

# **INSTRUCTIONS FOR FILING AN APPLICATION FOR A CHANGE IN A ZONING CLASSIFICATION OR CHANGE IN CONDITIONS FOR PROPERTY IN THE TOWN OF MATTHEWS**

1. A request for zoning change (district or conditions) must be completed on the application form provided and filed with the Town Planning office, together with the designated fees. Each document in the application package must be submitted in paper and/or digital form as further outlined below. Matthews Planning staff will verify the application package is complete prior to issuing a file number or placing it on the Board of Commissioners agenda to start the review process.
2. A boundary map clearly identifying the property involved in the zoning request must be included in the rezoning application package. This can be accomplished as data marked on another map with additional data (i.e., as part of a site plan), or may be a separate document. When the boundary map is a separate document, only one print and one digital (.pdf) copy is required to be submitted. The boundary information to be included should take one of the following forms, as is appropriate for the site:

  - A. If the area proposed to be changed is part of a subdivision recorded in the plat books of Mecklenburg County Register of Deeds office, then the map must include: exact dimensions and compass bearings of all lines bounding the property proposed to be changed; the lot and block number(s); name of the subdivision; and plat book and page number where it is recorded.
  - B. If the area proposed to be changed is acreage or property not located in a recorded subdivision, then the map must include: exact dimensions and compass bearings of all lines bounding the property to be considered for the proposed zoning change.
  - C. If the area proposed to be changed does not follow existing recorded or deeded boundaries for its entire perimeter, then the map must include: exact dimensions and compass bearings of all lines bounding the portion of land area proposed to be changed; lot and block number(s), subdivision name, and plat book and page number if in a recorded subdivision.
3. When a zoning application contains a site plan, photos, drawings, or any other document, the applicant shall submit one digital (.pdf) file and 6 paper copies of each document that will be used by various local government agencies and divisions for review prior to the public hearing.
4. When required, a site plan shall show the property under consideration for zoning change, as well as adjacent properties with street addresses and owners' names as identified by Mecklenburg County tax records. The site plan shall also include properties across any public or private street, and shall accurately locate all street intersections and driveway connections to streets bordering the site for a minimum distance of 150' from the property involved in the zoning application. This site plan must be drawn to a scale appropriate to the size of the overall site and shall utilize a scale of one inch equal to X feet when X is divisible by 10. (ie., 1"=100')
5. Any application to change the zoning district on a property to a conditional classification or to change zoning conditions already in place on a site must include the original signature of the property owner(s). Or, the property owner may sign the application form directly, with his/her agent or representative also identified there. The property owner alternatively may submit a letter identifying his/her approval of the proposed change and naming the applicant as his/her agent.
6. Any application to change the zoning district on a property that does not include a conditional classification must include the original signature of the property owner(s), except when the applicant is a group of neighborhood property owners seeking a general change in the zoning of properties within the neighborhood, or when an individual or group initiates a zoning change on property which they do not control. The property owner may sign the application form directly, or may submit a letter identifying his/her approval of the proposed change and naming the applicant as his/her agent.
7. All applications for zoning change must include the owner names, mailing addresses and tax parcel numbers of all properties adjacent to and across any street from the property subject to the zoning change, and any parcels not covered above that are within 100' of any portion of the property subject to the zoning change. This information must be obtained from Mecklenburg County tax records (and is available online to the public at: [polaris3g.mecklenburgcountync.gov](http://polaris3g.mecklenburgcountync.gov)).

**8.** The applicant must provide hard copies of the filed application (Pages 1 through 4) in addressed, unsealed envelopes to all listed adjacent property owners as identified in #7 above. Town staff will mail these notices by first class mail at least fourteen (14) calendar days but not more than twenty-five (25) calendar days in advance of the public hearing, and will place a certification of mailing in the zoning file, which will become part of the permanent record. Where the applicant or Town staff is able to determine an adjacent property owner's mailing address, as provided by Mecklenburg County tax records, is incorrect but is able to obtain an alternate address, such information shall be included in the permanent record as a second effort at notification, and may be sent by first class mail.

