Quarry, subject to § 155.506.38							
Recycled material, collection, processing and packaging within an enclosed structure							
Recycled material, collection, processing and packaging							
Sign manufacturing							
Truck Terminal							
Warehouse, distribution facility within enclosed building							
Wholesale sales with or without retail sales							
MISCELLANEOUS USES	R-20	R-15	R-12	R-9	R-MH	R-15MF	R-12MF
Auction sale of real and personal property located on site for the purpose of liquidating assets, subject to § 155.506.43.	ACC	ACC	ACC	ACC	ACC	ACC	ACC
Accessory use, clearly incidental to the principal permitted use or structure on the lot	ACC	ACC	ACC	ACC	ACC	ACC	ACC
Community Garden	P	P	P	P	P	P	P
Donation Drop-Off Facility							
Electric and gas substation, sewage treatment plant and control house, pump and lift station, water storage tank, well lot and similar use, subject to § 155.506.11	PC	PC	PC	PC	PC	PC	PC
Farm, either in conjunction with or separate from a dwelling, which may conduct retail sales of products produced on the premises	P	P	P	P	P	P	P
Farm, urban, subject to § 155.506.19	PC	PC	PC	PC	PC	PC	PC
Garage sale, yard sale, and similar, subject to § 155.506.43	ACC	ACC	ACC	ACC	ACC	ACC	ACC
On-site demolition disposal site, subject to § 155.506.37	PC	PC	PC	PC		PC	PC
On-site demolition disposal site, accepting off-site material, subject to § 155.506.37							

P - Permitted by Right

PC - Allowed under prescribed conditions as further outlined in § 155.506

ACC - Allowed as an accessory use

Table 505.1- 9

TOWN OF MATTHEWS UNIFIED DEVELOPMENT ORDINANCE

MISCELLANEOUS USES	R-20	R-15	R-12	R-9	R-MH	R-15MF	R-12MF
Parking for uses permitted within the district	ACC	ACC	ACC	ACC	ACC	ACC	ACC
Propane storage or other fuel storage, accessory to a permitted principal use or building, subject to the Fire Prevention Code of the National Board of Fire Underwriters	ACC	ACC	ACC	ACC	ACC	ACC	ACC
Public utility transmission and distribution lines	P	P	P	P	P	P	P
Railroad right-of-way	P	P	P	P	P	P	P
Roadside stand, permanent							
Short term temporary use or festival of civic or nonprofit nature	PC	PC	PC	PC	PC	PC	PC
Sidewalk sale, end of season sale, clearance sale, subject to § 155.506.43			ACC	ACC	ACC		ACC
Temporary building and storage of materials in conjunction with construction of a building on a lot where construction is taking place or on adjacent lots, the temporary use to be terminated upon completion of construction, issuance of Certificate of Occupancy, or invalidation of building permit (see also § 155.506.43.C.4)	ACC	ACC	ACC	ACC	ACC	ACC	ACC
Temporary, self-contained storage unit, subject to § 155.506.20	ACC	ACC	ACC	ACC	ACC	ACC	ACC
Temporary use for business purpose, subject to § 155.506.43							
Transit stop shelter, subject to § 155.506.34	PC	PC	PC	PC	PC	PC	PC
Transit station (bus, rail, etc.)							
Utility equipment stand, meter, box, and backflow preventer for single or groups of parcels	ACC	ACC	ACC	ACC	ACC	ACC	ACC
Vending machine, located outside the required setback							
Vending machine, immediately adjacent to building, under overhang only							

(Am. Ord 2025A, passed 6-9-14; Am. Ord 2059, passed 12-8-14; Am. Ord. 2083, passed 5-11-15; Am. Ord 2141, passed 4-11-16; Am. Ord 2188, passed 6-12-17; Am. Ord 2388, passed 5-13-19)

*P - Permitted by Right*

*PC - Allowed under prescribed conditions as further outlined in § 155.506*

*ACC - Allowed as an accessory use*

TOWN OF MATTHEWS UNIFIED DEVELOPMENT ORDINANCE

TABLE OF ALLOWED USES: TRADITIONAL AND PARALLEL TRADITIONAL DISTRICTS 155.505.2									
USES BY GROUPING	NONRESIDENTIAL ZONING DISTRICTS								
RESIDENTIAL USES	R/I	O	HUC	B-1	B-3	B-D	B-H	I-1	I-2
Accessory apartment, subject to § 155.506.9									
Accessory residential use and structure clearly incidental to the permitted principal residential use	ACC		ACC	ACC	ACC		ACC		
Children’s home, foster care facility and similar non-profit institution providing domiciliary care for children	P								
Cottage Cluster Housing Development, subject to § 155.506.22									
Dormitory for senior high and post secondary school operated by and located on the principal site of the institution served.	P		P	P	P		P		
Dwelling, one-family attached			P						
Dwelling, one-family detached		P	P						
Dwelling, one-family detached with multiple full kitchens subject to § 155.506.9			P						
Dwelling, two-family/duplex		P	P						
Dwelling, manufactured home									
Dwelling, multi-family, single building on a lot			P	P					
Dwelling, multi-family, multiple building complex			P	P					
Dwelling, zero-lot line									
Equestrian-oriented subdivision, subject to § 155.506.2									
Group Home, family care home, and sheltered household, subject to § 155.506.3									
Home-based business, subject to § 155.506.1									
Limited food and beverage sales in neighborhood common facility, subject to § 155.506.14			PC	PC	PC		PC		
Manufactured home park									
Manufactured home park office or service building for recreational facilities, meeting room for residents, and similar uses									
Medium density ecological development, subject to § 155.506.23									
Monastery, convent, and similar group housing for individuals of a religious order	P								
Private stable, subject to § 155.506.12									

P - Permitted by Right

PC - Allowed under prescribed conditions as further outlined in § 155.506

ACC - Allowed as an accessory use

Table 505.2- 1

TOWN OF MATTHEWS UNIFIED DEVELOPMENT ORDINANCE

RESIDENTIAL USES	R/I	O	HUC	B-1	B-3	B-D	B-H	I-1	I-2
Propane storage or other home fuel storage, accessory to a permitted principal use or building, subject to the Fire Prevention Code of the National Board of Fire Underwriters		ACC	ACC	ACC	ACC		ACC		
Room renting and boarding, subject to § 155.506.5		PC							
Subdivision sales office, subject to § 155.506.21									
Swimming pool for one dwelling behind principal residential structure		ACC	ACC						
Trailer, recreational, and overnight camping vehicle stored unoccupied on a lot behind the established setback and not within 10 feet of street side corner		ACC	ACC						

INSTITUTIONAL & GOVERNMENTAL USES	R/I	O	HUC	B-1	B-3	B-D	B-H	I-1	I-2
Adult care home, subject to § 155.506.3									
Adult care home	P		P	P	P		P		
Adult day care facility	P		P	P	P		P		
Arboretum, subject to § 155.506.7									
Assisted living, subject to § 155.506.3									
Assisted living facility	P		P	P	P		P		
Cemetery, mausoleum, and columbarium, subject to § 155.506.13	PC	PC							
Church and place of worship with less than 400 seating capacity and/or with programs of up to 100 persons operated on a daily (weekday) basis, subject to § 155.506.7									
Church and place of worship without size restrictions	P		P	P	P		P	P	
College and university without stadium	P	P	P	P	P		P	P	
College and university with stadium								P	
Continuing care retirement community, subject to § 155.506.16	PC								
Cultural Community Center, subject to § 155.506.07			P	P	P	P	P	P	
Fire and/or EMS station, subject to § 155.506.7									
Fire and/or EMS station, police station	P	P	P	P	P	P	P	P	P
Heliport, medically related	P								
Hospital	P				P				

P - Permitted by Right

PC - Allowed under prescribed conditions as further outlined in § 155.506

ACC - Allowed as an accessory use

Table 505.2- 2

**TOWN OF MATTHEWS UNIFIED DEVELOPMENT ORDINANCE**

<b>INSTITUTIONAL &amp; GOVERNMENTAL USES</b>	<b>R/I</b>	<b>O</b>	<b>HUC</b>	<b>B-1</b>	<b>B-3</b>	<b>B-D</b>	<b>B-H</b>	<b>I-1</b>	<b>I-2</b>
Laboratory and research facility, medical, dental or optical when part of hospital complex	P				P				
Medical, dental, optical office and clinic when part of hospital complex	P				P				
Police Station, subject to § 155.506.7	PC								
Public library	P	P	P	P	P	P		P	
School, elementary, middle, and senior high, public and private, less than 100 student capacity, subject to § 155.506.7									
School, elementary, middle, and senior high, public and private	P		P	P	P		P		
Skilled Nursing Facility, subject to § 155.506.17	PC	PC		PC	PC		PC		

<b>OFFICE &amp; SERVICE USES</b>	<b>R/I</b>	<b>O</b>	<b>HUC</b>	<b>B-1</b>	<b>B-3</b>	<b>B-D</b>	<b>B-H</b>	<b>I-1</b>	<b>I-2</b>
Bank, credit union, and similar financial service	ACC	P	P	P	P		P	P	
Barber shop, beauty salon, nail salon, and similar personal service	ACC	P	P	P	P		P	P	
Child day care facility, subject to § 155.506.6	PC	PC	PC	PC					
Civic, fraternal, and social club		P	P	P	P		P	P	
Contractor's office without accessory storage		P	P	P	P	P	P	P	P
General and professional office		P	P	P	P	P	P	P	P
Laboratory and research facility, medical, dental or optical		P	P	P	P	P	P	P	P
Medical, dental, optical office and clinic		P	P	P	P		P		
Museum and art gallery operated on a noncommercial basis		P	P	P	P		P		
Office with display of sample merchandise to wholesalers and retailers when the samples are only visible within the building and no sales, inventory or delivery of merchandise from building		P	P	P	P	P	P	P	
Spa, massage service		P	P	P	P		P	P	
Telephone exchange		P	P	P	P	P	P	P	P

<b>GENERAL COMMERCIAL USES</b>	<b>R/I</b>	<b>O</b>	<b>HUC</b>	<b>B-1</b>	<b>B-3</b>	<b>B-D</b>	<b>B-H</b>	<b>I-1</b>	<b>I-2</b>
Adult use, subject to § 155.506.46									
Alcohol and alcoholic beverage, wine, and beer production and sales, subject to § 155.506.45			PC	PC	PC		PC	PC	PC
Animal grooming facility, subject to § 155.506.42				PC			PC	PC	PC

P - Permitted by Right

PC - Allowed under prescribed conditions as further outlined in § 155.506

ACC - Allowed as an accessory use

*Table 505.2- 3*

TOWN OF MATTHEWS UNIFIED DEVELOPMENT ORDINANCE

GENERAL COMMERCIAL USES	R/I	O	HUC	B-1	B-3	B-D	B-H	I-1	I-2
Armory for meetings and training of military organizations							P	P	P
Auction house				P	P		P	P	
Bakery, retail including manufacturing of goods for sale on the premises only			P	P	P		P	P	
Ballroom, banquet or meeting/catering hall			P	P	P		P	P	
Bed and breakfast establishment, subject to § 155.506.4		PC	PC	PC					
Boat and watercraft sales, new and used							P		
Brewery								P	P
Brewpub, subject to § 155.506.45			PC	PC	PC		PC	PC	PC
Building material storage and wholesale and retail sales without outside storage			P	P	P	P	P	P	P
Building material storage and wholesale and retail sales with outside storage									P
Call center			P				P	P	
Car wash							P		
Coin operated laundry			P	P	P		P		
Commercial school and school providing adult training in any of the arts, sciences, trades, or professions, without retail sales of merchandise		P	P	P	P	P	P	P	P
Commercial or catering kitchen, without on-site customer/client food service				P	P		P	P	
Commercial use in multifamily and office buildings, subject to § 155.506.31		PC							
Communications tower and antenna, subject to § 155.506.41	PC								
Copy, printing and photo processing		P	P	P	P	P	P	P	P
Crematorium, when located on same lot as a cemetery or funeral home, subject to 155.506.13				P	P	P	P	P	P
Crematorium, stand alone, or on an adjacent parcel to a cemetery or funeral home only when such parcel is commercially or industrially zoned, subject to 155.506.13				PC	PC	PC	PC	PC	PC
Drive-up service window, subject to § 155.506.33	ACC	ACC		ACC	ACC	ACC	ACC	ACC	ACC
Exterminator, pest control						P		P	P
Farmers' market, subject to § 155.506.43	PC		PC						
Florist shop	ACC	P	P	P	P		P	P	
Funeral home		P					P	P	
Gas station with convenience store, subject to § 155.506.49							PC	PC	
Gas pump without convenience store							ACC	ACC	ACC

P - Permitted by Right

PC - Allowed under prescribed conditions as further outlined in § 155.506

ACC - Allowed as an accessory use

Table 505.2- 4

TOWN OF MATTHEWS UNIFIED DEVELOPMENT ORDINANCE

GENERAL COMMERCIAL USES	R/I	O	HUC	B-1	B-3	B-D	B-H	I-1	I-2
Greenhouse, commercial, without retail sales				P		P		P	P
Heliport						P	P	P	P
Installation of tires sold within an enclosed building of at least 145,000 sq. ft. with internal storage only, limited to 7,250 sq. ft.									
Installation and servicing of accessory equipment (i.e. audio, security, navigational, etc.) for vehicles sold within an enclosed building with internal storage only							P		
Internet sweepstakes, or adult gaming facility § 155.506.50							PC	PC	
Kennel, animal day care, subject to § 155.506.42				PC			PC	PC	PC
Kennel, commercial, subject to § 155.506.42						PC		PC	PC
Laundry and dry cleaning establishment not to exceed 4,500 sq ft gross floor area	ACC		P	P	P		P	P	
Laundry and dry cleaning establishment not to exceed 10,000 sq ft gross floor area							P	P	
Live work unit, subject to § 155.506.10		PC							
Live work unit			P	P	P				
Manufactured home sales							P		
Microbrewery, subject to § 155.506.45			PC	PC	PC		PC	PC	PC
Mini storage facility				P	P	P	P	P	P
Mobile vendor, subject to § 155.506.43			PC	PC	PC		PC		
Motel and hotel, subject to § 155.506.32		PC							
Motel and hotel			P	P	P		P		
Motor vehicle service facility limited to oil change, tire rotation and replacement, and similar minor maintenance service, all activity taking place within the building, not over 3 service bays and no overnight vehicle storage				P			P	P	P
Motor vehicle repair garage including engine overhaul, body and paint shop and similar operations							P	P	P
Motor vehicle, passenger, and motorcycle, new and used, sales and rental							P	P	
Motor vehicle, commercial or recreational, new and used, sales and rental							P	P	
Motorcycle safety training course, subject to § 155.506.18	PC								
Museum or art gallery		P	P	P	P		P	P	
Nursery, commercial, with or without greenhouse				P	P	P	P	P	

P - Permitted by Right

PC - Allowed under prescribed conditions as further outlined in § 155.506

ACC - Allowed as an accessory use

Table 505.2- 5

TOWN OF MATTHEWS UNIFIED DEVELOPMENT ORDINANCE

GENERAL COMMERCIAL USES	R/I	O	HUC	B-1	B-3	B-D	B-H	I-1	I-2
Outdoor equipment and machinery, sales and repair							P	P	
Outdoor sales in conjunction with a permanent business, subject to § 155.506.36			PC	PC	PC	PC	PC	PC	PC
Parking lot and parking garage/structure			P	P	P	P	P	P	P
Pet cemetery, including any accessory structure				P			P	P	
Post Office	ACC	P	P	P	P		P	P	
Professional, financial, personal and recreational service not otherwise listed			P	P	P		P	P	P
Pushcart vending, subject to § 155.506.43			P						
Radio and television station							P	P	P
Repair and servicing of any article the sale of which is permitted in the district, except as otherwise listed									P
Repair and servicing, indoors only, of any article the sale of which is permitted in the district, except as otherwise listed			P	P	P	P	P	P	P
Restaurant, lounge and nightclub without drive-thru or drive-in service			P	P	P		P	P	
Restaurant with drive-thru or drive-in service							P		
Retail sales, general merchandise, unless otherwise listed			P	P	P		P	P	
Secondhand goods, retail sales without outside storage, unless otherwise listed			P	P	P		P	P	P
Secondhand goods, retail sales, unless otherwise listed									P
Selling from a semitruck without a cab, subject to § 155.506.36			PC	PC	PC	PC	PC	PC	PC
Sign printing			P	P	P	P	P	P	P
Social gathering, seminar, reception, which is ancillary to the principal permitted use and on property designated historic by the Town		P	P	P					
Solar collector installation, subject to § 155.506.48	ACC	ACC	ACC	ACC/PC	ACC/PC	ACC/PC	ACC/PC	ACC/PC	ACC/PC
Specialty sales establishment with substantial on-site assembly, processing, packaging, and/or distribution, and processes sales for off-site customers, subject to § 155.506.39			PC	PC	PC		PC	PC	
Studio for gymnast, artist, designer, photographer, musician, sculptor, and similar		P	P	P	P	P	P	P	

P - Permitted by Right

PC - Allowed under prescribed conditions as further outlined in § 155.506

ACC - Allowed as an accessory use

Table 505.2- 6

TOWN OF MATTHEWS UNIFIED DEVELOPMENT ORDINANCE

GENERAL COMMERCIAL USES	R/I	O	HUC	B-1	B-3	B-D	B-H	I-1	I-2
Towing operation with vehicle storage only within an enclosed structure							P	P	P
Towing operation with vehicle storage yard									P
Upholstering in a workroom setting not to exceed 1,500 sq. ft. of gross floor area			P	P	P	P	P	P	
Utility trailer, not exceed a loading capacity of 500 cubic feet, sales and rental							P	P	P
Veterinary clinic or hospital, subject to § 155.506.42				PC		PC	PC	PC	PC

RECREATION & ENTERTAINMENT USES	R/I	O	HUC	B-1	B-3	B-D	B-H	I-1	I-2
Amusement, commercial outdoors, including miniature golf, golf course, golf driving range, ride, slide, waterpark, paintball course and similar commercial enterprise requiring physical dexterity, except as regulated elsewhere, subject to § 155.506.40							PC	PC	
Archery or firearms range, indoor only, subject to § 155.506.47								PC	PC
Arcade, game room	ACC		P	P	P		P	P	
Athletic or sports fields, ballfields, in a concentration of three or more, and similar indoor or outdoor physical recreation facility intended for use by teams of participants	P			P				P	
Bowling alley			P				P		
Community recreation center, fitness/health center, gymnasium, YMCA, and similar use with multiple physically involved activities, primarily indoor, can take place concurrently	P		P	P	P		P		
Country club, swimming club, community recreation center, and tennis or racket club operated on a noncommercial membership basis, subject to § 155.506.8	PC								
Golf course operated on a noncommercial basis, subject to § 155.506.8	PC								
Ice or roller rink							P		
Indoor commercial recreation not otherwise listed			P						
Park and playground operated on a noncommercial basis for the purposes of public recreation, subject to § 155.506.8	PC								
Park, predominately passive use, subject to § 155.506.8	PC								

P - Permitted by Right

PC - Allowed under prescribed conditions as further outlined in § 155.506

ACC - Allowed as an accessory use

Table 505.2- 7

TOWN OF MATTHEWS UNIFIED DEVELOPMENT ORDINANCE

RECREATION & ENTERTAINMENT USES	R/I	O	HUC	B-1	B-3	B-D	B-H	I-1	I-2
Park and playground, not otherwise listed		P	P	P	P	P	P	P	P
Riding stable, commercial, subject to § 155.506.35	PC								
Skateboard facility, subject to § 155.506.40							PC	PC	
Stadium, and other outdoor assembly facility where primary use involves both spectator and performer									
Swimming pool, single neighborhood, below Junior Olympic size, no outside membership, subject to § 155.506.8	PC								
Swimming pool, as a stand alone facility, indoor or outdoor, or outdoor as part of a recreational facility, public or private			P						
Swimming pool, any size, accessory to multi-family residential use, not within 100 feet of property line			ACC	ACC					
Tennis and racket club, commercial, indoor or outdoor			P						
Tennis and racket sports courts, indoor or outdoor			P						
Tennis and racket club and associated swimming facility, indoor and/or outdoor, with golf practice facility, subject to § 155.506.15	PC								
Theater, drive-in									
Theater, housed within an enclosed structure	ACC		P				P		
Theater, outdoor stage facility	ACC		P						

INDUSTRIAL & MANUFACTURING USES	R/I	O	HUC	B-1	B-3	B-D	B-H	I-1	I-2
Bakery and baking plant including manufacturing, wholesale and retail								P	P
Blacksmith shop								P	P
Bottling and canning works for nonalcoholic beverage including distribution								P	P
Bus and transit vehicle repair and storage								P	P
Contractor's facility with storage yard									P
Distilling or manufacturing of alcohol and alcoholic beverage, subject to § 155.506.45								PC	PC
Laundry and dry cleaning establishment greater than 10,000 sq ft gross floor area								P	P
Outside storage, except as otherwise listed									P
Mail order facility							P	P	P

P - Permitted by Right

PC - Allowed under prescribed conditions as further outlined in § 155.506

ACC - Allowed as an accessory use

Table 505.2- 8

TOWN OF MATTHEWS UNIFIED DEVELOPMENT ORDINANCE

INDUSTRIAL & MANUFACTURING USES	R/I	O	HUC	B-1	B-3	B-D	B-H	I-1	I-2
Manufacturing, processing, assembling of components into completed craft or custom made items in facilities not exceeding 3,000 sq. ft.							P	P	P
Manufacturing, heavy, which may include the mechanical or chemical transformation of materials or substances into new items, or the fabrication and/or the assembly of component parts, or other industrial processing, bulk storage, and handling of products primarily from extracted or raw materials, any aspect of which has potential to produce noise, dust, glare, odors, vibration, smoke or steam, fire hazard, or other noxious emission beyond the property lines except as otherwise listed									P
Manufacturing, light, which may include the assembly or processing of predominantly previously prepared materials into finished products or parts and the packaging of such materials, all contained within an entirely enclosed building and no detectable noise, dust, glare, odors, vibration, smoke or steam, fire hazard, or other noxious emission shall exit the building except as otherwise listed								P	P
Metal product fabricating, processing, and manufacturing, and machine shop without blast furnace or drop forge								P	P
Metal product fabricating, processing, and manufacturing, and machine shop including the use of a blast furnace or drop forge									P
Packing shed, fruit and vegetable								P	P
Quarry, subject to § 155.506.38									PC
Recycled material, collection, processing and packaging within an enclosed structure								P	P
Recycled material, collection, processing and packaging									P
Sign manufacturing								P	P
Truck Terminal									P
Warehouse, distribution facility within enclosed building						P		P	P
Wholesale sales with or without retail sales								P	P
MISCELLANEOUS USES	R/I	O	HUC	B-1	B-3	B-D	B-H	I-1	I-2
Auction sale of real and personal property located on site for the purpose of liquidating assets, subject to § 155.506.43.	ACC								
Accessory use, clearly incidental to the principal permitted use or structure on the lot	ACC								
Community Garden	P	P	P	P	P	P	P	P	
Donation Drop-Off Facility	ACC		ACC	ACC	ACC		ACC	ACC	

