

Agenda Item: Public Hearing Continuation - UDO Text Changes Related to Lodging Establishments

DATE: November 5, 2019
FROM: Jay Camp

Background/Issue:

Several minor modifications have been made to the proposed text change. Within the prescribed conditions portion of the text, the following two changes were made:

1. Minimum lobby space was reduced from 2,000 square feet to 1,500 square feet. Minimum amenity space was reduced from 3,000 square feet to 1,500 square feet. Both changes were made after review of space allocations within recently constructed hotels in Mecklenburg County.
2. In the ENT zoning category, a minimum of 1,500 square feet of meeting space is now a requirement.

Financial Impact:

None

Related Town Goal(s) and/or Strategies:

Quality of Life

Economic Development/Land Use Planning

Recommended Motion/Action:

Hold Public Hearing and review changes to proposed text.

Zoning Motion 2019-4: Miscellaneous UDO Text Changes Related to Lodging Facilities
Additions are in **blue**, deletions are struck through in **red**

TOWN OF MATTHEWS UNIFIED DEVELOPMENT ORDINANCE

around the dwelling unit, which may include a kitchen, bathroom(s), hallways, exterior access doors, and on-site parking.

Hotel: shall mean a building or buildings containing five or more guest rooms operated for the specific purpose of creating temporary lodging of (30) days or less. Accessory facilities may include dining areas, kitchens, meeting rooms, ballrooms or other amenities. Guest rooms may have amenities such as small refrigerators or microwaves but do not provide kitchen appliances such as stoves, cooktops, ovens and dishwashers.

Hotel, Extended Stay: shall mean a building or buildings where more than 10% of guest rooms have kitchen appliances such as stoves, cooktops, ovens and dishwashers and are advertised, designed, and utilized for daily or weekly occupancy for periods up to or exceeding (30) days. Accessory facilities may include dining areas, kitchens, meeting rooms, ballrooms or other amenities.

Independent Living: shall mean dwelling units designed for use by older persons who are mentally and physically capable of taking care of themselves on a regular basis, are under single management or cooperative, and that may be located within a Continuing Care Retirement Community (CCRC). Restriction of residency by age must meet provisions of the Fair Housing Act. These units are grouped together and provided with some level of common maintenance, recreational facilities, and security. A variety of additional amenities geared for older persons may also be made available for the residents.

Interior Planting Area: shall mean an area on private property that lies inside of the areas designated for streetscape, perimeter, or property boundary screening plantings.

Internet Sweepstakes Facility, or Adult Gaming Facility: shall mean any establishment, or use within a commercial establishment, deemed legal by state law, featuring one or more electronic devices, computers, or gaming equipment stations, skill-base or otherwise, which are available for patron use and which reward patrons with cash, other monetary payments, goods or certificates for services or merchandise which are redeemable for cash, merchandise, or other monetary payment on or off premises and including online redemptions, as well as any rewards which cannot be legally obtained, consumed, or otherwise used by minors. State of North Carolina sanctioned lottery functions shall not be considered as internet sweepstakes or adult gaming facilities for the purposes of the Title. (Ord. 2264, passed 10-9-17)

Kennel, Commercial: shall mean a building, along with any combination of other buildings, structures, and land designed and used for boarding, breeding, and care of five (5) or more domesticated animals for profit.

Kennel, (Animal) Day Care: shall mean a self-contained building that provides partial-day supervision for domesticated animals during typical business hours, not to exceed ten (10) consecutive hours during a twenty four (24) hour day, and does not include overnight boarding.

Landscaping: shall mean the preservation and/or modification of an existing landscape for an aesthetic or functional purpose, which includes live vegetation materials that are required for development.

Landscape Establishment Guarantee: shall mean a bond, irrevocable letter of credit, or other surety held by the Town until the satisfactory conclusion of the three (3) year landscape establishment period.

Landscape Establishment Period: shall mean a period of three (3) years commencing with the acceptance by the Town of an executed landscape plan.

Large Brewery: shall mean an establishment where beer and malt beverages are made on the premises at an annual beer production rate of over fifteen thousand (15,000) barrels.

Live/Work Unit: shall mean a building which incorporates a dwelling and an enclosed space for employment. These spaces share some common interior and/or exterior amenities, but shall have separate secured entry/exit locations. The residential and business use portions may be occupied by the same persons. (Ord. No. 1237, passed 1-14-02)

Loading Area, Service Area, or Outdoor Storage Area: shall mean an area with or without walls that is used for trash or garbage collection, vehicular loading and unloading, or outdoor storage.

Loading Space: shall mean an area of hard surfaced open land designated for short-term standing, loading, and unloading of larger commercial vehicles and intended to avoid undue interference with the use of public streets and alleys.

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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							
Hotels, subject to § 155.506.32							
Hotel, Extended Stay, subject to § 155.506.32							
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 - 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

Internet sweepstakes, or adult gaming facility § 155.506.50							
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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 § 155.506.32							
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							

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ACC - Allowed as an accessory use

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
Hotels, subject to § 155.506.32			PC	PC	PC				
Hotel, Extended Stay, subject to § 155.506.32					PC				
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		
Hotel and hotel, subject to § 155.506.32		PC							
Hotel 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								

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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	
Hotels, subject to § 155.506.32					PC	PC	PC	PC	
Hotel, Extended Stay, subject to § 155.506.32					PC	PC	PC	PC	
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	

P - Permitted by Right

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ACC - Allowed as an accessory use

- 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.

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 Motels and Hotels in the O District.**~~

~~A. Motels and hotels for transitory lodging, with associated commercial uses, may be allowed in the O District.~~

~~B. STANDARDS:~~

- ~~1. All setback, side and rear yard, and height regulations of the O district shall be followed, and no part of the property may be located within one hundred feet (100') of any residential district.~~
- ~~2. Allowable commercial uses may be located only in a motel or hotel having a minimum of seventy five (75) rental units.~~
- ~~3. Gross floor area used for commercial purposes will be limited to seventy five (75) square feet per rental unit. Ballrooms, conference rooms, meeting rooms, and similar assembly facilities will not be included in determining gross floor area used for commercial purposes.~~
- ~~4. Public entry to commercial facilities must be from the interior of the building. No direct public entrance from street or outside of building is permitted.~~
- ~~5. No merchandise or merchandise display window may be visible from outside the building.~~
- ~~6. No outside storage or display of merchandise shall be permitted.~~
- ~~7. No business or identification sign pertaining to commercial uses may be visible from outside the building. [formerly known as § 153.173]~~

155.506.32 Hotels and Extended Stay Hotels

- A. Hotels are allowed in the HUC, ENT, TS, MUD, B-1, B-3 and B-1 (SCD) districts subject to the standards below. Extended Stay Hotels are allowed in the B-3, MUD, TS, B-1 (SCD) and ENT 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 ~~2,000~~ 1,500 square feet of publicly accessible lobby space shall be provided for use by visitors and guests.
 - 5. A minimum of ~~3,000~~ 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 (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.