



Commerce Department
Planning Division

Cabarrus County Government

Cabarrus County Planning and Zoning Commission Meeting

August 9, 2011

7:00 P.M.

Board of Commissioners Meeting Room
Cabarrus County Governmental Center

Agenda

1. Roll Call
2. Approval July 2011 Minutes
3. New Business – Planning Board Function:
Board discussion on proposed Text Changes to Chapter 7 and the proposed Appendix C
of the Cabarrus County Zoning Ordinance
4. Directors Report



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Mr. Todd Berg, Chair, called the meeting to order at 7:00 p.m. Members present, in addition to the Chair, were: Ms. Mary Blakeney, Mr. Eugene Divine, Mr. Larry Ensley, Mr. Danny Fesperman, Ms. Shannon Frye, Ms. Emily Knudson and Mr. Richard Price. Attending from the Planning and Zoning Division were, Ms. Susie Morris, Planning and Zoning Manager, Ms. Arlena Roberts, Clerk to the Board and Mr. Richard Koch, County Attorney.

Roll Call

Approval of July 12, 2011 Minutes

Mr. Larry Ensley, **MOTIONED, SECONDED** by Mr. Eugene Divine to **APPROVE** the July 12, 2011 meeting. The vote was unanimous.

New Business – Planning Board Function

Ms. Susie Morris, Planning and Zoning Manager, said this is our working session for Text Amendments to the Cabarrus County Zoning Ordinance - Chapter 7, Performance Based Standards and Appendix C.

As discussed previously, the Board will get chapters of the Ordinance, discuss the proposed text amendments, and then they will be taken as a batch to the Board of Commissioners. We will work through the chapters, and at the end, bring them all back to this Board to make formal recommendations to the Board of Commissioners on all of them.

Ms. Morris said there were some changes to the statutes this past session. The way it is written, people will now be able to come back and challenge the Ordinance up to three years after a change has been made. She said it is not when the Board makes the change; it is more of when the applicant is notified of the change. We will have to make sure, based on those changes to the statutes, that we have everything in line, as far as how we need to move through the adoption process. We are not going to have a whole new zoning ordinance that we are adopting, but some of the chapters need to go together.

The Text Amendment Committee has looked at Chapter 7 and made some comments. This is the final draft that came out of those conversations, along with comments from Rich Koch, County Attorney.



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Ms. Morris went through Chapter 7 and pointed out the proposed changes and allowed the Board to make comments or other recommendations to Chapter 7.

Ms. Morris said the first part of Chapter 7 talks about how you work through the Performance Based Standards Uses and if you could not meet the standards, you could ask for a Variance. It made it seem like it was something different from the rest of the Zoning Ordinance, that if you could not meet that criteria you were automatically given a Variance. This is what came out of Section 7-2 and that is how the permitted uses standards list ended up as Section 7-3. She said there is a little difference there in that language.

As we go through the description, a lot of the descriptions said that you needed to submit a site plan. She said a site plan has to be submitted for every one of these uses; it is standard practice. She said that wording was taken out because all of these have to show a site plan and go through plan review.

Accessory buildings were all kind of lumped together with the accessory buildings and apartments. The changes breaks them apart and says that an accessory building is permitted in any zoning district, not just the residential districts, because we are going to have commercial businesses that may need some type of an accessory building.

She said there were no changes to either of the agricultures; but that potentially is subject to change because of the session laws. The definition of agriculture has been amended as well as the definition of Agritourism. Those we will have to deal with probably more so in the definitions section. We will have to take a look at those definitions to make sure that our livestock definitions and agriculture definitions meet that at this point.

Ms. Morris said we did not have anything in the Ordinance that covered a Freestanding ATM that allowed people to be able to put it in a shopping center or associated with a bank. These changes will cover banks and financial institutions and it would also allow someone to have a free standing ATM similar to the one you see at Highway 29 and Rock Hill Church Road across from S&D Coffee.

Bed & Breakfast - a 50 foot minimum parking distance separation from the property line of any residentially zoned or used property was added.

Cemetery - The cemetery section essentially had only commercial standards. Changes recommended: a boundary plat depicting the property to be used for internment shall be recorded with the office of the Register of Deeds and a copy provided to the Commerce Department. Require that a level two buffer be provided when the adjacent property is residentially zoned or used.

High density residential/mixed use district and the minimum 50 foot parking from the property line of any property that is residentially used or zoned was added to the **Civic Organization Facility** section.

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Communications Tower section – added 911 Communications Tower; they are required to have a security fence not less than 6 feet and no taller than 8 feet. The tower base and any accessory building must be screened from public view by a buffer that is a minimum of 4 foot wide, immediately adjacent to the perimeter of the compound. Plantings shall effectively screen the compound from adjacent residential properties.

The Chair asked if the intent was to completely screen the accessory building with the 4 foot wide buffer.

Ms. Morris said yes, the base; that is essentially what it asked for in cell towers, so it is comparable.

The Chair asked if it would be an opaque landscape screening.

Ms. Morris said yes, we could make it specific or we can leave some flexibility there. She said there should be something, so that it is not just out in the middle of the field and there is the tower.

The Chair is thinking of the other buffer requirements, where they tell you it is type such or such buffer, you need to have this many trees and this many shrubs. He said this seems a little less descriptive, unless we say it completely screens or its opaque screening. He guesses that could be interpreted when the 4 foot buffer is constructed, you cannot see the accessory building at all.

Ms. Morris said it is the same requirements as the general cell tower. The buffer shall consist of a landscape strip of at least 4 feet wide outside the perimeter of the compound, plant materials forming the divisional buffer may be existing on the subject property or installed as part of the proposed facility. It asks to maintain natural growth, which can be waived in locations where the view of the tower base is obstructed by existing buildings or natural topography and cannot be viewed from adjacent property or a public street.

Ms. Morris said if the Board wants to bump it to opaque we can, we would have to make that change and also change Chapter 8 to be consistent.

The Chair said the last line says planting shall effectively screen the compound from adjacent residential properties. He guesses that is what we will fall back on and we would be looking for that to be completely opaque at some point.

Ms. Morris will think about a how to word that and put it in the chapter as well.

Duplex, Commercial Use on Individual lots – The County does not allow duplexes in residential zoning districts anymore; it was eliminated in 2005. We do allow a duplex if it is used as commercial. Somebody could come in with a mixed use project and they could use a duplex type office building and have it as condos or however they wanted to do it. They would have to increase the lot size, which was a requirement when the County allowed duplex lots for residential.

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She asked the Board if they had an opinion on this. She asked if 150% too much or should it be 125% or should it be whatever the requirement is for that district.

Ms. Frye is trying to understand it; you have a minimum lot size that has to be increased, if you locate a duplex to 150% of the minimum lot size. So, I have minimum lot size for that zoning district, the duplex can be up to 150% of the minimum square footage? She is not following the regulation enough to be able to say if the number is okay.