P - Permitted by Right

PC - Allowed under prescribed conditions as further outlined in § 155.506

ACC - Allowed as an accessory use

Table 505.2- 9

TOWN OF MATTHEWS UNIFIED DEVELOPMENT ORDINANCE

MISCELLANEOUS USES	R/I	O	HUC	B-1	B-3	B-D	B-H	I-1	I-2
Electric and gas substation, sewage treatment plant and control house, pump and lift station, water storage tank, well lot and similar use, subject to § 155.506.11	PC								
Farm, either in conjunction with or separate from a dwelling, which may conduct retail sales of products produced on the premises									
Farm, urban, subject to § 155.506.19	PC								
Garage sale, yard sale, and similar, subject to § 155.506.43	ACC								
On-site demolition disposal site, subject to § 155.506.37	PC	PC		PC	PC	PC	PC	PC	PC
On-site demolition disposal site, accepting off-site material, subject to § 155.506.37				PC	PC	PC	PC	PC	PC
Parking for uses permitted within the district	ACC								
Propane storage or other fuel storage, accessory to a permitted principal use or building, subject to the Fire Prevention Code of the National Board of Fire Underwriters	ACC								
Public utility transmission and distribution lines	P	P	P	P	P	P	P	P	P
Railroad right-of-way	P	P	P	P	P	P	P	P	P
Roadside stand, permanent									
Short term temporary use or festival of civic or nonprofit nature, subject to § 155.506.44	PC								
Sidewalk sale, end of season sale, clearance sale, subject to § 155.506.43			ACC	ACC	ACC		ACC	ACC	ACC
Temporary building and storage of materials in conjunction with construction of a building on a lot where construction is taking place or on adjacent lots, the temporary use to be terminated upon completion of construction, issuance of Certificate of Occupancy, or invalidation of building permit (see also § 155.506.43.C.4)	ACC								
Temporary, self-contained storage unit, subject to § 155.506.20	ACC	ACC	ACC	ACC	ACC		ACC	ACC	ACC
Temporary use for business purpose, subject to § 155.506.43		PC							
Transit stop shelter, subject to § 155.506.34	PC								
Transit station (bus, rail, etc.)			P	P	P	P	P	P	
Utility equipment stand, meter, box, and backflow preventer for single or groups of parcels	ACC								
Vending machine, located outside the required setback						P		P	P
Vending machine, immediately adjacent to building under overhang only				P	P	P	P	P	P

(Am. Ord. 2025A, passed 6-9-14; Am. Ord 2059, passed 12-8-14; Am. Ord. 2083, passed 5-11-15; Am. Ord 2141, passed 4-11-16; Am. Ord 2188, passed 6-12-17; Am. Ord. 2264, passed 10-9-17; Am. Ord 2388, passed 5-13-19)

P - Permitted by Right

PC - Allowed under prescribed conditions as further outlined in § 155.506

ACC - Allowed as an accessory use

TOWN OF MATTHEWS UNIFIED DEVELOPMENT ORDINANCE

TABLE OF ALLOWED USES: CONDITIONAL-ONLY DISTRICTS 155.505.3									
USES BY GROUPING	CONDITIONAL-ONLY								
RESIDENTIAL USES	R-VS	CrC	SRN	C-MF	MUD	TS	B-1SCD	ENT	AU
Accessory apartment, subject to § 155.506.9	PC	PC							
Accessory residential use and structure clearly incidental to the permitted principal residential use	ACC	ACC	ACC	ACC	ACC	ACC		ACC	
Children’s home, foster care facility and similar non-profit institution providing domiciliary care for children					P	P			
Cottage Cluster Housing Development, subject to § 155.506.22	PC	PC	PC						
Dormitory for senior high and post secondary schools operated by and located on the principal site of the institution served.					P	P		P	
Dwelling, one-family attached	P	P	P	P	P	P		P	
Dwelling, one-family detached	P	P	P						
Dwelling, one-family detached with multiple full kitchens subject to § 155.506.9	PC	PC							
Dwelling, two-family/duplex	P	P	P	P	P				
Dwelling, manufactured home									
Dwelling, multi-family, single building on a lot			P	P	P	P		P	
Dwelling, multi-family, multiple building complex			P	P	P	P		P	
Dwelling, zero-lot line	P	P	P	P	P				
Equestrian-oriented subdivision, subject to § 155.506.2									
Group Home, family care home, and sheltered household, subject to § 155.506.3	PC	PC	PC		PC				
Home-based business, subject to § 155.506.1	PC	PC	PC		PC	PC		PC	
Limited food and beverage sales in neighborhood common facilities, subject to § 155.506.14	PC	PC	PC	PC	PC	PC		PC	
Manufactured home park									
Manufactured home park office or service building for recreational facilities, meeting room for residents, and similar uses									
Medium density ecological development subject to § 155.506.23	PC	PC	PC	PC	PC			PC	
Monastery, convent, and similar group housing for individuals of a religious order			P	P	P				
Private stable, subject to § 155.506.12									

P - Permitted by Right

PC - Allowed under prescribed conditions as further outlined in § 155.506

ACC - Allowed as an accessory use

TOWN OF MATTHEWS UNIFIED DEVELOPMENT ORDINANCE

RESIDENTIAL USES	R-VS	CrC	SRN	C-MF	MUD	TS	B-1SCD	ENT	AU
Propane storage or other home fuel storage, accessory to a permitted principal use or building, subject to the Fire Prevention Code of the National Board of Fire Underwriters	ACC	ACC	ACC	ACC	ACC	ACC		ACC	
Room renting and boarding, subject to § 155.506.5	PC	PC							
Subdivision sales office, subject to § 155.506.21	PC	PC	PC	PC	PC	PC		PC	
Swimming pool for one dwelling behind principal residential structure	ACC	ACC	ACC						
Trailer, recreational, and overnight camping vehicle stored unoccupied on a lot behind the established setback and not within 10 feet of street side corner	ACC	ACC	ACC	ACC	ACC	ACC			

INSTITUTIONAL & GOVERNMENTAL USES	R-VS	CrC	SRN	C-MF	MUD	TS	B-1SCD	ENT	AU
Adult care home, subject to § 155.506.3	PC	PC	PC		PC				
Adult care facility									
Adult day care facility		P	P	P	P	P		P	
Arboretum, subject to § 155.506.7	PC	PC							
Assisted living, subject to § 155.506.3	PC	PC	PC		PC				
Assisted living facility									
Cemetery, mausoleum, and columbarium, subject to § 155.506.13	PC	PC	PC	PC					
Church and place of worship with less than 400 seating capacity and/or with programs of up to 100 persons operated on a daily (weekday) basis, subject to § 155.506.7	PC	PC							
Church and place of worship without size restrictions					P	P		P	
College and university without stadium				P	P	P		P	
College and university with stadium					P			P	
Continuing care retirement community, subject to § 155.506.16									
Cultural Community Center, subject to § 155.506.07		PC			P	P		P	
Fire and/or EMS station, subject to § 155.506.7	PC	PC							
Fire and/or EMS station, police station			P	P	P	P	P	P	
Heliport, medically related					P	P	P	P	
Hospital						P		P	
Laboratory and research facility, medical, dental or optical when part of hospital complex						P		P	
Medical, dental, optical office and clinic when part of hospital complex						P		P	

P - Permitted by Right

PC - Allowed under prescribed conditions as further outlined in § 155.506

ACC - Allowed as an accessory use

TOWN OF MATTHEWS UNIFIED DEVELOPMENT ORDINANCE

INSTITUTIONAL & GOVERNMENTAL USES	R-VS	CrC	SRN	C-MF	MUD	TS	B-1SCD	ENT	AU
Police Station, subject to § 155.506.7	PC	PC							
Public library			P	P	P	P	P	P	
School, elementary, middle, and senior high, public and private, less than 100 student capacity, subject to § 155.506.7	PC	PC							
School, elementary, middle, and senior high, public and private					P	P	P	P	
Skilled Nursing Facility, subject to § 155.506.17		PC	PC	PC	PC	PC			

OFFICE & SERVICE USES	R-VS	CrC	SRN	C-MF	MUD	TS	B-1SCD	ENT	AU
Bank, credit union, and similar financial service			P	P	P	P	P	P	
Barber shop, beauty salon, nail salon, and similar personal service			P	P	P	P	P	P	
Child day care facility, subject to § 155.506.6		PC	PC	PC	PC	PC		PC	
Civic, fraternal, and social club		P	P	P	P	P	P	P	
Contractor's office without accessory storage		P			P	P	P	P	
General and professional office		P	P	P	P	P	P	P	
Laboratory and research facility, medical, dental or optical		P	P	P	P	P	P	P	
Medical, dental, optical office and clinic		P	P	P	P	P	P	P	
Museum and art gallery operated on a noncommercial basis		P	P	P	P	P	P	P	
Office with display of sample merchandise to wholesalers and retailers when the samples are only visible within the building and no sales, inventory or delivery of merchandise from building		P	P	P	P	P	P	P	
Spa and massage service		P	P	P	P	P	P	P	
Telephone exchange					P	P	P		

GENERAL COMMERCIAL USES	R-VS	CrC	SRN	C-MF	MUD	TS	B-1SCD	ENT	AU
Adult use, subject to § 155.506.46									PC
Alcohol and alcoholic beverage, wine, and beer production and sales, subject to § 155.506.45					PC	PC	PC	PC	
Animal grooming facility, subject to § 155.506.42					PC	PC	PC	PC	

P - Permitted by Right

PC - Allowed under prescribed conditions as further outlined in § 155.506

ACC - Allowed as an accessory use

TOWN OF MATTHEWS UNIFIED DEVELOPMENT ORDINANCE

GENERAL COMMERCIAL USES	R-VS	CrC	SRN	C-MF	MUD	TS	B-1SCD	ENT	AU
Armory for meetings and training of military organizations					P	P	P		
Auction house					P	P	P		
Bakery, retail including manufacturing of goods for sale on the premises only					P	P	P	P	
Ballroom, banquet or meeting/catering hall				P	P	P	P	P	
Bed and breakfast establishment, subject to § 155.506.4	PC	PC							
Boat and watercraft sales, new and used					P	P	P	P	
Brewery									
Brewpub, subject to § 155.506.45					PC	PC	PC	PC	
Building material storage and wholesale and retail sales without outside storage					P	P	P		
Building material storage and wholesale and retail sales with outside storage									
Call center					P	P	P	P	
Car wash					P		P	P	
Coin operated laundry			P	P	P	P	P	P	
Commercial school and school providing adult training in any of the arts, sciences, trades, or professions, without retail sales of merchandise				P	P	P	P	P	
Commercial or catering kitchen, without on-site customer/client food service					P		P	P	
Commercial use in multifamily and office buildings, subject to § 155.506.31									
Communications tower and antenna, subject to § 155.506.41	PC	PC	PC	PC	PC	PC	PC	PC	PC
Copy, printing and photo processing			P	P	P	P	P	P	
Crematorium, when located on same lot as a cemetery or funeral home, subject to 155.506.13					P		P		
Crematorium, stand alone, or on an adjacent parcel to a cemetery or funeral home only when such parcel is commercially or industrially zoned, subject to 155.506.13							PC		
Drive-up service window, subject to § 155.506.33					ACC	ACC	ACC	ACC	
Exterminator, pest control					P	P	P	P	
Farmers' market, subject to § 155.506.43					PC	PC		PC	
Florist shop			P	P	P	P	P	P	
Funeral home					P	P	P		
Gas station with convenience store, subject to § 155.506.49					PC		PC		
Gas pump without convenience store									

P - Permitted by Right

PC - Allowed under prescribed conditions as further outlined in § 155.506

ACC - Allowed as an accessory use

TOWN OF MATTHEWS UNIFIED DEVELOPMENT ORDINANCE

GENERAL COMMERCIAL USES	R-VS	CrC	SRN	C-MF	MUD	TS	B-1SCD	ENT	AU
Greenhouse, commercial, without retail sales			P	P					
Heliport					P			P	
Installation of tires sold within an enclosed building of at least 145,000 sq. ft. with internal storage only, limited to 7,250 sq. ft.							P		
Installation and servicing of accessory equipment (i.e. audio, security, navigational, etc.) for vehicles sold within an enclosed building with internal storage only							P		
Internet sweepstakes, or adult gaming facility § 155.506.50									
Kennel, animal day care, subject to § 155.506.42					PC	PC	PC	PC	
Kennel, commercial, subject to § 155.506.42									
Laundry and dry cleaning establishment not to exceed 4,500 sq ft gross floor area			P	P	P	P	P	P	
Laundry and dry cleaning establishment not to exceed 10,000 sq ft gross floor area					P	P	P	P	
Live work unit, subject to § 155.506.10	PC		PC						
Live work unit				P	P	P	P	P	
Manufactured home sales									
Microbrewery, subject to § 155.506.45					PC	PC	PC	PC	
Mini storage facility				P	P	P	P	P	
Mobile vendor, subject to § 155.506.43					PC	PC	PC	PC	
Motel and hotel, subject to § 155.506.22									
Motel and hotel					P	P	P	P	
Motor vehicle service facility limited to oil change, tire rotation and replacement, and similar minor maintenance service, all activity taking place within the building, not over 3 service bays and no overnight vehicle storage					P		P	P	
Motor vehicle repair garage including engine overhaul, body and paint shop and similar operations									
Motor vehicle, passenger, and motorcycle, new and used, sales and rental									
Motor vehicle, commercial or recreational, new and used, sales and rental									
Motorcycle safety training course, subject to § 155.506.18									
Museum or art gallery		P			P	P	P	P	
Nursery, commercial with or without greenhouse					P	P	P	P	

P - Permitted by Right

PC - Allowed under prescribed conditions as further outlined in § 155.506

ACC - Allowed as an accessory use

TOWN OF MATTHEWS UNIFIED DEVELOPMENT ORDINANCE

GENERAL COMMERCIAL USES	R-VS	CrC	SRN	C-MF	MUD	TS	B-1SCD	ENT	AU
Outdoor equipment and machinery, sales and repair									
Outdoor sales in conjunction with a permanent business, subject to § 155.506.36					PC	PC	PC	PC	
Parking lot and parking garage/structure				P	P	P	P	P	
Pet cemetery, including any accessory structure					P		P		
Post Office				P	P	P	P	P	
Professional, financial, personal and recreational service not otherwise listed				P	P	P	P	P	
Pushcart vending, subject to § 155.506.43					PC	PC		PC	
Radio and television station					P	P	P	P	
Repair and servicing of any article the sale of which is permitted in the district, except as otherwise listed									
Repair and servicing, indoors only, of any article the sale of which is permitted in the district, except as otherwise listed		P	P	P	P	P	P	P	
Restaurant, lounge and nightclub without drive-thru or drive-in service				P	P	P	P	P	
Restaurant with drive-thru or drive-in service									
Retail sales, general merchandise, unless otherwise listed		P	P	P	P	P	P	P	
Secondhand goods, retail sales without outside storage, unless otherwise listed		P	P	P			P		
Secondhand goods, retail sales, unless otherwise listed					P	P		P	
Selling from a semitruck without a cab, subject to § 155.506.36					PC	PC	PC		
Sign printing					P	P	P	P	
Social gathering, seminar, reception, which is ancillary to the principal permitted use and on property designated historic by the Town		P							
Solar collector installation, subject to § 155.506.48	ACC	ACC	ACC	ACC/PC	ACC/PC	ACC/PC	ACC/PC	ACC/PC	ACC
Specialty sales establishment with substantial on-site assembly, processing, packaging, and/or distribution, and processes sales for off-site customers, subject to § 155.506.39				PC	PC	PC	PC	PC	
Studio for gymnast, artist, designer, photographer, musician, sculptor, and similar		P	P	P	P	P	P	P	

P - Permitted by Right

PC - Allowed under prescribed conditions as further outlined in § 155.506

ACC - Allowed as an accessory use

TOWN OF MATTHEWS UNIFIED DEVELOPMENT ORDINANCE

GENERAL COMMERCIAL USES	R-VS	CrC	SRN	C-MF	MUD	TS	B-1SCD	ENT	AU
Towing operation with vehicle storage only within an enclosed structure									
Towing operation with vehicle storage yard									
Upholstering in a workroom setting not to exceed 1,500 sq. ft. of gross floor area			P	P	P	P	P	P	
Utility trailer, not exceed a loading capacity of 500 cubic feet, sales and rental									
Veterinary clinic or hospital, subject to § 155.506.42					PC	PC	PC	PC	

RECREATION & ENTERTAINMENT USES	R-VS	CrC	SRN	C-MF	MUD	TS	B-1SCD	ENT	AU
Amusement, commercial outdoors, including miniature golf, golf course, golf driving range, ride, slide, waterpark, paintball course and similar commercial enterprise requiring physical dexterity, except as regulated elsewhere, subject to § 155.506.40								PC	
Archery or firearms range, indoor only, subject to § 155.506.47							PC	PC	
Arcade, game room				P	P	P	P	P	
Athletic or sports fields, ballfields, in a concentration of three or more, and similar indoor or outdoor physical recreation facility intended for use by teams of participants				P	P			P	
Bowling alley					P	P	P	P	
Community recreation center, fitness/health center, gymnasium, YMCA, and similar use with multiple physically involved activities, primarily indoor, can take place concurrently				P	P	P	P	P	
Country club, swimming club, community recreation center, and tennis or racket club operated on a noncommercial membership basis, subject to § 155.506.8	PC	PC							
Golf course operated on a noncommercial basis, subject to § 155.506.8	PC	PC							
Ice or roller rink					P	P	P	P	
Indoor commercial recreation not otherwise listed					P	P	P	P	
Park and playground operated on a noncommercial basis for the purposes of public recreation, subject to § 155.506.8	PC	PC							
Park, predominately passive use, subject to § 155.506.8	PC	PC							
Park and playground, not otherwise listed			P	P	P	P	P	P	

P - Permitted by Right

PC - Allowed under prescribed conditions as further outlined in § 155.506

ACC - Allowed as an accessory use

TOWN OF MATTHEWS UNIFIED DEVELOPMENT ORDINANCE

RECREATION & ENTERTAINMENT USES	R-VS	CrC	SRN	C-MF	MUD	TS	B-1SCD	ENT	AU
Riding stable, commercial, subject to § 155.506.35								PC	
Skateboard facility, subject to § 155.506.40								PC	
Stadium, and other outdoor assembly facility where primary use involves both spectator and performer								P	
Swimming pool, single neighborhood, below Junior Olympic size, no outside membership, subject to § 155.506.8	PC	PC							
Swimming pool, as a stand alone facility, indoor or outdoor, or outdoor as part of a recreational facility, public or private				P	P	P	P	P	
Swimming pool, any size, accessory to multi-family residential use, not within 100 feet of property line			ACC	ACC	ACC	ACC		ACC	
Tennis and racket club, commercial, indoor or outdoor					P	P	P	P	
Tennis and racket sports courts, indoor or outdoor			P	P	P	P	P	P	
Tennis and racket club and associated swimming facility, indoor and/or outdoor, with golf practice facility, subject to § 155.506.15									
Theater, drive-in								P	
Theater, housed within an enclosed structure					P	P	P	P	
Theater, outdoor stage facility					P		ACC	P	

INDUSTRIAL & MANUFACTURING USES	R-VS	CrC	SRN	C-MF	MUD	TS	B-1SCD	ENT	AU
Bakery and baking plant including manufacturing, wholesale and retail									
Blacksmith shop								P	
Bottling and canning works for nonalcoholic beverage including distribution									
Bus and transit vehicle repair and storage									
Contractor's facility with storage yard									
Distilling or manufacturing of alcohol and alcoholic beverage, subject to § 155.506.45									
Laundry and dry cleaning establishment greater than 10,000 sq ft gross floor area									
Outside storage, except as otherwise listed									
Mail order facility									
Manufacturing, processing, assembling of components into completed craft or custom made items in facilities not exceeding 3,000 sq. ft.					P	P		P	

P - Permitted by Right

PC - Allowed under prescribed conditions as further outlined in § 155.506

ACC - Allowed as an accessory use

TOWN OF MATTHEWS UNIFIED DEVELOPMENT ORDINANCE

INDUSTRIAL & MANUFACTURING USES	R-VS	CrC	SRN	C-MF	MUD	TS	B-1SCD	ENT	AU
Manufacturing, heavy, which may include the mechanical or chemical transformation of materials or substances into new items, or the fabrication and/or the assembly of component parts, or other industrial processing, bulk storage, and handling of products primarily from extracted or raw materials, any aspect of which has potential to produce noise, dust, glare, odors, vibration, smoke or steam, fire hazard, or other noxious emission beyond the property lines except as otherwise listed									
Manufacturing, light, which may include the assembly or processing of predominantly previously prepared materials into finished products or parts and the packaging of such materials, all contained within an entirely enclosed building and no detectable noise, dust, glare, odors, vibration, smoke or steam, fire hazard, or other noxious emission shall exit the building except as otherwise listed									
Metal product fabricating, processing, and manufacturing, and machine shop without blast furnace or drop forge									
Metal product fabricating, processing, and manufacturing, and machine shop including the use of a blast furnace or drop forge									
Packing shed, fruit and vegetable									
Quarry, subject to § 155.506.38									
Recycled material, collection, processing and packaging within an enclosed structure					P	P		P	
Recycled material, collection, processing and packaging									
Sign manufacturing									
Truck Terminal									
Warehouse, distribution facility within enclosed building									
Wholesale sales with or without retail sales					P			P	
MISCELLANEOUS USES	R-VS	CrC	SRN	C-MF	MUD	TS	B-1SCD	ENT	AU
Auction sale of real and personal property located on site for the purpose of liquidating assets, subject to § 155.506.43.	ACC	ACC	ACC	ACC	ACC	ACC	ACC	ACC	ACC
Accessory use, clearly incidental to the principal permitted use or structure on the lot	ACC	ACC	ACC	ACC	ACC	ACC	ACC	ACC	
Community Garden	P	P	P	P	P	P	P	P	
Donation Drop-Off Facility					ACC	ACC	ACC	ACC	

P - Permitted by Right

PC - Allowed under prescribed conditions as further outlined in § 155.506

ACC - Allowed as an accessory use

TOWN OF MATTHEWS UNIFIED DEVELOPMENT ORDINANCE

MISCELLANEOUS USES	R-VS	CrC	SRN	C-MF	MUD	TS	B-1SCD	ENT	AU
Electric and gas substation, sewage treatment plant and control house, pump and lift station, water storage tank, well lot and similar use, subject to § 155.506.11	PC	PC	PC	PC	PC	PC	PC	PC	PC
Farm, either in conjunction with or separate from a dwelling, which may conduct retail sales of products produced on the premises									
Farm, urban, subject to § 155.506.19	PC	PC	PC	PC	PC	PC	PC	PC	
Garage sale, yard sale, and similar, subject to § 155.506.43	ACC	ACC	ACC	ACC	ACC	ACC	ACC	ACC	
On-site demolition disposal site, subject to § 155.506.37	PC	PC	PC	PC	PC		PC	PC	
On-site demolition disposal site, accepting off-site material, subject to § 155.506.37									
Parking for uses permitted within the district	ACC	ACC	ACC	ACC	ACC	ACC	ACC	ACC	ACC
Propane storage or other fuel storage, accessory to a permitted principal use or building, subject to the Fire Prevention Code of the National Board of Fire Underwriters	ACC	ACC	ACC	ACC	ACC	ACC	ACC	ACC	ACC
Public utility transmission and distribution lines	P	P	P	P	P	P	P	P	P
Railroad right-of-way	P	P	P	P	P	P	P	P	P
Roadside stand, permanent									
Short term temporary use or festival of civic or nonprofit nature, subject to § 155.506.44	PC	PC	PC	PC	PC	PC	PC	PC	
Sidewalk sale, end of season sale, clearance sale, subject to § 155.506.43					ACC	ACC	ACC	ACC	
Temporary building and storage of materials in conjunction with construction of a building on a lot where construction is taking place or on adjacent lots, the temporary use to be terminated upon completion of construction, issuance of Certificate of Occupancy, or invalidation of building permit (see also § 155.506.43.C.4)	ACC	ACC	ACC	ACC	ACC	ACC	ACC	ACC	ACC
Temporary, self-contained storage unit, subject to § 155.506.20	ACC	ACC	ACC	ACC	ACC	ACC	ACC	ACC	
Temporary use for business purpose, subject to § 155.506.43				PC	PC	PC	PC	PC	
Transit stop shelter, subject to § 155.506.34	PC	PC	PC	PC	PC	PC	PC	PC	PC
Transit station (bus, rail, etc.)					P	P	P	P	
Utility equipment stand, meter, box, and backflow preventer for single or groups of parcels	ACC	ACC	ACC	ACC	ACC	ACC	ACC	ACC	ACC
Vending machine, located outside the required setback					P	P		P	
Vending machine, immediately adjacent to building, under overhang only				P	P	P	P	P	

(Am. Ord. 2025A, passed 6-9-14; Am. Ord. 2059, passed 12-8-14; Am. Ord. 2083, passed 5-11-15; Am. Ord 2141, passed 4-11-16; Am. Ord 2188, passed 6-12-17; Am. Ord 2388, passed 5-13-19)

P - Permitted by Right

PC - Allowed under prescribed conditions as further outlined in § 155.506

ACC - Allowed as an accessory use

**155.506. Prescribed Conditions for Certain Uses and Supplementary Regulations**

In order to carry out the recommendations of the Matthews Land Use Plan and the purposes and provisions of this Title, certain specified uses are allowed in some or all of the zoning districts described in § 155.501 of this Title only upon meeting certain prescribed conditions or when receiving site plan, elevation plan or conditional zoning approval by the Town. These uses shall be subject to all of the applicable conditions and restrictions provided here.

