



Cabarrus County Government

Cabarrus County Planning and Zoning Commission Meeting
August 21, 2008
7:00 P.M.
County Commissioners Chamber
Cabarrus County Governmental Center

Agenda

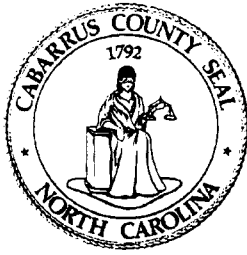
1. Roll Call
2. Approval/Correction of Minutes (May 29, 2008 recessed meeting and July 17, 2008 regular meeting)
3. New Business – Planning Board Function:
 - A. Amendment to the Cabarrus County Flood Damage Prevention Ordinance (FDPO)
4. Old Business – Planning Board Function:
 - A. **Proposed Text Amendment:**
C2008-04-ZT – Proposed Recreational Therapy Center (Rural Center)

5. Directors Report:

Central Area Plan Update

Reminder: Reappointed or newly appointed Board members will take the oath of office at the September 18, 2008, meeting. The Commission will also elect a Chair and Vice-Chair at that time. The Commission will also need to appoint a member to Chair the meetings should the Chair and Vice Chair both be absent from a meeting.

6. Adjournment



Cabarrus County Government

MEMORANDUM

TO: Cabarrus County Planning and Zoning Commission

FROM: Mike Byrd/Commerce Department *MLB*

DATE: August 11, 2008

SUBJECT: Amendment to the Cabarrus County Flood Damage Prevention Ordinance
(FDPO)

Cabarrus County adopted the FDPO several years ago; to qualify County homeowners for eligibility to be insured by government funded Flood Insurance. One requirement to be eligible for the insurance was the adoption of Flood Insurance Rate Maps (FIRM) maps for the County.

In coordination with Federal Emergency Management Agency (FEMA), North Carolina updated the FIRM maps for Cabarrus in 2007. After review from FEMA, these maps and a revised FDPO are required to be adopted by the County to continue homeowner's eligibility for flood insurance.

A copy of the required amendment to the FDPO is attached, which was provided by FEMA. A public hearing will need to be held by the Cabarrus County Board of Commissioners on this text change. After holding the public hearing, the Commissioners will need to forward a copy of this to the regional FEMA office.

Staff requests the Planning and Zoning Commission review the text change as proposed and forward it to the Commissioners with board approval, and a request for the Commissioners to schedule a public hearing on this matter.

If there are any questions on this item prior to the meeting, my office phone number is 704.920.2148.

Mike Byrd
Planner

TITLE 44--EMERGENCY MANAGEMENT AND ASSISTANCE
CHAPTER I--FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND
SECURITY

PART 60 CRITERIA FOR LAND MANAGEMENT AND USE--Table of Contents

Subpart A Requirements for Flood Plain Management Regulations

Sec. 60.3 Flood plain management criteria for flood-prone areas.

The Administrator will provide the data upon which flood plain management regulations shall be based. If the Administrator has not provided sufficient data to furnish a basis for these regulations in a particular community, the community shall obtain, review and reasonably utilize data available from other Federal, State or other sources pending receipt of data from the Administrator. However, when special flood hazard area designations and water surface elevations have been furnished by the Administrator, they shall pply. The symbols defining such special flood hazard designations are set forth in Sec. 64.3 of this subchapter. In all cases the minimum requirements governing the adequacy of the flood plain management regulations for flood-prone areas adopted by a particular community depend on the amount of technical data formally provided to the community by the Administrator. Minimum standards for communities are as follows:

(a) When the Administrator has not defined the special flood hazard areas within a community, has not provided water surface elevation data, and has not provided sufficient data to identify the floodway or coastal high hazard area, but the community has indicated the presence of such hazards by submitting an application to participate in the Program, the community shall:

(1) Require permits for all proposed construction or other development in the community, including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas;

(2) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334;

(3) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements

shall (i) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, (ii) be constructed with materials resistant to flood damage, (iii) be constructed by methods and practices that minimize flood damages, and (iv) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(4) Review subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to assure that (i) all such proposals are consistent with the need to minimize flood damage within the flood-prone area, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided to reduce exposure to flood hazards;

(5) Require within flood-prone areas new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems; and

(6) Require within flood-prone areas (i) new and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and (ii) onsite waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

(b) When the Administrator has designated areas of special flood hazards (A zones) by the publication of a community's FHBM or FIRM, but has neither produced water surface elevation data nor identified a floodway or coastal high hazard area, the community shall:

(1) Require permits for all proposed construction and other developments including the placement of manufactured homes, within Zone A on the community's FHBM or FIRM;

(2) Require the application of the standards in paragraphs (a) (2), (3), (4), (5) and (6) of this section to development within Zone A on the community's FHBM or FIRM;

(3) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data;

(4) Obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including

data developed pursuant to paragraph (b) (3) of this section, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the community's FHBM or FIRM meet the standards in paragraphs (c) (2), (c) (3), (c) (5), (c) (6), (c) (12), (c) (14), (d) (2) and (d) (3) of this section;

(5) Where base flood elevation data are utilized, within Zone A on the community's FHBM or FIRM:

(i) Obtain the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures, and

(ii) Obtain, if the structure has been floodproofed in accordance with paragraph (c) (3) (ii) of this section, the elevation (in relation to mean sea level) to which the structure was floodproofed, and

(iii) Maintain a record of all such information with the official designated by the community under Sec. 59.22 (a) (9) (iii);

(6) Notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Administrator;

(7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained;

(8) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

(c) When the Administrator has provided a notice of final flood elevations for one or more special flood hazard areas on the community's FIRM and, if appropriate, has designated other special flood hazard areas without base flood elevations on the community's FIRM, but has not identified a regulatory floodway or coastal high hazard area, the community shall:

(1) Require the standards of paragraph (b) of this section within all A1-30 zones, AE zones, A zones, AH zones, and AO zones, on the community's FIRM;

(2) Require that all new construction and substantial improvements of residential structures within Zones A1-30, AE and AH zones on the community's FIRM have the lowest floor (including basement) elevated to or above the base flood level, unless the community is granted an exception by the Administrator for the allowance of basements in accordance with Sec. 60.6 (b) or (c);

(3) Require that all new construction and substantial improvements of non-residential structures within Zones A1-30, AE and AH zones on the

community's FIRM (i) have the lowest floor (including basement) elevated to or above the base flood level or, (ii) together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

(4) Provide that where a non-residential structure is intended to be made watertight below the base flood level, (i) a registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of paragraph (c) (3) (ii) or (c) (8) (ii) of this section, and (ii) a record of such certificates which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained with the official designated by the community under Sec. 59.22(a) (9) (iii);

(5) Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(6) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites

- (i) Outside of a manufactured home park or subdivision,
- (ii) In a new manufactured home park or subdivision,
- (iii) In an expansion to an existing manufactured home park or subdivision, or

(iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation collapse and lateral movement.

(7) Require within any AO zone on the community's FIRM that all new

construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified);

(8) Require within any AO zone on the community's FIRM that all new construction and substantial improvements of nonresidential structures (i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or (ii) together with attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard specified in Sec. 60.3(c) (3) (ii);

(9) Require within any A99 zones on a community's FIRM the standards of paragraphs (a) (1) through (a) (4) (i) and (b) (5) through (b) (9) of this section;

(10) Require until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(11) Require within Zones AH and AO, adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.

(12) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A-1-30, AH, and AE on the community's FIRM that are not subject to the provisions of paragraph (c) (6) of this section be elevated so that either

(i) The lowest floor of the manufactured home is at or above the base flood elevation, or

(ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

(13) Notwithstanding any other provisions of Sec. 60.3, a community may approve certain development in Zones A1-30, AE, and AH, on the community's FIRM which increase the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision, fulfills the requirements for such a revision as established

under the provisions of Sec. 65.12, and receives the approval of the Administrator.

(14) Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either

(i) Be on the site for fewer than 180 consecutive days,

(ii) Be fully licensed and ready for highway use, or

(iii) Meet the permit requirements of paragraph (b)(1) of this section and the elevation and anchoring requirements for "manufactured homes" in paragraph (c)(6) of this section.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(d) When the Administrator has provided a notice of final base flood elevations within Zones A1-30 and/or AE on the community's FIRM and, if appropriate, has designated AO zones, AH zones, A99 zones, and A zones on the community's FIRM, and has provided data from which the community shall designate its regulatory floodway, the community shall:

(1) Meet the requirements of paragraphs (c)(1) through (14) of this section;

(2) Select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any point;

(3) Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge;

(4) Notwithstanding any other provisions of Sec. 60.3, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision, fulfills the requirements for such revisions as established under the provisions of Sec. 65.12, and receives the approval of the Administrator.

(e) When the Administrator has provided a notice of final base flood elevations within Zones A1-30 and/or AE on the community's FIRM and, if appropriate, has designated AH zones, AO zones, A99 zones, and A zones on the community's FIRM, and has identified on the community's FIRM coastal high hazard areas by designating Zones V1-30, VE, and/or V, the community shall:

(1) Meet the requirements of paragraphs (c)(1) through (14) of this section;

(2) Within Zones V1-30, VE, and V on a community's FIRM, (i) obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures, and whether or not such structures contain a basement, and (ii) maintain a record of all such information with the official designated by the community under Sec. 59.22(a)(9)(iii);

(3) Provide that all new construction within Zones V1-30, VE, and V on the community's FIRM is located landward of the reach of mean high tide;

(4) Provide that all new construction and substantial improvements in Zones V1-30 and VE, and also Zone V if base flood elevation data is available, on the community's FIRM, are elevated on pilings and columns so that (i) the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level; and (ii) the pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of paragraphs (e)(4)(i) and (ii) of this section.