Ms. Morris said this is the way it is practiced; if a 10,000 square foot lot is required, it would have to be 1½ times that. So it would then have to be a 15,000 square foot lot to allow the duplex. They would have to have the extra square footage for the lot itself and they would still have to meet the established primary setbacks.

The Chair does not have a strong feeling about it either way. He asked if there was many request for duplexes.

Ms. Morris said no.

The Chair thinks it is fine the way it is.

Ms. Morris said there is little bit of cleanup work needed for the Home Occupations. We classified them as General or Rural instead of just a Home Occupation or a Rural Home Occupation. We allow townhomes in the MDR (Medium Density Residential), HDR (High Density Residential) and LC (Limited Commercial) districts.

She said a lot of times folks don't know that if they are going to start a home occupation and if they are going to have customers come to their home, that kicks them into having to deal with accessibility issues with the building code. So we added another bullet to the list that reads:

Home Occupations -

g. Home Occupations which allow clients or customers to visit the business may be subject to Accessibility Standards. Applicants should contact the Building Standards Department for requirements prior to applying for the Home Occupation Permit.

i. Rural Home Occupations which allow clients or customers to visit the business may be subject to Accessibility Standards. Applicants should contact the Building Standards Department for requirements prior to applying for the Home Occupation Permit.

We try to get people to talk with Building Standards first, so they will know financially what they are in for and what those improvements will cost.

Kennel, Private

Agricultural/Open, Countryside Residential districts

a. The minimum distance between the outer edge of any buildings, animal enclosures or fenced areas must be at least 300 feet from the parcel boundary of any residentially zoned or

used properties. This includes adjacent parcels and parcels located across street right-of-ways.

Landfill, Demolition (one acre or less) - We cleaned up what is actually required, and the specifics about the controls, to make sure that what they are doing stays on the site, as far as the dust, the debris and the scraps, so that they are not travelling to adjacent parcels.

Nursery/Daycare Center

Density Residential/Mixed Use, Office/Institutional, Office/Limited Commercial, General Commercial districts

- a. A copy of the N.C. State license issued to the facility is required (see **NC GS 110, Child Welfare**).
- b. Evidence that the N.C. Department of Transportation has issued driveway permits for the facility. **Applicant should submit copies with site plan review application.**
- c. Adequate access to and from the site to accommodate traffic generated, including any required roadway improvements.
- d. **Drop off and pick up areas should be interior to the site, out of the public right-of-way, and designed so as to not interfere with internal circulation and ingress/egress to the site.**
- e. The facility must have access to a State maintained road.

Ms. Morris said the daycare regulations seem to change regularly. We directed them to **NC GS 110, Child Welfare**, so that they will know the inspections that they will have to go through and what they will need. The changes also address circulation. We have had a couple of projects where people have come in and wanted to do things, but they could not accommodate traffic appropriately, so this gets it on the books.

Public Cultural Facility

- b. When located adjacent to residentially used or zoned property, a **Level 1 buffer shall be provided**. See **Chapter Nine, Landscaping and Buffer Requirements**.

Recyclable Materials Drop Off -

- a. Must be **designed** such that adequate off loading and turn space exist to allow for safe **ingress and egress from site**.
- b. The drop-off area must meet the primary setbacks of the zone
- c. **When located adjacent to residentially zoned or used property, a Level 2 buffer shall be maintained.**

Ms. Morris said this addresses circulation for these sites.

Repair Garage, Automobile

In the event the use abuts residentially used or zoned property, buildings and storage areas shall be located a minimum of 100 feet from the property line.

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NOTE: In the AO district, if the use occurs on a tract of land 5 acres or more and buildings and storage areas are screened from adjacent properties and are not visible from any road right-of-ways, the buffer requirement may be waived.

Ms. Morris said for the repair garage; getting a buffer between them and residential property. If they are operating that business in the middle of a hundred acre parcel and it is out in the middle of the country, then allow waiving that buffer. It would be 5 acres or more and everything screened. She said it would be the very same thing for farm machinery and small engine.

Rest or Convalescent Homes

- a. One rest or convalescent home may not locate within 500 feet of another rest or convalescent home. **Distance shall be measured from the property line of the existing home.**
- b. **Parking areas shall be located a minimum of 50' from the property line of any adjacent residentially zoned or used property.**

She said there were minor changes; again, to get the 50 feet off the property line from the residential uses.

Restaurant

She said it is the same thing for restaurants in the residential districts, because we do allow restaurants and also with the drive-thru; to put a little bit of distance between that neighbor and that drive-thru loud speaker that is going at two or three in the morning.

Salvage Yard - added standards

General Industrial district

- a. **Materials may not be vertically stacked so as to be visible to the passing motorist.**
- b. **All outside storage areas including dumpsters must be:**
 - o **sited to the rear of the building,**
 - o **within the setbacks required of the building's underlying zone, and**
 - o **made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.**
- c. **In the event the use abuts residentially used or zoned property, buildings and storage areas shall be located a minimum of 100 feet from the property line**

Sawmill – added to AO (Agriculture/Open)

Wireless Telecommunications Services, Co-location – directed back to Conditional Use Standards in Chapter 8

Ms. Morris said the following are new uses that we did not have:

Towing Service, with Storage Yard (no salvage or part sales)

Agricultural/Open, General Commercial districts

- a. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and
 - o made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.
- b. The vehicle storage area may not exceed 60,000 SF.
- c. In the event the use abuts residentially used or zoned property, buildings and storage areas shall be located a minimum of 100 feet from the property line.
- d. In the AO district, in the event that the parcel is 5 acres or more and the storage area is completely screened and not visible from adjacent properties or right-of-ways, the landscape requirements may be waived.

Towing Service, with Salvage

General Industrial district

- a. Materials may not be vertically stacked so as to be visible to the passing motorist.
- b. All outside storage areas including dumpsters must be:
 - o sited to the rear of the building,
 - o within the setbacks required of the building's underlying zone, and
 - o made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.
- c. In the event the use abuts residentially used or zoned property, buildings and storage areas shall be located a minimum of 100 feet from the property line.

Barn, Greenhouse as Primary Structure

Agriculture/Open, Countryside Residential, Low Density Residential, Medium Density Residential districts

- a. Permitted only when agriculture is the primary use of the parcel.
- b. May not be used as a dwelling unit.
- c. Must meet setbacks of zoning district for primary structure.

Wind Energy Facility, Accessory Use, On Site Use Only

Agriculture/Open, Countryside Residential, Low Density Residential, Medium Density Residential districts

- a. The site must be a minimum of 5 acres.
- b. Turbines must be located 2 times the height of the tower structure from any property line or structure, including structures on adjacent properties.
- c. The height of the structure may not exceed 65 feet.
- d. Energy produced must be used on the same parcel.

e. A decommissioning plan shall be provided that describes the anticipated life of the Facility, estimated decommissioning costs and responsible party for decommissioning the Facility.

f. A maintenance plan shall be provided describing the maintenance schedule for the structure including the name, address and phone number of responsible party for maintenance.