**155.506.1 Home-Based Businesses**

A. Home-based businesses are a necessary and desirable part of the development of a community, but if left unchecked can have a deleterious effect on the value, use and enjoyment of adjoining property and the neighborhood. It is necessary to establish performance standards to measure the appropriateness of the many diverse home-based businesses in Matthews’ neighborhoods. It is the intent of this section to:

1. Ensure the compatibility of home-based businesses with other uses permitted in residential and other zoning districts;
2. Maintain and preserve the essential character of residential neighborhoods;
3. Promote the efficient use of public services and facilities by assuring that services are provided to the residential population for which they were planned and constructed, rather than provided to commercial uses; and,
4. Prevent the generation of vehicular or pedestrian traffic in greater volumes than would normally be expected in a residential neighborhood.

Home-based businesses shall be required to meet the standards listed here when located within the R-20, R-15, R-12, R-9, R-MH, R-15MF, R-12MF, R-VS, CrC, SRN, MUD, TS, and ENT districts.

B. STANDARDS

In addition to all of the use limitations applicable in the district in which a home-based business is located, no home-based business shall be established, altered or enlarged in any district unless such home-based business complies with the following performance standards:

1. SCALE. The home-based business must be clearly incidental to the residential use of the dwelling and must not change the essential residential character of the dwelling.
2. FLOOR AREA LIMITATION. Use of the dwelling for this purpose must be limited to twenty five percent (25%) of one floor of the principal dwelling or fifty percent (50%) of one floor of an accessory building. Any separate building shall be accessory only to the individual dwelling unit where the home-based business is located (not in a communal structure).
3. OUTDOOR STORAGE PROHIBITED. No outside storage may be used in connection with the home-based business.
4. EQUIPMENT. Machinery that causes noises or other interference in radio, television, or digital 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. Household equipment and furniture, such as computers, ovens, shelving, and counters may be used in connection with a legally established home based business.
5. NO EXTERIOR EVIDENCE. Internal or external alterations inconsistent with the residential use of the dwelling will not be permitted. There shall be no activity, structure, or other exterior evidence that the dwelling unit is being used for any nonresidential purpose in order to conduct the home-based business.
6. EMPLOYEES. Only residents of the dwelling may be engaged in the home-based business.
7. DISPLAYS. No display of products may be visible from the street.
8. USE OF VEHICLES. Only passenger vehicles or one (1) mid-range commercial vehicle as defined in §155.103.C. may be used in conjunction with a home-based business and must comply with § 155.607.1.C.14.f.
9. CLIENTS/CUSTOMERS ON-SITE LIMITED. Services provided for any home-based business must be limited to no more than two (2) clients at one (1) time. In the event of a time overlap between scheduled appointments, additional clients may be permitted on the premises. Direct sales of

- products from the dwelling unit are prohibited, but a person may pick-up an order placed earlier.
10. WHOLESALE. No wholesale, jobbing or retail business shall be permitted unless sales are conducted entirely by mail, telephone, and internet or by appointment.
  11. DELIVERIES. The business does not involve the receipt, shipment, delivery (except by mail or package delivery service) or storage of merchandise on or from the premises.
  12. TRAFFIC AND PARKING IMPACT. The home-based business shall not have an adverse effect on the neighborhood through the congestion of Town streets. The home-based business shall not require more vehicle parking space than exists on the residential driveway on the property, or on assigned parking spaces serving the dwelling unit.

C. PARTICULAR HOME-BASED BUSINESSES PROHIBITED

Prohibited home-based businesses include, but are not limited to, the following:

1. Adult-oriented businesses
2. Antique shops
3. Appliance repair
4. Art galleries
5. Barber shops and beauty shops
6. Cabinetry making
7. Catering
8. Production of food and drink items identified by the NC Department of Agriculture and Consumer Services as high risk products
9. Food vendors
10. Funeral homes
11. Kennels, day care or commercial, animal grooming, or veterinary clinics
12. Mechanical equipment repair
13. Medical or dental offices, clinics or hospitals
14. Motor vehicle body shops and repair shops
15. Motor vehicle sales
16. Restaurants
17. Tourist homes and lodging houses (but excluding bed and breakfast inns)
18. Trucking
19. Warehousing
20. Welding

(’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) [formerly known as § 153.166]

**155.506.2 Equestrian-Oriented Subdivisions.**

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- A. Equestrian-oriented subdivisions are residential developments which are designed with particular emphasis placed on equestrian activities and which provide those facilities as non-profit community stables, riding rings, pastures and riding trails. In addition, private stables may be located on individual residential lots. Equestrian-oriented subdivisions are permitted in the R-20 and R-15 districts.
- B. STANDARDS
  1. All buildings and structures related to the care of horses and to the operation of the riding facilities must be located at least one hundred feet (100’) from any residential property line at the perimeter of the development.
  2. Sites for community riding stables and similar facilities will be subject to the normal lot and yard requirements of the zoning district.
  3. Private stables for less than four (4) horses on residential lots must be located in accordance with

the requirements for private stables at 155.506.12. (Am. Ord. 2231, passed 6-11-17)

4. Generally, riding trails should be located in the interior of the development and should not extend along adjoining residential property lines. Where a proposed trail is to be located along the exterior property line of the project, the trail must be a minimum of thirty feet (30') wide with adequate fencing provided to confine all equestrian activities to the project.
5. All stables and riding areas must be maintained according to the standards and requirements of the responsible County agency.
6. An equestrian-oriented subdivision may be established through the submission of the subdivision plans. The Board of Commissioners will approve the plans in accordance with provisions of this Title, and the additional standards listed below.
  - a. Lots that will have private stables must be designated, and the general area in which those stables may be located must be indicated.
  - b. All proposed community riding facilities, including community stables, riding rings, pastures, and riding trails must be indicated on the plans. A written statement describing the proposed means of ownership and proposed program for maintenance of these facilities and a copy of the proposed maintenance program must be included. A copy of the proposed maintenance program will be kept on file at the Mecklenburg County Land Use And Environmental Service Agency office. [formerly known as § 153.094]

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**155.506.3 Residential Care Facilities Within A Single-Family Environment.**

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- A. Group homes, family care homes, adult care homes, stand-alone assisted living facilities, and sheltered households within a single-family detached dwelling unit are types of residential living environments specifically focused on providing care and support to persons with temporary or permanent physical, mental, or emotional limitations. When offered in a home setting at the scale of a single household, intermingled among other single-family dwellings, these uses may be allowed in the R-20, R-15, R-12, R-9, R-15MF, R-12MF, R-VS, CrC, SRN, and MUD districts. Care facilities may also be located in several other districts as a use by right, or within other buildings and in association with other permitted uses, when meeting all applicable licensing standards.
- B. STANDARDS
  1. Each residential care facility shall be conducted within a single-family detached dwelling. All residents and any staff who provide around-the-clock care shall have adequate sleeping, food preparation, eating, and toilet facilities within the principal dwelling unit.
  2. In order to limit potential negative impacts on the surrounding neighborhood, such as substantial additional traffic or parking, each facility shall have a minimum separation of eight hundred feet (800') in a straight line distance between nearest points of separate care home properties. All facilities must comply with all applicable federal, state, and local licensing requirements and health regulations.
  3. Office space within the facility for staff not providing care or services to the residents of the facility, such as administrative or financial aspects of the management company, shall not exceed two hundred (200) square feet.
  4. Group homes and family care homes shall not exceed six (6) residents needing care, plus an attending care-giver. Additional on-site staff may be at the facility to provide services directly related to the residents.
  5. Assisted living, adult care facilities, and sheltered households shall not exceed six (6) bedrooms for use by residents, with a maximum of two persons per bedroom (i.e., one individual person, one couple, a mother and child), and may also provide one (1) bedroom for a resident care-giver individual or couple.

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**155.506.4 Bed and Breakfast Establishments.**

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- A. Bed and breakfast establishments provide for overnight and short-term lodging with one or more meals solely for the occupants of the leased sleeping quarters, as allowed by state statute. These establishments fall into two (2) categories based on their size and zoning category. Bed and Breakfast Guest Homes, with up to six (6) rooms dedicated to guests for overnight lodging within a single-family detached dwelling, are permitted in the R-20, R-15, R-12, R-9, R-VS, and CrC Districts. Bed and Breakfast Inns are allowed in the R-15MF,

R-12MF, O, HUC, and B-1 Districts.

B. STANDARDS.

1. **BED AND BREAKFAST GUEST HOMES.** Bed and breakfast guest homes in the allowed residential districts must meet all lot size, setback, yard, height and open space requirements of the district in which they are located. The principal use of the structure is the single-family dwelling, and the bed and breakfast guest home is a secondary function within the principal house structure. For this reason, the facility must be owner-occupied and managed, with no employees other than resident family members permitted. Breakfast or other meals may be provided but only to overnight guests. No group functions, such as wedding receptions or banquets shall be allowed. New additions to the structure in order to accommodate more guest rooms are not permitted. No substantial modifications to the exterior of the structure shall be allowed, except for repair and maintenance. Exterior alterations required by North Carolina Building Code, such as fire escapes, handicap ramps, doorways, etc., shall be in keeping with the exterior architectural character of the structure and the residential character of the surrounding neighborhood. No separate exterior doorways for individual guest rooms shall be permitted unless the separate doorway was part of the original architecture of the house.
2. **BED AND BREAKFAST INNS.** Bed and breakfast inns in any permitted district shall be the permanent residence of the manager of the establishment, and no more than one non-resident employee is permitted in association with the inn. Breakfast or other meals may be provided but only to overnight guests. Exterior alterations required by North Carolina Building Code, such as fire escapes, handicap ramps, doorways, etc., shall be in keeping with the exterior architectural character of the structure. Guest rooms may be located within the principal house structure or in accessory structures already existing on the property. Additions to increase the number of available guest rooms may only be made to the principal house structure.
  - a. **SOCIAL EVENTS.** In Bed and Breakfast Inns, any social event such as a wedding, reception, luncheon, or similar function, and which is not a function for the personal use of the resident manager, may be allowed if sufficient off-street or satellite parking is provided and documented in the required parking plan. Off-site parking, as described in § 155.607 may be used. The number of functions shall not exceed twenty-four (24) events a year nor more than four (4) events in a month.
  - b. **ACCESSORY COMMERCIAL USES.** In Bed and Breakfast Inns in the HUC or B-1 Districts only, related commercial uses such as a tea room or antique or gift shop may be located on the same lot. The area available for such a related commercial use shall be limited to ten percent (10%) of the floor area of the principal structure, but does not need to be within the principal structure. These related commercial uses may be open to the general public when additional parking spaces are provided for this use, as required in § 155.607.
3. **GUEST ROOMS.** Individual guest rooms in any Bed and Breakfast establishment shall not be equipped with cooking facilities.
4. The manager of any Bed and Breakfast establishment shall keep a current guest register including names, permanent addresses, dates of occupancy, and motor vehicle license number of all guests.
5. **PARKING PLAN REQUIRED.** A parking plan must be provided for any Bed and Breakfast establishment showing minimum parking spaces for the permanent dwelling(s), plus one (1) additional parking space per guest room. The required parking spaces shall not be between the established front setback (front of the house) and the street, or within five feet (5') on an interior side or rear yard lot line or ten feet (10') of a street side lot line on a corner lot. Fence, wall or landscape screening as described in § 155.606.5 shall be provided when the adjacent property is residential zoned or used. Parking for guests shall be accessed by the same driveway as that serving the permanent residence. **[formerly known as § 153.169]**

**155.506.5 Room Renting and Boarding.**

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- A. Room renting is permitted in the R-20, R-15, R-12, R-9, R-15MF, R-12MF, R-VS, CrC, and O districts, as provided below.
- B. STANDARDS.
  1. Room renting is permitted in all above-identified districts only within a one (1) family detached,

- one (1) family attached, or a two-family/duplex dwelling. No more than four (4) roomers per dwelling unit shall be allowed.
2. Room renting is permitted in multi-family dwelling units in districts which allow multi-family units. No more than two (2) roomers per dwelling unit shall be allowed.
  3. Room renting shall not be allowed within an accessory apartment. (Am. Ord. 2141, passed 4-11-16)
  4. The maximum number of roomers may be required to be reduced so that the entire housekeeping unit does not exceed the permitted number of unrelated individuals.
  5. A common use kitchen with shared cooking facilities for all occupants of the dwelling will be permitted. (Am. Ord. 2141, passed 4-11-16)
  6. One (1) additional parking space shall be provided on the same lot for each two (2) rooms available to roomers.
  7. The required additional parking spaces shall not be between the established front setback (front of dwelling) and the street, or within five feet (5') on an interior side or rear lot line, or within ten feet (10') of a streetside side yard on a corner lot. [formerly § 153.177]

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**155.506.6 Child Care Homes and Child Day Care Facilities.**

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- A. Child day care homes with up to eight (8) children and located within the provider's home may be established in the R-20, R-15, R-12, and R-9 districts. Child day care homes and child day care facilities, whether part of or separate from a dwelling, and where the capacity of children served is based on size of the facility, may be established in the R-15MF, R-12MF, R/I, O, HUC, B-1, SRN, C-MF, MUD, TS, and ENT districts. Child day care facilities with separate standards may be allowed in the CrC district.
- B. STANDARDS.
  1. Child day care homes and facilities are required to be registered and licensed with the state in accordance with G.S. § 110-101.
  2. An off-street drop-off/pick-up-area shall be provided. For child day care homes, a residential driveway is acceptable for this purpose.
  3. For child care homes in detached single-family dwellings, no structural or decorative alteration that will affect the single-family character of the existing residential structure or be incompatible with surrounding residences is permitted.
  4. For child day care homes, at least one hundred (100) square feet of outdoor play space per child must be provided. For child day care facilities licensed for six (6) to forty five (45) children, there shall be a minimum of two thousand two hundred fifty (2,250) square feet of outdoor play area. For child day care facilities licensed for forty six (46) or more children, there shall be a minimum of one hundred (100) square feet of outdoor play area for at least one-half (1/2) of the total number of children for which the center is licensed. Maximum number of children allowed on the outdoor play area at any one time shall be one (1) per one hundred (100) square feet of actual outdoor play area.
  5. Outdoor space must be fenced or otherwise enclosed on all sides and may not include driveways, parking areas or land otherwise unsuited for children's play space and may not be in the required setback.
  6. Yard and height requirements will be the same as those required for structures in the district in which it is located. In districts or locations without minimum yard requirements, or where the child care facility is part of a multiple use or multiple building setting, then a minimum land area dedicated to the child day care facility shall be four thousand five hundred (4,500) square feet.
  7. Separate provisions for child day care facilities in the CrC District are outlined at § 155.503.2.C.8. [formerly known as § 153.181]

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**155.506.7 Institutional Uses In Residential Settings.**

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- 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. (Am. Ord. 2141, passed 4-11-16)

B. STANDARDS.

1. Arboretum may be publicly or privately maintained to either display certain landscape species or to protect certain living species or biological environments, and shall be a minimum of (1) acre in size. When general public access is intended, an arboretum shall have one (1) or more defined pedestrian entrances from a public street. Where public access is not desired, all road frontage shall include a planted hedge row or decorative fence. A decorative fence, if used, shall be wood or wood-look picket, wrought iron or simulated iron, brick wall, or similar feature that is no higher than four feet (4') and not chain link.
2. Fire and/or EMS stations and police stations, due to their shift work schedule, the number of employees and citizens who may visit the site, larger vehicle size and or volume of traffic throughout a twenty four (24) hour day, use of sirens for emergency response, and speed of exiting vehicles, are generally not compatible with tranquility of a residential neighborhood environment.
  - a. They shall only be allowed in the listed residential districts when they front directly on a Class IV or higher street and have their main entrance and exit on that thoroughfare street.
  - b. There shall be twenty feet (20') of landscape screening between any parking area and any non-streetside property when it is residentially zoned or used.
  - c. Exterior lighting shall comply with the provisions in § 155.609.
  - d. Any scheduled activities that are open to the public or employee/volunteer training exercises shall be held between the hours of 8:00 AM and 9:00 PM. (Am. Ord. 2231, passed 6-12-17)
3. Churches and places of worship may be divided into categories based on seating capacity or daily activity, when located within the listed residential districts.
  - a. Up to fifty (50) seating capacity and/or up to three thousand (3,000) square feet gross floor area:
    - i. Minimum land area shall be one (1) acre and minimum lot width shall be eighty feet (80'). The minimum front setback for any building shall be the same as for the underlying zoning district, and all side and rear yards shall be a minimum of fifty feet (50') for any building. Maximum height shall be the same as the underlying zoning district.
    - ii. No parking or outdoor accessory uses shall be allowed within the required front setback, or within twenty feet (20') of any non-streetside property line. All parking areas and outdoor accessory uses shall be screened from exterior side and rear property lines with twenty feet (20') of landscape screening. No fence shall be placed within the first twenty feet (20') of land area along exterior property lines.
    - iii. Exterior lighting shall comply with the provisions in § 155.609. Lighting of outdoor accessory uses, such as ballfields, shall not be lighted between 10:00 PM and 8:00 AM.
    - iv. Any scheduled activities that include use of land outside the building shall not take place earlier than 8:00 AM or later than 10:00 PM.
  - b. Under four hundred (400) seating capacity and/or less than forty (40) daily attendees, but not meeting qualifications of subsection above:
    - i. Minimum land area shall be two (2) acres and minimum lot width shall be two hundred feet (200'). The minimum front setback for any building shall be the same as for the underlying zoning district, and all side and rear yards shall be a minimum of fifty feet (50') for any building. Maximum height shall be the same as the underlying zoning district; however, the principal building's height may be

- increased up to sixty feet (60') provided the side and rear yards are increased one foot (1') for each foot or fraction of a foot in added height.
- ii. No parking shall be allowed within fifty feet (50') of the front property line, or within twenty feet (20') of any non-streetside property line.
  - iii. All non-streetside property lines shall have twenty feet (20') of landscape screening. No fence shall be placed within the first twenty feet (20') of land area along exterior property lines.
  - iv. Exterior lighting shall comply with the provisions in § 155.609. Lighting of outdoor accessory uses, such as ballfields, shall not be lighted between 10:00 PM and 8:00 AM.
  - v. Any scheduled activities that include use of land outside the building shall not take place earlier than 8:00 AM or later than 10:00 PM.
  - vi. Any facility with an assembly room of over two hundred (200) seating capacity, or any facility which operates every weekday throughout the year and has forty (40) or more persons (child or adult) regularly in attendance, shall be located on a Class IV or higher street and shall have its main entrance and exit on that thoroughfare street.
  - vii. Typical accessory uses to places of worship are permitted. These may include, but are not limited to day care centers, day nurseries, pre-schools, family life centers, church offices excluding district or regional administrative offices, gymnasium, book or video library, ballfields, and basketball courts. Accessory uses within an enclosed structure may be within the principal building or in an accessory structure. Outdoor accessory uses shall not be located within the required setback or the outer twenty feet (20') of a required side or rear yard.
  - viii. The CrC district has separate criteria for places of worship in this size category at § 155.503.2.
4. Churches and places of worship in the R/I district are allowed at different capacities when adhering to these dimensional standards:
- a. Facilities without any common assembly areas, or facilities which would include one or more assembly rooms, any one of which will seat or accommodate less than one thousand (1,000) persons shall have a lot area a minimum of two (2) acres and a lot width a minimum of two hundred feet (200').
  - b. Facilities which would include one (1) or more assembly rooms, any of which will seat or accommodate more than one thousand (1,000) persons shall have a lot area a minimum of ten (10) acres and a lot width a minimum of two hundred fifty feet (250').
5. Elementary, middle, and senior high schools, with a capacity of less than one hundred (100) students:
- a. Minimum lot area shall be two and one-half (2 ½) acres. The minimum front setback for any building shall be the same as for the underlying zoning district, and all side and rear yards shall be a minimum of fifty feet (50') for any building. Minimum lot width shall be two hundred feet (200'). Maximum height shall be the same as the underlying district.
  - b. No parking shall be allowed within fifty feet (50') of the front property line, or within twenty feet (20') of any non-streetside property line.
  - c. All non-streetside property lines shall have twenty feet (20') of landscape screening. No fence shall be placed within the first twenty feet (20') of land area along exterior property lines.
  - d. Exterior lighting shall comply with the provisions in § 155.609. Lighting of outdoor accessory uses, such as ballfields, shall not be lighted between 10:00 PM and 8:00 AM.
  - e. Any scheduled activities that include use of land outside the building shall not take place earlier than 8:00 AM or later than 10:00 PM.
  - f. A home school, regulated at NCGS 115C, Article 39, as a nonpublic school where the

parents or legal guardians determine the scope of academic instruction for children residing within the residence, is exempt from any of the criteria listed in this subsection § 155.506.7.B.5.