(5) Provide that all new construction and substantial improvements within Zones V1-30, VE, and V on the community's FIRM have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

(i) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and,

(ii) The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values used

shall be those required by applicable State or local building standards. Such enclosed space shall be useable solely for parking of vehicles, building access, or storage.

(6) Prohibit the use of fill for structural support of buildings within Zones V1-30, VE, and V on the community's FIRM;

(7) Prohibit man-made alteration of sand dunes and mangrove stands within Zones V1-30, VE, and V on the community's FIRM which would increase potential flood damage.

(8) Require that manufactured homes placed or substantially improved within Zones V1-30, V, and VE on the community's FIRM on sites

(i) Outside of a manufactured home park or subdivision,

(ii) In a new manufactured home park or subdivision,

(iii) In an expansion to an existing manufactured home park or subdivision, or

(iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, meet the standards of paragraphs (e) (2) through (7) of this section and that manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within Zones VI-30, V, and VE on the community's FIRM meet the requirements of paragraph (c) (12) of this section.

(9) Require that recreational vehicles placed on sites within Zones V1-30, V, and VE on the community's FIRM either

(i) Be on the site for fewer than 180 consecutive days,

(ii) Be fully licensed and ready for highway use, or

(iii) Meet the requirements in paragraphs (b) (1) and (e) (2) through (7) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(f) When the Administrator has provided a notice of final base flood elevations within Zones A1-30 or AE on the community's FIRM, and, if appropriate, has designated AH zones, AO zones, A99 zones, and A zones on the community's FIRM, and has identified flood protection restoration areas by designating Zones AR, AR/A1-30, AR/AE, AR/AH, AR/AO, or AR/A, the community shall:

(1) Meet the requirements of paragraphs (c) (1) through (14) and (d) (1) through (4) of this section.

(2) Adopt the official map or legal description of those areas within Zones AR, AR/A1-30, AR/AE, AR/AH, AR/A, or AR/AO that are designated developed areas as defined in Sec. 59.1 in accordance with the eligibility procedures under Sec. 65.14.

(3) For all new construction of structures in areas within Zone AR that are designated as developed areas and in other areas within Zone AR where the AR flood depth is 5 feet or less:

(i) Determine the lower of either the AR base flood elevation or the elevation that is 3 feet above highest adjacent grade; and

(ii) Using this elevation, require the standards of paragraphs (c) (1) through (14) of this section.

(4) For all new construction of structures in those areas within Zone AR that are not designated as developed areas where the AR flood depth is greater than 5 feet:

(i) Determine the AR base flood elevation; and

(ii) Using that elevation require the standards of paragraphs (c) (1) through (14) of this section.

(5) For all new construction of structures in areas within Zone AR/A1-30, AR/AE, AR/AH, AR/AO, and AR/A:

(i) Determine the applicable elevation for Zone AR from paragraphs (a) (3) and (4) of this section;

(ii) Determine the base flood elevation or flood depth for the underlying A1-30, AE, AH, AO and A Zone; and

(iii) Using the higher elevation from paragraphs (a) (5) (i) and (ii) of this section require the standards of paragraphs (c) (1) through (14) of this section.

(6) For all substantial improvements to existing construction within Zones AR/A1-30, AR/AE, AR/AH, AR/AO, and AR/A:

(i) Determine the A1-30 or AE, AH, AO, or A Zone base flood elevation; and

(ii) Using this elevation apply the requirements of paragraphs (c) (1) through (14) of this section.

(7) Notify the permit applicant that the area has been designated as an AR, AR/A1-30, AR/AE, AR/AH, AR/AO, or AR/A Zone and whether the structure will be elevated or protected to or above the AR base flood elevation.

Memo

To: Cabarrus County Planning and Zoning Board
From: Jeff Huss, Planner
CC: File
Date: 8/8/08
Re: C2008-04-ZT – Proposed Recreational Therapy Center (Rural Center)

- Attached you will find information compiled from research for Recreational Therapist Centers.
- Attachments include the following:
 - Proposed Recreational Therapist Center text (Attachment 1)
 - Proposed Recreational Therapist Center definition (Attachment 2)
 - Example text - Raleigh Unified Development Ordinance (Attachment 3)
 - Example text – Winston-Salem/Forsyth County UDO (Attachment 4)
 - Cabarrus County Recreational District Overlay Zone (Attachment 5)
 - Christine Cronin's (Wings of Eagles Ranch) letter requesting an ordinance amendment.
- The reason for this proposal is that the ordinance does not properly classify or set standards for a Recreational Therapist Center (rural setting).
- The following list represents a sampling of responses from various local government officials with regard to a Recreational Therapist Center Ordinance Amendment:
 - City of Charlotte: Lifespan at Joshua's Farm is in a conditionally zoned district: INST(CD) – Institutional (Conditional District). Joshua's Farm is permitted as an "outdoor recreation".
 - Forsyth County: Riverwood Therapeutic Riding Center in Tobaccoville, NC is zoned YR - Yadkin River (agriculture/preservation district). The riding center is a conditional use and must go before the Forsyth County Zoning Board of Adjustment.
 - Gaston County: Gaston County does not have a specific rural recreational therapy ordinance. Equine therapy is regulated as a riding stable or farm and requires a conditional rezoning.

- City of Salisbury: Saving Grace Farm, in Salisbury's ETJ area, is zoned Rural Residential and is considered a Bona Fide Farm, according to Mr. David Phillips – Zoning Administrator. According to Mr. Phillips, the farm is a legal non-conforming use and, if it were to be permitted today using Salisbury's new Zoning Code, the use would be considered an Outdoor Recreation Facility. As an Outdoor Recreation Facility, the use would be permitted by right.
- The Cabarrus County Zoning Ordinance does include a Recreational District Overlay Zone (RDO). Should the commission decide this is the appropriate classification for this type of use, the applicants would be required to obtain the RDO and then to obtain a Conditional Use Permit for the property for the specific use. The standards proposed could also become Permitted Based on Standards requirements if the commission approved the RDO. The RDO is attached for your reference.
- The proposed standards could be used for conditional use permitting purposes only.
- Please look over this information and be prepared to discuss the proposed amendment.

Points of Consideration – Recreational Therapy Center Text

- Would the board like to see the use allowed in additional zoning districts?

- Shall the use be designated conditional or PBS?

-Straight Conditional?

-Permitted by Right?

- Does the board wish to use the existing Recreational District Overlay Zone (RDO), as opposed to a new text amendment?
- The RDO calls for a minimum of twenty (20) acres, the proposed text calls for a minimum of twenty-five (25) acres.

Recreational Therapy Facility

Zones in which conditional:

Agricultural Open and Countryside Residential

Additional information required with petition:

- 1) A complete description of the facility including but not limited to:
 - types of events, days and hours of operation
 - a client profile: projected client enrollment, years of enrollment, age of clients, etc
 - description of curriculum/treatment methods
 - evidence that the facility has achieved accreditation from a nationally recognized organization in the therapeutic field of choice
 - site plan showing layout of all buildings, parking areas, landscape, buffers, play areas, barns, riding trails, abutting properties and the land use for these properties, impervious area calculations, water bodies, etc
 - projected number of users per weekday and weekend days, with the maximum number expected at any one event
 - types of accessory structures used or envisioned to be used on the site
 - total number of employees, both full-time and part-time (including volunteers)
 - building elevations
 - any and all other relevant information that will help describe the facility
- 2) A traffic study based on ITE (Institute of Transportation Engineering) rates or other comparable source analyzing the proposed site's impact on the existing road network. Proposed roadway improvements serving the site should also be detailed.

Predefined standards:

- 1) Site Size. The site shall contain at least twenty-five (25) acres.
- 2) Access. The parcel must have frontage on a major or minor thoroughfare.
- 3) Structures. Building height and other dimensional requirements for new construction shall be governed by the zoning district in which the property is located. Any pool in excess of 4000 square feet shall require Board of

Proposed Text

Adjustment approval. New construction must meet commercial design standards.

- 4) Setbacks. All structures, viewing areas, seating areas, etc. shall be set back at least one hundred (100) feet from any street. All animal enclosures must be three hundred (300) feet from parcel boundary lines.
- 5) Lighting. All access ways shall be adequately lighted. Outdoor lights must be shielded to direct light and glare only onto the facilities' premises and may be of sufficient intensity to encourage security and safety. Lighting and glare must be deflected, shaded and focused away from any adjoining properties.
- 6) Noise Control. Maximum permitted noise levels may be established in order to protect adjacent properties. Any such requirement will be made a part of the conditional use permit which may also specify the measures to be taken to control noise, including but not limited to muting, special landscape treatment and berms.
- 7) Buffer. A level one bufferyard will be provided along the perimeter of the entire property. See Chapter Nine, Landscaping and Buffer Requirements.
- 8) Access. The parcel must have frontage on a major or minor thoroughfare. Proposed access points must be approved by NCDOT.
- 9) Parking. The facility must provide, at a minimum, parking spaces to accommodate the staff, clients and visitors. Service providers and vehicles (buses, tractors, trucks and trailers, caterers, therapy providers, etc) should be included in this calculation. Designated areas for special event parking shall. Designated areas for special event parking shall also be included in the parking plan. Parking areas must be grassed (no impervious coverage). However, handicap accessible parking is required to be an improved/hard surface and to meet requirements of the North Carolina State Accessibility Code and Section 10-5.3. of this ordinance. No on-street parking is permitted.
- 10) Meals. Other than as part of special events or therapy sessions, no meals shall be served to the general public on the site.