Scientific Research and Development, Accessory to Agriculture

Agriculture/Open, Countryside Residential, Low Density Residential Medium Density Residential, High Density Residential/Mixed Use districts

a. Research must be related to agricultural activity occurring on site.

b. All outside storage areas including dumpsters must be:

- sited to the rear of the building,
- within the setbacks required of the building's underlying zone, and
- made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.

Ice Production, Dispensing, Accessory to Gas Station

Agriculture/Open, Countryside Residential, Low Density Residential, General Commercial, Light Industrial, General Industrial districts

a. Manufacturing/dispensing structure shall be located in primary setbacks district.

b. Structure shall be located on the site so as to not interfere with site circulation or gas pump stacking lanes.

c. Where installation is part of new construction, structure shall be compatible with color scheme and building materials so as to blend in with other structures, canopies, etc.

Ice Production, Dispensing, Accessory to Convenience Store

Agriculture/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use, Limited Commercial, General Commercial, Light Industrial, General Industrial districts

a. Manufacturing/dispensing structure shall be located in primary setbacks district.

b. Structure shall be located on the site so as to not interfere with site circulation or gas pump stacking lanes.

c. Where installation is part of new construction, structure shall be compatible with color scheme and building materials so as to blend in with other structures, canopies, etc.

Shooting Range, Indoor

Office/Limited Commercial, General Commercial, Light Industrial districts

a. Facility design shall be such that it absorbs or dissipates noise to the greatest extent possible.

Ms. Frye said in terms of the zoning districts, and any residential adjacency, she recommends that there is additional yard or offset for that type of use. She does not know dimensionally what that would be. She said even though it is indoors, there is associated traffic.

The Chair said it seems like there should be some sort of increased buffer. He said dissipating the noise to the greatest extent possible is going to be hard to quantify and hard to enforce. He agrees that there should be an increased landscape buffer for residential.

Ms. Frye said especially if it is adjacent to residential property. If you have residential use or zoned property adjacent to this, then there would be a minimum offset.

Ms. Morris said they will have the landscape buffer that will come into play. If we want to establish a minimum distance for the facility, for the parking area, we could put that here.

She said the other ordinances she looked at contemplated more going into an old warehouse building or an existing facility where they would upfit the building; not new constructions.

Ms. Blakeney asked if there would be material on the inside that would help dissipate the sound.

Ms. Morris said yes, they would have to do something with the construction. She said a lot of times they end up going into old buildings and end up being in the basement with retail on the top or something like that.

The Chair said it is not just the noise from the shooting, but typically, the indoor ranges have to have pretty high air change turnover and you end up with some big ventilation fans that are noisy. He would feel better if there was some sort of distance from the residential property line. He thinks it should be fairly significant, like 100 feet.

The Chair asked Mr. Koch if they could limit hours of operation or is that something that would fall under the Noise Ordinance. He has seen it probably more so with outdoor ranges, you cannot operate them after 9 or 10 p.m.

Mr. Koch said with indoor, there should be no reason to do that if you have taken care of the noise issue. He said the language; dissipate noise to the greatest extent possible, he is not quite sure how you deal with that. There is no standard that he knows of against which that can be measured.

Ms. Morris said that is where it was hard; looking at the other ordinances, that seemed to be the one thing where they felt they needed to do something about noise, but, were not quite sure exactly what it is without talking about the specifics of the building construction; which would actually be building code.

She asked the Board if they prefer that the building itself be located 100 feet from the property line or where the area where the shooting range part of the building is, or are they

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talking about the whole building, the parking, anything related with the facility or mainly just the building.

The Chair was thinking just the building; he is not as concerned about the parking. He said even if you are 100 feet, he does not know how you would address the noise concerns. If I lived 100 feet away from these things, we would have a big argument about what is the greatest extent possible.

Mr. Koch thinks one way to approach it is to say that the noise from the shooting and perhaps the equipment you described a moment ago cannot be heard from adjacent property. He said that at least makes it measurable, that you could go onto the adjacent property and determine empirically whether you can hear it or not. He said that might be one way to do it; they do have dosimeters that you can use to measure decibels levels. He does not know if we would want to get into that; in terms of putting the decimal maximum.

He said you would then get into issues involving other types of noise like parking, or people that are outside talking. He does not think the Board would want to regulate that. He said it really becomes more of a nuisance type issue, if the use is creating some sort of harm to an adjacent property owner, then that falls under some different standards. That is his suggestion on how to handle that.

Ms. Morris said the Office Limited Commercial side yard setbacks is 20 feet, so if it were new construction, the building could actually go 20 feet off of the property line.

She can change that to say the facility shall be designed such that firing of guns or mechanical equipment shall not be heard from any adjacent residentially zoned or used property.

She asked if they are talking about the building being 100 feet off the property line.

The Chair said that was his suggestion.

Ms. Frye was thinking the building too. If you have a use like that, that goes in, and you have parking with people circulating cars, and you have 20 feet or whatever the side yard is and depending on the location of the adjoining residential use, the proximity, a 100 foot offset from that building to that property line is a good distance beyond what the minimum yard requirement would be. She asked if there was outside screening or a buffer.

Ms. Morris said yes.

Mr. Divine said Mr. Berg brought up an interesting thing about the air exchange. He asked if there were any requirements on the filtration of the air because there is lead dust and chemicals that are issued when the gun is discharged.

Ms. Morris does not know the answer to that question. She said that would be more of a building code issue. If they were going into an old warehouse or something they would have to upfit the building to meet the requirements.

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The Chair does not know if there are actually regulations, he does not think there is anything in the building code, but there are guidelines that the air always moves down range and that there are so many air exchanges per hour. He said what that usually translates into is pretty big ventilation fans on the side of the building and that could be pretty noisy.

Ms. Morris will change it to address the noise from adjacent properties and the 100 foot from the property line or residential or residential uses.

Mr. Fesperman asked if there will be a limit to what types of guns will be allowed.

Ms. Morris said that may become more important with the outdoor ranges in Chapter 8.

The Chair asked if everyone was okay with the adding those two changes. It was the consensus of the Board to add the two changes to the indoor range text.

Storage Building Sales, with Display Area

Office/Limited Commercial, General Commercial, Light Industrial districts

- a. Display Area shall not exceed 40,000 SF.**
- b. Buildings shall be arranged so that sight triangles are unobstructed.**

Ms. Morris said over the years we have had people come in and want to sell the metal buildings or gazebo type buildings. This will allow them to do that and to have a display area; currently we do not address that. The display area is consistent with what we allow for car sales.