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.

(Am. Ord. 2141, passed 4-11-16)

**155.506.8 Recreational Uses In or Adjacent to Residential Settings.**

A. Some recreational facilities near residential settings improve the quality of life for the neighborhood, but may cause unintended impacts if specific elements of use are not regulated. Parks and playgrounds operated on a noncommercial basis for purposes of public recreation are often located within or near the residents they are intended to serve. Golf courses, country clubs, swimming clubs, community recreation centers, and tennis or racket clubs may also be located in or beside residential neighborhoods. Swimming pools may be placed within a neighborhood or housing development, for use and enjoyment by residents. Predominately passive parks have the least potential for negative effects. These uses may be allowed in the R-20, R-15, R-12, R-9, R-MH, R-VS, CrC and R/I districts when meeting the following provisions.

B. STANDARDS.

1. Parks and playgrounds operated on a noncommercial basis for the purposes of public recreation may include a pocket park or playground at least one tenth (0.1) acre in size to neighborhood and community parks without permanent spectator seating facilities.
  - a. When a park or playground has any area improved as one or more sports ballfield (i.e., softball, rugby), court (i.e., basketball, tennis), rink (i.e., skating, skateboarding), water feature (i.e., swimming pool, fountain, splash pad), or track (i.e., running, bicycle, cart) then there shall be a minimum of one hundred feet (100') of landscape buffer screen between the closest point of that improvement and any exterior property line.
  - b. Any lighting included within any park or playground shall conform to the standards of § 155.609, and shall not be illuminated before 8:00 AM or after 10:00 PM.
  - c. When any team sports activities are held at a park, no amplified sound system is allowed.
  - d. On-street parking may be used where existing near a park or playground. Where off-street parking is provided, it shall not be located within fifty feet (50') of any property line and there shall be twenty feet (20') of landscape screening between the parking area and any non-streetside property line when it is residentially zoned or used.
2. Golf courses, country clubs, swimming clubs, community recreation centers and tennis or racket clubs operated on a noncommercial membership basis are generally larger, more intensively utilized recreational facilities needing additional buffering.
  - a. Any buildings must meet the setback and yard requirements of the underlying zoning district.
  - b. Structures associated with open air uses or swimming pools, any area improved as one (1) or more sports ballfield (i.e., softball, rugby), court (i.e., basketball, tennis), rink (i.e., skating, skateboarding), water feature (i.e., swimming pool, fountain, splash pad), track (i.e., running, bicycle, cart), or golf course shall have a minimum of one hundred feet (100') of landscape buffer screen between the closest point of that improvement and any exterior property line.
  - c. Any lighting included within any listed recreational facility shall conform to the standards

of § 155.609, and shall not be illuminated before 8:00 AM or after 10:00 PM.

- d. No amplified sound system is allowed outside any building.
  - e. Off-street parking shall be provided to meet the standards given in § 155.607. Parking shall not be located within fifty feet (50') of any property line and there shall be twenty feet (20') of landscape screening between the parking area and any non-streetside property line when it is residentially zoned or used. **[formerly known as § 153.186]**
- 3. Swimming pools may be located within a single neighborhood or housing complex as a private amenity and for exclusive use by the residents. Such pools shall be less than Junior Olympic size and shall not sell outside memberships. Pools, adjacent decks, and any structures associated with the swimming pool shall have a minimum of one hundred feet (100') of landscape buffer screen between the closest point of that improvement and any exterior property line.
  - 4. Predominately passive parks are publicly owned parcels of any size which are left in a natural state, and may have minimal improvements such as but not limited to greenway or nature trails, scattered fitness stations, fishing or observation piers, identification signs of flora and fauna, and benches. No additional screening is required along outer perimeters unless there is no existing natural or planted landscaping between any man-made improvements and adjacent property, and then ten feet (10') of evergreen shrubs and trees shall be planted along the open boundary.

**155.506.9 Accessory Apartments and Single-Family Dwellings with Multiple Kitchens.**

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- 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 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. (Am. Ord. 2141, passed 4-11-16)
- 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. **[formerly 153.054(C)(20 and 21)]**

**155.506.10 Live Work Units.**

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- A. Live work units are intended to be located within a transitioning neighborhood where a mix of residential and light nonresidential uses are desired, and in areas where mixed use is proposed. These uses when located within the O, R-VS, or SRN districts shall meet the following provisions.
- B. STANDARDS.
  - 1. The work area use shall be located on the first (ground) floor only and shall occupy less than fifty percent (50%) of the total area of the live work unit.
  - 2. Up to two (2) nonresident employees may be allowed in the work portion of the live/work unit when additional parking spaces are provided as required at § 155.607.
  - 3. Live work units shall not exceed three thousand (3,000) square feet in gross floor area. The residential and nonresidential portions may be side-by-side or stacked, and are not required to have a solid wall separation between them. Live work units shall be designed and constructed to meet all applicable building codes. **[formerly known as § 153.194]**

**155.506.11 Electric and Gas Substations, Sewer treatment Plants, Water Storage Tanks, Well Lots, and other similar Utility Structures.**

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- A. Electric and gas substations, sewer treatment plants and similar utility structures other than wireless or digital communications equipment may be required to be located within and near neighborhoods. The design of buildings, structures, and facilities on the site shall conform as closely as possible to the character of the area or neighborhood, so these facilities or structures will not adversely affect the safe and comfortable enjoyment

or value of nearby properties. To limit potential negative impacts, the standards listed here shall be applied to these uses within any zoning district.

B. STANDARDS.

1. Lots which will be used for utility structures or improvements but which have the potential in the future to be converted to another use shall conform to the minimum area for the district in which they are located. Any parcel created for a utility use and later has that use abandoned and removed shall not be eligible as a buildable lot unless it can meet dimensional standards of the zoning district in which it is located.
2. Unclimbable fences or comparable safety devices shall be installed and maintained in order to make the facility inaccessible to the public. Any fence or enclosure of equipment, facilities, stockpile, parking or other improvement, other than a building, shall be screened with landscape plant material on the side facing exterior property boundaries according to the provisions of § 155.606.
3. Sewage treatment plants, control houses, pump and lift stations, water storage tanks, well lots with community wells, and similar uses must be designed, constructed, and operated to have the least negative impacts on the health, safety, and general welfare of the surrounding community. **[formerly known as § 153.183]**

**155.506.12 Private Stables.**

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A. Structures, pasture areas, corrals, and other enclosed areas for the keeping of horses on single-family sites may be permitted in and near residential areas when provisions are followed to limit any inappropriate health or safety impacts to surrounding properties. Private stables may be allowed in the R-20, R-15, R-12, and R-9 districts as an accessory use to a residence when the following standards are in place. Separate provisions for Equestrian-Oriented Subdivisions control stables within them, and are at § 155.506.2.

B. STANDARDS.

1. Minimum lot size shall be one (1) acre.
2. Maximum number of horses is one (1) horse per acre.
3. All buildings and structures for the keeping and maintenance of animals, equipment, or manure, and all manure piles, pits, or bins shall be located at least one hundred feet (100') from any lot line.
4. There shall be no outdoor storage of equipment related to training or maintenance of horses.
5. No such use shall be operated for commercial purposes.
6. All stables and riding areas must be maintained according to the requirements and standards of the County Health Department. (Am. Ord. 2059, passed 12-8-14) **[formerly known as § 153.187]**

**155.506.13 Cemeteries, Mausoleums, Columbarium, and Crematorium.**

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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, CrC, 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 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]**

C. CREMATORIUM.

1. Crematorium are allowed per NCGS 90-210.123 (a) and (b) on the same lot as a funeral home or cemetery, or on a parcel adjacent to a cemetery or funeral home use.
2. When on the same lot as a cemetery in any of the districts listed above at 155.506.13.A., the crematorium shall be a minimum of four hundred feet (400') from any adjacent residential dwelling unit.

3. When a cemetery is on property zoned one of the districts listed in 155.402.13.A. above, a crematorium may be located on an adjacent parcel zoned as a commercial or industrial district of B-1, B-3, B-D, B-H, I-1, I-2, or B-1SCD.
4. Crematorium may be allowed in association with a cemetery or funeral home or as a stand-alone use in other districts as listed in the Tables of Allowed Uses at 155.505. (Am. Ord. 2188, passed 11-14-16)

**155.506.14 Limited Food and Beverage Sales in Neighborhood Common Facilities.**

- A. Recreational and similar club facilities for enjoyment and use by residents and their guests may be allowed as accessory uses within single-family subdivisions, multi-family developments, mixed style residential developments, and the residential portions of mixed use projects. These facilities may include assembly and social areas, fitness facilities, and a minimal kitchen preparation area. In addition, these facilities may include the retail sale of food and beverages as allowed here in any zoning district where such residential uses are permitted.
- B. STANDARDS.
  1. The sale of food and beverages may be only to residents and registered guests and may not be open to the general public.
  2. An up-to-date register of all resident members must be maintained on the premises and must include the name of the guest, the name and address of the sponsoring member, and the date of entry.
  3. Each individual member may sponsor no more than four (4) guests at any one time and must accompany guests to the club facility.
  4. The sale of any food or beverage within the club facility must conform to all applicable laws of the state pertaining to the licensing and dispensing of food and beverages. [formerly known as § 153.176]

**155.506.15 Commercial Indoor and /or Outdoor Tennis and Racket Clubs and Associated Swimming Pools.**

- A. Indoor and/or outdoor tennis and racket clubs and associated swimming clubs and swimming facilities, operated on a commercial basis may be allowed in the R/I district.
- B. STANDARDS.
  1. These facilities shall not have permanent spectator viewing facilities.
  2. They shall have no more than ten (10) courts total.
  3. The pool(s) shall not exceed three thousand nine hundred thirty six (3,936) square feet in water surface.
  4. Membership is restricted to no more than three hundred (300) for tennis and no more than three hundred (300) for swimming.
  5. Pool operation shall be limited to the hours of 10:00 AM to 8:00 PM.
  6. No pool shall be within one hundred feet (100') of any adjoining property line, measured from the pool edge or decking exterior adjacent to the pool, whichever would produce the greater distance.
  7. No pool shall be within one hundred fifty feet (150') of any residentially zoned or used property line, measured from the pool edge or decking exterior adjacent to the pool, whichever would produce the greater distance.
  8. A landscaped or constructed border that is one hundred percent (100%) opaque to a height of six feet (6') shall be installed between the pool and adjacent residential property.
- C. STANDARDS FOR ALLOWED ACCESSORY USES.
  1. A tennis pro shop may be an accessory use when:
    - a. It does not exceed in size a total of five hundred (500) square feet in heated space.
    - b. It is a part of a single structure, and up to one thousand five hundred (1,500) heated square feet is available for use by club members for recreational and social purposes, and not for the general public.
    - c. Within this maximum of one thousand five hundred (1,500) square feet all locker and

shower rooms, exercise rooms, social areas and rest rooms shall be the only permitted uses.

- d. The maximum total heated area of the accessory structure shall not exceed two thousand (2,000) square feet.
- 2. Golf practice facilities, including driving ranges, practice greens and sand traps may be accessory uses. The golf practice area may have its own enclosed building with commercial uses, such as cafeteria, snack bar, and sundries shop, when such uses do not exceed ten percent (10%) of the building's gross floor area. **[formerly § 153.056(B)(15, 19) and (C)(5,7)]**

**155.506.16 Continuing Care Retirement Communities (CCRC).**

A. A Continuing Care Retirement Community is a planned residential development for senior citizens seeking a secure living environment among their peers, where they are not dependent on themselves for daily necessities. These developments may be located within the R/I district subject to the criteria listed here.

B. STANDARDS

- 1. A continuing care retirement community may include up to twenty (20) independent living units per gross acre and up to five (5) assisted living units per gross acre along with skilled nursing facilities, community buildings and ancillary services.
- 2. The lot upon which a CCRC is located must have frontage upon a Class IV or higher street and the main entrance must be from this thoroughfare.
- 3. All building forming a part of a CCRC site shall be compatible in appearance and quality through the use of similar building materials, colors, architectural features and styles.
- 4. Signage shall comply with the provisions of § 155.608 and landscaping shall comply with the requirements of § 155.606.
- 5. The total floor area devoted to accessory uses shall not exceed twenty percent (20%) of the total floor area on the site. The following uses shall be permitted as accessory uses in any structure so long as such uses are ancillary to the CCRC's use (i.e. meaning they may be used by the residents, employees, business invitees, and guests of the facility but shall not be open to or marketed for use by those outside the community):
  - a. Medical and dental offices and medical and dental laboratories.
  - b. Health and allied services.
  - c. Healthcare facilities, medical offices and ancillary services.
  - d. Photographic studios, including commercial photography.
  - e. Health club, fitness center, physical therapy and spas.
  - f. Banks.
  - g. Retirement community management and maintenance facilities and marketing centers.
  - h. Eating and drinking places, pubs and taverns, retail bakeries, cafeteria services, candy, nut and confectionary stores and miscellaneous food stores.
  - i. Educational services, libraries, book and stationary stores, news dealers and newsstands.
  - j. Men's and women's clothing and/or accessory stores, shoe stores, miscellaneous apparel and accessory stores.
  - k. Miscellaneous general merchandise stores, pharmacies, florists, gift, novelty, and souvenir shops, and camera and photographic supply stores.
  - l. Pressing, alterations, garment repair and custom tailors.
  - m. Barbershops and beauty shops.
  - n. Indoor and outdoor swimming pools, putting greens, parks and open space, bowling, billiards and pool.
  - o. Places of worship.
  - p. Motion picture theaters, dance halls and studios, dance schools, theaters and auditoriums.
  - q. Radio and television production and broadcasting facilities.
  - r. Woodshops and arts and crafts studios.

6. Streets located within the interior of a CCRC may be either public or private. In the event the community is accessed by private streets, such access may be limited by means of a gate or other device subject to the Town ordinance on gated accessways. In addition, all private streets shall be designed and constructed in accordance with the standards for private streets adopted by the Town of Matthews.
7. The minimum lot area for a CCRC shall be five (5) acres. The minimum front setback, side yard and rear yard shall be fifty feet (50'). The maximum building height within a CCRC shall be sixty feet (60').
8. A temporary marketing/sales center may be located in a modular or manufactured structure, or site built, so long as all applicable building codes are followed, and the structure is removed from the site no later than one (1) month after the date on which the first Certificate of Occupancy for any building constructed on the site is issued. Alternately, permanent marketing/sales centers may be allowed as long as they meet the parking requirements of the UDO and are architecturally consistent with other components of the CCRC. **[formerly 153.195; 153.056(B)(23)]** (Ord. 2038, passed 9-8-14)

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**155.506.17 Skilled Care (Nursing Home) Facility.**

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- A. A skilled care facility may range in size from a single household in a detached house to a large congregate care facility with multiple wings or floors devoted to different patient needs, and may be conducted in association with assisted living or independent senior living housing. When provided as an individual use or with assisted living beds, a skilled care facility may be located within the R/I, O, B-1, B-3, B-H, CrC, SRN, C-MF, MUD, and TS districts and shall adhere to the qualifications listed below.
- B. STANDARDS.
  1. The minimum lot size for a skilled care facility in the R/I district is two (2) acres, unless the facility has one (1) or more assembly rooms which can accommodate more than one thousand (1,000) persons, which would require a minimum land area of ten (10) acres..
  2. The minimum lot area for a skilled care facility in the O, B-1, B-3, or B-H districts is nine thousand (9,000) square feet for the first five (5) residents plus two thousand five hundred (2,500) square feet for each additional five (5) residents or fraction of five (5).
  3. Specific standards are given for skilled care facilities in the CrC district at § 155.503.2.C.8.c.
  4. Skilled care facilities in the SRN, C-MF, MUD, and TS districts serving up to thirty (30) individuals shall have a minimum of one hundred fifty (150) square feet of secured outdoor recreation space for each resident. Facilities within these districts with a capacity of over thirty (30) residents shall have a minimum of one hundred (100) square feet of secured outdoor recreation space for each resident. **[formerly known as § 153.182]**

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**155.506.18 Motorcycle Safety Training Course.**

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- A. A Motorcycle safety training course may be allowed in the R/I district under these criteria.
- B. STANDARDS.
  1. The motorcycle safety training course shall be operated under the supervision of the North Carolina Motorcycle Safety Education Program in conjunction with a Post Secondary Educational Facility.
  2. The overall dimensions shall be no greater than three hundred feet (300') by two hundred feet (200') for the purposes of motorcycle safety awareness and certification. **[formerly 153.056(B)(20)]**

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**155.506.19 Urban Farms.**

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- A. An urban farm providing space for the growing and harvesting of consumable food products by an individual or other community members, and may be allowed in any zoning district except I-2 and AU when meeting the qualifications listed below.
- B. STANDARDS.
  1. Accessory uses and structures may include, but are not limited to storage sheds for equipment, workspace for preparing starts to be planted or sorting harvested items, greenhouse or hoop house structures, enclosures for hydroponics or aquaponics and similar alternative forms of farming, gazebos or picnic shelters, benches, and solar or wind power generation equipment for farm use

- only that do not exceed thirty five feet (35') in height.
2. In addition to cultivation of products in the ground or a soilless medium, the keeping of bees or fowl may be an accessory use. Any animals on-site, whether temporary or permanent, shall be subject to the Matthews Animal Control Ordinance.
  3. Manure, fertilizer, or composting bins and piles shall be placed a minimum of thirty feet (30') from any exterior property line, and maintained to prevent excessive smells, and to not attract insects or animals.
  4. Fencing around the perimeter of growing areas is exempt from the fence height limits for the underlying district, when the additional height is to deter deer or other wildlife.
  5. No cultivation or disturbance of ground cover shall take place within any FEMA floodplain.
  6. When off-street parking is provided, it shall not be within ten feet (10') of any exterior property line.
  7. When an urban farm is operated as a communal project, such as a community garden or neighborhood effort, some community benefit shall be identified as being met, such as a sensory garden for children, or a portion of harvested products will go to a local food distribution provider or food bank, or classes will be offered to the public on elements of organic farming. Anticipated dates and times of public access/public programs shall be provided to adjacent property owners each year.
  8. An urban farm may be an accessory use on a parcel of land containing a separate principal use, or may be the principal use on a property. (Am. Ord. 2059, passed 12-8-14)

**155.506.20 Temporary Portable Storage Containers.**

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- A. A portable storage container is a temporary, self-contained storage structure, not including trailers for office or business use, which is designed and intended to be picked up and moved to various locations on demand. This unit maybe allowed in any zoning district, except the B-D and AU districts, under the conditions outlined here.
- B. STANDARDS.
1. Prior to placement, the property and/or business owners providing the storage unit at a specific site are required to register it with the Town Planning office, showing a scale drawing of its placement in relation to driveways, any existing buildings, fences, or landscaping, street rights-of-way, and any neighboring drives or street intersections within one hundred fifty feet (150') of the proposed placement location.
  2. When used in conjunction with a single-family dwelling, a portable storage unit shall not be placed within the required front setback for more than thirty (30) days.
  3. When used in conjunction with any other use, a portable storage unit shall not be placed within the required front setback.
  4. Maximum time a temporary storage unit shall be placed on a parcel with any other use is ninety (90) days.
  5. The temporary registration shall indicate drop-off and removal dates. [formerly § 153.054.D.6]

**155.506.21 Subdivision or Residential Development Sales Office**

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- A. New housing developments may have a temporary sales office from which to meet with prospective occupants in the R-20, R-15, R-12, R-9, R-MH, R15MF, R-12MF, R-VS, CrC, SRN, C-MF, MUD, TS, and ENT districts.
- B. STANDARDS.
1. The sales office may be located within a subdivision being offered for sale by the same developer/builder as is responsible for the new housing. When located on a lot within a subdivision, the sales office shall conform to the front setback, side and rear yard requirements of the underlying district.
  2. The sales office may be located on the sale parcel as, or on a parcel immediately adjacent to, a new housing development site in housing development sites other than new subdivisions. A sales office may be located within a freestanding building which is intended to be temporary, a unit within a multi-family building, a community building within the development, or a model home.

3. A sales office other than a model home shall be terminated at the completion of the sale of seventy five percent (75%) of the total number of homes and/or lots within the development, and any improvements related solely for the sale office shall be removed from the site.
4. When a model home is used as a sales office, it may continue to be used as a sales facility until the last home is sold. **[formerly 153.054(B)(6)]**

**155.506.22 Cottage Cluster Housing Development.**

A. A Cottage Cluster Housing Development may be developed within the R-20, R-15, R-12, R-9, R-15MF, R-12MF, R-VS, CrC, and SRN districts when meeting the following prescribed conditions and when the property owner voluntarily seeks Parallel Traditional or Conditional-Only zoning with site plan approval by the Board of Commissioners. The cottage cluster housing development concept is intended to fill a niche in the Matthews residential market and for that reason this style is intended to fit within established single-family zoning district classifications as an alternative use of land through infill or redevelopment. It is also intended to allow flexible new design of neighborhoods in other residential districts. As small dwelling units, the cottages are anticipated to appeal to one (1) and two (2) person adult households which reduce the potential intensity of use within the general surrounding residential area. These developments are designed to provide residents with privacy and personal space of a detached house, significantly reduced outdoor maintenance responsibilities, and the opportunity for community interaction within a contained set of closely spaced dwelling units. Each cottage cluster housing development must have its own architectural theme or set of unifying design elements which shall govern individual house units and common buildings, accessory structures and common spaces. Individual cottages may be located on separate platted lots, or on undivided, commonly-owned land. Common land may be designed in one (1) or more parcels per overall development site, and different locations may have different amenities. Owners and residents within the development share the use and maintenance responsibilities of common land, including parking, driveways, storage areas, mail and utility installations, and other improvements. Generally a minimum and maximum number of houses per cluster will be assigned to each single-family zoning district, and a maximum total land area and minimum spacing between development sites shall be designated so a cottage cluster housing development complements but does not dominate the surrounding single-family neighborhoods.

B. STANDARDS.

1. DIMENSIONAL REQUIREMENTS:

a. Minimum/Maximum land area for a cottage cluster housing development:

R-20, R-15	1 acre/4 acres
R-12, R-9, R-VS, CrC, SRN	½ acre/6 acres

b. Minimum exterior boundary front setbacks, side and rear yards (for the overall cottage cluster housing development)

District	Front setback <sup>(1)</sup>	Corner side yard <sup>(2)</sup>	Interior side yard	Rear yard
R-20	50	20	12	20
R-15	45	20	10	20
R-12	40	15	10	15
R-9	35	15	10	15
CrC	30	15	10	15
R-VS, SRN	25	15	10	15

<sup>(1)</sup> Front setback may be reduced up to ½ the distance given in the table for the district, to allow for the preservation of an existing tree, when the site plan shows the tree canopy and tree root protection zone will not be disturbed during or following development.