Proposed Text

- 11) Accessory uses. The following accessory uses may be permitted as incidental to and limited to the clients of the principal use:
 - playground
 - bathroom facilities
 - aesthetic (gazebo, barn, etc.) features
 - barns, animal interaction arenas
 - physical therapy course/apparatus

- 12) Signage. Signs for Recreational Therapy Facilities shall meet the requirements of Chapter Eleven (Standards for Permanent Signage in Residential Districts) of the Cabarrus County Subdivision and Zoning Ordinance:
 - One detached sign per premises, located outside of street right-of-way and site distance triangle. Maximum sign area – sixteen feet, maximum sign height – four feet
 - One attached sign per premises (as a substitute for a ground/detached sign). Maximum sign area – five feet

- 13) Separation Distance. To prevent the creation of a defacto social service district, new Recreational Therapy Facilities must be separated by a minimum of 1500 feet (parcel boundary to parcel boundary) from existing facilities.

- 14) Additional Requirements.
 - The number of animals boarded outside or partially outside shall not exceed twenty-five (25) animals. Those boarded entirely inside shall not be counted as part of this limitation.
 - No outdoor recreation use, located within a residential zoning district shall be allowed to open before 6:00 AM, or close later than 11:00 PM.
 - Public address systems shall not be permitted, except within a building.

Recreational Therapy Facility

A facility that provides recreational therapy to individuals with a wide range of cognitive, physical and emotional disabilities. Recreational therapy is the provision of services to an individual to restore and rehabilitate using recreational techniques, in order to improve functioning and independence, as well as reduce or eliminate the effects of illness or disability and promote well-being.

Raleigh Code of Ordinances

CHAPTER 2. Zoning.

ARTICLE D. USE, RESIDENTIAL DENSITY, SETBACK, HEIGHT REGULATIONS AND SUMMARY SCHEDULES

Sec. 10-2072. REGULATIONS FOR CONDITIONAL USE.

Recreational use related to a residential development, other than a *single-family dwelling unit*. *Recreational uses related to residential development*, other than a *single-family dwelling unit*, shall meet all of the following:

(1) Recreational use is limited to the *following* facilities: clubhouse, docks, exercise rooms, game and craft rooms, gymnasiums, party and reception rooms, pedestrian and equestrian trails, picnic areas, *play courts* , such as basketball, racquetball, and tennis courts, golf courses, driving ranges, *play fields* , playgrounds, sauna baths, swimming pools, tanning facilities.

Cross reference: Horse stalls are allowed on individual *lots* as an accessory *use* to a residence, §10-2071.

(2) These uses are allowed only as part of a *multi-family or group housing development*, or *cluster unit development* , *townhouse development* , residential *unit ownership (condominium) development* , *manufactured home park* , *congregate care or congregate living structure* , or *life care community* , except that in Rural Residential, Residential-2, Residential-4, and Special Residential-6 Districts, such uses are allowed only as part of a *cluster unit development* .

Cross reference: Planned residential developments, Article F.

(3) Nonresident memberships or fees paid by the general public *shall* not be permitted. This prohibition shall not be construed to disallow membership fees for residents of the development and their guests made on an installment basis of not less than monthly, rather than on any pay-for-use, hourly, daily or weekly basis. Membership fees are allowed for any recreational *use related to a residential development* if it also complies with all regulations of a recreational *use restricted to membership*, either commercial or not *for profit*.

(4) The recreation facilities *shall* be owned by either a not for profit organization, a home owner's association, or apartment project *owner*.

(5) No more than twenty-five (25) per cent of any minimum outdoor open space required by this code *shall* be covered by impervious *surfaces*.

(6) Any active recreational use such as a swimming pool or wading pool, diving area, outdoor *play court* , outdoor *play field* or equipment areas, or any driveway or parking areas for such facilities *shall* contain a *transitional protective yard* conforming to §10-2082.9 standards for medium impact uses, except that this subsection *shall* not apply to *dwellings* within a *group housing or multi-family development* , or *cluster unit*

development, townhouse development, residential unit ownership (condominium) development, manufactured home park or manufactured home subdivision, congregate care or congregate living structure, or life care community served by the recreation uses.

(7) Any pool with any linear dimension greater than sixty-five (65) feet or with any area in excess of four thousand (4,000) square feet *shall* first be approved by the Raleigh Board of Adjustment as a special use permit in accordance with §10-2144, *recreational use restricted to membership - not for profit* .

(8) No signage, storage, merchandise, or display including display windows *shall* be visible from outside the facility.

(9) As part of a *cluster unit development* or *townhouse development* said recreation uses may be located on a separate lot only if the recreation facility is located on common open space owned by the home owner's association that either adjoins or is directly opposite the development for at least fifty (50) per cent of the perimeter of said open space.

(10) No illumination from the recreation uses *may* exceed four-tenths (0.4) maintained foot candles when measured outside the residential development.

(11) Off-street parking for the recreational uses *shall* be provided in accordance with §10-2081. The off-street parking spaces required to be maintained for the recreational facilities shall be in addition to the spaces required for the dwellings. However, the number of parking spaces required by §10-2081 for recreation uses *may* be reduced by the ratio of the total parking required for the *dwellings* that are located within four hundred (400) feet of the recreation use to the total required off-street parking for all *dwellings* in the residential development.

(12) Any sale of merchandise, *eating establishments*, or similar uses which are open at hours different from the recreational use and serve customers other than those using the recreation use *shall* meet the standards of related residential services of this section §10-2072.

Cross references: Restrictions on archery inside *City Limits*, §13-2029; fencing of outdoor swimming pools, §13-2028.

(Ord. No. 799-TC-267, §43, TC-21-85, 1-1-87; Ord. No. 679-TC-144, §1, TC-H-81, 7-7-81; Ord. No. 1992-43-TC-397, §30, TC-10-92, 9-1-92; Ord. No. 1996-877-TC-130, §4, TC-2-96, 5-7-96; Ord. No. 2000-734-TC-189, TC-2-00, §1, 2-15-00)

Recreational use restricted to membership - commercial .

Recreational use restricted to membership - commercial shall meet all of the following:

- (1) Recreation use is limited to the *following* uses: athletic league fields, campgrounds, country clubs, docks, gymnasiums, health clubs and health spas, including clubhouse facilities, pedestrian and equestrian trails, play *courts* such as basketball, racquetball, and tennis courts, golf course, driving ranges, play *fields*, playgrounds, swimming pools, tanning facilities, weight and exercise rooms, all of which are restricted to members and their guests only.
- (2) The site must have direct access to a *thoroughfare* or any *street* which meets *City commercial street* or collector *street* standards.
- (3) *Transitional protective yards* which conform to §10- 2082.9 for medium impact uses shall be installed.
- (4) The site *shall* not be within a primary *reservoir watershed protection area* unless it is a recreation *use restricted to membership, not for profit*, §10-2145.
- (5) In a Buffer Commercial District, the size and use limitations of the zoning district must be met.
- (6) Any sale of merchandise in an *office and institution zoning district* shall :
 - a. Be limited to members,
 - b. Not have any signage visible outside the building,
 - c. Not be visible from the *street* right-of-way or adjoining lots,
 - d. Be limited to the lesser of ten (10) per cent of the *floor area gross*, or two thousand (2,000) square feet.
- (7) No illumination when measured off the recreational site *shall* exceed four-tenths (0.4) maintained foot candles of lighting.
- (8) The use is operated on a membership basis and payments, if any, for the recreational facilities are made on an installment basis of not less than monthly, rather than on any pay for use, hourly, daily, or weekly basis.
Cross reference: Restrictions on archery inside *City Limits*, §13-2029.

(Ord. No. 799-TC-267, §16, TC-21-85, 1-1-87; Ord. No. 105-TC-304, §6, TC-24-87, 1-10-88; Ord. No. 337-TC-214, §2, TC-263, 5-31-84; Ord. No. 540-TC-135, TC-B-80, 12-9-80; Ord. No. 1996-877-TC-130, §4, TC-2-96, 5-7-96)

Recreational use restricted to membership - not for profit .

Recreation uses restricted to membership - not for profit shall comply with the conditions of *recreational uses restricted to membership - commercial* , and in addition, if it is located within a *primary reservoir watershed protection area* , it must be approved as special use permit in accordance with §10-2145.

Religious shelter unit.

Religious shelter units shall meet all of the following:

- (1) The facility *shall* comply with all the rooming house standards in §10-6023 of this Code.
- (2) The facility is an *accessory use* to the church or synagogue and occupies a floor *area* of no more than ten (10) per cent of the floor *area gross* in any one (1) religious complex.
- (3) It houses no more than twelve (12) *residents* at any one (1) time provided that a minimum floor space of one hundred (100) square feet suitable for shelter is provided for each person sheltered.
- (4) No individual or *family* resides in the religious *shelter unit* for a period longer than eighteen (18) months, and no person or family *shall* be readmitted until at least fourteen (14) days have elapsed from the last residency at the shelter.
- (5) It is located in a church or synagogue which is established on the site for a period of one (1) *year* or longer.
- (6) It provides an employee or volunteer to maintain continuous on-site supervision of the *religious shelter unit*.
- (7) To prevent the creation of a defacto social service district, no more than one (1) *religious shelter unit* *shall* be located in any three-quarter (3/4) mile radius (determined by a straight line and not *street* distances).
- (8) Prior to the establishment of the *religious shelter unit* a permit is issued by the zoning inspector.
- (9) It is not located within a *primary reservoir watershed protection area*, or an Airport Overlay District.