Temporary Uses

The Temporary Use Permit is a mechanism to allow a use on a short-term basis and certain seasonal or transient uses not otherwise allowed. Prior to conducting or establishing a temporary use or structure, approval of a Temporary Use Permit is required pursuant to Chapter 12 of this Zoning Ordinance.

All temporary uses listed in this Section require a Temporary Use Permit. The Administrator shall not approve or modify and approve an application for a Temporary Use Permit unless the following criteria, specific regulations and time limitations are met in addition to the standards for any particular Temporary Use specified below.

The allowance of Temporary Uses shall not be detrimental to the public health, safety and general welfare, and the use shall be consistent with the purpose and intent of this Ordinance and the specific zoning district in which it will be located. The use shall be compatible in intensity, character and appearance with existing land uses in the immediate vicinity of the temporary use. The neighborhood and street network surrounding the temporary use shall not be adversely affected by the use or activities associated with it. In addition to those listed herein, factors such as location, noise, odor, light, dust control and hours of operation shall be considered.

- a. The use shall not take place on publicly or privately owned property unless the applicant first obtains written approval from the owner. The original signed letter shall be provided to the Zoning Division as part of the Temporary Use Permit review process.**
- b. The location of the Temporary Use shall be such that adverse impacts on surrounding properties will be minimal, particularly regarding any type of traffic generated impact upon traffic circulation in the area.**
- c. Adequate off-street parking shall be provided to serve the temporary use. Temporary uses shall not displace the required off-street parking spaces or loading areas of the principal permitted use(s) on the site. Sales and display areas shall be designed to prevent traffic hazards and nuisances to normal traffic patterns and internal circulation for the site.**
- d. Structures and display areas shall comply with primary setback requirements for the zoning district. The items shall be displayed so as to not interfere with the sight triangle of the intersection of the curb line of any two streets or a driveway and a street. Display of items or conducting business in a public right-of-way, emergency access lane or fire lane is not permitted.**
- e. Only one Temporary Use Permit shall be permitted on a parcel at any given time.**
- f. The period of time between Temporary Use Permits on a parcel shall be three (3) months (expiration date and new issue date). This restriction shall not apply to real estate development and construction related temporary uses.**
- g. Recreational Vehicles shall not be permitted as a temporary use or be permitted as part of a temporary use.**

Ms. Morris said currently we do not have anything in the ordinance that addresses temporary uses at all. This would address temporary uses like street vendors. We do have people come in ask about this. We have a permit fee for it, there has never been a process instituted for it.

This essentially says they need to make sure they are not taking up parking spaces that would be associated with the primary use, that the traffic flow is working, and that they are limited to 3 months between the temporary use permits. If they are doing something more than 3 months, they need to consider being a permanent business somewhere.

The Chair said when it says limited to 3 months between temporary use permits, they could come back and ask for another one and it would be up to this Commission whether or not it was approved?

Ms. Morris said anything in Chapter 7 actually comes to staff. They could ask for it but this is essentially saying that they need to take a break on that site. She said maybe it is somebody that sells vegetables in the spring and then they do Christmas trees in the fall. We do not have to keep that as a standard. If you have somebody that is permanently

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setup on a site, they could be considered a real business or a permanent establishment verses a temporary use.

The Chair asked why it wouldn't just be worded to say that the permit is limited to 3 months.

Ms. Morris said because it would be 3 months in between the expiration date of whatever permit they have and the new one that they can get. She said each one of these have a different time frame associated with it, when you start looking at the different actual uses.

TEMPORARY RETAIL SALES RELATED

Fireworks Stands

Permitted in LC and GC districts for a period of time not to exceed 45 days. A maximum of one (1) structure, not to exceed 120 square feet in area, shall be allowed. The structure must be portable and completely removed at the end of the permit period. Any sales of fireworks shall be regulated in accordance with NCGS 14-410 and 14-414 and NC Fire Code (2009 Edition) Section 3308.11.

Ms. Morris said there were some Statute changes and we have to allow them. This would allow them to go into the commercial districts where there should be adequate fire protection in case something happened.

Seasonal Sale of Agriculture Products (Includes Christmas Trees and Pumpkins)

Permitted in OI, LC, GC and LI districts. Limited to a period of time not to exceed four (4) consecutive months per calendar year. A maximum of one (1) building or display booth shall be allowed and may cover a maximum of 400 square feet. The structure must be portable and completely removed when the permit expires.

Ms. Morris said this would include Christmas trees and pumpkins and which districts they are allowed in. It allows them to be there 4 months per calendar year, to have a stand and to take it away whenever the time is over.

The Chair asked if that included stands like Patterson's Strawberries.

Ms. Morris said yes. They can wheel their trailer in, be there for 4 months, then take it away, come back with something else in the fall after three months or come back the next year.

Sidewalk Vendors, Itinerant Merchants

The sale of food, beverages, or merchandise from a stand, motor vehicle or from a person may be allowed in the LDR, HDR, LC and GC zoning districts at existing business sites. The permit shall be limited to a period not to exceed ninety (90) continuous days per calendar year at a given location. The 90 days starts at date of issue and does not exclude days that the vendor is not on site.

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Ms. Morris said a lot of folks are taking cargo containers and turning them into flat out full on restaurants, where you sit down and have your lunch at a counter. This is to look ahead so that if someone wants to do that, the Ordinance will allow it. The reason the LDR is listed is because it allows some of the commercial uses like a gas station and different things where someone may want to set up. The permit can be for 90 days at a given location and then they can move. That would include 90 days from the date of issue, so if it rains 2 or 3 days, and they are not there, they do not get an additional 2 or 3 days added on to the permit.

Promotional Activities Involving the Display of Goods or Merchandise

Such activities may be conducted on the site of an existing business for a period of not more than fifteen (15) consecutive days. If a private sidewalk or pedestrian way in front of the building is used for display of merchandise, a minimum width of four (4) feet must remain unobstructed for pedestrian use. A Temporary Use Permit for promotional activities may be renewed four times during any calendar year, for a maximum of 60 days per calendar year.

REAL ESTATE DEVELOPMENT AND CONSTRUCTION RELATED

Contractor Office, Construction Equipment Storage

Accessory to a Construction Project, permitted in any zoning district. Placement of such temporary use is limited to a period of time determined by an estimated project completion date. The permit may be extended of up to one year if approved by the Administrator. A construction trailer may be used as a contractor's office or for the contractor's storage of equipment or materials. All temporary buildings and trailers shall be completely removed from the site within thirty (30) days of completion of the construction project.

Real Estate Office in a Construction Trailer or Temporary Modular Unit, Residential Projects

Temporary structures, construction trailers or temporary modular units, may be used as real estate sales offices in any new residential construction project for the sale of units within that project only. In the event that multiple builders are involved in a new construction project, one construction trailer or temporary modular unit may be permitted as a sales office per builder. Each individual trailer or modular unit shall be located on an individual lot. In no case shall multiple permits be issued for the same Parcel Identification Number (PIN). The permit shall be valid until the project is complete. All temporary structures shall be removed within 30 days of the completion of the project.

