

PRE-HEARING STAFF ANALYSIS

Rezoning Petition No. 2006-169

Petitioner: Charlotte-Mecklenburg Planning Commission

Request: Text amendment to 1) refine the regulations for outdoor recreation facilities and 2) add new definitions for “planned development” and “passive park”.

Summary

This text amendment refines the regulations for outdoor recreation facilities, by expanding the language to include service and maintenance facilities, golf courses, snack bars, pro shops, fitness centers, among others. The current prescribed conditions have been consolidated and relocated into Chapter 12, rather than being reiterated in each of the Zoning District sections. In addition, a table has been added that summarizes the outdoor recreation screening and buffering requirements.

This amendment also refines the definition of “outdoor recreation” and adds new definitions for “planned development” and “passive park”:

Outdoor recreation.

Outdoor recreation uses include public or private golf courses, swimming pools, tennis courts, ball fields, ball courts, and similar uses which are not enclosed in buildings and are operated on a commercial or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. However, the use of temporary enclosures for swimming pools shall be permitted for periods not exceeding six (6) months in any calendar year, provided such temporary enclosures do not exceed thirty feet (30') in height and the lot on which such temporary enclosure is located shall have frontage on a thoroughfare. "Outdoor recreation" shall include any accessory uses, such as snack bars, pro shops, clubhouses, country clubs or similar uses, which are designed and intended primarily for the use of patrons of the principal recreational use, as well as those structures and uses that are not designed and intended for the use of patrons, but are used for the maintenance and servicing of such facilities. Outdoor recreation shall not include commercial outdoor amusement or open space recreational uses, such as greenways and other passive parks.

Planned development.

Land under unified control which is to be planned and developed as a whole, as a single development project, or a definitely programmed series of development operations or phases. A planned development includes principal and accessory structures, buildings and uses substantially related to the character and purposes of the planned development. In general, a planned development will be outlined in a conditional district plan, a zoning site plan, or a subdivision plan.

Passive park.

A passive park is any outdoor facility, or portion of an outdoor facility that is used for passive recreational activities, such as pedestrian activities, hiking, and jogging, or serves as, or features, an historical, cultural, ecological, or archeological attraction. A passive park does not include organized competitive activities, except events for uses allowable within a passive park. Generally a passive park is maintained in a natural state, except for minimal clearing for paths, trails, sitting areas, walkways or auxiliary structures. In urban settings, passive parks may have more hardscape, open lawn, and landscaped areas which may be used for informal group activities. Examples of passive park features may include trails or walkways for hiking, walking, horseback riding, bicycling; informal areas used for concerts, areas for photography, nature studies, educational studies, or fishing; ecological areas and nature interpretive programs, nature centers, and picnic areas which may include shelters, scenic overlooks, and restrooms.

The following requirements would apply to all outdoor recreational facilities:

- Minimum lot area: At least 2 times the minimum lot area of the district in which it is located.
- On-street parking permitted for planned developments only, when spaces are located within 400' of the use they are intended to serve.
- Parking spaces shall have a minimum size of 22' X 8'.
- Outdoor lighting shall be screened
- Outdoor sound systems shall not exceed City Noise Ordinance standards.
- Hours of operation can range from 6:00 am to 11:00 pm.
- Buffering, screening, and separation distances are shown in a new table.

Consistency and Conclusion

This text amendment is appropriate for approval and consistent with local zoning authority and the purposes of adopted plans and policies.