(Ord. No. 895-TC-383, §6, TC-21-91, 12-3-91; Ord. No. 810-TC-268, §2, TC-6-86, 6-22-86; Ord. No. 128-TC-186, §2, TC-235, 6-7-83; Ord. No. 1995-748-TC-121, §1, TC-25-95, 10-18-95)

Special care facility.

No *special care facility* *shall* be located within one thousand two hundred (1,200) feet (determined by straight line from *property* line to *property* line) of another *special care facility*.

(Ord. No. 2004-721-TC-260, §5, TC-16-04, 10-5-04)

Supportive housing residence.

Supportive housing residences shall meet all of the following:

- (1) No *supportive housing residence shall* be established, constructed, expanded, altered, changed, occupied, or increased in the number of occupants except in accordance with the Housing Code, Article H, Chapter 6 Part 10.
- (2) The total number of individuals occupying a *supportive housing residence* does not exceed twelve (12).
- (3) No *supportive housing residence shall* be established or maintained without a responsible *person* on site.
- (4) Off-street parking is provided in accordance with §10-2081.
- (5) No *supportive housing residence shall* be located within three hundred seventy-five (375) yards (determined by straight line from *property* line to *property* line) of any other *supportive housing residence* or any existing group care facility, family care home or family group home established prior to the effective date of this ordinance.*
- (6) The *supportive housing residence* must conform to one (1) or more of the following:
 - a. It is licensed by the federal or state governments.
 - b. It is funded in part by governmental grants or loans.
 - c. It provides room and board, personal care, and habilitation services in a family environment.

State law reference: §168-21(1).

Nothing herein *shall* prevent four (4) or fewer persons with disabilities, who are unrelated by blood, marriage, or adoption as set forth in the definition of family, §10-2002, from occupying any lawful dwelling as a family.

(Ord. No. 1994-365-TC-71, §14, TC-22-93, 4-5-94; Ord. No. 1999-616-TC-181, §38, TC-3-99, 8-3-99)

*Editor's note: The regulations of this provision first became applicable on June 1, 1994.

Cross reference: Registration of *supportive housing residences*, §12-2161.

**UDO Winston-Salem/Forsyth County
Article II Zoning Districts, Official Zoning Maps and Uses**

2-5.16 CHILD CARE INSTITUTION

- (A) Site Size The following minimum site sizes shall apply:
- (1) Five (5) acres for twenty-five (25) to seventy-five (75) children;
 - (2) Ten (10) acres for seventy-six (76) to one hundred twenty-five (125) children;
 - (3) Fifteen (15) acres for one hundred twenty-six (126) to one hundred seventy-five (175) children; and,
 - (4) Twenty (20) acres for one hundred seventy-six (176) or more children.
- (B) Setback No building, dumpster, or recreation area shall be less than one hundred (100) feet from any property line adjacent to property zoned residential.
- (C) Licensing Licensing by the State is required.
- (D) Regulations Facilities must conform to all State and local building, fire, and health codes which apply to such facilities.

2-5.63 RECREATION SERVICES, INDOOR OR RECREATION SERVICES, OUTDOOR

The following conditions shall be met in the IP District:

- (A) Operation by a Public or Not-For-Profit Organization The recreation services facility must be operated by a public or not-for-profit organization.
- (B) Minimum Site Size The minimum site size shall be two (2) acres.
- (C) Access The site shall have direct access to a collector street, a minor thoroughfare, or a major thoroughfare.
- (D) Setbacks No structure, parking area, or outdoor recreation area shall be located less than forty (40) feet from any property line adjacent to residentially zoned property.
- (E) Public Address System Public address systems shall not be permitted except within a building.

2-5.67 RIDING STABLE, INCLUDING VETERINARIAN SERVICES FOR EQUINE SPECIES AND CATTLE

- (A) Prohibited Districts (W) Riding stables shall not be permitted as a principal or accessory use in RS Districts in GMAs 1 and 2.
- (B) Size Any riding stable shall occupy a zoning lot containing not less than five (5) acres.
- (C) Setbacks Such riding stables, including any structures housing permitted veterinarian services for equine species or cattle, shall be set back not less than one hundred fifty (150) feet from any adjoining zoning lot and one hundred (100) feet from any street right-of-way.

Chapter Four Overlay Districts

PART IV. RECREATIONAL DISTRICT OVERLAY (RDO) ZONE

Section 4-19. Intention.

Application of the RDO Recreational Overlay Zone is intended to allow and regulate certain recreational land uses within compatible low density zoned districts.

Section 4-20. Permitted uses.

Any use permitted in the applicable underlying zoning districts shall be allowed.

Section 4-21. Conditional uses.

Any conditional use permitted in the applicable underlying zoning district may be allowed, as well as:

- Camp grounds for tents, campers, travel trailers, and recreational activities within the district
- Fishing clubs
- Hunting clubs
- Marinas
- Restaurants and retail establishments directly related to recreational activities within the district
- Saddle clubs
- Screened open storage of recreational vehicles and boats
- Other similar approved outdoor activities

Section 4-22. Development standards.

Development standards required of the underlying zoning district shall be applied in addition to any provisions required by an approved conditional use permit for any recreational use.

Minimum number of acres within this district shall be twenty (20) acres.

Chapter Four Overlay Districts

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WINGS OF EAGLES RANCH

Therapeutic Horseback Riding Center

May 6, 2008

Jeff Huss, Planner
Cabarrus County Commerce Department
65 Church Street SE
Concord, NC 28026

Dear Jeff and the Planning and Zoning Department:

Wings of Eagles Ranch a non-profit (501)(c)(3) Therapeutic Horseback Riding Center. We are looking to create a therapy center which utilizes a multipurpose facility. In addition to therapeutic horseback riding, this new facility will allow us to provide a location for area healthcare professionals to conduct related therapies for their clients, such as Occupational Therapy, Physical Therapy and Speech-Language Pathology. This will better serve not only our riders and their families but also improve onsite training capabilities for our volunteers and staff. The building will not only be a fully functional therapy room, but will also serve as a training facility for the WOER staff, volunteers and parents, who will be able to participate in the development of their child's therapy program onsite. Conferences and training sessions, providing ongoing education to the staff and families will be available on a regular basis. Parents will also be able to fellowship together while they wait during therapy sessions. Additional fundraising events to benefit WOER will be conducted at this multipurpose building. The summer program will also utilize this facility for various classes, such as art, music, cooking and nature instruction, as well as any needed therapy for individuals who are participating during camp. This multipurpose building and ultimately this new program is the start of a new and wonderful outreach to the special needs community.

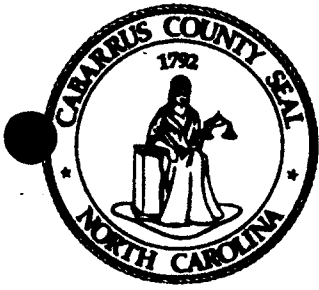
Wings of Eagles Ranch has served the community for 9 years, working with children and adults who have physical and learning disabilities. We provide therapeutic horseback riding for individuals with these disabilities: Cerebral Palsy, Autism, MS, Spina Bifida, Down syndrome, Traumatic Brain Injuries, Stroke patients, Neuropathy and other disorders. Most sessions have a waiting list for riders. However, being able to introduce additional therapy options which could be conducted simultaneously at WOER would greatly increase both the population being served and in turn, the revenue created by additional clients.

Thank you for your time.

Sincerely,

Christine Cronin, Executive Director
Wings of Eagles Ranch

4800 Faith Trails + Concord, North Carolina + 28025
(704) 784-3147 + www.wingsofeaglesranch.org
*A non-profit Equestrian Therapy Center for persons with Special Needs
Serving Cabarrus County and surrounding areas since 1999*



Planning and Zoning Commission Minutes
August 21, 2008
7:00 P.M.

Mr. Roger Haas, Chairman, called the meeting to order at 7:00 p.m. Members present, in addition to the Chair, were, Mr. Todd Berg, Mr. Eugene Divine, Mr. Larry Ensley, Mr. Danny Fesperman, Mr. Ian Prince, Mr. Barry Shoemaker and Mr. Dennis Yates. Attending from the Planning and Zoning Division were, Ms. Susie Morris, Planning and Zoning Manager, Mr. Jeff Huss, Planner, Ms. Arlena Roberts, Clerk to the Board, Mr. Richard Koch, County Attorney.

Roll Call

Approval of Minutes

Mr. Dennis Yates, **MOTIONED, SECONDED** by Mr. Eugene Divine to **APPROVE** the May 29, 2008, recessed meeting minutes and the July 17, 2008, meeting minutes. The vote was unanimous.

New Business – Planning Board Function:

Amendment to the Cabarrus County Flood Damage Prevention Ordinance

Mr. Mike Byrd, Flood Plain Manager and Planner, addressed the Board stating that this is a stand alone ordinance and it is referenced a few times in the Zoning and Subdivision regulations. He said Cabarrus County has had one for 20 years or so and the latest one was done in 1994. He said four or five years ago when we had the bad hurricane down east, the state partnered with the Federal Emergency Management Agency (FEMA) to get the flood map time frame reduced. He said the last maps we had were in 1994, and they were one inch equals a thousand scale; maps with no property or housing or anything on them.

Last year we received some maps for local comment, they were aerial photos; 1 inch equals 200 feet. He said the county had a six month period to comment; it went back through Raleigh and through the Federal Emergency Management Agency (FEMA) Regional Office in Atlanta and the County has until the first week of November to do these revisions. He said what was sent to the board is the required amendment to the ordinance for the homeowners in the County to still be eligible for flood insurance; this has to be adopted by the County by the first week in November.