Real Estate Office in Model Home

Accessory to Construction of a New Residential Development. Limited to a period of time not to exceed one year with the option of an extension of up to one year if approved by the Administrator.

Real Estate Office in a Construction Trailer or Temporary Modular Unit, Commercial or Mixed Use Projects

Temporary structures, such as construction trailers or temporary modular units, may be used as real estate sales offices in any new commercial or mixed use construction project for the sale or leasing of units within that project only. In the event that multiple builders are involved in a new construction project, one construction trailer or temporary modular unit may be permitted as a sales or leasing office per builder. All temporary structures shall be removed within 30 days of the completion of the project.

Ms. Morris said for Commercial or Mixed Use projects, if there are multiple developers or builders there we would allow each one of them to have their own trailer. She said this is a little different from what we do now; now they have to share, or get one per project.

Temporary Dwelling for Large Construction Projects

During the active construction period (after a building permit has been issued) projects involving a non-residential use or a residential development with building permit(s) for more than 50 units at any one time. One (1) mobile home or trailer may be allowed on the same property to be used as a temporary residence by a night watchman for a period not to exceed 12 months or the active construction period, whichever is less. The temporary home shall be removed from the site within 14 days of issuance of the Certificate of Occupancy for a non-residential structure or the occupancy of the first residential unit if within a residential development.

Recreational Vehicles Not Permitted

Recreational Vehicles shall not be permitted or used as part of a Temporary Use or as a Temporary Use Structure.

Temporary Residence in Mobile Home During Construction of New Home on Same Site
In the event that a new single-family home is being constructed on a parcel where a mobile home currently exists, the mobile home may remain for the duration of the building process for the new home. The mobile home shall be removed within 30 days of the date of the last final inspection, as required by North Carolina Building Codes. In no case shall the new home and mobile home be occupied at the same time.

The Chair said before leaving this section he would like to go back to the Contractor Office section. He said the last line of that says 30 days upon completion of the construction project; completion is sometime hard to define. He asked if it is substantial completion or Temporary Certificate of Occupancy or Certificate of Occupancy. He said some of these projects can drag on for a year, and still, technically, not be completed. He would like to see if it could be tied to the Certificate of Occupancy, because once that is issued, then the building is being used for what it is supposed to be used for and the trailer should be removed. He said it should be removed within 30 days of Certificate of Occupancy.

Ms. Morris asked if he wanted that to be considered on any of the other ones where it has 30 days of the completion of the project.

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The Chair knows less about the residential stuff than he does the commercial and he would defer to someone else there. He does not see why you could not do the same all the way through.

Ms. Morris said that one may have to stay 30 days after completion of the project because the County does not issue a Certificate of Occupancy for single family houses.

The Chair said that one is a little more difficult to define because it is in a residential development and you would have to leave the trailer up until the last house is built.

Ms. Morris asked the Chair if he was okay with leaving that as 30 days upon completion of the project.

The Chair said yes.

Ms. Morris said for the real estate office, should we say the temporary structure shall be removed within 30 days of the final sale?

Mr. Fesperman said yes, within 30 days after the final sale.

Ms. Morris asked if there were any other changes. No other changes recommended

It was the consensus of the Board to accept recommendations.

OTHER USES

Temporary Amusement Enterprise

Carnivals, circuses, fairs, festivals and amusement rides may be allowed in any non-residential zoning district for a period not to exceed thirty (30) days, up to 4 times per calendar year. This classification excludes events conducted in a permanent entertainment facility.

Religious Events

Religious events in a tent or other temporary structure may be allowed in any non-residential zoning district for a period not to exceed sixty (60) days. The tent or temporary structure shall be removed within 48 hours of the end of the event.

FEMA Trailers, Natural Disaster or Significant Weather Event

FEMA Trailers may be used as temporary housing in any zoning district following a natural disaster or significant weather event. FEMA Trailers shall be removed within 90 days of completion of new construction.

Mobile Personal Storage Unit

One personal mobile storage unit permitted per parcel in any zoning district. The unit may be stored on site for 30 days to allow the current owner or tenant to vacate the premises or to allow a new owner or tenant to occupy the premises. In no case shall this type of unit be permitted or used for permanent storage on a site.

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Ms. Morris said this is essentially the POD units. We have had some cases where they have them on site, just like the storage containers, and it stays there forever and the grass grows up around it and then neighbors complain. This allows them to have one if they are using it for a purpose. If you are really moving, otherwise, you would need to have a storage building not a storage unit moved onto the site that stays there permanently.

She said there is an issue out in the county with people using roll back containers. They roll them up to their house and that is where they put their trash. It becomes more of a health department issue at that point, but this should help us to clean up some of those, or prevent new one from coming in.

Dumpsters, Commercial Waste Containers

One Commercial Waste Containers or Dumpster permitted per parcel in any zoning district. The unit may remain on site for a maximum of 60 days to allow for remodeling, construction or debris removal projects. In no case shall this type of unit be permitted or used for permanent waste disposal on a site.

Mr. Price said the way this is worded it would seem to exclude using the PODS while renovations are being made to a house. He said 30 days is a very short amount of time to renovate.

She said under the dumpsters, we allowed for remodeling or construction, but it is a maximum of 60 days. She said the personal storage unit we really didn't talk about remodeling, so if we need to make it longer we can.

Ms. Frye said we can format it so that if you are vacating the premises it would be 30 days, or if you are using it for a renovation. She does not know the duration that you would tie to that, but just break it into two categories. She said the first one being the duration for the owner to vacate the premises, or to occupy it, and the second condition is there for the duration the current tenant needs to complete any renovation or remodeling to the subject property.

Mr. Price said within a certain amount of time, like we had before, after the final inspection.

The Chair thinks that sort of gives a loop hole. He has technically been remodeling his home for 12 years now. He thinks there still needs to be a cap put on it.

Ms. Morris asked if they wanted to say 6 months for the storage bin, if they are doing a renovation project.

Mr. Fesperman said the neighbors get very antsy about that and start to question why a dumpster has been sitting for 3 months; wonders what are they doing in there?

Ms. Morris asked if the Board wanted to say 6 months on the storage unit if it is to accommodate a renovation project.

The Chair said 90 days.

Ms. Blakeney said with an option to request an extension.

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Mr. Koch said the Town of Harrisburg addressed this because of some issues down there; one of the problems was placement of the unit. He said people stick them right out in the driveway or right in front of their house. He thinks that was the biggest objection people were having as opposed to them perhaps being in the back yard. He said given the way they are delivered to the site, sometimes placement can be some place other than the driveway or right near the driveway could be problematic.

He said Harrisburg amended it through a permit system, if you wanted to have one, that way they could keep track of them.