<sup>(2)</sup> Corner side yard on a public street.

c. Minimum/Maximum number of dwelling units:

Per individual cluster	Overall development		
	½ to 1 Ac	1 to 2 Ac	Over 2 Ac

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R-20	4 to 8	NA	4 to 10	5 per acre
R-15	6 to 12	NA	10 to 12	6 per acre
R-12	6 to 14	6	10 to 12	7 per acre
R-9	6 to 14	6	10 to 16	7 per acre
CrC	6 to 14	6	10 to 16	7 per acre
R-VS, SRN	6 to 14	6	12 to 18	7 per acre

d. Maximum gross floor area, heated and enclosed, per dwelling unit:

R-20, R-15	1400 sq ft
R-12, R-9, R-VS, CrC, SRN	1200 sq ft

e. Maximum land coverage (footprint) per dwelling unit with more than one (1) habitable level of heated enclosed space only:

R-20, R-15	900 sq ft
R-12, R-9, R-VS, CrC, SRN	750 sq ft

f. Minimum distance between separate cottage cluster housing developments:

R-20, R-15	1000'
R-12, R-9, R-VS, CrC, SRN	600'

Cottage cluster housing developments shall be separated from each other by the given minimum distance to promote housing-type diversity, to reduce potential cumulative impacts, and to help protect the existing neighborhood character. Where the intervening land between two (2) sites for cottage cluster developments is a combination of R-20 or R-15 and another eligible district, then the minimum spacing requirement shall be eight hundred feet (800').

g. Maximum height of dwelling units, common buildings, and accessory structures: twenty eight feet (28')

h. LOT SIZE FOR INDIVIDUAL COTTAGES. Because this community design concept focuses intently on shared space, individual platted lots are generally not anticipated, and therefore no minimum lot sizes are established. If individual lots are included in a proposal, they should, at a minimum, include the footprint of the dwelling and the private use space for front porch/patio and landscape area explained in § 155.506.22.B.2 below.

2. CRITERIA FOR EACH SEPARATE GROUP OR CLUSTER OF DWELLING UNITS:

- a. Minimum separation between dwelling units ten feet (10')
- b. Private use space is required adjacent to each dwelling, which must include a covered front porch/patio and may include a landscape area, low fencing or hedge, and similar features which may be visible from other dwelling units in the cluster but clearly designed to be for the use of the residents of that particular dwelling only. A covered porch shall be raised at least 18 inches from the average finished grade at the front of the house. When a covered at-grade patio is designed in place of a raised porch, then the patio shall be surrounded by a decorative fence and gate accessed from the adjacent common space, or the patio and any contiguous landscaped area shall be raised above the finished grade level of the adjacent common space, Minimum and maximum areas shall be:
  - i. A covered porch or patio shall extend at least six feet (6') from the front wall (heated area) of the house, and shall include at least forty eight (48) sq ft.
  - ii. The minimum combined private use space, including a porch or patio, landscaped ground, and walkway access from the adjacent common space shall be one hundred forty (140) sq ft.

3. CRITERIA FOR COMMON SPACE WITHIN OR ADJACENT TO EACH GROUP OF DWELLING UNITS:

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- a. A minimum of four hundred (400) sq ft of land area shall be designed as common space per dwelling unit within each separate cluster of houses. This common space shall be intended as a semi-private “yard” for the adjacent or surrounding houses, and will generally include a walkway from the exterior of the overall site or from parking areas to front entrances of the dwelling units.
  - b. Each common space may have amenities and improvements in keeping with any set of design details for the overall development, such as but not limited to fencing, entrance features to the common area, trees and decorative plants, benches, lighting fixtures, and patterned pavements.
  - c. Each group of dwellings shall have at least one-half (½) of the units directly adjacent to their associated common space, and all dwellings shall be visible directly from the common space.
4. **PARKING WITHIN A COTTAGE CLUSTER HOUSING DEVELOPMENT:**
- a. Parking spaces for this style of housing development shall include resident and guest spaces, and may be provided in garage or carport structures, as part of other common buildings, or uncovered. The amount of required parking shall be based on gross floor area of dwellings. Often the design of the overall development will provide parking spaces separated from individual dwellings, which will be accessed by walkways through the common space to front entrances of the individual dwellings.
  - b. Minimum/Maximum parking for dwelling units:  
GFA less than 750 sq ft    1 min/1.5 max   plus 1 min/2 max visitor space(s) per ea 2 du’s  
GFA between 750 and 900 sq ft    1.5 min/2 max   plus 1.5 min/2.5 max visitor space(s) per ea 2 du’s  
GFA greater than 900 sq ft    2 min/3 max   plus 1.75 min/3 max visitor space(s) per ea 2 du’s
  - c. Designated parking spaces shall be in close proximity to individual dwellings, and may be placed at the rear of individual units, or may be located elsewhere on the overall site. Parking shall not be located within the required front setback of the overall site. Unenclosed parking for more than 3 vehicles shall not be visible from any off-site public street, and shall be screened from view by landscaping, structures, or similar methods.
  - d. At least two (2) bicycle parking spaces shall be provided within a cottage cluster housing development.
5. **DESIGN STANDARDS.** The following design standards are intended to ensure that cottage cluster housing developments create a clear and distinct identity for their immediate development while fitting into an established residential neighborhood. Smaller footprints and proportions typical of cottages ensure the houses do not overwhelm the site. They include pedestrian amenities and take advantage of existing natural features on the site including topography and vegetation.
- a. **PUBLIC UTILITIES.** All cottage cluster housing units shall be connected to public water and sanitary sewer services, and shall incorporate storm water detention and water quality techniques as required elsewhere in this code. Each development site may utilize master or individual meters for water.
  - b. **EXISTING STRUCTURES ON SITE.** When a parcel of land to be developed as a cottage cluster housing development includes an existing structure, it may remain and be incorporated into the overall layout, when the extent of any nonconformity is not increased. Any existing dwelling unit intended to remain as a single-family dwelling shall be included in the maximum permitted density and shall be located within a group of dwellings. An existing dwelling may be converted to a common building and be located adjacent to a cluster of dwellings or separate from other structures. Any existing accessory building or structure, such as a garage, storage shed, or swimming pool, may remain when located outside of any required setbacks and yards and meets the overall development’s design theme.
  - c. **ROOF LINES AND BUILDING HEIGHT.** Because building separation is less than in a typical single-family subdivision configuration, the design of the overall development must create

an adequate opportunity for each unit to receive sunlight and have a sense of privacy. The pitch of roof lines, skylights, roof decks, and a variety of one (1), one and one-half (1 ½), and two (2) story house plans within each group of dwellings are methods that may be used to accomplish this. No more than three (3) houses may be located immediately adjacent to each other with the same building height. Minimum roof pitch shall generally be no less than 4:1, and flat or shed roofs shall generally be used only over covered porches or patios or outside access storage closets.

- d. EXTERIOR BUILDING MATERIALS. Exterior walls of dwelling units and common buildings shall utilize complementary materials. No more than three (3) materials (excluding windows, doors, and trim) shall be used per individual building and they shall generally be carried around all sides of the structure. Preferred materials include masonry, horizontal wood siding, cementitious siding, blocks or panels, and stucco/simulated stucco. Roof eaves are encouraged to create a sense of dimension and to provide shade from summer sun. Gutters or other methods of diverting rain water to the ground away from door entranceways shall be incorporated into the dwelling architectural elements.
- e. FACADES FACING INTERIOR COMMON SPACE. Each dwelling unit shall have a covered raised porch or at-grade patio, generally oriented toward the common space for the separate cluster of homes. Where a door entry to a dwelling faces a common space and is not accessed via the porch or patio, then that doorway shall have its own overhang or weather protection a minimum of five feet (5') wide in length and width. An open air deck or patio may also be included adjacent to a dwelling facing any common land area, whether in the private use portion of the fenced area between house and common space, or at a side or rear door access to a dwelling adjacent to common area used for parking, public services and utilities, or other community purposes. Bay or bow windows and building modulation with a depth measuring at least four feet (4'), when appropriate to the overall design concept for the housing cluster, are acceptable architectural elements facing a common space.
- f. FACADES FACING ADJACENT DWELLINGS. In order to provide a sense of separation between closely spaced dwelling units, window and door placement should be designed so that openings in one house are not directly opposite any from the adjacent dwelling. Clerestory windows, translucent materials, stained glass, glass blocks, and skylights are examples of architectural elements that may be used to accomplish a sense of privacy for each dwelling unit.
- g. FACADES FACING EXTERIOR PUBLIC STREETS. Where dwelling units or common buildings will face or be close enough to an exterior public street such that at least one half of the building will be visible from off-site, then that or those building facades shall include elevation elements such as windows, doors, porches, and changes in exterior materials. The intent is to avoid blank walls or facades that appear to "turn their backs" to the street, and instead have facades that give a welcoming appearance to off-site observers. Bay or bow windows and building modulation with a depth measuring at least four feet (4') , when appropriate to the overall design concept for the housing cluster, are acceptable architectural elements facing an exterior public street. No garage doors or exterior storage closets shall be visible from a public street.
- h. GROUND SPACES AND PEDESTRIAN PATHWAYS BETWEEN DWELLING UNITS. The open land between dwellings in a group used as pedestrian access to one or more dwellings shall remain generally clear of obstructions for passage of people and delivery of goods. These spaces shall be designed and maintained to provide a clearly delineated pedestrian passageway at least five feet (5') in width. The use of sturdy, flat materials for safe pedestrian movement may include paver stones, pervious pavement, compacted gravel, or similar types of ground surfaces that minimize standing storm water. This walkway area shall be free from any pools of standing water, shall not contain any fences or landscaping materials greater than three feet (3') in height, and shall not incorporate other potential obstructions to pedestrians. Outside of the pedestrian pathway area other plant species, garden arbors, benches, low lighting, fountains, window planter boxes, and similar structures are allowed. (Am. Ord. 2264, passed 10-9-17)

- i. COMMON BUILDINGS, SHARED ACCESSORY STRUCTURES AND USES. Common buildings may be included in a cottage cluster housing development and available for the shared use of all residents, and shall be consistent with the overall development's architectural design details. Common buildings may include shared kitchen, recreation and meeting facilities, and may include one dwelling unit, up to seven hundred fifty (750) gross square feet, available for use by residents' occasional guests. Common buildings may also include storage space for individual resident use or for shared community use. Separate structures may be erected on the overall site for storage or utilities, not to exceed five percent (5%) in gross floor area of the combined gross floor area of all dwellings. Where the community focus of a cottage cluster housing development involves a specific hobby or activity to be shared by all residents, such as farming or making pottery, then any accessory structures necessary to accommodate those activities (such as a tool shed or craft building with kiln) shall be consistent with the overall development's architectural design details, and shall not exceed ten percent (10%) in gross floor area of the combined gross floor area of all dwellings. Open air parking for more than three (3) vehicles shall not be visible from an exterior public street. Carports and enclosed garage structures for one or more vehicles shall include design elements consistent with the overall architectural theme of the cottage cluster housing development. Any structure sheltering vehicles shall not have open ends or garage doors visible from an exterior public street. All common and accessory structures shall comply with building code separation requirements.
  - j. ENERGY EFFICIENT DESIGN ELEMENTS. The overall development is encouraged to include elements such as solar orientation of buildings, protection and preservation of existing tree canopy, use of pervious pavement materials and rain gardens. Homes within each cottage cluster housing development are encouraged to incorporate energy efficient design elements, such as provision of shade structural elements for south- or west-facing windows, natural lighting options, light colored or reflective roofing materials, low-E glazing and high-performing wall/ceiling insulation, operable windows aligned to create air flow through the interior of buildings, use of energy conserving plumbing and HVAC equipment.
  - k. INTERNAL CIRCULATION. Clear hard surface passageways shall be provided for vehicular and non-vehicular movement throughout the cottage cluster housing development site. Generally, vehicular access to the overall site shall be limited to no more than one (1) entrance and one (1) exit (one-way pairing), or two (2) two-way access points onto adjacent public streets. Vehicular passageways may be in the form of public streets or alleys, private streets, or private driveways. All connections to exterior public streets and all internal public or private streets or alleys shall be constructed to the standards given in the Mecklenburg County Land Development Standards Manual. Parking and service use areas shall be accessed from the primary internal vehicular passageway. Provisions for service areas such as mail receptacles, and trash and recycling pick-up, shall be designed so they do not impede free traffic flow or obstruct visibility on exterior public streets or at curb cuts onto public streets. Pedestrian access connecting to exterior public streets/sidewalks, internal parking areas, common spaces, and all buildings within the overall site shall be provided for use by residents, guests, and service/delivery providers. Pedestrian use pathways shall be at least five feet (5') in width, and free from any potential obstructions. The use of sturdy, flat materials for safe pedestrian movement may include paver stones, pervious pavement, compacted gravel, or similar types of ground surfaces that minimize standing storm water. Bicycle use facilities may be separate or incorporated into the vehicular or pedestrian passageways.
  - l. LANDSCAPING. Preservation of existing trees is encouraged during the design of a cottage cluster housing development. Placement of circulation passageways and buildings should take advantage of the environmental and aesthetic benefits of existing trees. New trees and other landscaping can be added to assist in separating different use areas from each other, such as parking from pedestrian-use common areas, and common areas from individual dwellings. Where a common area is dedicated to cultivation of crops, no trees are required.
6. SUBMISSION AND APPROVAL OF COTTAGE CLUSTER HOUSING DEVELOPMENTS. The property owner(s) shall sign an application for a Parallel Traditional or Conditional-Only zoning designation

for a cottage cluster housing development, and may assign in writing any of the design, presentation, and construction responsibilities to an agent. During the zoning action process, the applicant shall hold a community meeting for property owners and residents within two hundred feet (200') of the site to inform them of the proposed development and to receive feedback from them. A copy of the letter announcing date, time, location, and purpose of the community meeting, the mailing list (names, mailing addresses, and property tax ID number), a list of attendees, minutes of the meeting, and a summary of changes considered or made as a result of the meeting shall be provided as established for zoning applications. The submission documents should, at a minimum, include: a statement explaining the overall architectural theme or set of design criteria being utilized to create a coordinated community within the site, which will complement the immediate surrounding neighborhood; an explanation of any topographical or environmental features distinctive to the site; a vegetation survey; a site plan, drawn to scale, showing the overall site, with proposed improvements and building locations; a statement of the number of dwelling units, each dwelling's maximum gross floor area, number of provided parking spaces, and identification of any service areas, special use common areas or common buildings, and whether any guest quarters are included within any common building; building elevations, renderings, or schematics to show overall architectural character; a landscape plan and exterior illumination plan; and any other details that will explain the proposed development.

7. As part of the zoning approval process, the site plan and elevation plans shall go through the staff review and recommendation process as any other conditional zoning action that is not an early designation. Staff reports and recommendations shall be provided to the Board of Commissioners and the site plans/elevation plans shall be approved as part of the conditional zoning action.

### **155.506.23 Medium Density Ecological Developments.**

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A. A medium density ecological development is a planned residential community that intentionally includes opportunities for wildlife to intermingle with built structures. This type of development is specifically designed for the CrC district, and may also be allowed in the R-VS, SRN, C-MF, MUD, and ENT districts. The requirements here are to promote innovative solutions to increasing wildlife habitat and improving the natural environment by designating areas of a development for that purpose. To compensate for the loss of land to development this measure increases housing density while requiring a greater amount of natural open space. That open space shall be rehabilitated to support wildlife habitats through using native plants and restoring natural features. Various techniques are required and others are allowed to create significant environmental improvements.

B. STANDARDS.

1. Allowable density is a maximum of ten (10) units per acre.
2. Minimum site area for development is one and one-half (1 1/2) acres.
3. Maximum site area for development is twenty (20) acres.
4. Development shall be attached townhomes, attached single-family homes in a duplex, triplex or quadplex format or condominiums in a clustered format and shall exclude single-family detached homes.
5. Dwelling units may be individually owned with no conveyance of property with ownership, therefore individual units shall be exempt from all lot size requirements.
6. Structures shall be limited to two (2) stories.
7. The combined footprint of all structures on the site shall equal no more than thirty five percent (35%) of the total site area.
8. Maximum roof height shall not exceed twenty eight feet (28').
9. Units shall present a consistent style or appearance while allowing for individual features so that one unit can be distinguished from another as seen from the adjoining street.
10. Any combination of innovative, durable, and sustainable, materials may be used. They shall have a life span under normal use of greater than twenty (20) years, and shall resist burning, deformation due to heat and deterioration due to UV exposure.

C. ADDITIONAL STANDARDS.

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1. WILDLIFE HABITAT REQUIREMENTS.
  - a. Provide, restore or preserve wildlife habitat on at least twenty three percent (23%) of the site with a contiguous area no less than thirty feet (30') in any direction. Includes wildlife food sources including fruit bearing trees, shrubs, tall grasses and ground covers in the habitat area.
  - b. Provide a transitional natural area of shrubs, grasses and fruit bearing plants between ground cover areas and natural habitat areas on at least seven percent (7%) of the site area.
  - c. Provide ground covers, excluding grass on the remainder of the unbuilt and unpaved portions of the site that is not in the public right-of-way.
  - d. These areas for wildlife habitat shall have a permanent easement, recorded at the Mecklenburg County Register of Deeds granting the public perpetual use of the area as a wildlife habitat.
  - e. Exclude grass based lawns from the development except in enclosed courtyards or the public right-of-way.
  - f. Protection of existing vegetation is encouraged.
  - g. Compliance with current tree preservation and restoration ordinances is required.
  - h. Predominant use of native plant species is required.
  - i. Use of invasive non-native plant species is prohibited.
  - j. Use naturally based storm water management systems including rain gardens, constructed wetlands, drainage swales and retention ponds with marsh like edge conditions of at least eighteen feet (18') in continuous width for fifty percent (50%) of the pond perimeter.
2. PARKING AND PAVING REQUIREMENTS.
  - a. Provide paved walks to access dwellings at private or public rights-of-way.
  - b. Paving within the wildlife habitat area must be porous.
  - c. Each unit shall have at least one (1) enclosed parking space.
  - d. Garage frontage per dwelling unit may be no more than fourteen feet (14') of continuous frontage. Two-car garages may have side entries. Frontage breaks, which may be porches, entries, the main structure or other structures, must be no less than the width of the garage. The front of the garage may not extend beyond the face of the main dwelling and should be further from the street than porches and courtyards.
  - e. Each unit may have no more than one (1) open parking space in drives or other areas adjacent to or in front of the dwelling unit.
  - f. Total parking for the development must equal at least two (2) units per dwelling from all sources including enclosed, adjacent open, street parking and open shared parking.
3. ACCESSORY BUILDINGS & USES.
  - a. Dwelling units may not have accessory structures, other than detached courtyard walls, at the front or street side of the unit.
  - b. The development may have an accessory structure(s) for offices, maintenance, equipment, pump houses, pool houses and one assembly or meeting space of sufficient size to accommodate no less than fifty percent (50%) of the residents, which meeting space may be open or enclosed. The combination of all accessory structures may not total more than fifteen percent (15%) of the built footprint of the total built structures on the site.
  - c. Accessory uses common to residential developments including pools, tennis courts, ball fields, recreational spaces and similar uses are allowed. Paved area in this section may be no more than four percent (4%) of the site.
4. ADDITIONAL COMPLIANCE ITEMS.
  - a. Submit documentation identifying selected additional compliance items and demonstrating compliance with the selected items.
  - b. At least ten (10) of the following nineteen (19) items are required for compliance.

- c. Compliance with sixteen (16) of the nineteen (19) additional compliance items in this section shall allow an additional two (2) units per acre of unit density for a total of twelve (12) units per acre.
- i. WILDLIFE HABITAT AREAS.
- Provide public access for wildlife observation of the wildlife habitat area
  - Provide porously paved walking paths or porously paved sitting areas with sitting walls or similar structures for wildlife observation.
  - Provide access from dwelling units to wildlife habitat area.
  - Preserve existing trees in wildlife habitat or transitional areas.
  - Provide water sources for wildlife use. May be periodically available depending on rainfall.
  - Provide open area links no less than thirty feet (30') wide to adjacent habitat or undeveloped land that may be potential habitat including areas across street right of way or easements no more than one hundred feet (100') wide.
- ii. SITE CONTEXT ISSUES.
- Connect to adjacent off site natural storm water management systems.
  - Complement adjacent development with social, parking or habitat support.
  - Provide balconies, porches or courtyards at the street side or front of each dwelling unit within fifteen feet (15') horizontally from pedestrian right of way to encourage social interactions. Balconies, porches or courtyards must have a minimum depth of six feet (6'). Where porch or courtyard walls in excess of four feet (4') high are used, they must have openings totaling a minimum of forty percent (40%) of the total wall area. Courtyard walls may have a maximum height of nine feet (9') including gabled and arched forms. Courtyard walls must be masonry or have a masonry substrate. Walkway openings adjacent to a defining wall may be counted as opening area. Openings in a wall, to be counted under this provision, must be a minimum of twelve inches (12'') high by twelve inches (12'') wide.
  - Set front yard setbacks to a minimum of five feet (5') measured from outermost porch, courtyard or balcony walls to property line.
  - Structures shall use only cistern or rain barrel based systems for irrigation of landscaped areas.
  - Structures shall use green roof systems as an additional storm water management system.
  - Area lighting within the site, provided by or at the request of the developer, whether free standing or structure mounted shall use "dark sky" compliant fixtures.
- iii. PARKING AND PAVING.
- At least seventy five percent (75%) of all new paving on the site shall use permeable paving systems.
  - Site paving for vehicle access limited to a maximum of fifteen percent (15%) of total site area
  - Encourage on-street parking where sufficient width and accommodation has been provided on new streets or sufficient width and accommodation is present on existing public streets.
  - Provide shared, landscaped, visitor off-street parking.

- Maximum space devoted to parking lots may not exceed twenty percent (20%) of total site. No single parking lot may exceed twelve percent (12%) of site. Multiple parking lots are encouraged to share access drives and vehicle circulation.
- Drain parking areas into available rain garden or constructed wetlands-style storm water management system.[formerly § 153.067]

**155.506.24** [RESERVED]

**155.506.25** [RESERVED]

**155.506.26** [RESERVED]

**155.506.27** [RESERVED]

**155.506.28** [RESERVED]

**155.506.29** [RESERVED]

**155.506.30** [RESERVED]

**155.506.31 Commercial uses in Multi-Family and Office Buildings.**

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A. Some commercial uses may be allowed in multi-family buildings and office buildings in the R-15MF, R-12MF, and O districts when conforming to the criteria listed here.

B. STANDARDS.

1. Allowable commercial uses may be located only in a multi-family building having a minimum of fifty (50) dwelling units or an office building having a minimum of thirty thousand (30,000) square feet of office space.
2. Gross floor area used for commercial purposes will be limited to twenty five (25) square feet per apartment in a multi-family building and ten percent (10%) of the gross floor area used for office or laboratory purposes in an office building.
3. Public entry to commercial facilities must be from interior of building with no direct public entrance from street or outside of building permitted.
4. No merchandise or merchandise display window may be visible from outside the building.
5. No business or identification sign pertaining to commercial uses may be visible from outside the building. [formerly known as § 153.168]

**155.506.32 Hotels and Extended Stay Hotels**

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A. Hotels are allowed in the HUC, ENT, TS, MUD, B-1, B-3, B-H and B-1 (SCD) districts subject to the standards below. Extended Stay Hotels are allowed in the B-3, B-H, MUD, TS, and B-1 (SCD) Districts subject to the standards listed below.