Mr. Byrd said it is a stand alone ordinance but he still needs a recommendation from the Planning and Zoning Commission to the Board of Commissioners to set up a public hearing date and hold a hearing on this petition.

There being no further discussion, Mr. Shoemaker **MOTIONED, SECONDED** by Mr. Prince to **Recommend Approval** of the amendment to the Cabarrus County Flood Damage Prevention Ordinance to the Board of Commissioners. The vote was unanimous.

Old Business – Planning Board Function:

Proposed Text Amendment: C2008-04 ZT – Proposed Recreational Therapy Center (Rural)

Mr. Huss presented the following proposed text amendment for a Recreational Therapy Facility.

Recreational Therapy Facility

Zones in which conditional:

Agricultural Open and Countryside Residential

Additional information required with petition:

- 1) A complete description of the facility including but not limited to:
 - types of events, days and hours of operation
 - a client profile: projected client enrollment, years of enrollment, age of clients, etc
 - description of curriculum/treatment methods
 - evidence that the facility has achieved accreditation from a nationally recognized organization in the therapeutic field of choice
 - site plan showing layout of all buildings, parking areas, landscape, buffers, play areas, barns, riding trails, abutting properties and the land use for these properties, impervious area calculations, water bodies, etc
 - projected number of users per weekday and weekend days, with the maximum number expected at any one event
 - types of accessory structures used or envisioned to be used on the site
 - total number of employees, both full-time and part-time (including volunteers)
 - building elevations
 - any and all other relevant information that will help describe the facility

- 2) A traffic study based on ITE (Institute of Transportation Engineering) rates or other comparable source analyzing the proposed site's impact on the existing road network. Proposed roadway improvements serving the site should also be detailed.

Predefined standards:

- 1) Site Size. The site shall contain at least twenty-five (25) acres.

- 2) Access. The parcel must have frontage on a major or minor thoroughfare.
- 3) Structures. Building height and other dimensional requirements for new construction shall be governed by the zoning district in which the property is located. ~~Any pool in excess of 4000 square feet shall require Board of Adjustment approval.~~(Deleted) New construction must meet commercial design standards.
- 4) Setbacks. All structures, viewing areas, seating areas, etc. shall be set back at least one hundred (100) feet from any street. All animal enclosures must be three hundred (300) feet from parcel boundary lines.
- 5) Lighting. All access ways shall be adequately lighted. Outdoor lights must be shielded to direct light and glare only onto the facilities' premises and may be of sufficient intensity to encourage security and safety. Lighting and glare must be deflected, shaded and focused away from any adjoining properties.
- 6) Noise Control. Maximum permitted noise levels may be established in order to protect adjacent properties. Any such requirement will be made a part of the conditional use permit which may also specify the measures to be taken to control noise, including but not limited to muting, special landscape treatment and berms.
- 7) Buffer. A level one bufferyard will be provided along the perimeter of the entire property. See Chapter Nine, Landscaping and Buffer Requirements.
- 8) Access. The parcel must have frontage on a major or minor thoroughfare. Proposed access points must be approved by NCDOT.
- 9) Parking. The facility must provide, at a minimum, parking spaces to accommodate the staff, clients and visitors. Service providers and vehicles (buses, tractors, trucks and trailers, caterers, therapy providers, etc) should be included in this calculation. Designated areas for special event parking shall also be included in the parking plan. Parking areas must be grassed (no impervious coverage). However, handicap accessible parking is required to be an improved/hard surface and to meet requirements of the North Carolina State Accessibility Code and Section 10-5.3. of this ordinance. No on-street parking is permitted.
- 10) Meals. Other than as part of special events or therapy sessions, no meals shall be served to the general public on the site.
- 11) Accessory uses. The following accessory uses may be permitted as incidental to and limited to the clients of the principal use:

- playground

- bathroom facilities
- aesthetic (gazebo, barn, etc.) features
- barns, animal interaction arenas
- physical therapy course/apparatus

12) Signage. Signs for Recreational Therapy Facilities shall meet the requirements of Chapter Eleven (Standards for Permanent Signage in Residential Districts) of the Cabarrus County Subdivision and Zoning Ordinance:

- One detached sign per premises, located outside of street right-of-way and site distance triangle. Maximum sign area – sixteen feet, maximum sign height – four feet
- One attached sign per premises (as a substitute for a ground/detached sign). Maximum sign area – five feet

13) Separation Distance. ~~To prevent the creation of a defacto social service district, new Recreational Therapy Facilities must be separated by a minimum of 1500 feet (parcel boundary to parcel boundary) from existing facilities.~~
(Deleted)

14) Additional Requirements.

- The number of animals boarded outside or partially outside shall not exceed twenty-five (25) animals. Those boarded entirely inside shall not be counted as part of this limitation.
- ~~No outdoor recreation use, located within a residential zoning district shall be allowed to open before 6:00 AM, or close later than 11:00 PM.~~
- Public address systems shall not be permitted, except within a building.

Mr. Huss said what we are considering is the Recreational District Overlay Zone. He asked if this is something the Board would like to see approved under the Recreational District Overlay Zone or if they prefer to use this text.

Mr. Huss presented the following:

Chapter Four Overlay Districts

PART IV. RECREATIONAL DISTRICT OVERLAY (RDO) ZONE

Section 4-19. Intention.

Application of the RDO Recreational Overlay Zone is intended to allow and regulate certain recreational land uses within compatible low density zoned districts.

Section 4-20. Permitted uses.

Any use permitted in the applicable underlying zoning districts shall be allowed.

Section 4-21. Conditional uses.

Any conditional use permitted in the applicable underlying zoning district may be allowed, as well as:

- Camp grounds for tents, campers, travel trailers, and recreational activities within the district
- Fishing clubs
- Hunting clubs
- Marinas
- Restaurants and retail establishments directly related to recreational activities within the district
- Saddle clubs
- Screened open storage of recreational vehicles and boats
- Other similar approved outdoor activities

Section 4-22. Development standards.

Development standards required of the underlying zoning district shall be applied in addition to any provisions required by an approved conditional use permit for any recreational use.

Minimum number of acres within this district shall be twenty (20) acres.

Mr. Huss presented a sampling of responses from various local government officials with regard to a Recreational Therapist Center Ordinance Amendment.

The Chair said the first question is do we want to use the existing Recreational District Overlay Zone or if we want to use the new Recreational Therapy Facility text amendment. He asked why we chose to change the acreage from 20 to 25.

Mr. Huss said the Recreational Overlay Zone (RDO) requires 20 acres. He said 25 acres is the standard that he found repeatedly in others.

Ms. Susie Morris, Planning and Zoning Manager, addressed the Board stating for clarification that the current members of the Board were not on the board when the Recreational District Overlay was adopted. She said the minutes are very specific that if you use the Recreation Overlay, the Board then wanted the applicant to come back and file a Conditional Use permit on top of that. She said the Board would have to decide, if you want them to have the Recreation Overlay, then they would have to come back with a Conditional Use Permit. She said you could go the route of just having it as a Conditional Use or you could go the route of having it Permitted Based on Standards (PBS). She said if they got the Recreational Overlay then Permitted Based on Standards and come back later.

Mr. Prince does not see any benefit of having the RDO in there; it just seems like another layer, another step.

Mr. Haas asked what other districts would be included if we use the RDO, which are low density zoning districts beyond the Agriculture and Countryside Residential.

Mr. Huss said the RDO states that any use permitted in the applicable underlying zoning districts shall be allowed.

Mr. Haas asked what the compatible low densities on districts, is it any besides those two?

Mr. Huss said no.

Mr. Prince said the recreational side and the therapy side are total opposites and he does not see those two things in the same basket.

Mr. Yates asked about the examples given for Charlotte, Forsythe, and Salisbury, how big are the parcels of property or the requirement for those particular entities?

Mr. Huss said they are considerably smaller than the Cronin's property; he thinks they were around 20 to 25 acres.

Mr. Yates agrees with the question of 20 versus 25; there is a lot of stuff that can happen on 25 acres. He thinks from the buffer stand point that is a good thing. He asked if there were any restrictions, how many days of the week the therapy would be. He asked if the lack of text allow there to be a very diverse amount of time and opportunity for folks or is this an occasional kind of thing; is it always for profit, is it also not for profit, does it allow for catering. He does not see any restrictions on buildings, he said you could have huge facilities out there, is there any intent to say this thing cannot be 10,000 feet, 5,000 feet, 50,000 square feet?

Mr. Prince said Mr. Huss stated that the building controls were set by the underlying zoning.

Mr. Haas said you would have water shed restrictions, impervious, those types of things that would limit the building.

Mr. Yates said you could still have some pretty good size buildings on 20 acres.

Ms. Morris said based on the information you have, a lot of these will be client specific, they are using the horses as the recreational therapy component, they may also have some other animals. She said a lot of it is centered around using horses, dogs and some other petting type animals; it will be that type of facility. They might have an indoor riding ring or something like that. She said the buildings could get larger but they are also going to be specific to the type of therapy that they are doing on that particular property.

Mr. Prince said one of the other strengths in here is requiring the achievement of accreditation. He said that will prevent a lot of fly by nights and people who just want to set up a tent, it is not an easy accreditation to come by and he thinks that will help. He thinks keeping it at 25 acres is reasonable and will also trim the fat and keep things moving.

Mr. Prince has a question on #4 Setbacks - Animal enclosures must be 300 feet from parcel boundary lines. He asked what was considered an animal enclosure.

Mr. Shoemaker has the same question. Is it a pasture with a fence considered an enclosure or are we talking about just about the structures.