**9.** Two (2) hard copies and a .pdf version of a traffic study (or traffic impact analysis) must be provided for any zoning request when the area or property requesting a zoning change is for, or could accommodate, 50 or more dwelling units, or for any nonresidential use meeting one or more of the following: covering more than two (2) acres; including more than three (3) building lots; providing an assembly area for more than 400 persons; involving office or sales floor area over 20,000 square feet; within 150 lineal feet of any intersection of two (2) designated thoroughfares; within 500 lineal feet of any public road intersection currently operating as a Level of Service D or worse; and/or involving service or delivery vehicles in excess of 1 ton. Where a zoning request does not identify specific proposed uses and/or buildings, the applicant must identify the capacity of the property to be used for any of the above situations.

A traffic study shall, at a minimum, identify: the anticipated passenger vehicle traffic and service/delivery truck traffic generated by the proposed change in zoning; the expected date of completion of construction/occupancy; the most current available traffic counts for the street(s) adjacent to and within 150' of the subject property; the estimated traffic counts on these same roads at the time of anticipated occupancy; the level of service, where available, of intersections within ¼ mile of any vehicular access to the subject property; and the schedule for any road improvement projects on an adopted Thoroughfare Plan or CTP that are within ¼ mile of any vehicular access to the subject site. Additional information for a traffic study will be determined between Matthews Planning and Matthews Public Works staff and the applicant, with direction from Mecklenburg County and/or NCDOT staff prior to submission of an application. The completed traffic study must be filed with the Matthews Planning office at the time the completed application is submitted.

**10.** An applicant may request waiver of the required traffic study by providing documentation that the amount of newly generated traffic would not be of sufficient volume to warrant a full traffic study. This request for waiver must be submitted to the Matthews Planning office along with the completed application and other attachments. Matthews Board of Commissioners may accept or deny the waiver request. When such request is denied, then the public hearing may be deferred until a date when the traffic study results have been submitted and adequate time given for full staff review.

**11.** A Vegetation Survey, as described at Section 155.606.8 of the UDO, is required at time of zoning application submission. A minimum of one (1) hard copy and one (1) .pdf must be provided.

**12.** Relevant adopted land use plans covering the geographical location of the zoning application must be considered. Documentation on what the plan or plans say must be submitted with the application, and an explanation from the applicant on how the application will comply with those plans must be provided at time of submission. In addition, documents that propose policies which have been formally presented but not formally adopted by Matthews Board of Commissioners may also be similarly referenced as being followed. Adopted comprehensive plans may include, but are not limited to: Matthews Land Use Plan; Downtown Master Plan; Matthews Comprehensive Parks, Recreation and Cultural Arts Plan; Composite Bicycle & Pedestrian Plan; Matthews-Stallings Comprehensive Transportation Plan; and CRTPO Comprehensive Transportation Plan. Policy studies may include but are not limited to: Matthews Connectivity Study; Monroe Road/John Street Streetscaping Plan; Crestdale Rising Report; Heritage Property Inventory; and Matthews Planning and Aging Assessment Study. These documents are available on the Town's website at [www.matthewsnc.gov](http://www.matthewsnc.gov), and may be viewed at Town Hall during regular business hours.

**13.** Applications may be submitted at any time. An application will be accepted for formal review by the Matthews Board of Commissioners only after Town staff has determined it is complete. The Planning office will schedule deadline dates for review purposes, and will verify the submissions for accuracy and completeness prior to acceptance by Matthews Town Board. Public hearing dates will be set by the Matthews Board of Commissioners at least twenty-five (25) days prior to the hearing date and as further outlined:

- A. Matthews Town Board will generally accept zoning applications at their first regular meeting of each month.
- B. Applications requesting an initial conditional zoning designation, whether a Parallel Traditional district or a Conditional-Only category, will generally be scheduled for public hearing two (2) months after submission.
- C. All other applications, including those requesting a change in zoning category without conditions, a minor revision to an existing conditional zoning designation, or a text amendment, will be sent to the Board of Commissioners with a Planning office recommendation on a public hearing date one (1) or two (2) months away, depending on the complexity of issues involved and the need for communication with other governmental agencies and/or professional/technical assistance.

**After submission of application package:**

**14.** For applications for conditional zoning requests, a neighborhood/community informational meeting must be scheduled and held by the applicants prior to the public hearing. A written confirmation, signed by applicant(s), indicating date, time, and location of such meeting, along with a photocopy of the written notice sent to potentially interested residents/property owners must be provided to the Town Planning office no later than twelve (12) calendar days in advance of the public hearing. This confirmation shall also give: a listing of those persons and organizations contacted about the meeting, a roster of persons in attendance, a summary of issues discussed at the meeting, and a description of changes to the zoning application made by the applicant as a result of the meeting. At a minimum, the applicant must notify all adjacent property owners within 200' of this community meeting by first class mail.