B. Standards.

1. Primary exterior wall materials, which shall cover at least fifty (50%) of each façade, excluding any glazed areas, shall consist of brick, other masonry, or native stone (or synthetic equivalent)
2. Daily housekeeping shall be included within the standard room rate.
3. Rooms shall be accessed via secure interior corridors.
4. A minimum of 1,500 square feet of publicly accessible lobby space shall be provided for use by visitors and guests.
5. A minimum of 1,500 square feet of interior meeting space, amenity space or a combination thereof, is required. Amenity space may include a swimming pool, fitness center, business center or other on-site area provided for guest use. In the ENT District, a minimum of 1,500 square feet of meeting space shall be provided.

6. No guest shall register, reside in, or occupy any room or rooms within the same hotel establishment for more than thirty consecutive (30) days.
  7. No guest shall register, reside in, or occupy any room or rooms within the same extended stay hotel establishment for more than sixty (60) consecutive days.
  8. No outside storage or permanent vehicular or equipment parking is allowed.
- C. Applicability. All new or expanded hotels and extended stay hotels shall adhere to the above standards. Expansion is defined as an increase of more than 10% of the existing number of guest rooms currently provided by the establishment. **[formerly known as § 153.173]** (Am. Ord. 2461, passed 12-9-19)

**155.506.33. Drive-In Service Windows.**

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- A. Drive-in service windows are permitted as an accessory part of a principal facility or operation such as a dry cleaning establishment, bank, or pharmacy, in the Nonresidential Traditional zoning districts, except not in the HUC district, and the B-1SCD, MUD, TS, and ENT. This category specifically does not include drive-through lanes and windows for restaurants or prepared food establishments.
- B. STANDARDS.
1. A site plan, drawn to scale, showing the building, driveway locations and internal circulation for all modes of transportation, and queuing spaces shall be submitted for Board of Commissioners review and approval for a new development site, or an Administrative Amendment, if a change to an existing developed lot is proposed.
  2. Prior to any action on a request for drive-in service window, the Town Engineer shall submit a report regarding his/her findings that the drive-in window and its associated operational characteristics will not create a traffic hazard with respect to traffic congestion, the adequacy and safety of entry and exit points, or the on-site vehicular circulation pattern. **[formerly known as § 153.178]**

**155.506.34 Transit Stop Shelters.**

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- A. Transit stop shelters may be constructed and maintained by the Town or an authorized transit agency in any district as allowed by the provisions listed below.
- B. STANDARDS.
1. Shelters may be located in any street right-of-way or within the required setback of property which adjoins a street. They may not be within thirty five feet (35') of an intersection or located so that they might obstruct the vision of drivers on the street. Only governmental signs are permitted in association with a transit stop shelter.
  2. A building permit will be issued for a transit stop shelter only after the following conditions are met:
    - a. The plan has been approved by the Board of Commissioners regarding the location and integration of the shelter with the surrounding properties and its impact on nearby uses.
    - b. A transit stop shelter may be removed if the Board of Commissioners or transit agency determines that it no longer serves the best interests of the public. **[formerly known as § 153.184]**

**155.506.35 Commercial Riding Stables.**

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- A. Structures, pastures, corrals, and other enclosed areas for the keeping of horses may be allowed in the R/I and ENT Districts in accordance with the following requirements.
- B. STANDARDS.
1. All buildings and structures for the keeping and maintenance of animals, equipment, or manure, and all manure piles, pits or bins shall be located at least one hundred feet (100') from any lot line.
  2. All trails shall be a minimum of twenty feet (20') from any property line.
  3. All stables and riding areas must be maintained according to the standards and requirements of the Mecklenburg County Health Department.
  4. Lighting of training fields, trails, and parking lots shall meet the standards of § 155.609. Lighting of outdoor facilities shall not be lighted between 10:00 PM and 8:00 AM. **[formerly known as § 153.192]**

**155.506.36 Outdoor Sales In Conjunction With A Permanent Business.**

- A. Outdoor sales of goods in conjunction with a permanent business may be allowed in the HUC, B-1, B-3, B-D, B-H, I-1, I-2, MUD, TS, ENT and B-1SCD Districts with specific criteria being met.
- B. STANDARDS.
  - 1. All outdoor display and sales shall be operated and maintained as a part of, under the same ownership as, and on the same parcel of land as the principal use which includes a retail element. Outdoor sales shall not exceed the normal business hours of the principal establishment.
  - 2. There must be a clearly defined physical access way from the outdoor sales area to a customer entrance of the principal use.
  - 3. All sight triangles, required parking spaces, driveway accesses, internal driveway aisles and vehicular circulation paths, pedestrian walks must remain unobstructed by outdoor display, landscaping, signs, vehicular parking, or any other items that relate to the outdoor sales activity.
  - 4. Where outdoor sales take place on a multi-tenant property, the outdoor sales area shall be physically located only adjacent to the business to which it is connected, and shall not block access to any other tenant on the multi-tenant parcel.
  - 5. No goods, signs, or other items that are a part of the outdoor sales activity shall be attached to the principal building's wall surface.
  - 6. The occasional or intermittent sale of goods from a semi-truck trailer without a cab, or from a temporary greenhouse or tent, for a short-term sale shall not exceed one hundred twenty (120) days during a calendar year. Any semi-truck, temporary greenhouse, or tent used as a part of outdoor sales shall not be located within any required front setback, any required parking, any driveway or any internal vehicular or pedestrian circulation areas. (Am. Ord. 2025A, passed 6-9-14) **[formerly known as § 153.193]**

**155.506.37 On-Site Demolition Disposal Sites.**

- A. On-site demolition disposal sites may be allowed under specific conditions in all zoning districts except the R-MH, HUC, TS, and AU districts. Demolition disposal locations which receive materials from off-site may be allowed in the B-1, B-3, B-D, B-H, I-1, and I-2 districts only.
- B. STANDARDS FOR ON-SITE DEMOLITION DISPOSAL.
  - 1. Each on-site demolition disposal site shall be required to obtain a disposal site permit from the Mecklenburg County Department of Environmental Protection (MCDEP) prior to obtaining zoning clearance to begin use of the disposal site.
  - 2. All requirements of MCDEP shall be followed, including adequate notice to MCDEP for inspections, certification of disposal area being at least the minimum depth above the seasonal high water table, temporary and permanent erosion control, proof of adequate separation from any residential or community wells, and proper compaction/final covering of disposal site following inspection.
  - 3. In addition to MCDEP requirements, on-site disposal locations shall be a minimum of twenty five feet (25') from any existing residential structure, or to a required front, side or rear building setback or yard line on a lot being created at the time of, or following the closure of the disposal site.
- C. STANDARDS FOR DEMOLITION DISPOSAL SITES RECEIVING FILL MATERIALS FROM OTHER LOCATIONS.
  - 1. Each demolition disposal site shall be required to obtain a disposal site permit from the Mecklenburg County Department of Environmental Protection (MCDEP) prior to obtaining zoning clearance to begin use of the disposal site.
  - 2. All requirements of MCDEP and the state shall be followed, including adequate notice of MCDEP for inspection, certification of disposal area being at least the minimum depth above the seasonal high water table, temporary and permanent erosion control, proof of adequate separation from any residential or community wells, and proper compaction/final covering of disposal site following inspection.
  - 3. Demolition disposal sites shall be a minimum of one hundred feet (100') from any residential zone.
  - 4. Any parcel or lot which contains any part of any such disposal site must have notification of its

existence and extent of the site recorded as a part of the deed for the lot or parcel, even if no subdivision is required for the sale or development of the property.

5. No filling of any type will occur in any portion of a regulatory flood plain, including both the floodway and the floodway fringe area.
6. A demolition disposal site shall be an accessory use only and shall not be in use for more than twenty four (24) months. **[formerly known as § 153.190]**

**155.506.38 Quarries.**

A. Quarries may be established in I-2 Industrial Districts subject to all state provisions and to the additional requirements listed below.

B. STANDARDS.

1. The quarry and all its buildings, pits, and processing equipment must be effectively screened from the view of any adjoining property in a residential district in accordance with the provisions of § 155.606.
2. Dimensional requirements for quarries are specified below:

Required Minimum Distance from Adjacent Property That is Zoned		
	Nonresidential Mixed Use	Industrial
To any building	100 feet	20 feet
To any crushing of rock, processing of stone, gravel, or other material	300 feet	200 feet
To any blasting	400 feet	400 feet

(Ord. 1282, passed 1-13-03)

3. During operation of the quarry and after termination of quarrying operations at that site, the following safety features must be maintained:
  - a. ROCK QUARRIES.
    - i. From the edge of the pit, an area twenty feet (20') wide must be maintained free of any soil cover.
    - ii. From a point twenty feet (20') from the edge of the pit, the soil cover, if less than twenty feet (20') deep, must be graded back to a slope of one foot vertical or less, to one foot horizontal from the rock level to the top of the soil cover.
    - iii. If the soil cover to be stripped away exceeds twenty feet (20') in depth, a ditch eight feet (8') wide and three feet (3') deep at least ten feet (10') back from the edge of the cut may be substituted for the back sloping. If the pit has reached its maximum expansion in any direction, however, the permanent fence, as described in § 155.506.38.B.4 below, in connection with termination of quarrying operations, will suffice instead of the backsloping or ditch in that particular area.
    - iv. All dense underbrush must be removed from the soil cover for a distance of one hundred feet (100') from the edge of the pit.
  - b. GRAVEL QUARRIES AND SAND QUARRIES. When the pit exceeds a depth of twenty feet (20') from the surface of the ground, all dense underbrush must be removed from the soil cover for a distance of one hundred feet (100') from the edge of the pit.
4. FENCE REQUIRED. Upon termination of quarry operations at any pit that exceeds a depth of twenty feet (20') from the surface of the ground, either the pit must be backfilled to the slope of one foot (1') vertical, or less, to one foot (1') horizontal from the bottom of the pit to the surface of the ground, or an unclimbable fence must be erected and maintained around the pit. The fence must be a minimum of six feet (6') high and constructed of wire mesh in rectangular shapes, and the sizes of the rectangles may not exceed two inches (2") by four inches (4"). ('72 Code, § 3117) (Ord. 477, passed 2-8-88; Am. Ord. 875, passed 5-9-94; Am. Ord. 877, passed 5-9-94) **[formerly known as § 153.179]**

**155.506.39 Specialty Sales Establishments with Related Activities.**

A specialty sales establishment is one that predominately sells one type or group of merchandise, such as a bakery, butcher shop, confectionery, jewelry, handcrafts, gift basket, apparel, or similar item and which also incorporates related processing or assembly on-site. Such uses may, in addition: process sales through avenues other than in-store point-of-sale contact; include substantial on-site processing, assembly, and/or packaging of materials into final product; and/or provide off-site distribution, in the HUC, B-1, B-3, B-H, I-1, C-MF, MUD, TS, B-1SCD, and ENT districts when adhering to the standards given here.

Retail establishments specializing in, or limited to, one type or group of merchandise with very limited to no on-site processing or assembly of materials to create the final product for sale (i.e., no baking or meat cutting of food items, no assembling of several elements into a final jewelry piece or gift basket, no sewing into final garments) shall be considered general merchandise retail. (Am. Ord. 2038, passed 5-11-15)

- A. A minimum of twenty five percent (25%) of the gross floor area, or one hundred fifty (150) square feet, whichever is less, shall be provided for on-site retail sales to customers and this area shall be open for business at least twenty five percent (25%) of the time each week the business facility is operating.
- B. Office space for accepting mail, phone, on-line, or similar orders shall not exceed the space of the customer retail area.
- C. Where on-site processing or assembly may take place during retail store operations, visibility of some portion of the processing or assembly activity is encouraged to be provided from the retail sales floor area where practicable in order to create a unique experience for the customers. A written explanation for not providing visibility of any merchandise preparation area shall be submitted to the Zoning Administrator who shall sign and maintain it on file. [formerly § 153.196]

**155.506.40 Outdoor Commercial Amusements.**

A. Outdoor commercial amusements, such as miniature golf, rides, slides, sports training and practice facilities, golf driving ranges, paintball course, water parks, cycle or skate tracks, skateboarding parks, and similar operations which involve use of individual physical movement and dexterity rather than purely mechanical means to propel customers or to accomplish the activities for which each amusement is designed. This category specifically excludes any firearms ranges, or any use of firearms. Because these uses may attract large numbers of users at a single time, or may generate noises, lights, traffic, and other effects that could interfere with enjoyment of the outdoors on adjacent properties, these uses may be allowed only when provisions to protect the transfer of off-site impacts into surrounding residential locations. These uses may be located within the B-H, I-1, and ENT districts.

B. STANDARDS.

- 1. All land improved for such uses, as well as any buildings and structures related to the uses, must be at least two hundred feet (200') from any property that is residentially zoned or used. This two hundred foot (200') separation requirement does not include parking or passive open space, and may include landscape screening.
- 2. Parking shall not be closer than twenty feet (20') to any non-streetside exterior property line when any dwelling units are on the adjacent parcel. Landscape screening as outlined in § 155.606 shall apply.
- 3. Exterior lighting shall conform to the provisions of § 155.609. When any dwelling units exist on an adjacent parcel, any exterior lighting at a height greater than twenty feet (20') and located within fifty feet (50') of the property line with the residential use, shall not remain lighted after 10:00 PM or be turned on before 8:00 AM.
- 4. When any dwelling units exist on an adjacent parcel, no outdoor amusement use activity shall be conducted or allowed to take place after 10:00 PM or before 8:00 AM for any portion of the site at or less than fifty feet (50') from the property line shared with residential use.
- 5. The Town Noise Ordinance shall be met by any outdoor commercial amusement use.
- 6. Entrance to and exit from the outdoor commercial amusement facility shall be by way of a Class V or higher public street.
- 7. The fairway portions of a driving range or golf school, yardage markers, distance flag markers, bunkers, or fairways, where such improvements in such areas are limited solely to the passage of, or the placement of, golf balls within such area, or the collection of golf balls by hand or by

mechanical devices, must be located at least fifty feet (50') from any property line where any dwelling units are located. Driving tees, putting, greens, practice sand traps, or other similar accessory uses shall remain subject to the two hundred foot (200') minimum distance. ('72 Code, § 3132) (Ord. 477, passed 2-8-88; Am. Ord. 877, passed 5-9-94) (Ord. 1281, passed 5-13-02) [formerly known as § 153.188]

**155.506.41 Communications Facilities.**

A. The purpose of this section is to: meet requirements of Telecommunications Act of 1996; direct the location of tall communications facilities where they have been determined to be least disruptive of existing or developing land use character, specifically to commercial road corridors; protect residential areas and land uses from potential adverse impacts of communications facilities; preserve the low building profile and character of the downtown; protect land values of adjacent and nearby properties; minimize adverse visual impacts of any wireless facilities through careful design, siting, landscape screening, and innovative camouflaging techniques; accommodate the growing need for communications facilities; promote and encourage shared use/collocation of existing and new communications facilities as a primary option rather than construction of additional single-use facilities; encourage the use of concealment techniques in providing support and height for antennas; protect public safety as it may be impacted by construction, wind damage, electric shock, unauthorized access to facilities, structural damage on non-tower supporting structures, monitoring visitor traffic, lighting for visibility to hospital, traffic, police, or other helicopter or private aircraft, and related considerations. A communications antenna is considered a principal use or a secondary principal use on any site, except when it is either incidental to a business use on the same lot and used by that business for its operational communications. They are permitted as a secondary principal use in residential districts (R-20, R-15, R-12, R-9, R-MH, R-VS, and CrC) where a permitted nonresidential principal use exists.

B. SITING HIERARCHY PREFERENCES

The following list indicates the Town's preferences for communications facility locations, in descending order of preference:

- Antenna mounted on/in an existing stealth (concealed) structure or building
- Antenna mounted on/in an existing building/structure
- Antenna mounted on an existing utility or light pole
- Collocation on existing communications tower
- New freestanding stealth structure
- Slick stick
- New non-stealth monopole

These preferences are intended as guidance for development of an application for communication facilities.

C. STANDARDS FOR COMMUNICATION TOWERS.

1. RESIDENTIAL DISTRICTS. Antennas may be located in stealth applications on supporting structures which are or will be the principal use or a permitted accessory structure to the principal use of the site in any residential district, and shall not be more than eighty feet (80') in overall height (antenna and supporting structure). Where structures which existed as of June 9, 1997 exceed eighty feet (80') in height, such as electric transmission towers, these structures may also be used for antenna locations. When an existing stealth structure is used, communications antennas may not increase the stealth structure's height by more than twenty feet (20') per antenna, up to forty feet (40') additional in height, and only when such location shall not require the antenna to be lighted.
2. MULTI-FAMILY DISTRICTS. Antennas may be located on buildings or in stealth applications on supporting structures in the R-15MF, R-12MF, SRN, and C-MF districts, and shall not be more than eighty feet (80') in overall height (antenna and supporting structure). Where structures which existed as of June 9, 1997 exceed eighty feet (80') in height, such as electric transmission towers, these structures may also be used for antenna locations. Because these districts typically have multi-story construction, location of antennas on building walls and rooftops is the preferred application. Maximum heights are given in the table below.
3. MIXED USE AND NONRESIDENTIAL DISTRICTS. Antennas may be located on towers or other supporting structures in the R/I district (except as given in table below), and all mixed use or nonresidential districts except the HUC and AU districts up to the overall heights listed below.

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4. DOWNTOWN OVERLAY DISTRICT. Only antennas, Distributed Antenna Systems (DAS), and Small Cell Sites may be installed in the Downtown Overlay District, including the HUC district. Communication towers are not permitted in the Downtown Overlay District. See § 155.506.41.D below for location requirements.
5. TABLE OF MAXIMUM TOWER HEIGHT IN VARIOUS ZONING DISTRICTS

<b><u>Maximum Communications Tower Height (feet) in Multi-Family, Mixed Use and Nonresidential Zoning Districts</u></b>			
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	60	80*	180*/ 200 / 220 / 400**
B-3, MUD, TS, ENT	60	80*	180*/ 200 / 220 / not permitted
I-1	60	80*/***	180*/ 200 / 220 / not permitted
I-2	60	80*	200*/ 220 / 240 / 400 **

(Ord. 919, passed 4-28-97; Am Ord. 2141, passed 4-11-16; Am Ord. 2483, passed 3/9/20)

Note: Communications towers are not permitted in Downtown Overlay per § 155.506.41.C.4.

\* 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 collocating 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. (Am. Ord. 2141, passed 4-11-16)

(2) The owner//developer and/or lessee of the proposed tower must possess a license (see Form FCC 574 or replacement Form FCC 600), to operate a Trunked Public Safety and Special Emergency Radio Services system in accordance with FCC Regulations Part 90, Subpart B and C, 90.15 and 90.33 respectively, and such tower will be used by licensee for the operation of a Trunked Public Safety and Special Emergency Radio Services system.

(3) Location of non-Public Safety system antennas for collocators shall not be restricted to two hundred forty feet (240') or less, but such collocation antennas shall be located below the principal Public Safety system antennas.

(4) The proposed tower is designed to allow collocation by at least two users and applicant for the tower provides written documentation that a collocating provider has/can lease space.

\*\*\* When utilizing a stealth tower application, the above given height limits may be increased up to an additional 40' at the time of initial construction. Photo simulations must be provided. Said simulations must show all exterior edges of the property. Additional documentation such as coverage maps may also be provided. Site plan to be reviewed and approved by Town Board. **(Ord. 1965, passed 9-9-13; Ord. 2025A, passed 6-9-14)**

6. DISTANCE SEPARATIONS BETWEEN COMMUNICATIONS TOWERS. Communications Towers shall be spaced from each other by the minimum radius as given below:

COMMUNICATIONS TOWER HEIGHT	MINIMUM DISTANCE
tower under 80 feet to tower under 80 feet	1,200 feet
tower under 200 feet to tower under 200 feet	1,800 feet

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tower over 200 feet to tower under 200 feet	2,200 feet
tower under 200 feet to tower over 200 feet	2,200feet
tower over 200 feet to tower over 200 feet	2,500 feet
tower over 240 feet to tower over 240 feet	15,000 feet*

\*This limit may be decreased with approval by the Board of Commissioners per § 155.506.41.C.7 below. (Ord. 919, passed 4-28-97)

7. **MINIMUM LOT AREAS FOR COMMUNICATIONS TOWERS.** Different types of communications towers are allowed in different zoning districts. In the R-15MF, R-12MF, SRN, C-MF, R/I and O districts, only monopole towers are permitted. Lattice towers may be permitted in mixed use and nonresidential districts where communications towers are allowed. Guyed towers may be allowed only in the I-2 District. Towers requiring guy wires are discouraged due to the extensive footprint necessary for the overall installation. A tower and its related equipment (including guy wire ground connections) must be located on a separate lot or leased portion of a larger lot and must meet setback and yard requirements of the appropriate district. Where a lattice or guyed tower is requested, the applicant must provide documentation, including site plan, from an engineer outlining why a monopole is not possible. Minimum lot size for communications towers shall be as follows:

Lattice	150 feet x 150 feet
Monopole	100 feet x 100 feet
Guyed	350 feet x 350 feet

8. **REQUIRED LANDSCAPING.**

- a. When a communications tower (not a stealth or concealed structure) is requested, the following landscape screening requirements shall apply:
- i. A one hundred percent (100%) opaque wall or fence six feet (6') or higher around tower, related equipment structure(s), and parking, plus a minimum of two (2) rows of evergreen shrubs, planted in staggered fashion, ten feet (10') on center in each row, with initial plant height of three feet (3'); or
  - ii. A non-opaque fence or wall, six feet (6') or higher around tower, related equipment structure(s), and parking, plus a minimum of three (3) rows of evergreen trees and shrubs planted in staggered fashion so that the plant materials create a fifty percent (50%) opaque screen, six feet (6') high, at time of planting. Trees shall be minimum six feet (6') tall and shrubs shall be three feet (3') tall at time of initial planting. The combination of trees and shrubs shall be expected to create a one hundred percent (100%) opaque screen, six feet (6') tall, within three (3) growing seasons. The required plant material shall be located between the required fence or wall and the lot or lease lines. Vehicular entrance gate openings shall not be directly visible from any public street, or the gates shall be one hundred percent (100%) opaque from the ground up a minimum of six feet (6').
  - iii. All trees and shrubs must be from Matthews Approved Tree and Shrub List located in § 155.606.14.
- b. When a stealth application is employed which does not totally conceal wiring or related equipment at the ground level, such as an electric transmission tower, then the following landscape screening requirements shall apply:
- i. A one hundred percent (100%) opaque wall or fence, six feet (6') or higher around ground level equipment, structure(s), and parking, plus a minimum of two (2) rows of evergreen shrubs, planted in staggered fashion, ten feet (10') on center in each row, with initial plant height of three feet (3'); or
  - ii. A non-opaque fence or wall, six feet (6') or higher around ground level equipment, structure(s), and parking, plus a minimum of three (3) rows of trees and evergreen shrubs planted in staggered fashion so that the plant materials create a fifty percent (50%) opaque screen three feet (3') high and twenty five percent (25%) opaque screen six feet (6') high at time of planting. Trees shall be minimum six feet (6') tall and shrubs shall be three feet (3') tall at time of initial planting. When located within the easement for electric transmission towers,

landscaping plans shall also meet the utility company's requirements.