Ms. Morris said they will have to get a permit.

The Chair asked if anyone thought the PODs needed to be allowed longer than 90 days for renovation.

Ms. Morris thinks the intent of the PODs is for temporary storage. She said once they are filled, a lot of the companies will come and move them. She said this will address the ones that seem to never go away.

Ms. Morris will make the change that if it is for a renovation, they can have it for 90 days. They will have to tell us as part of the permitting process what they are getting it for and that is how we will determine the permit.

She asked the Board if they preferred 60 days, or 90 days, for the dumpster, since they allowed 90 days for renovation on the POD.

Mr. Fesperman said we should go with 90 days.

The Chair asked if a clause could be added that it had to be emptied once it became full. He said that is the biggest problem; they let them fill up.

Ms. Morris said we could say dumpsters shall be emptied on a regular basis.

The Chair recommends that it say that at no time shall debris be more than 1 foot above the container rim. He said usually, the companies that you rent those from tell you not to fill them above the rim anyway because it makes it hard for them to dump.

Ms. Morris said we will add in; at no time shall the debris accumulate above the rim of the dumpster.

It was the consensus of the Board to make the changes.

Special Events and Activities

Special events and activities conducted on public property, such as school sites and public parks, shall be exempt from the provisions of this Section of the Ordinance but must comply with any guidelines, regulations and permitting processes required by the Authorizing Agency.

Similar and Compatible Uses Not Specified

If a particular temporary use is not listed in the Ordinance, the Administrator shall have the authority to grant a temporary use permit for a “similar and compatible use”. Similar and compatible uses not specified are those uses which are similar and compatible to those allowed as temporary uses in this section. Determination of what constitutes similar and compatible shall be made by the Administrator. The applicant shall provide the following information for consideration: type of use, number of employees, parking/circulation, hours of operation, general site description, and duration of operation. If the Administrator determines that the use is not similar and compatible, the applicant may appeal the decision to the Planning and Zoning Board of Adjustment in accordance with Chapter 12.

TEMPORARY SIGNS

Temporary Construction Sign

One sign permitted per site not exceeding 32 square feet in area. Such signs shall not be erected prior to preliminary plat approval when the development is subject to Cabarrus County Subdivision Regulations. When the project is not under such regulation, the letting of contracts will be the point in time at which such signs may be posted. The sign shall be removed within 14 days of the completion of the project.

For Profit Temporary Sign

One sign permitted per site not to exceed 16 Square Feet to advertise sales, special events, grand openings, store closings, etc. Sign shall not be illuminated and shall be mounted flush against the building wall. The permit may be issued for a maximum of 15 days and may be issued up to four times a year. Sign shall be removed on the expiration date of the permit.

Temporary Agricultural Sign (Seasonal Sales on Site)

A temporary agricultural sign does not require a sign permit. However, the sign must meet the following standards:

- May not exceed sixteen (16) square feet
- nor exceed four (4) feet in height
- Shall not be illuminated

The sign shall be erected no sooner than one (1) week prior to the beginning of the harvest season and must be removed immediately upon the end of the harvest season.

The Chair recommends that the same comment about the completion of the project be tied back to the Certificate of Occupancy.

The Chair mentioned that at the last meeting we had a complaint about a zoning sign that was only one-sided. He said often the construction signs are two-sided, so there are two 4 x 8 sheets of plywood, which would exceed the 32 square feet. He said two signs of 32 each or one at 64 is more typical.

Ms. Morris said one sign not to exceed 32 square feet in area per face.

It was the consensus of the Board to make the changes.

Swim Club, Tennis Club, Country Club

Agriculture/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use, Office/Institutional, Office/Limited Commercial, General Commercial districts

- a. In any residential district the minimum area shall be one (1) acre.
- b. Clubhouses shall meet the primary setbacks for the zoning district.
- c. There shall be a 50' minimum setback between any accessory buildings, swimming pool, lighted tennis court or any amenity area and adjacent residentially zoned or used property.
- d. Parking areas shall be located a minimum of 50' from any residentially zoned or used property.
- e. Lighting for amenity areas shall be designed such that it does not spill over onto adjacent properties.
- f. Outdoor swimming pools shall be protected by a fence, a minimum of four (4) feet in height and equipped with a self-closing and positive self-latching gate provided with hardware for permanent locking. See Appendix G, North Carolina Building Code, Swimming Pools, Spas and Hot Tubs for requirements.

Country Club with Golf Course

Agriculture/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use, Office/Institutional, Office/Limited Commercial, General Commercial districts

- a. Clubhouses shall meet the primary setbacks for the zoning district.
- b. There shall be a 50' minimum setback between any accessory buildings, swimming pool, lighted tennis court or any amenity area and adjacent residentially zoned or used property.
- c. Parking areas shall be located a minimum of 50' from any residentially zoned or used property.
- d. Lighting for amenity areas shall be designed such that it does not spill over onto adjacent properties.
- e. Outdoor swimming pools shall be protected by a fence, a minimum of four (4) feet in height and equipped with a self-closing and positive self-latching gate provided with hardware for permanent locking. See Appendix G, North Carolina Building Code, Swimming Pools, Spas and Hot Tubs for requirements.

Golf Course, Public or Private

Agriculture/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use, Office/Institutional, Office/Limited Commercial, General Commercial districts

- a. Clubhouses shall meet the primary setbacks for the zoning district.
- b. There shall be a 50' minimum setback between any accessory buildings or parking areas and adjacent residentially zoned or used property.
- c. Lighting for amenity areas shall be designed such that it does not spill over onto adjacent properties.

Government Buildings, Storage Only, Indoor Only

Office/Limited Commercial, General Commercial, Light Industrial, General Industrial districts

- a. **Parking areas shall be located a minimum of 25' from any residentially zoned or used property.**
- b. **Lighting for outdoor storage areas shall be designed such that it does not spill over onto adjacent properties.**

Government Buildings, Storage Only, Outdoor Storage

General Commercial, Light Industrial, General Industrial districts

- a. **Outside storage areas shall be located a minimum of 50' from any residentially zoned or used property.**
- b. **Parking areas shall be located a minimum of 25' from any residentially zoned or used property.**
- c. **Lighting for outdoor storage areas shall be designed such that it does not spill over onto adjacent properties.**

Trail Head, Accessory

Agriculture/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use, Office/Institutional, Limited Commercial, General Commercial, Light Industrial, General Industrial districts

- a. **Shall be located as part of a public use facility, civic building, school, shopping plaza, mixed-use project, business park or other location where shared use of space is appropriate and where an access point is located.**
- b. **See Appendix C for additional design standards specific to trail heads.**

Ms. Morris said the reason we have Appendix C is to get some standards adopted that actually are usable and user friendly.