Mr. Prince said obviously every farmer out there is up to the property line and that seems to be out of place in an agricultural environment.

Ms. Morris thinks what the intent is if it was a barn or something like that, an actual structure, it would have to be back,

Mr. Prince asked if the structural setbacks would be set by the zoning.

Ms. Morris said in this particular district, these will override what those setbacks are because typically they are only around 50 feet. This would put any type of enclosures 300 feet back because we do not regulate fences; so strictly just for pastures then that could go up to the property line, but any buildings or seating areas or anything like that, we are proposing now that they are further setback. She said it does ask for them to be further back so that there is that buffer and it is protected from the other property owners. She said we can clarify the language and change it to structure.

Mr. Prince said structure is probably more accurate but he still proposes that 300 feet is excessive.

Ms. Morris said the board could discuss what number they think it should be and that would be from the property line

Mr. Berg said that would be just for barns and that sort of thing, everything else could be within a 100 feet. He does not have any problem with 300 feet as long as it does not include any pasture. He thinks we should clean the language up, but he thinks Mr. Prince still may argue that 300 feet is not the right number.

Mr. Prince said if the typical set back is 50 feet, he does not know why it would be six times that, it seems excessive to him.

Mr. Divine asked if the shape of the property would affect the set back, if it were a narrow property 300 feet might prohibit it.

Ms. Morris said to keep in mind that the minimum that we are proposing now is 25 acres.

Mr. Prince said the other limiting factor that he saw was limiting the number of animals to 25, from his experience that seems to be a little low.

Mr. Berg agrees that 25 is a little low and asked what would be a reasonable number. He said 25 is the minimum and it could be 100 acres.

Mr. Prince goes back to the root of the question, and asks why even the concept of limiting the number of animals, why would you want to cap it.

Mr. Huss said equestrian subdivisions have a limit of a 1 acre per horse and this is basically along the same line. We want to make sure that they do not have too many horses on too small of a property.

Mr. Berg would like the Cronin's to comment.

Ms. Christine Cronin, 4850 Faith Trails, Concord, NC addressed the board stating that she does not have any problem with capping but she does think 25 is low. She said with the dogs, cats and horses they are close to that number now. She does not expect to have too many, she is not going to have 50 horses out there. She sees around 18 to 21 horses depending on how they are used and that being horses coming in and horses going out. She said there is definitely a variance there.

Mr. Prince said there is an economic threshold that you can maintain and be able to do the therapy and be able to run it financial so it can stay afloat.

Ms. Morris said typically when you start talking about residential property and housing large livestock, there are those numbers that get put on there based on the size of the property. She said to make sure that the animals are not packed together, that they have enough room and that they will be healthy and also hopefully that there is enough room for the pasture part and the stable part so that you do not end up having issues.

Mr. Shoemaker asked if you could just say livestock; one acre per head of livestock a good term to use.

Ms. Morris said that would be used more for cows, goats, farming type animals that are actually used or raised for production, which is typically how livestock is defined.

Mr. Prince said if you say 1 per acre then you implicitly tied the size of the heard to the size of the property, so if you are at 25 horses you cannot take the 26th horse until you get another acre.

Mr. Shoemaker said yes, you are boarding 25 horses on 25 acres and that is a good rule of thumb.

Mr. Divine said we are assuming they are going to feed the horses off the pasture; they probably will ship the feed in for the horses and use the pasture as recreational area or riding area.

Ms. Cronin said no, they have approximately 25 acres of pasture now and they have a riding facility that the children use to ride and to do therapy.

Mr. Prince said he thinks 1 per acre is fine if the Board can agree on that.

Mr. Shoemaker said it would at least provide us some guidelines.

Mr. Shoemaker had a comment on the buffers. He said on a level one buffer yard you were talking about the perimeter of the entire property. We are automatically going 100 feet back with any kind of structures, viewing areas and that type of thing. He asked what a level one buffer was.

Mr. Berg said it is the amount of planting required; it defines the width of the buffer and also the amount of landscaping, kind of a screening element.

Mr. Shoemaker said it appears to be for a 25 acre piece of property or any kind of property that is large, a huge investment to buffer that whole piece of property.

Mr. Berg said typically you are allowed to count existing trees as part of that buffer, so if it is all wooded anyway then you are fine.

Mr. Shoemaker said the parking must be grassed and on impervious coverage; he asked if gravel could be applied to the parking areas.

Mr. Huss said this was talked about in the recreational facility, basically trying to get away from impervious areas and the run off that comes from that.

Ms. Morris this is what we are proposing and it is similar to what was proposed in the reception facilities. She said if the Board wants to include some paved parking or to allow for minimum gravel parking you can do that; but when you get to these larger sites they may have streams that run through them so there is a potential for the water to run off and contaminate the stream.

Mr. Yates said the problem he has is that there is not a definition of how much and how often, there is nothing that restricts or gives guidelines.

Mr. Koch does not think we can regulate that, he thinks that is beyond what the zoning ordinance allows, to craft it in such a way that you tell the property owner how often they can use the property for what would otherwise be a legal activity.

Mr. Berg said you regulate the maximum number of cars at any given time. He said all of the ordinances have minimum and maximum parking requirements.

Mr. Koch said that is true.

Mr. Prince redirects; it is not recreational, it is a therapeutic practice. He said typically you do not get 500 therapists in one spot at one time; it is not that type of event.

Mr. Yates said when it says special events, what is the definition of that and what impact might it have. He agrees that on a day to day basis it is not an issue and these folks may choose to do one thing in one way than someone else because this would be a blanket. He is trying to think of what are the limits of use or impact. He thinks that is good that it is 25 acres and not 10 or 15 for those kinds of things, but there really is not anything other than specific zoning that would say you could not have gargantuan structures or anything else out there.

Ms. Morris said what you have to think about is there are impervious coverage areas that are zoning district wide that would apply; they would not be able to go over that. As far as special events, most of these folks are nonprofit so the special event that they probably would have might be a fund raiser or a carnival or something like that on site in order to try and raise money, which probably does not happen more than once per quarter or twice a year. She said if the Board prefers that there is some paved parking or gravel parking, that could be added in as a condition. She said it sounds as if the Board is heading toward going the conditional use route, so they would have to meet these standards, and so that you can see the site plan, see the plantings and what is going to be there, where the fences are proposed to be; those types of things. She said as far as limiting the time or the number of events and things like that, typically the zoning ordinances do not get into those types of things, they are handled more through the code of ordinances which is the County Code. She believes there are some regulations in our ordinance about noise regulations and lighting, the specific things that you are looking at and which route the Board prefers that it takes. She said if the Board wants staff to go back and readdress the language, we can, or if you want to make specific suggestions you can do that as well. She said this was just a starting point for us.

Mr. Yates suggests there be gravel or some type of improved parking. He said you can do this 5 nights per week, and if you have one rain storm and you have a significant amount of cars or vehicles you could easily be tracking mud all up and down the highway, which NCDOT is going to say you cannot do that any more and it comes back and says I love to change that but the ordinance says it has to be grass. He thinks there needs to be some flexibility in that. He said one of the places to him that is a temporary or occasional thing that happens each year but still has an impact, is the Renaissance Festival. That is a big deal when it goes on, for traffic and all of those kinds of things that happen with that. He has no problem with recreational use; he just curiously asks what happens if it gets that big or that often, what are the implications are then.

Mr. Berg asked how many cars on average would there be on day to day.

Ms. Cronin said there are 4 students per hour; she has 11 classes per week. She said there would be four cars there and 4 cars leaving in rotation. She said they try to have a couple

of fundraisers per year, one is a horse show and one is a fall festival, they do not have the ability to park 500 cars. The building they are proposing is to be able to offer in conjunction with horse back riding therapy, physical therapy, occupational therapy and use the horses when they can within an hour in and out of the therapy room onto the floor, it will be the same people there.

Mr. Berg agrees that he would like to see some limited structure parking there just for the day to day use; maybe a maximum of 10 spaces or something like that and if they have the event that could be on the grassed area. He thinks the handicapped spaces have to be paved.

Mr. Huss asked if Mr. Berg would like to see a number of improved spaces.

Mr. Berg said he would, just for day to day use; a small number like 10 spaces. He is not sure how you would quantify it.

Mr. Shoemaker said you could say close to or adjacent to the building so they cannot go any further than 20 feet away from the building; stay within the confines of the foot print of the building.

Mr. Berg asked about public address systems, the horse show was mentioned and he assumes that is outside. He said having no public address would be restrictive for that. He asked Ms. Cronin if she used public address system for horse shows.

Ms. Cronin said yes, it is outside and she uses a hand held mike, this was the first year she used it. She said there is a covered facility that they use for the horse show and the horse show is strictly for the children in the program.

Mr. Huss asked Mr. Berg if he wanted to include the handicap spaces in the 10 parking spaces.

Mr. Berg said yes, 10 including the handicap.

Mr. Huss asked about the public address system.

Mr. Berg thought of it as being a potential problem if it is not allowed at all, he sees why you proposed to put it in, you do not want that thing going all day long if you are a neighbor. He thinks in a case of a special event he is not sure it would be a problem to allow it; he does not know how you would word it.

Mr. Prince does not have a problem with it staying in a structure.

Mr. Yates asked what the width of the bufferyard was.

Mr. Huss said a Level 1 Buffer is 100 feet; it is based on the acreage. That is 12 trees per 100 feet, 60 shrubs.

Mr. Yates asked if these folks bought a new farm with 25 plus acres and it happen to be rural farm land in the County, open acreage, would they have to put a buffer yard around all four sides.