- iii. All trees and shrubs must be from Matthews Approved Tree and Shrub List located in § 155.606.14.

- 9. SETBACK FROM STREETS AND PROPERTY LINES. Communications towers are not allowed in the Downtown Overlay. Other than the Highway Overlay District, any communications tower up to eighty feet (80') in height shall be set back a minimum of one hundred feet (100') from any public street. Any communications tower between eighty feet (80') and one hundred twenty feet (120') in height shall be set back a minimum of one hundred twenty five feet (125') from any public street. Any communications tower over one hundred twenty (120') feet in height shall be set back a minimum of one hundred seventy five feet (175') from any public street. Where antennas are located in a stealth application, they shall be set back a minimum of forty feet (40') from any public street. In each case, distance shall be measured from edge of right-of-way to the tower, the related equipment, or the guy wire ground connection, whichever is the closest.
- 10. REMOVAL OF TOWERS, ANTENNAS, AND EQUIPMENT. Whenever a tower, or its antennas, and/or related equipment cease to be in active operation, they shall be removed within one hundred twenty (120) days of inactivation. Notification in writing to the Town Planning office of the final date of operation shall include the anticipated date of removal of all antennas, towers, equipment, and other structures associated with that location. Notification shall be submitted within thirty (30) days of the last day of operation.
- 11. SUBMISSION OF ZONING APPLICATION. All, new or revisions to existing communications towers, including collocations, which require approval through a zoning action, shall submit a site plan and elevation of the proposed facility improvements as a part of the zoning application. The site plan shall include at a minimum: construction type of the tower and related equipment storage; total height including antenna; whether the tower will include or allow for collocation; zoning of all adjacent lots; the nearest residential zoning in a straight-line distance when all adjacent lots are nonresidential; lot boundaries or lease lines; all existing or proposed buildings and structures on the lot, or on larger parcel when a leased portion; method of screening; and vehicular access. If the request is denied or restricted, a written explanation for the denial or restriction shall be given in the minutes of the Board of Commissioners meeting where such decision is made. (Ord. 912; passed 1/27/97)
- 12. So as to promote and encourage shared use/collocation of existing communications towers, the foregoing provisions of this § 155.506.41 shall not apply to:
  - a. the essentially equivalent replacement of a tower that was in existence as of January 27, 1997; or
  - b. the placement of additional communications antennas and/or supporting or related equipment or equipment buildings on or in the immediate vicinity of a tower that is in existence as of January 27, 1997, provided that any additional equipment or buildings located on the ground shall be reasonably screened from view from the public roadway.
  - c. increasing the existing vertical height of the structure no greater than ten percent (10%) or the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet (20'). (Ord. 920, passed 6-9-97) **[formerly known as § 153.172]**

D. GENERAL STANDARDS FOR WIRELESS FACILITIES OTHER THAN COMMUNICATIONS TOWERS

Distributed Antenna System (DAS) and Small Cell Sites (SCS) are newer technology in the realm of wireless communications. There are many advantages in the implementation of these types of wireless communications systems. These systems can be adopted and used in residential, suburban, and urban areas where sufficient wireless coverage is lacking. These are relatively small structures that can be easily concealed or placed so that they are not visually obvious or prominent. DAS and Small Cell Sites may be placed within any zoning districts. Certain criteria apply when placing DAS and Small Cell Sites within specific districts.

These standards apply to applications on private property and Town maintained right-of-way.

- 1. LOCATIONS OF WIRELESS FACILITIES.
  - a. Adhering to the siting hierarchy in §155.506.41.B, wireless facilities are encouraged to collocate on existing utility and street light poles whenever possible in order to reduce the

proliferation of poles in right-of-way.

- b. No new utility pole may be installed for the principal use of wireless facilities if a pole exists within twenty feet (20') of a desired location. If a pole exists within twenty feet (20') of the proposed location but cannot meet the height or load bearing demands for the wireless facility installation, that existing pole can be replaced with an appropriate new pole, not increasing in height more than ten feet (10')
- c. Along town maintained street rights-of-way where there are no existing utility poles (all underground utilities), wireless facilities may be attached to street lights in the public right-of-way. An encroachment agreement (permit) must be issued by the Public Works Director before installation. Approval from the owner of the light pole must be submitted with the easement agreement. Equipment cabinet(s) for systems placed on light poles in the rear of private property in utility easements shall be located underground, at the base or on the corresponding light pole.

2. WIRELESS FACILITIES STANDARDS

- a. When antennas are placed on top of a building in the Downtown Overlay, wireless facilities must be located within an equipment penthouse, or on top of a building behind the parapet so as not to be seen from the public realm, occupied window, or occupied rooftop when installed. Wireless facilities will be limited to three feet (3') in height above the parapet and must be seventy-five (75) to one hundred (100) percent concealed. Wireless facilities cannot be visible from the public realm and must blend in with the look and design of where they are being located.
- b. Equipment cabinet(s) shall be located at the rear or non-street side of a building not visible to pedestrians. Equipment cabinet(s) for systems placed on utility poles or street lights shall be located underground. Equipment cabinets can be placed on the utility pole ten feet (10') above ground level or at the base of the corresponding utility pole or street light only when the applicant can show proof that underground placement is not feasible. All supporting equipment (meters, switches, ground equipment and the like) must be no more than 28 cubic feet, ten feet (10') from back edge of sidewalk and no more than five feet (5') in height. Sealed drawings shall be provided indicating that the utility pole or street light can physically accommodate the equipment.
- c. Within the Highway Overlay district, wireless facilities can be placed on existing buildings or structures including utility poles. New poles for the sole purpose of wireless facilities shall only be placed in the existing driveway locations. Where tree clearing has occurred, it must remain open. They may not be placed in HO buffer except for existing cleared area of driveway or interior to the site. If wireless facilities are placed on top of an existing building, they shall be placed within an equipment penthouse, or behind the parapet. Roof top applications shall be limited to no more than three feet (3') in height above the parapet, concealed from the public realm, and must blend in with the look and design of where they are being located.
- d. Outside of overlay districts, wireless facilities may be placed on existing utility poles located within the public right-of-way, on buildings or on other structures which can be shown to meet structural integrity. An encroachment agreement (permit) must be issued by the Public Works Director before installation. If wireless facilities are placed on top of an existing building, they shall be placed within an equipment penthouse, or behind the parapet. Roof top applications shall be limited to no more than three feet (3') in height above the parapet, concealed from the public realm, and must blend in with the look and design of where they are being located.

3. COLLOCATION

The Town encourages the installation of wireless facilities on existing structures to avoid unnecessary duplication of supporting structures (poles, towers, etc). Collocated facilities and equipment may be separately owned and used by more than one entity.

- a. All new wireless facilities that require the use of support structure shall be designed and constructed to provide opportunity for collocation and utilize neutral host equipment capable of use by multiple additional wireless communication providers.

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- b. As a condition of installing a new pole or facility for wireless communication services, the owner of a new pole shall reasonably consent to allowing future requests for collocation by other providers of personal wireless services on reasonable terms and conditions that do not discriminate between similarly situated providers of wireless communication services.
- c. New wireless facilities that cannot be collocated on an existing wireless facility or utility pole must be separated by a minimum of 400 linear feet from any existing wireless facility.

**E. INSTALLATIONS OF NEW POLES IN SINGLE FAMILY RESIDENTIAL DISTRICTS**

- 1. The minimum distance of a new pole from any residential structure shall be at least 150% of the pole height and shall not be located directly in front of any residential structure located in a single family zoning district. The minimum setback distance shall be measured from the facility installation to the nearest point of a single family dwelling located in a single family zoning district.
- 2. Along streets and within subdivisions where there are no existing utility poles (all underground utilities), wireless facilities may be attached to street lights in the public right-of-way. Approval from the owner of the light pole must be submitted with the encroachment agreement (permit). Equipment cabinet(s) for systems placed on light poles in the rear of private property in utility easements shall be located underground.
- 3. New poles may not be erected in a residential area solely for wireless communication equipment attachment unless the applicant has demonstrated it cannot reasonably provide service by:
  - a. Installing poles outside of the residential area;
  - b. Attaching equipment to existing poles within the rights-of-way;
  - c. Installing poles in rights-of-way not contiguous to parcels used for single family residential purposes; or
  - d. Installing poles in rights-of-way contiguous to reverse frontage parcels.
- 4. All requests for new poles within the rights-of-way in residential neighborhoods shall be in compliance with Matthews Utility Right-of-Way Policy:
  - a. At least 10 business days prior to submitting an application, the applicant shall complete each of the following pre-submission requirements;
  - b. Notify all property owners within 500 feet of proposed pole installations, measured along the public right-of-way, via a door hanger, direct mailing or other means approved by the Town;
  - c. Host a community meeting not less than 30 days after initial notice to present in reasonable detail the proposed draft plan of installation, including facility descriptions, locations, applicable screening, and aesthetic characteristics;
  - d. Receive and consider for a period of 30 days after the community meeting any community comments or proposed alternative locations and designs;
  - e. Host a second meeting to occur not less than 35 days after the initial community meeting to present in reasonable detail the proposed plan of installation, including facility descriptions, locations, relevant screening, and aesthetic characteristics.
- 5. An encroachment agreement (permit) must be issued by the Public Works Director before installation of any new pole in rights-of-way.
- 6. New poles shall not be constructed of wood. Metal, concrete or fiber materials are appropriate.
- 7. Any disturbance in street rights-of-way that would require relocation of poles and associated equipment shall be the responsibility of the communications company installing the equipment.
- 8. The maximum height of the pole shall be the lesser of 50 feet or the height of existing nearby utility poles, except where in the Town's discretion, increased pole height is an acceptable alternative to either reduce the total number of new poles or to allow installation of a pole in a location preferred by the community. The maximum height of an antenna on top of the pole shall be no more than six feet (6') above the height of the pole.

F. APPLICATION PROCESS FOR ALL WIRELESS FACILITIES OTHER THAN COMMUNICATIONS TOWERS

Applications for wireless facilities other than communications towers will be processed for completeness determination in accordance with G.S. 400.54(d)(3) within 30 calendar days of submission or an alternate agreed upon time. After any deficiencies are corrected, the application will reviewed within 45 calendar days of determination of completeness or an agreed upon time. If applicant cures identified deficiencies within 30 calendar days and resubmits, the Town will have 30 additional calendar days to approve or deny application.

Applications for the construction of Small Cell Sites, DAS, or a change of addition of equipment and/or antennas for wireless communication services must submit the following information:

1. For all sites:
  - a. Tax and zoning map with the site identified.
  - b. Site development plan attached (three (3) 11"x17" plans and digital)
  - c. A written description and map showing the coverage area of the Provider's existing facilities in the general and site-specific areas that are the subject of the Application.
  - d. A statement of the telecommunications objectives for the proposed location: 1) whether the proposed facility is necessary to prevent or fill a gap or capacity shortfall in the Applicant or Provider's service area; 2) how it is the least obtrusive means of doing so and if not why; 3) and what are any alternative sites and identify their aesthetic impacts while providing comparable service.
  - e. A statement by an authorized representative that the Applicant and/or Provider (as applicable) holds all applicable licenses or other approvals required by the Federal Communications Commission or any other state or federal agency with authority to regulate telecommunications facilities that are required in order for the Applicant to construct the proposed facility.
  - f. A statement by an authorized representative that the Applicant or Provider is in compliance with all conditions required for such license and approvals.
  - g. Full written description of the wireless facilities shape, height, location, and other dimensions proposed to be installed.
  - h. Site development plans, signed and sealed by a professional engineer registered in North Carolina, showing the proposed location of the wireless facilities and existing structures within five hundred (500) feet of the proposed site.
  - i. A vertical profile and/or photo simulation of the wireless facilities, indicating the height of the facility and antennas as well as placement of corresponding equipment enclosures.
  - j. Photographs of view shed from each proposed facility location, taken in at least four (4) directions.
  - k. Description of whether other overhead utilities exist within five hundred (500) feet of the proposed wireless facility location.
  - l. The applicant certifies that there will be no danger of collapse, explosion, or underground damage in the course of the project.
  - m. If encroachment onto private property is necessary for construction, staging, vehicle/equipment storage, etc. activities, then the permittee is directed to contact and obtain permission from said property owner for such encroachment.
2. For Town maintained public right-of-way locations:
  - a. An encroachment agreement (permit) must be submitted to the Public Works Director and the Planning Director in accordance with the Matthews Utility in Public Right-Of-Way Policy.
  - b. Written approval from the property owner of any pole or structure stating the Applicant has permission to construct or attach antennas and/or equipment to their pole or structure.

- c. The Applicant must adhere to the Town of Matthews Public Right-of-Way Policy regarding traffic controls for construction/maintenance. Regulations when working within the rights-of-way will be strictly enforced. Failure to comply with such regulations shall constitute a misdemeanor violation.
- 3. For non right-of-way parcels and structures:
  - a. For placement on land outside of right-of-way, the Applicant must submit written approval from the property owner to construct a facility on their property or attach antennas and/or equipment to their pole or other structure.
  - b. For stealth wireless facilities on structures outside of right-of-way, the Applicant must submit written approval from the property owner.  
(Ord. 2280A, passed 2-12-18)

**155.506.42 Veterinary Clinics, Veterinary Hospital, Animal Day Care Kennels, Commercial Kennels, and Animal Grooming Facilities.**

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- A. Veterinary clinics, day care kennels, and animal grooming facilities are allowed in the B-1, B-H, I-1, I-2, B-1SCD, MUD, TS, and ENT districts with prescribed standards as given here. Veterinary hospitals and commercial kennels are allowed in the B-D, I-1, and I-2 districts when meeting the associated standards below.
- B. STANDARDS.
  - 1. Provisions for adequate containerized solid waste disposal shall be assured with removal no less frequently than one (1) time a week. Any form of disposal which allows odors or fumes shall be in violation of this requirement.
  - 2. The drainage of all liquid by-products shall be discharged by a permitted sanitary sewer line and shall not be disposed of by way of storm sewers.
  - 3. Outside storage of materials, feed or waste shall not be permitted.
  - 4. All building plans, 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 business' outside walls or ceiling/roof of the building will exceed forty five (45) decibels.
  - 5. All animals shall be treated, washed and fed within an enclosed building with the exception of occasional single day special events, such as dog flea dips. No outdoor special events shall be allowed at an animal day care kennel.
- C. Additional Standards for veterinary clinics, animal day care kennels, and animal grooming facilities:
  - 1. Each use, either individually or in a shared use setting shall be within a completely enclosed building with no outside storage or animal areas, except for day care kennels as allowed below.
  - 2. The boarding of animals is not permitted for day care kennels or animal grooming facilities. At veterinary clinics, restricted boarding only is possible, and shall be limited to occasional overnight observation, emergency and/or surgery recovery and those animals with special needs, such as geriatric care.
  - 3. Animal grooming may be done as a single-use establishment, within a retail pet specialty store, or as a part of a veterinary clinic or hospital.
  - 4. For day care kennels only, any outdoor play and exercise areas or runs shall be fenced or securely enclosed on all sides to a minimum height of six feet (6') and shall be located to non-streetside side or rear yards. Perimeter landscape or screening requirements shall be placed on the exterior of all enclosed animal use areas. [formerly known as § 153.185]

**155.506.43 Temporary Uses For Business Purposes.**

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- A. A business shall be determined by the Zoning Administrator to be a temporary use if it does not meet the zoning and/or building code criteria for a permanent business designation and is not a short-term civic or nonprofit temporary use allowed under the standards of § 155.506.44. A person *conducts business* when he engages in business within the Town zoning jurisdiction by one (1) or more of the following: *i*) maintains a business location within the Town limits, *ii*) solicits business, either personally or through agents, within the Town limits, *iii*) picks up or delivers goods within the Town boundaries, or *iv*) delivers service within the

Town limits.

The Zoning Administrator is authorized to grant permanent business designation, which shall include: a permanent structure with appropriate restroom facilities, able to receive a final Certificate of Occupancy; designated parking spaces including handicap-accessible spaces as required by Building Code; driveway permit; required on-site landscaping; adequate garbage/dumpster location and screening; loading/service areas, where needed; and any other elements as the Zoning Administrator may determine to be necessary. A person seeking a permanent business designation while operating under a temporary use permit must obtain this designation within the stated forty five (45) day time period in order to avoid any possible temporary use violations and subsequent enforcement by the Zoning Administrator or the Town's Code Enforcement Officer. (Ord. 1127, passed 7-10-00)

Temporary uses may be allowed in any district where that use is allowed by right as a permanent use, when adhering to the following criteria.

**B. STANDARDS FOR TEMPORARY USES FOR BUSINESS PURPOSES**

1. Temporary uses for business purposes shall conform to the required front setback, side and rear yard requirements of the district in which they are located.
2. These temporary uses shall apply for a temporary use permit before start of any operation. A temporary use permit shall be valid for forty five (45) days and cannot be renewed for any time extension. The forty five (45) day time period will begin as of the date of issuance of the temporary use permit, or at a later date as specifically listed on the permit.
3. A valid temporary use permit must be displayed on-site as long as the temporary use is in operation.
4. After the temporary use is concluded, the property shall not be used for another temporary use for business purposes for a period of one (1) year from the issue date of the temporary use permit. In the case where a property is occupied by a use that constitutes a temporary use without a valid temporary use permit, and five (5) days after a warning of violation is delivered it still remains on-site without a valid permit, then that property shall not be eligible for another temporary use for a period of twenty four (24) months from the issue date of the last valid temporary use permit. (Ord. 127, passed 7-10-00)
5. One (1) identification sign will be allowed for the temporary use, up to sixteen (16) square feet maximum. The sign may be either freestanding or attached to a structure, but no portion shall extend into the right-of-way, or into a sight triangle at intersections or driveway entrances. Such sign will be allowed for a temporary use regardless of other existing permanent signs on the same property.
6. Hard surface parking as may be required elsewhere in this chapter shall not be required for a temporary use, although the minimum number of parking spaces and adequate on-site vehicular maneuvering space shall be required the same as for the use on a permanent location.

**C. ADDITIONAL STANDARDS FOR CERTAIN TEMPORARY USES.**

1. **FARMERS' MARKET.** A farmers' market is an open space and/or building where agricultural products, excluding livestock, and related items are displayed for sale to the public by multiple farmers and individuals. The merchandise offered for sale shall predominately be fresh and locally produced food items not commercially handled or processed, hand-made crafts and food or drink mixes, living or freshly cut plants and flowers, and similar items with local connection. This is typically a use which does not operate every day and every week, but may have varying hours based on the seasons. A minimum of five (5) vendors providing merchandise for sale shall be on-site while the market is operating. Farmers' markets are not subject to the forty five (45) day per twelve (12) month period or temporary use permit requirements for business-related temporary uses in § 155.506.43.A above. Farmers' markets may be allowed in the HUC, R/I, MUD, TS, and ENT districts.
  - a. A farmers' market may be located at a permanent location devoted only to this use even when it is not in operation, or may set up on outdoor space and/or in buildings controlled by other uses when not within any required front setback, side or rear yards, any required parking or interior driving aisles, any pedestrian walkways, or any storm water drainage facilities.
  - b. A farmers' market may have one (1) identification sign up to sixteen (16) square feet maximum. A second sign of the same size on a different street frontage may be allowed when the farmers' market is the principal use of the property and the signs face and are

located on the two separate street frontages. Signs may be either freestanding or attached to a structure, but no portion shall extend into the right-of-way, or into a sight triangle at intersections or driveway entrances. A sign for the farmers' market will be allowed regardless of other existing permanent signs on the same property.