Trail Head, Primary Use Site

Office/Institutional, Limited Commercial, General Commercial, Light Industrial, General Industrial districts

- a. **Shall be the primary use of a parcel where an access point to a trail is located.**
- b. **May include amenity areas such as play areas, picnic areas, restroom facilities, etc.**
- c. **See Appendix C for additional design standards specific to trails.**

Recreational Trail, Greenway or Blueway, Connector

Office/Institutional, Office/Limited Commercial, General Commercial, Light Industrial, General Industrial districts

- a. Shall provide a link between public service facilities, civic buildings, schools, points of interest, neighborhoods and/or city, county and regional trail systems.
- b. See Appendix C for additional design standards specific to trails.

Mr. Fesperman asked if there has been any interest in greenway connectivity. He asked if we currently had greenway trails in Cabarrus County.

Ms. Morris said we do; a lot of them are either in Concord or in Kannapolis. She said the Thread Trail will connect some of it when it is built (like around the Speedway area). Our Ordinance asks that 25% of a subdivision have improvements, including trails, and they also have the option, as part of that, to ask for the County to take it over.

She said this is where we really don't have any standards. She said someone could come to the Board of Commissioners and ask the County to take over the open space in their subdivision because that would really lower their HOA dues if they didn't have to maintain it any more. The County does not have anything saying how the trails need to be built. She said that is where the Appendix C comes in, to say how they are to be built and the materials that should be used, so that if we do end up taking them over at some point, it is something that the County can maintain and build consistently.

Mr. Fesperman said they have a trail that has just been finished and it was \$780,000, and it is 1.2 miles and it crossed a lot of their property on the Rocky River. He said it was interesting, because Black Construction did the job, but it was all government surplus money that was passed down. He said it is an incredible trail, 10 foot paved. We worked with Mecklenburg Parks and Recreation on that and they are big on this stuff.

It was interesting to him that parking was not an issue. We were asking where people can park, because you have the trail head right on one of the main roads in River Run. He said they were told that they did not want parking areas; that this is for people to walk too. They want the greenways to be walkable, they don't worry about parking. They have some parking at the other end, which can park approximately 4 to 5 vehicles. He guesses that makes sense if that is what they are trying to do. He did not know if our county had been getting some of this money.

Ms. Morris said not that she knows. She said as far as the Thread Trail, they are looking to put natural surface trails in Cabarrus County this fiscal year. As far as County funding, she does not think there is any money out there for trails and she does not think they have pursued any additional money because a lot of it is through matching grants.

Ms. Frye said in terms of the parking and making this a primary use, she thinks depending on the sites location, and whether or not where it is being proposed if there is any facilities for parking, because reality is, people will drive to it. She said if we site this as a primary use and there are no requirements for parking, or if parking is not addressed, it will become an issue just by the fact that people are going to drive to it and pull off or park on other people's property. It seems like there should be a provision that

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says this is the primary use and parking cannot be shared with an adjacent site or staff has the ability to make comments or requirements that parking be provided as a part of this use.

Ms. Morris thinks that will be handled when we talk about Appendix C, because we got into some of those specifics there; if it is not, then we can come back to this.

Scientific Research and Development

Office/Institutional, Office/Limited Commercial, General Commercial, Light Industrial

a. All outside storage areas including dumpsters must be:

- sited to the rear of the building,**
- within the setbacks required of the building's underlying zone, and**
- made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.**

b. When located adjacent to residentially zoned or used property, any outdoor research or experiment areas shall be located a minimum of 100' from the property line.

c. The facility shall be designed such that it absorbs or dissipates noise to the greatest extent possible. Were facilities are adjacent to residentially zoned or used property; noise shall be reduced to the greatest extent possible at the property line.

Moving Van, Truck or Trailer Rental

Office/Limited Commercial district

a. The outdoor display area may not exceed 60,000 square feet.

b. All outside storage areas including dumpsters must be:

- sited to the rear of the building,**
- within the setbacks required of the building's underlying zone, and**
- made unnoticeable from both residential adjacent properties and public rights-of-way through installation of either fencing or vegetative screening.**

c. Parking areas shall be located a minimum of 25' from any residentially zoned or used property.

d. Lighting for outdoor storage areas shall be designed such that it does not spill over onto adjacent properties.

Community Garden, Accessory Use

Agricultural/Open, Countryside Residential, Low Density Residential, Medium Density Residential, High Density Residential/Mixed Use, Office/Institutional, Office/Limited Commercial, General Commercial

a. The primary use parking area shall serve as the parking area for the Community Garden.

b. Emergency Service access to the Community Garden site shall be maintained if on street parking is utilized.

Elementary, Middle and High Schools

Office/Institutional districts

School sites shall have frontage on a minimum of two roads providing at least two access points to the site. Sites having frontage on only one road shall provide a minimum of two access points on that road.

- a. Priority shall be given to sites served by existing intersections or served by a traffic signal.
- b. Priority shall be given to sites already served by public utilities.
- c. Drop off and pick up areas shall be designed such that internal circulation is not disturbed nor is access on adjacent roads or streets.
- d. Stacking distances for cars and buses shall be incorporated onto the school site through a series of driveways or internal access roads and shall not impact adjacent right-of-ways.
- e. Sites shall be designed to maximize shared facilities (IE practice fields, playing fields, stadiums, gymnasiums, etc.)
- f. Buildings and facilities shall be constructed using sustainable development principles where practicable (Green Building Design).
- g. Multi-floor plans shall be considered to minimize impact to the site.
- h. Parking areas shall be designed to use the minimum number of spaces and to minimize stormwater run-off.
- i. Alternate transportation routes and connectivity shall be incorporated into the site, including sidewalks to adjacent neighborhoods and multi-use paths for bicyclists or walkers.
- j. Co-locations with County parks or recreational facilities shall be considered as part of the site design.

Locations of temporary trailers or potential expansions shall be incorporated into the master plan for the school.

Ms. Morris said when we started looking at Chapter 8, our Office and Institutional district actually requires schools to get a conditional use permit. She said this is where we want them to be. This is the very same standards that would be established for a school in any other district, but it would allow them to not go through a conditional use process, if they were in OI (Office Institutional). These standards came out of the project we did as part of the Harrisburg Land Use Plan.

If you remember, way back, in the beginning of that project, we had a school design component which never really moved forward, because that is when we did not have any more money to build schools. This summarizes those standards and recommendations out of that document.

She asked the Board if they had anything they thought needed to be added or anything that needed to be reworded. She said some of it is more theory than practice.

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The Chair said a lot of the language is guidelines that they would like for you to do, but they cannot make you.

Ms. Morris said like where it says the two entrances; we need to have the two entrances. She said as far as sharing the facilities that is really up to the schools.

She said this really is sort of a summary of the information; to get it to say this is what we need to be doing. It was suggested that we add it to the Zoning Ordinance as standards. They may or may not be able to meet every one of these, we hope that they could, but with limited property available and limited utilities available, it is somewhat of a wish list.