Mr. Huss said yes.

Mr. Yates asked if you could say it was adjacent to residential, or some are abutting other type of zoning or something.

Mr. Huss said you could if that is what the Board wanted to do.

Mr. Yates said if we do that every farm would have to be buffered.

Mr. Huss said this could have been categorized as a bona fide farm, but we are going the recreational therapy route, that is the difference.

Mr. Yates thinks if you are going to have a 100 foot buffer, plus 50 more is 150 feet if the structure inside is more than reasonable than 300.

Mr. Prince thinks that is reasonable, he thinks that is a good point, 100 feet in this application; 100 feet around 80 acres is going to be impressive.

Mr. Yates said it also disputes that old notion of open space out in the county too. He said that is what is aggravating, if this was in the middle of downtown Concord he thinks it needs to have one set of criteria, if it is out in the middle of the County he does not know why we should penalize these folks or any one else for trying to continue to use the county low density way in a specified area. He said that is why he has a problem with the way it is written, this blanket will cover all horses if we pass it.

Mr. Hass said only recreation therapy centers.

Mr. Yates said where ever they may be or however someone interprets what that is. His point is we still have not decided, they can have special events anytime they want, as often as they want and as large as they want.

Ms. Morris asked the Board if they want to delve into it a little more and beef up the standards, would they prefer to form a subcommittee to look at it or do they want staff to look at it and come back with language.

Mr. Prince said the half dozen points that we have, if Jeff can take under advisement and polish it up and bring back next month.

Mr. Berg thinks they need to give guidance on the buffer issue and point Dennis raised. If you have 100 acres of pasture land and you plant 12 trees per 100 feet it will be prohibitive.

Ms. Morris said you can make one required to have 100 feet but that they do not have to do the landscaping, you just say you have to be back 100 feet but you do not make them put in the buffer. At the same time if they are locating next to a very high density subdivision, do you not want them to have the buffer?

Mr. Yates asked if you could say that you only have to have buffer if it is up against different zoning.

She said the subdivision regulations do call for a buffer to be added, a landscape buffer or the natural landscape. She said if what you are proposing is smaller lots next to larger lots then you have to do the buffer; if you are doing bigger next to smaller then you do not have to do it if you do not want too. She said we could craft some language that would be similar to that. She said in most cases, again this is AO (Agriculture Open Space) and CR (Countryside Residential), you are going to have AO or CR next to you, so it will probably be very rare that it would be located next to a higher density type subdivision.

Mr. Berg does not think the screening would be required if it were next to another 25 acre farm, but if it were next to a subdivision where you had a house every 75 feet then he sees where a screening would be necessary.

Ms. Morris said we can use that as an example and come back with some different language if that is what the Board would like.

The Chair summarized:

1. Use the Recreational Therapy Facility Text as opposed to the Overlay Zone.
2. Leave zoning as it is and not add any additional zoning.
3. Access – parcel must have frontage on a major or minor thoroughfare
4. Will be a Conditional Use
5. 25 acres as standard, no change
6. Setbacks - changed language for structures that handle animals 100 plus 50 feet or a minimum of 150 feet
7. Review Bufferyard and come back with language depending upon what you are adjacent too; larger to smaller or smaller to larger.
8. Parking changed to include 10 spaces being paved which includes handicap parking
9. Boarding of large animals (livestock or farm animals) changed to 1 per gross acreage
10. Public address system shall not be permitted, except within a building

The Chair said the following items were struck from the proposed predefined standards list.

1. Pools
2. Separation Distance

3. No outdoor recreation use located within a residential zoning district shall be allowed to open before 6:00 a.m., or close later than 11:00 p.m.

There being no further discussion the Board by **CONSENSUS** voted to **Table** Proposed Text Amendment, C2008-04 Proposed Recreational Therapy Center.

Directors Report:

Ms. Morris said the Central Area Plan was officially adopted by the Board of Commissioners on Monday night (August 18, 2008). She said as part of that plan there are going to be rezoning that will be required, there are approximately 2,103 parcels subject to rezoning, 753 parcels that are adjacent. The letters will be going out next week.

We will be holding the rezoning hearing and it will be a straight rezoning case, so it will be legislative. The modification we talked about at the last meeting is reflected on the maps; the area around Lane Street was expanded to include a larger mixed use area to reflect what is happening in that area right now. The text of the plan also includes an industrial component that will hopefully be all inclusive of the uses that are there now and uses that may be expanding there.

She said a copy of the plan will be going up on the website. She gave the Board the density map as well as the actual Land Use Map. She said those are the two most important things when you are looking at cases in that area; as far as the text staff will provide in the staff reports with any other applicable text. She said on the map most of the areas where we are rezoning are going to be rezoned to AO (Agriculture Open Space) which is the 1 unit per 3 acres, which reflects the light green areas on the map; the yellowish area will be rezoned to CR (Countryside Residential). We are not creating any Up Zonings, it is only Down Zonings. The blue areas are OI (Office and Institutional), one of those areas is the proposed working farm at Atondo Road, and the other ones are either parks or properties that the County owns for institutional purposes. There are also some rezonings that will go from GI (General Industrial) to LI (Limited Industrial). She said no personal properties were changed to OI (Office Institutional)

Mr. Berg said there is some LDR (Low Density Residential) to OI (Office Institutional) as well.

Ms. Morris said yes, but nothing was changed except for County property, no personal properties were changed to OI (Office Institutional). She said the section to the north is the shooting range and the landfill; those OI's are strictly Cabarrus County properties in order to get them in line with the institutional uses that are there.

Ms. Morris said there will be one staff report covering all of the different areas. We have the maps available in the office for folks to come look at and we also have the mailing list that we used based on our GIS analysis to come up with those list. We are putting half page ads in the newspaper and will also be posting signs at key intersections. She said

hopefully, if folks live in that area, they are going to see that we are making these changes

Mr. Shoemaker asked about getting a news reporter to write about what we are getting ready to do.

Ms. Morris said they have been writing about it, and Eric Deines has been following the Central Area Plan and the process. Her guess is that he will probably do something before the rezoning happens or once the letters go out.

Ms. Morris reminded Mr. Shoemaker, Mr. Porter, and Mr. Divine that they were reappointed to the Planning and Zoning Commission and would be sworn in at the next meeting. She said Mr. David Baucom was appointed to replace Mr. Haas as the representative for Kannapolis. She said after the swearing in of the reappointed and newly appointed members, the Chair and Vice-Chair will need to be selected, also a board member needs to be appointed to run the meeting in the absence of the Chair and Vice-Chair.

Ms. Morris has been directed by the County Manager to go back and look at our buffer standards when it comes to subdivisions, as far as the 50 foot buffer that is required at the street, it can be taken down to 25 feet. We are talking about against an arterial street. She asked for volunteers to discuss this matter and to bring a proposed text amendment back to the board.

Mr. Berg asked her to elaborate on looking at the buffers, looking at increasing or decreasing?

Ms. Morris said increasing, based on the experience we had in the Central Area, folks want to preserve the rural character along the roads. We are also working on the NC 3 plan and the same thing is coming out there, the folks want the rural character to be preserved. She said in areas where it is AO (Agricultural Open Space), there probably will not be a problem unless somebody does a subdivision and decides to back the houses up to the highway. She said in other areas, in order to preserve the rural character like out by Highway 49 at the arena, those are some higher densities. She said the County Manager just wants to review it and provide input on 50, it's not really enough, but where do we really need to be. She said some of the subdivision have the higher amounts of open space required, do we require them to move some of that open space up to the front to that buffer to kind of push it back. It also allows right now for the berms, do we really want berms going up along the highway and blocking the view except for the roof tops. She said that is the discussion that we need to have.

Mr. Berg said fairwell to Mr. Haas and thanked him for leading the board for a couple years.

Mr. Haas said this will be his last meeting; it has been a great group to work with and great staff to work with. He has a lot of confidence in what the Board does. He thinks we have a very good commission here and it has been his pleasure to serve.

There being no further discussion, Mr. Berg **MOTIONED, SECONDED** by Mr. Ensley to **Adjourn**. The vote was unanimous. The meeting ended at 8:12 p.m.

APPROVED BY:



Todd Berg
, Chairman

SUBMITTED BY:

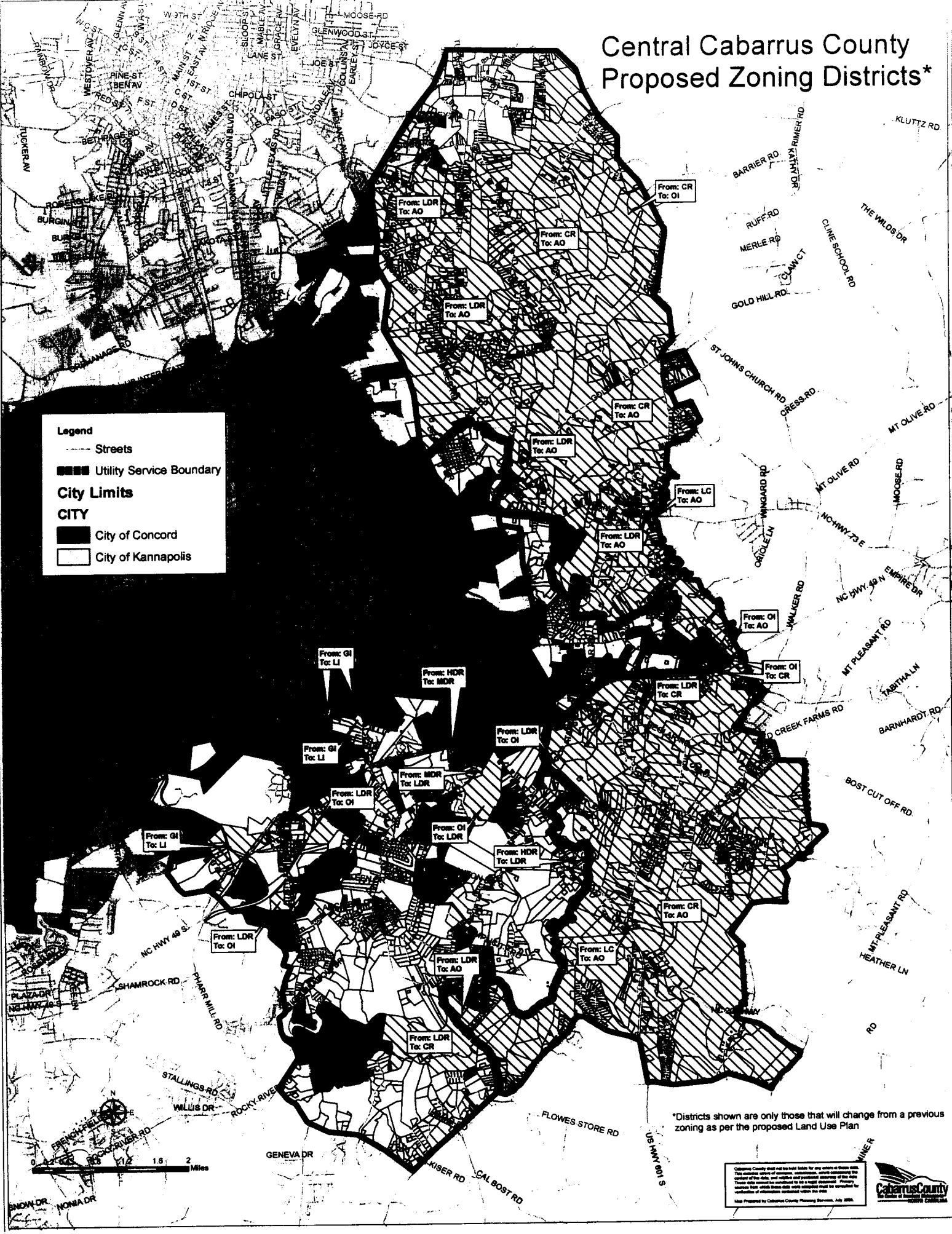


Arlena B. Roberts

ATTEST BY:

Susie Morris
Planning and Zoning Manager

Central Cabarrus County Proposed Zoning Districts*



Legend

- Streets
- ▣ Utility Service Boundary
- City Limits**
- CITY**
- City of Concord
- City of Kannapolis

*Districts shown are only those that will change from a previous zoning as per the proposed Land Use Plan

Rural Residential

Intended for use on mostly of lands determined to remain agrarian in the future. Residential uses may be allowed but only to support agrarian purposes and not the predominant use. Therefore, residential uses are primarily at the very lowest densities.
 Predominant Use(s): agricultural and single-family residential
 Density up to 1 unit per 3 acres, or up to 1 unit per 2 acres provided additional development standards are met.



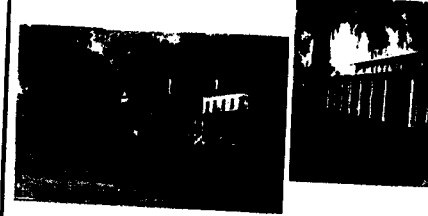
Very Low Density Residential

Intended to remain predominantly rural in character while allowing residential uses to occur at very low to low densities.
 Predominant Use(s): single-family residential
 Density up to 1 unit per 2 acres, or up to 2 units per acre provided additional development standards are met.



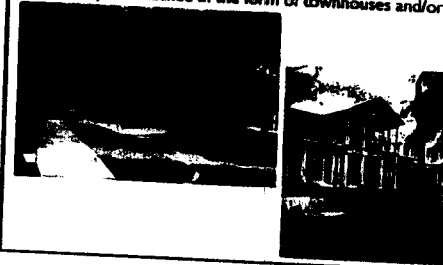
Low Density Residential

Intended to allow low to moderate density residential community development.
 Predominant Use(s): single-family residential
 Density up to 2 units per acre, or up to 3 units per acre provided additional development standards are met.



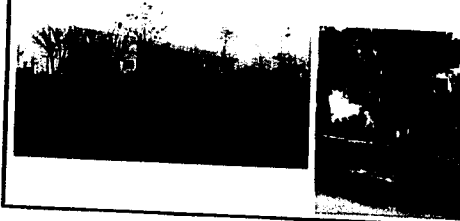
Medium Density Residential

Intended to allow moderately high density residential community development.
 Predominant Use(s): single-family residential
 Density up to 3 units per acre, or up to 4 units per acre provided additional development standards are met.
 Units may be attached in the form of townhouses and/or



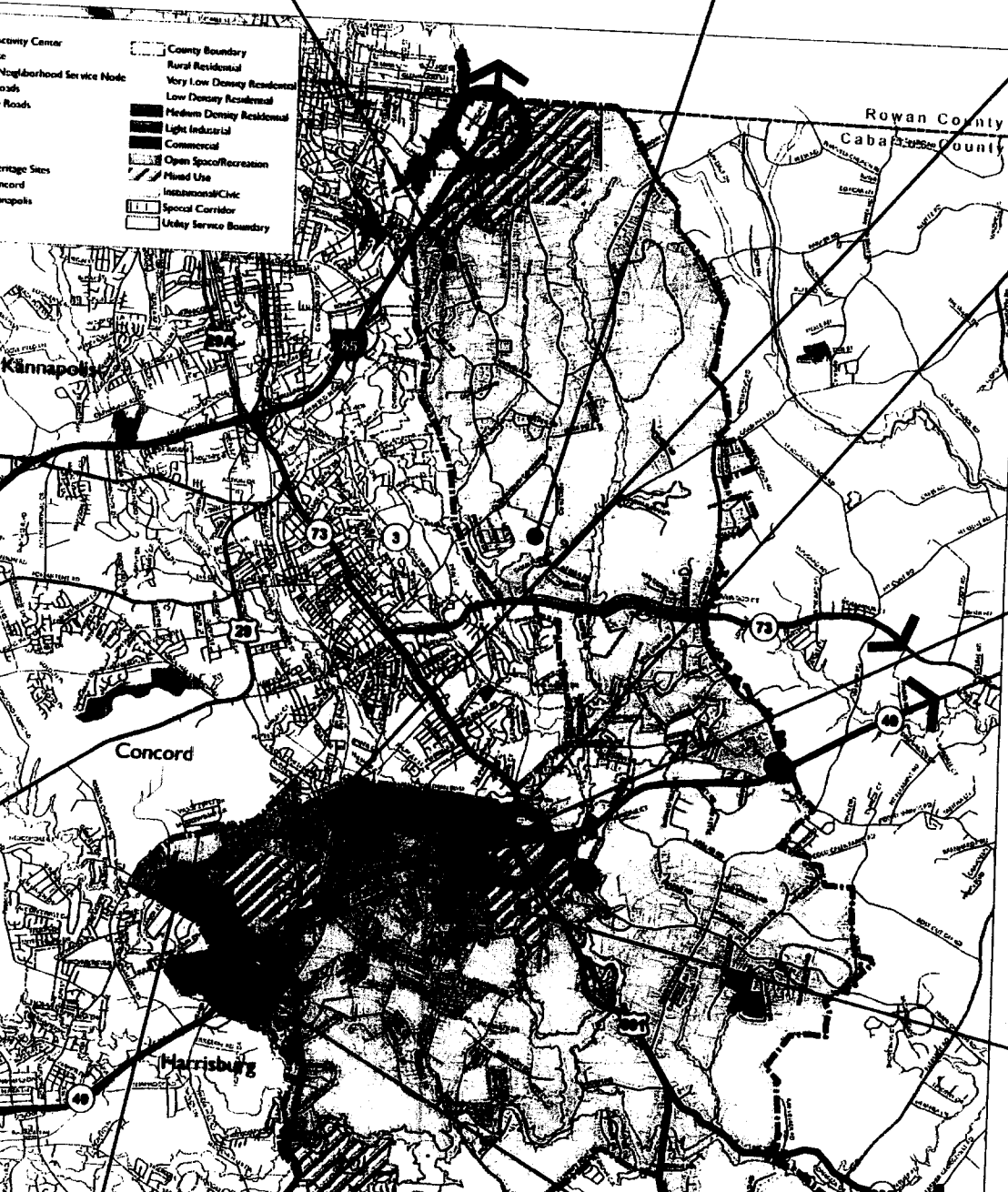
Industrial

Intended to provide small-scale industrial and office uses.
 Predominant Use(s): existing industrial and clean, light industrial multi-tenant (flex space)















Mixed-Use

Accommodates development that combines two or more commercial uses to create pedestrian-friendly, higher density development supported by infrastructure.
 Predominant Use(s): retail, office, multi-tenant (flex space), single detached and attached residential and multi-family residential



Primary Activity Center
 Special Use
 Principal Neighborhood Service Node
 Primary Roads
 Secondary Roads
 Road
 Main
 Principal Heritage Sites
 of Concord
 of Kannapolis
 Area

-  County Boundary
-  Rural Residential
-  Very Low Density Residential
-  Low Density Residential
-  Medium Density Residential
-  Light Industrial
-  Commercial
-  Open Space/Recreation
-  Mixed Use
-  Institutional/Civic
-  Special Corridor
-  Utility Service Boundary