This community meeting is a statute requirement. If the required documentation about the community meeting is not provided to the Town Planning office by the designated date, the public hearing may be postponed. If a community meeting is not held prior to the scheduled public hearing, the applicant shall provide a report documenting efforts made to arrange such meeting and giving reasons why it was not held. It will be at the discretion of the Matthews Board of Commissioners to hold the public hearing as originally scheduled, or to defer it by continuation to a future date in order to allow such community meeting to be held.

**15.** Six (6) paper copies of the site plan, as most currently revised, must be submitted to the Planning office twelve (12) calendar days prior to the public hearing. These copies are made available to Matthews Board of Commissioners and/or Planning Board members, on request. All zoning applications are discussed at a public hearing held jointly by the Matthews Board of Commissioners and the Matthews Planning Board. The Applicant (property owner and/or authorized agent) is required to be in attendance at the hearing to present his/her zoning request and to explain if any changes are being offered as a result of the community meeting. If the applicant is not at the scheduled public hearing, Matthews Board of Commissioners will generally continue the hearing to the following month. Members of the Board of Commissioners and Planning Board cannot make any commitment on their position about the rezoning application until after the close of the public hearing.

**16.** All requests for changes in zoning are referred to the Matthews Planning Board following the close of the public hearing, generally at their next regular meeting. The Planning Board is tasked with recommending: approval as requested; denial of the request; or approval with conditions. Planning Board may also propose related actions, such as policy or text changes, to the Board of Commissioners. If desired, the applicant may submit to the Town Planning office a written rebuttal to the Planning Board's recommendation. This written rebuttal must be received at least ten (10) calendar days prior to the Board of Commissioners meeting where the Planning Board's recommendation will be presented.

**17.** The Planning Board's recommendation will be presented to the Board of Commissioners at a regular meeting within one (1) month of the Planning Board meeting, generally on the second Monday of the following month. The Board of Commissioners may then make a final decision, if the Board determines they have sufficient information to make an informed choice.

**18.** An application for rezoning of property may be withdrawn by the applicant at any point up to and including fifteen (15) days prior to the public hearing. The applicant must request the withdrawal in writing. After this deadline, an application may be withdrawn only if the Board of Commissioners formally allows it. Filing fees

will not be reimbursed if newspaper notice has already been sent in, postage has already been affixed to required adjacent owner letters, or other staff review actions have already gotten underway. A resubmission of the same or similar request for the same general property is allowed at any time following a withdrawal. If a zoning request is denied, then a new application for the same property shall not be submitted for a period of one (1) year from the date of denial, unless a waiver is granted according to Section 155.401.1.G.

**19.** Notice of public hearing date, time, and place shall be published for all requests for zoning change in compliance with State law. The property under consideration for zoning action shall be posted.

**20.** All exhibits, including maps, drawings, mounted materials, models, etc., presented at the public hearing become part of the application and the permanent record, and shall be considered the property of the Town. Such items shall not be returned to the applicant. Where an identical copy not yet mounted can be provided for the Town's record, then the applicant may request in writing the retrieval of mounted documents. All documents provided for use by Matthews Board of Commissioners and/or Matthews Planning Board during the rezoning process shall be brought to Town Hall for distribution. Direct submission of documents from applicants to Board of Commissioners and/or Planning Board members shall only take place when authorized in advance by the Matthews Planning office, and only when the same materials are provided concurrently in hard copy and digital form to the Planning office. This will ensure that others involved in the review of the subject application – i.e., town, county, state agencies – as well as all interested citizens, will receive all pertinent information in a timely manner.

**21.** In order to coordinate site plan layout for both zoning and storm water approvals, final Town Board decisions on zoning applications for properties that must meet the Matthews Post Construction Ordinance, Chapter 8 of the UDO, shall generally not be made until the Storm Water Administrator has issued a Notification of Approval for the Concept Plan. The intent here is to be sure that the site plan layout for the pending zoning approval matches the site plan layout for Post Construction Ordinance compliance, thereby preventing subsequent further zoning action to revise a site plan or zoning conditions in order to meet Post Construction Ordinance provisions.

Town Board, may, at their discretion, approve a zoning action prior to official Notice of Approval of a Concept Plan, conditioned upon such notice being received, when the Storm Water Administrator provides written documentation to the Town that the Notification is imminent and no changes to the site plan layout are anticipated.