2. **PUSHCART VENDORS.** A pushcart is a vehicle which is non-motorized, is not horse-drawn, and is designed with and has wheels for easy maneuverability by humans rather than a concession vehicle which is designed to be towed by a motorized vehicle. Pushcart vendors are not subject to the forty five (45) day per twelve (12) month period or temporary use permit requirements for business-related temporary uses in § 155.506.43.A above. Pushcart vendors are allowed in the HUC, MUD, TS, and ENT districts under the following prescribed conditions.
  - a. Pushcart food vendors are subject to the regulations set forth by the Charlotte-Mecklenburg Environmental Health Department.
  - b. One accessory structure item, such as a freestanding table or display rack is permitted in addition to the pushcart if it is clearly necessary in order to conduct the business.
  - c. Business can only be conducted from pushcarts; business may not be conducted from tents, vehicles, concession trailers, or freestanding items (such as tables, merchandise display racks or newsstands and the like).
  - d. Pushcarts may be placed at a single spot or may be maneuvered by the operator within the allowed zoning district. Pushcarts may move across and do business upon public rights-of-way when not blocking any vehicular access areas or parking spaces, or creating any other public safety concerns, and when maintaining at least five feet (5') of clear pedestrian space around the pushcart and related freestanding items. Pushcarts may also locate on or move over private property when operators have written permission from the property owner of each lot to do so.
  - e. Prior to start of business, the operator of a pushcart shall register with the Town Planning office. The pushcart operator shall provide a written explanation of the type of business to be conducted (what merchandise/food to be offered), and expected dates and times of day to be operating, and a map showing possible set-up locations or travel routes intended to be used. This registration information shall be kept on file in the Planning office. It is the responsibility of the pushcart operator to provide revised registration documents when the type of merchandise, dates and times of use, and/or locations are changed.
3. **MOBILE FOOD TRUCK VENDORS.** A mobile food truck vendor is a food service establishment operated from a licensed vehicle which is designed to accommodate the safe storage, processing, and preparation of food and or beverages to distribute to customers who come to the vehicle. A mobile food truck is expected to relocate on a frequent basis. Mobile food truck vendors are allowed in the HUC, B-1, B-3, B-H, MUD, TS, B-1SCD, and ENT districts when meeting the following criteria.
  - a. When parking to provide service to customers, a mobile food truck shall not be located within the public right-of-way, within a required setback or sight triangle, or within any required landscape buffer or area.
  - b. The operator of a mobile food truck shall register his/her vehicle and proposed stopping locations with the Town Planning office. Required items for a complete registration include: written and signed permission from the property owner or leasing/management agent for each location where the truck may locate; a site plan drawing of each location indicating where on the property the truck may park while serving customers, and showing how safe vehicular and pedestrian circulation will be achieved; proposed hours of operation at each location; food truck operator's name, address, and phone contact information; the name, address, and phone contact of the commissary or commercial kitchen where the food truck will return to be cleaned and restocked. A signed registration shall be valid for a calendar year and must be renewed annually between December 1 and January 15. Registration requests may be submitted at any time, and shall only be valid for the remainder of that calendar year.
  - c. Trash receptacles must be provided for customers and shall be located no further than ten feet (10') from the food truck. Separate receptacles for garbage and recycled items are

- required when any products are available for purchases that include recyclable containers or packaging. The food truck operator is responsible for removing all trash, litter and refuse from the site daily, including promptly collecting waste improperly discarded by customers.
- d. A food truck may be located at any registered location between the hours of 8:00 AM and 9:00 PM. A food truck shall not remain on a registered site overnight.
  - e. A mobile food truck shall not locate on any required minimum parking spaces within four hundred feet (400') of the customer door for any business on the registered site. No separate parking will generally be required for a food truck, although additional parking may be required at the discretion of the Zoning Administrator when parking congestion is observed at that location. If sufficient parking cannot be provided for the existing permanent business(es) and the mobile food truck on a specific site or at a specific time of day, then the food truck's registration will be revoked or modified by the Zoning Administrator for that location.
  - f. All applicable local and state regulations shall be met.
  - g. If a mobile food truck is issued a notice of violation for one or more registered locations, and the violation is not resolved within ten (10) calendar days, then the registration shall be revoked for that or those locations for the remainder of the calendar year. If a mobile food truck is issued a notice of violation at an unregistered location, and does not come into compliance within ten (10) calendar days, then that food truck shall not be eligible for a registration within Matthews for the remainder of that calendar year.
  - h. When mobile food vendors are participants of a special event within the Town allowed under Section § 155.506.44 below, and the event has received permission to conduct activities within specific public right-of-way, then mobile food truck vendors may be located within that designated public right-of-way, may operate during the hours the event is open to the public, and may remain parked there overnight for the duration of the special event.
4. **CONTRACTORS' OFFICES, EQUIPMENT SHEDS, AND TRAILERS.** When a property is undergoing new development, renovation, remodeling, or redevelopment, temporary structures for contractor use may be allowed on the same site, only for the duration of the construction project while building permits are in effect. No such office, shed or trailer shall contain sleeping accommodations or cooking facilities. All construction related structures shall be removed from the site upon lapse of building permits or issuance of the last Certificate of Occupancy.
  5. **SIDEWALK SALES, END OF SEASON SALES, CLEARANCE SALES.** Sporadic and seasonal sales, when conducted on the same lot and within close proximity to the associated permanent business public entrance, may take place for a period not to exceed seven (7) consecutive days and not more than three (3) times in a calendar year. Merchandise shall not block any required parking spaces or vehicular drive aisle, or any pedestrian walkway.
  6. **GARAGE SALES, RUMMAGE OR YARD SALES.** Garage, rummage or yard sales, when conducted on the site of a residential dwelling or on private property in a residential area may take place on the same parcel up to three (3) consecutive days for a total of up to ten (10) days in a calendar year. Garage, rummage or yard sales may be held on a nonresidential property except in the AU district by the owner/occupant of the parcel or may be conducted by other person(s) with the consent of the property owner, for up to three (3) consecutive days. Garage, rummage or yard sales conducted by any and all parties on any nonresidential property shall not exceed a total of ten (10) days in any calendar year. (Am. Ord. 2059, passed 12-8-14) **[formerly known as § 153.191(A through F)]**
  7. **AUCTION OR ESTATE SALES.** Auctions or estate sales of real and personal property located on the site of a residential dwelling or business establishment for the purpose of liquidating assets of that household or business establishment may take place on a parcel one time for up to three (3) consecutive days in any calendar year. A nonresident auctioneer or sales coordinator may be present to conduct the sale, but the items offered shall come from the site and its owners or heirs of owners or business operators.

**155.506.44 Short-term Temporary Uses and Festivals of Civic or Nonprofit Nature.**

- A. A short-term temporary use which is of a civic or nonprofit nature, or a festival of local, national, or historic significance hosted and coordinated by public or nonprofit agencies to entertain or raise public awareness of an issue or opportunity of general interest may take place in any zoning district when meeting prescribed standards.
- B. STANDARDS.
1. Any special event or festival of a civic or nonprofit nature shall be of seven (7) days or less duration.
  2. Any such event shall meet minimum all side and rear yard requirements of the district in which they are located, but may be located within the required front setback when the Chief of Police or designee determines that public safety will not be adversely affected.
  3. Short-term temporary uses shall apply for and receive a temporary use permit prior to the start of operations, or shall receive authorization from the Town Board of Commissioners to hold the event prior to the start of any activities. The starting time of a short-term temporary use shall be when any outdoor set-up actions and/or street closings begin, and the completion of the event shall be when all equipment and supplies are removed from the site and streets are reopened for regular use. This time period shall not exceed seven (7) days, and no time extension is allowed.
  4. Parking, screening, buffers, and similar requirements as may be required elsewhere in this Title shall not be required for a short-term temporary use. (Ord. 477, passed 2-8-88; Am. Ord. 824, passed 6-13-94) [formerly known as § 153.191(G)]

**155.506.45 Alcohol and Alcoholic Beverages, Wine, and Beer.**

- A. The production of any beverages with alcoholic content may be accomplished at many scales, for personal use and as a hobby, or for commercial sale, and can be allowed in different settings based on the size of the operations. Microbreweries and brewpubs may be allowed in the HUC, B-1, B-3, B-H, I-1, I-2, B-1SCD, MUD, TS, and ENT districts with prescribed conditions. Distilling of alcoholic beverages be permitted in the I-1 and I-2 districts when adhering to the requirements listed here.
- B. STANDARDS
1. In the HUC district a brewpub cannot exceed five thousand (5,000) square feet gross floor area. A microbrewery in the HUC district shall not exceed five thousand (5,000) square feet gross floor area.
  2. In the B-1, B-3, I-1, B-1SCD, MUD, TS, and ENT districts, a microbrewery cannot exceed ten thousand (10,000) square feet floor area. In the B-1, B-3, I-1, B-1SDC, MUD, TS, and ENT districts, a brewpub cannot exceed a total of twenty thousand (20,000) square feet of gross floor area in size, and the maximum gross floor area of a brewpub that may be devoted to the production or manufacturing of beverages with alcoholic content shall be ten thousand (10,000) square feet.
  3. In the HUC, MUD, TS, and ENT districts microbreweries shall have a tap room that is oriented to the street or main pedestrian entrance of the business. A minimum of five hundred (500) square feet shall be provided for the tap room and this area shall be open to the public for business at least twenty five percent (25%) of the time each week the microbrewery is operating.
  4. No loading or distribution activities shall take place outside the enclosed building of a microbrewery between the hours of 9:00 PM and 7:00 AM when the microbrewery is located within five hundred feet (500') of any dwelling unit or institutional use in existence at the time the microbrewery receives a Certificate of Occupancy.
  5. All microbreweries and brewpubs shall comply with the Town Noise Control Ordinance, Title 92A. [formerly 153.197]
  6. The distilling of alcohol and alcoholic beverages in the I-1 district shall not exceed three thousand (3,000) square feet gross floor area. Manufacturing facilities greater than three thousand (3,000) square feet shall only be in the I-2 district.
  7. Any distilling or manufacturing of alcohol and alcoholic beverages shall be separated by a minimum of five hundred feet (500') from any dwelling unit in existence at the time the manufacturing facility receives any related building permit for construction or upfit. Within the ENT district, no minimum separation is required between a brewpub and a dwelling unit.
  8. No manufacturing of alcohol and alcoholic beverage shall produce or create any noxious smells or

odors detectable to the public from the public right-of-way. [formerly 153.198] (Ord. 1947A, passed 6-10-13; Am. Ord. 2269, passed 11-13-17)

**155.506.46 ADULT USES.**

- A. Adult uses may take multiple forms as further defined here, and are only allowed in the AU district when meeting the standards given below.
1. ADULT ARCADE: shall mean any place to which the public is permitted or invited where coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to persons in booths or viewing rooms where the images to persons in booths or viewing rooms where the images so displayed depict or describe specified sexual activities or specified anatomical areas.
  2. ADULT BOOKSTORE OR ADULT VIDEO STORE: shall mean a commercial establishment which as one of its principal business purposes offers for sale or rental for any form of consideration any one or more of the following: *i*) books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations that depict or describe specified sexual activities or specified anatomical areas; or *ii*) instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities.
  3. ADULT CABARET: shall mean a nightclub, bar, restaurant or other commercial establishment that regularly features, exhibits, or displays as one of its principal business purposes: *i*) persons who appear nude or semi-nude; or, *ii*) live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or, *iii*) films, motion pictures, video cassettes, slides, or other photographic reproductions which depict or describe specified sexual activities or specified anatomical areas.
  4. ADULT MOTEL: shall mean a hotel, motel or similar commercial establishment that: *i*) offers accommodations to the public for any form of consideration, and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that depict or describe specified sexual activities or specified anatomical areas as one of its principal business purposes; or *ii*) offers a sleeping room for rent for a period of time that is less than ten (10) hours; or *iii*) allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.
  5. ADULT MOTION PICTURE THEATER: shall mean a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown as one of its principal business purposes that depict or describe specified sexual activities or specified anatomical areas.
  6. ADULT THEATER: shall mean a theater, concert hall, auditorium, or similar commercial establishment which regularly features, exhibits, or displays, as one of its principal business purposes, persons who appear in a state of nudity or semi-nude, or live performances that expose or depict specified anatomical areas or specified sexual activities.
  7. ESCORT AGENCY: shall mean a person or business that furnishes, or offers or advertises to furnish escorts as one of its principal business purposes, for a fee, tip, or other consideration. An *escort* means a person who, for tips or any other form of consideration, agrees or offers to act as a date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
  8. NUDE MODEL STUDIO: shall mean any place where a person who appears semi-nude, in a state of nudity, or who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any other form of consideration. Nude model studio shall not include a proprietary school licensed by the state or a college, community college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college or university supported entirely or partly by taxation; or in a structure: *i*) that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and, *ii*) where in order to participate in a class a student must enroll at least three days in advance of the class; and, *iii*) where no more than one (1) nude or semi-nude model is on the premises at any one time.

9. SEXUAL ENCOUNTER CENTER: shall mean a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration physical contact in the form of wrestling or tumbling between persons of the opposite sex, or activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.
  10. Additional definitions related to this group of Adult Uses allowed in the AU district include:
    - a. SPECIFIED ANATOMICAL AREAS: shall mean human genitals in a state of sexual arousal.
    - b. SPECIFIC SEXUAL ACTIVITIES: shall include any of the following: *i*) the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or, *ii*) sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or, *iii*) masturbation, actual or simulated; or, *iv*) excretory functions as part of or in connection with specified anatomical areas, specified sexual activities, or nude or a state of nudity.
    - c. NUDE OR A STATE OF NUDITY: shall mean *i*) the appearance of a human anus, male genitals, or female genitals; or, *ii*) a state of dress which fails to opaquely cover a human anus, male genitals, or female genitals.
    - d. SEMI-NUDE: shall mean a state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps and devices. [formerly § 153.059(D) and (E)]
- B. STANDARDS.
1. PLACEMENT AND FACILITY SIZE. As outlined at § 155.503.9, any adult use must meet certain dimensional standards, including maximum building size and separation from other uses.
  2. SUBMISSION OF ZONING APPLICATION. A request for an adult use shall be accomplished through a change of zoning district process. Any proposed location for an adult use shall submit a site plan and elevation of the proposed facility as a part of the zoning application. The site plan shall include at a minimum: an explanation of how the separation and dimensional standards given at § 155.503.9 are being met including zoning of all adjacent lots, the nearest residential an institutional uses and nearest establishment with an on-premise ABC license in a straight-line distance; all existing or proposed buildings and structures on the lot, and all doorways leading into the buildings; driveways, parking, and interior circulation; method of screening; and total area of the buildings.

**155.506.47 Archery or Firearms Range, Indoor Only.**

- A. An archery or firearms range is allowed in the I-1, I-2, B-1SCD, and ENT districts when all activity is conducted completely within an enclosed building.
- B. STANDARDS.
1. The building housing this use shall be constructed so as to significantly muffle noise generated by the firing of weapons so that no sound over 40 decibels may be heard at the property line. Sound absorbing materials, unpainted heavy masonry walls, or other options shall be identified on the site plan as the intended methods of noise reduction outside the range structure.
  2. Structural details shall conform to the minimum design standards outlined in the latest revised edition of the NRA Range Source Book, Section 3, Chapters 1 through 12, OSHA, military, or other design criteria. The specific design standards being followed shall be identified on the site plan.
  3. Parking areas and building entrances must be adequately lighted to prevent any shadows or dark spaces between any parking space and the entrance doorway. Matthews Police Department may be requested to provide recommendations on adequate safety of parking lot location, design, and screening.
  4. No mechanical or ventilation equipment shall be visible from a public right-of-way. Exhaust air discharged from the range shall meet all state and federal requirements, and designed to separate discharge from any air supply intakes for the same or nearby uses to prevent cross-contamination of heavy metal-laden air.
  5. No storage of lead, ammunition, firearms, gunpowder, or other hazardous or dangerous materials, as may be identified by the Matthews Police Department, shall be stored in an accessory structure. No cleaning or repair of guns shall be allowed within an accessory structure.

**155.506.48 Solar Collector Installation.**

A. A solar collector is a device or structure which transforms solar radiant energy into other forms of energy. A series of such collectors are often placed in close proximity to each other for cumulative energy production and transmission. Such installations may be located as an accessory use, such as in a residential environment to power household utilities or to provide heat for potable water or enclosed spaces on individual properties, or may be concentrated on a site as a principal use primarily to generate power which is transmitted off-site. Accessory solar collector installations for individual dwellings or personal and direct use by the occupant of the structure are allowed in any district. Larger installations for energy generation may be allowed in most nonresidential and mixed use districts as provided below. Design of a solar collector installation shall take into account the existing restriction and/or potential future loss of solar access as a result of any trees, landscaping, buildings, other structures, and topography in existence at the time the solar collector installation received permits from Mecklenburg LUESA to be installed. Such obstructions, when off-site or part of a previously approved landscape plan, shall not be removed or pruned at any time to increase solar access.

B. STANDARDS.

1. Accessory solar collector installations may be roof mounted or ground mounted. Roof mounted collectors and related equipment elements shall not extend beyond the exterior perimeter of the roof or building upon which the collectors are installed, except piping or similar related equipment can wrap around roof edges or be located along exterior walls when they extend no more than six inches (6"). Roof mounted collectors may be located on the principal building or on accessory structures on the lot. When the structure or property has historic designation, then any roof mounted collectors shall be placed so they cannot be viewed from any adjacent public street and shall obtain a Certificate of Appropriateness prior to installation. When supported directly by the ground, solar collectors shall meet all required dimensional standards for setbacks and yards, and shall not exceed twenty five feet (25') in height when oriented at maximum tilt. Whether installed at a fixed angle or capable of tilting to follow the sun, a solar collector installation shall not cause any solar glare to persons on the ground, in vehicles, or inside buildings.
2. Ground mounted solar collector installations as a principal use shall have all collectors and related equipment and components no closer to an interior (nonstreet) property line than twenty feet (20'), and no closer than thirty feet (30') to any public street. The installation shall be enclosed by a fence at least six feet in height at least ten feet (10') inside the property lines, with landscape plant materials between the fence and the property lines on all sides. This planted area shall be a combination of evergreen and deciduous shrubs at least three feet (3') in height at time of initial planting and spaced no further than ten feet (10') on center, and shall be of varieties that will not grow in height or width to block the sun's rays from reaching the solar collectors. Existing trees within ten feet (10') of the site's outer boundaries shall not be removed or pruned to improve the capacity of solar collectors. Perimeter landscaping, and screening as required by § 155.606 shall not be required in order to allow maximum solar access. Streetscape trees are required, although they may be of a small maturing variety where larger species would restrict solar access to some adjacent collectors.
3. When a principal use, ground mounted solar collectors and all equipment and associated devices shall not exceed twenty five feet (25') in height. Solar collector installations which are roof mounted on mixed use and nonresidential buildings shall not exceed the maximum building height of the underlying zoning district and any overlay zoning district when at full tilt. Whether installed at a fixed angle or capable of tilting to follow the sun, a solar collector installation shall not cause any solar glare to persons on the ground, in vehicles, or inside buildings.
4. No outside storage related to the solar collector installation shall be allowed. No signs shall be visible off-site for the solar collector installation, except one (1) identification sign at a gated entrance to a ground mounted facility, not to exceed forty (40) square feet in area. A wayfinding or governmental sign may be attached to a solar collector installation, when appropriate. No noxious fumes, odors, noise, or similar nuisance factors shall be created on-site. Any electrical wiring for the system shall be underground except where necessary to connect to the local utility power grid or the associated building using the generated power.
5. All solar collector installations shall comply with the state Building Code and Electrical Code.
6. The current and future owner and/or operator of a solar collector installation shall assume all risk

associated with diminished performance caused by any adjacent structure, building, or landscaping, present or future, which may interfere with receiving maximum solar radiation, regardless of when the adjacent structure is constructed or when landscaping is installed or grows.

7. It shall be the current and future owner and/or operator of a solar collector installation to maintain the facility in good working order, and to remove all obsolete or unused systems within one (1) year of cessation of operation.
8. Roof mounted or ground mounted solar collector installations as a principal use are allowed in the Traditional Business and Industrial districts and the B-1SCD district. Roof mounted principal use installations are allowed in the C-MF, MUD, TS, and ENT districts.

**155.506.49 Gas (Fueling) Station with Convenience Store.**

A. A typical gas station is open to the public to purchase fuel for their vehicles, generally with several pumps offering various grades of gasoline, diesel, or alternative fuels, and may also have on-site air pumps, car vacuums, a car wash facility, and an enclosed retail sales area where individuals may pay for their fuel and purchase prepared or fresh food and drink items, and miscellaneous merchandise. While fuel dispensing, retail store, and car wash facility may be separate business enterprises, they work in tandem on the property. When properly designed to limit incompatible aspects of the business site from adjacent parcels, these uses may be allowed in certain nonresidential and mixed use districts, including the B-H, I-1, B-1SCD, MUD, and ENT districts.

B. STANDARDS.

1. Buildings and structures with vertical planes of walls and windows – store, car wash, retaining wall, etc. – shall be located at the minimum setback or maximum build-to line for at least fifty percent (50%) of the lot width, except for corner lots. On a corner lot, these structures shall be located along the setback or build-to lines of both streets, at least forty percent (40%) on one and at least sixty percent (60%) on the other. Structures shall be set at an angle or out of any sight triangles at intersections and driveway access points.
2. Vehicular access points shall be situated as far away as possible from any street intersections.
3. Whenever possible, a gas station with convenience store shall share vehicular access points with adjacent parcels to reduce the number of curb cuts onto public streets. No more than two (2) shared curb cuts on public streets shall be allowed for a gas station site, and these must be a minimum of one hundred fifty feet (150') apart when on the same street, or may be located on two different streets. When no shared access is possible, then only one (1) access curb cut shall be allowed for the gas station facility. Vehicular access points onto private interior driveways may be spaced no less than forty feet (40') apart, with no limitation on the number. Any vehicle access, whether adjoining a public or private driving area, shall not be greater than twenty four feet (24') in width, unless including a center median with a safe pedestrian refuge.
4. Pedestrian pathways shall be provided from the adjacent public street's sidewalk to the store building, and from required on-site parking to the store building. The pedestrian circulation shall not conflict with on-site vehicular circulation patterns.
5. One (1) queuing space shall be designed for each pump location. Queuing spaces shall not conflict with or block on-site parking spaces or the entrance area to the site.
6. On-site circulation for tanker trucks shall be designed for forward movement only.
7. Noise-generating areas, such as vacuum stations, refrigeration motors, car wash mechanical equipment, and air conditioners, shall not be located within forty feet (40') of any adjacent residential or institutional use.
8. The architectural character, lighting, signs, and landscaping of all buildings and structures comprising business activities of a gas station with convenience store shall conform to the existing or planned character and exterior materials found in the surrounding neighborhood.
  - a. When more than fifty percent (50%) of the surrounding neighborhood buildings within four hundred feet (400') of the gas station parcel property boundaries have some style of pitched roof, then the gas station structures, including a car wash and canopy over the gas pumps, shall have a pitched roof with a minimum pitch of 4:12.
  - b. Gas pump islands and canopy shall not be placed within twenty feet (20') of any public

- street, to allow space for street trees and other landscaping amenities.
- c. Buildings shall be designed to have consistent or complementary architectural characteristics wrap all sides. Where loading, dumpster, utility equipment, or similar areas need to be placed outside the building, they shall be shielded from view from public streets. Walls used as screening shall be of the same exterior materials and colors as the buildings, and shall be high enough to completely conceal dumpsters or permanently located equipment.
  - d. The canopy over gas pump islands shall be visually consistent in design features with on-site buildings. All canopy columns or supports shall be clad with exterior materials and colors consistent with the buildings, and this cladding shall be proportionate to the height and scale of the canopy. Vertical edges of the canopy shall not be illuminated. A canopy shall not exceed twenty feet (20') in height.
  - e. Windows of the store building shall be transparent glass to allow unobstructed views in and out of the building. Window signs are limited to ten percent (10%) of the total glass area.
  - f. Landscaping, lighting fixtures, and other on-site elements shall be consistent and complementary in design.
9. Attached signs may be placed on canopies and buildings in number and size as allowed by the underlying zoning district. Because they are inter-related, all uses on the site shall be considered one business establishment for purposes of determining allowed maximum signage. One freestanding sign for the site shall be allowed at the size given for the zoning district.
10. No more than two (2) gas stations shall be allowed to locate at any intersection, and shall be on different corners to allow convenient access to different flows of traffic. In all other configurations, one gas station shall be separated from another gas station by a minimum of five hundred feet (500'), measured in a straight line distance from nearest property edges.

#### **155.506.50 Internet Sweepstakes or Adult Gaming Facility**

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- A. An internet sweepstakes or adult gaming facility may be a stand-alone business or a section of space within another commercial use which offers customers the opportunity to participate in electronic activities at patron stations that may result in rewards of money, merchandise or services of more than negligible value (i.e., not children's toys or novelties), on- or off-premise or online, when any such rewards may not be legally available to minors. Such uses are considered a principal use regardless of the area they take up within a building. These uses may be located within the B-H and I-1 districts when meeting the standards listed here.
- B. Standards.
1. Any internet sweepstakes or adult gaming facility shall not operate in the same building where any place of worship, any public or private elementary, middle or high school, any child day care facility, any adult day care facility, or any other internet sweepstakes or adult gaming facility is located.
  2. Any internet sweepstakes or adult gaming facility shall be placed at least five hundred feet (500') in a straight line distance from any existing use listed in §155.506.50.B.1 immediately above.
  3. Each area within a building devoted to internet sweepstakes or adult gaming shall be open and visible, and have direct access from the front interior of the business. Entrance door(s) to the business location shall remain unlocked while patrons are, or may be, on the premises.
  4. No internet sweepstakes or adult gaming facility shall allow or condone any persons under the age of eighteen (18) to participate in any activity at the patron stations, or to supervise operation of equipment. (Ord. 2264, passed 10-9-17)

(Ord. 2025A, passed 6-9-14; Am. Ord. 2141, passed 4-11-16; Am. Ord. 2264, passed 10-9-17)