

CHAPTER 100: GATED COMMUNITIES

Section

100.01	Definitions
100.02	Intent
100.03	Requirements
100.04	Gate Development Specifics
100.05	Process
100.06	Maintenance
100.07	Violations

100.01 DEFINITIONS

For the purposes of this section, the following words shall have the following meanings:

Key Box:

A secure, tamperproof device with a lock operable only by a fire department, police department, or emergency services department master key, and containing building entry keys and other such devices that may be required for access in an emergency.

Gated Community:

A development, whether single-family, multi-family, commercial, industrial, or accessory uses that are enclosed within a geographical area by restrictive gates.

Gates:

A gate, crossbar, door, or other obstructive device which is utilized for the purpose of restricting, controlling, or obstructing entry or exit by motor vehicles or pedestrians to or from a private roadway.

Ingress/Egress:

The point where vehicles or pedestrians enter and exit in and out of a development.

Private Streets:

Internal streets that are not owned or maintained by the Town of Matthews and/or the North Carolina Department of Transportation and that are owned and maintained by an entity responsible for upkeep and maintenance, such as a homeowners association, community group, property management company, or similar type of organization.

100.02 INTENT

The intent of this section is to regulate the installation and construction of all electronic access gates into private developments and/or uses, while also allowing for the safe and efficient ingress and egress for fire, police, emergency personnel, and public works.

100.03 REQUIREMENTS

The following is a requirement for new and existing developments regarding the construction of gates around a development

- A.) The development inside the gated community shall have private streets.
- B.) The location of the gate(s) shall comply with Section 100.04 regarding the development requirements for the Town of Matthews.
- C.) The ingress/egress gates will need to be in working order and inspected annually (see Section 100.05).

- D.) Existing gates constructed before this chapter was approved are grandfathered into the Town until they such gates need to be replaced and/or modified. After such gates are replaced and/or modified, they lose their grandfathered status and shall conform to the requirements of this chapter.
- E.) Applicants need to adhere to section 100.05 below regarding the process for obtaining approval for gates

100.04 GATE DEVELOPMENT SPECIFICS

Gated developments, whether for an existing community or proposed community, need to adhere to dimensional requirements that are set forth in this chapter.

- A.) The ingress/egress for fire, department, and emergency vehicles needs to be at least 12' wide. There shall also be at least 40' measured from the gate to the ultimate right-of-way so the fire truck or emergency vehicle will not block the adjacent public right-of-way.
- B.) The ingress/egress area at the gate location needs to be separated by a minimum 5' landscape island.
- C.) It shall be determined if the gates are to be manual or electrical in operation. All electrical vehicular gates shall be provided with access control using a Radio Transceiver for public safety and authorized users. This transceiver will allow emergency vehicles to open the gate from a mobile or portable radio. The Town of Matthews currently uses the "Click2Enter" company to provide this device. Any other type of device than the "Click2Enter" must be approved by the Town of Matthews.
- D.) All electrical vehicular gates must be provided with a fail-open device to open it during power failures. During a power failure, the gates will open and remain open. These devices usually restore the gate(s) to the closed position after the power is restored. Any residential properties consisting of five (5) or less dwelling units are not subject to this requirement.
- E.) Gates need to be opened for appropriate personnel to enter the community during an emergency. A Knox dual key activating switch or padlock shall be installed to allow emergency personnel access through vehicular gates.
- F.) An approved Knox dual key lock box shall be installed to allow emergency personnel access through all pedestrian gates.
- G.) If the vehicular gate is a swing-type gate, it needs to be designed so when the gate is fully opened, it does not obstruct the path of travel for vehicles or pedestrians, both emergency and non-emergency.
- H.) If the vehicular gate is a roll-type gate, it cannot be designed in a way that it would block vehicular and pedestrian paths of travel, both emergency and non-emergency, when fully opened.
- I.) If there are two or more gates in any single development, all gates must be operated in the same fashion.
- J.) Gate activation shall not be altered or placed out of service without prior notification to the Matthews Fire and Police Departments.
- K.) Any existing and / or proposed communities that cannot meet these specifics cannot construct gates around the development or at the ingress/egress points.

100.05 PROCESS

Detailing the process on obtaining approval through the Town of Matthews on new or modified gates.

- A.) The applicant must submit a detailed plan, including but not limited to, scaled drawings showing the location of the gates, turn radius, dimensions of the gates, pavement, sidewalks, curbs, etc. Information such as topography lines, vegetation, site triangles, etc. will also need to be included with the submittal.
- B.) The applicant must submit these plans for review by the Planning Department, Police Department, Fire Department, EMS, and Public Works Department. Approval by all of these departments is required before a permit can be applied for in Mecklenburg County.
- C.) All applicable permits for the construction of gates will be required to be obtained from Mecklenburg County. Mecklenburg County will be required to verify with the Town of Matthews Planning Department that departments listed in Section 100.5(B) have approved the gate plan. Applicant must obtain approval by all the Town departments or a permit will not be issued
- D.) The applicant must obtain a yearly permit through the Public Works Department for the annual inspection of the gates.

100.06 MAINTENANCE

The gated ingress/egress areas along with the exterior gates encompassing the development shall be kept in working order and shall be repaired and/or replaced in the event they are disabled and/or damaged. It is not the responsibility of the Town to maintain these gates. It is also a requirement that the gates be reviewed by the Town of Matthews Public Works Department annually to verify the gates are in operable condition in the event of an emergency. A permit will need to be issued by the Public Works Department and be kept on file within that department.

100.07 VIOLATIONS

The following are violations and the penalties of this chapter.

- A.) It shall be unlawful for any person to construct, install, or maintain any blocking device, such as a gate or any other type of barrier without first review and approval from the Town of Matthews and obtaining a permit from the Public Works Department.
- B.) If it is found that a gated community is in violation of this ordinance, the property owner (s) will be contacted in writing by the Town of Matthews Public Works Department and will be required to remedy the problem immediately. Any violations that have not been remedied after seven (7) business days will be fined every day thereafter. Fines will be assessed at \$200.00 per day until the violation has been fixed. After fifteen (15) days of non-compliance, the fine will increase incrementally \$50 per day until the violation has been corrected.
- C.) Violations may be appealed to the Town Commissioners at a regularly scheduled public hearing.

Updated 4.23.08