

**ZONING COMMITTEE
RECOMMENDATION
January 24, 2007**

Rezoning Petition No. 2006-169

Petitioner: Charlotte-Mecklenburg Planning Commission

Request: Text Amendment to the outdoor recreation regulations that will 1) consolidate conditions in one location, 2) add a table to simplify the requirements, 3) include language to include additional types of outdoor recreation uses, and 4) amend and add definitions.

Action: The Zoning Committee voted unanimously to recommend **APPROVAL** of this text amendment.

Vote: Yeas: Carter, Chiu, Loflin, Randolph, Ratcliffe, Sheild, and Simmons

Nays: None

Absent: None

Summary of Petition

This text amendment consolidates the various prescribed conditions for outdoor recreation in one location (Chapter 12) instead of repeating the conditions in seven different zoning districts. The regulations have also been simplified by placing them in a table format versus text.

The modifications to these regulations include additional language to 1) expand the list of recreational facilities to include pools, tennis courts, baseball fields, soccer fields, picnic shelters, clubhouses, pro shops, exercise or fitness centers, snack bars, and other principal and accessory uses intended primarily for the use of patrons; 2) expand the list of service areas to include maintenance facilities, storage buildings and structures, dumpsters, loading areas, and other accessory uses intended primarily for the servicing of the recreational facility or equipment used within; and 3) expand the term “golf courses” to include driving ranges, practice and putting greens, and tee boxes.

In addition to these modifications, one definition has been updated and two definitions have been added. The definition of “outdoor recreation” has been updated to include structures and uses that are used for maintenance and servicing of the outdoor recreational use. A clarification has also been made that states outdoor recreation does not include greenways and other passive parks. A new definition has been added for “passive parks” and “planned development”. The revised and new definitions are as follows:

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 purpose 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.

Zoning Committee Discussion/Rationale

Keith MacVean summarized the text amendment. He noted that the regulations and a new table have been created in Chapter 12, listing the supplementary regulations for outdoor recreational uses instead of reiterating them in seven separate zoning districts. The table clarifies when buffers and separation standards are required based on whether the use is part of a planned development or not. Footnotes further explain what constitutes "recreational facilities", "service areas", and "golf courses" as referenced in the table.

Mr. MacVean stated that two new definitions were added for "passive parks" and "planned development" for this amendment and that the current definition for "outdoor recreation" was modified to include structures and uses designed for the maintenance and servicing of such facilities.

Statement of Consistency

Upon a motion made by Sheild and seconded by Loflin, the Zoning Committee unanimously found this petition to be consistent with public plans and reasonable and in the public interest.

Vote

Upon a motion by Carter and seconded by Randolph, the Zoning Committee voted unanimously to recommend approval of this petition.

Staff Opinion

The staff agrees with the recommendation of the Zoning Committee.