Mr. Price asked if Item b and c, were either or, or is it both? If it is both, should they be combined into one?

Ms. Morris said Item b is talking about intersections and traffic signals and Item c is more about water and sewer.

Mr. Price said if you have one of those items, is that sufficient, do you get bonus points for both of them?

Ms. Morris said the chances of a school being located on a corner or an intersection is slim.

Mr. Price asked what exactly does priority mean?

Ms. Morris said that they should be looking at it; these are our standards. We are not saying you have to be out of the intersection but we are telling them they need to look at this. She said hopefully that document will be adopted, but right now there is not a political will, and has not been for about two years, to try to move forward with that document.

She said by the time we are constructing schools, the designs may have changed. There may be a theory out there, but, for now this is essentially best practices versus standards that you must meet.

Ms. Morris said she will make the changes recommended by the Board. She asked if they wanted the changes brought back before them before they make a recommendation to the Board of Commissioners.

Mr. Price would like to see it again.

Ms. Morris said we still need a third member for the review committee.

Ms. Morris presented Appendix C. She said this is a document we tried to put together to address the fact that we do not have any standards. She said the County doesn't have any

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standards to build to and the developers don't have any standards to build to. She said in March 2012, there are going to be some changes in the accessibility guidelines.

She and Mr. Koch have had many conversations about how we get developers to build accessible trails, and if the County is going to take over those trails; how does that work?

We actually have a parks and recreation ADA Committee and they had input on this document. We also had input from the Chief Accessibility Officer for the State. She is the person that folks go to for interpretations of the North Carolina Accessibility Code or Americans with Disability Act.

Ms. Morris said the two types of classifications for trails that we would have are: Improved Multi-Purpose Trails and a General Purpose Trails. With the improved trails, the list that you see, asphalt, concrete, brick and pavers, are all materials that the State accepts as accessible materials. She said the last item is a material called a stabilizer solution, which is a trademarked brand name. She spoke with someone at the Institute of Government and they said we probably would not want to use a brand name and asked if we could describe it. She said that is what the last part of it actually describes.

They take aggregate, wash it off, mix it with a plant derived substance that is like glue. It is actually permeable when it is constructed. She said that actually is the preferred material out of all of this. If you talk with the Accessibility Officer, she will say that they need to use stabilizer solution; that is the last product she will accept.

Ms. Morris said we cannot really dictate to someone what brand and/or product they can use. It doesn't look like there is another product out there like it; so that was the best description of the product that we could get.

She said the General Purpose Trails would allow those same materials, but, they would also allow compacted earth. It talks about the trails being firm and stable. As part of these new standards, signs will have to be put out saying what the material is, what the slope is, and other different things that it asks for. It will have to say how far you can travel down the path before it becomes inaccessible, and it will also have to provide a turn surface.

Our parks will probably have a little bit of a different look to them, because there is going to be a lot of signage. These are materials that can be used, but when it gets down to the basic definition, it says firm and stable. So, we said to the greatest extent possible, and that can be handled with the signage that says that this is not an accessible trail, that the accessible trail is located over here.

One of the main things that the State said was, first you have to define what your trail is for and then after you do that, you determine the materials. They do not expect everything to be accessible, but if it isn't accessible, you need to let that person know that it is not accessible.

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On the Boardwalk section; it will allow them to use treated wood or composite lumber. That is a permitted material, but it talks about how much disturbance you can have. If there is a minimum tolerance for one board being up and one board being down. It is starting to get very specific.

As far as location of the trails, we kept that at 60 feet from the stream bank. The Soil and Water Conservation District had some comments on that. If it was up to them they would prefer to see it at 100 feet from the stream bank and also include any of the floodplain, because that is the critical area. She said 60 feet is what they came to as the middle ground when we did the revisions to Chapter 4.

The Chair said a lot of these trails run close to the streams intentionally.

Ms. Morris said yes they do, and that is one argument that people have. They say well, if they are going to wander down to the stream, then they are going to create a trail anyway; so, why not allow them to go next to the trail. She said if the EEP folks are doing a restoration project, they want a minimum, undisturbed buffer of 50 feet. She said that is where we came up with the 60 feet and that will allow for those projects to happen and hopefully, for them to take them over.

Right now, we have an issue with one that we have in the county, where there is a trail. They are not going to take that as part of the project, it will be excluded from it. They will have an easement, then a break and then the rest of the easement. This will allow those kinds of projects to happen. She said Clean Water only asked for a 30 foot buffer, Soil and Water Conservation is asking for 100 feet, so the 60 feet is in the middle.

The Chair asked if they allow for a crossing at all; could you have a pedestrian bridge over the stream; perpendicular?

Ms. Morris said yes, as close to perpendicular as possible to that original trail.

The Chair asked if that would include bridges or crossings or should we add that language.

Ms. Morris said we can put that in there.

The Chair said it would clarify it a little bit to add bridges or crossings.

Mr. Fesperman said one of the things that bothered them when they came to us about 3 years ago, showing us where they were going to put the greenway and where it was crossing their property. They wanted us to grant them an easement, which they ended up doing. He said the city would have condemned it anyway. They negotiated and got another couple of lots. It took them almost a year to put in 1.2 miles, it was very well done and it is a beautiful trail.

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He asked the City Attorney of Davidson and the County Attorney, when someone crosses onto our property, and if some is mugged or a bicyclist hits somebody, would we be liable, since we own the property. Mecklenburg County said no, that they have a policy that would exempt us from liability.

Mr. Fesperman said you know that is bull; you know if someone is damaged on our property, on that trail, they will still sue us.

Mr. Koch does not think they can exempt you; they might be able to indemnify you, but, they cannot exempt you. He said they do not have any authority to do that. He asked Mr. Fesperman if they were expecting him to maintain it in any way.

Mr. Fesperman said no, the County of Mecklenburg moved it to the City of Davidson and it is their responsibility to maintain it now that the trail is in. He said it is going to be a maintenance problem for the City, because it is going to be a very active trail.

Ms. Morris said if something got turned over to us, then the County would be maintaining it. She said our General Services Department had a lot of input on this as far as the materials that they think they would be willing to maintain, and also materials that will last. This is based on their experiences with what we have at the parks now; gravel washes away and depending on what type of stone is used, it may or may not stay, the trails get pot holes. She said all of that was considered as part of this.

Mr. Koch said generally, the liability falls on who has control of it, not necessarily ownership, in that type of situation and who has the responsibility to maintain or repair it.

Ms. Morris said this also talks about connecting the trails. If there is a plan out there, connect your trail to that plan; get some connectivity to create that secondary transportation network.

She said the Trail Heads and the Access Points is where it talks about where the trail will begin or terminate, or where an access point is located. Based on some of the conversation the Board has had this evening, you may want to take a look at the third bullet, because we allowed up to 60,000 square feet for a parking area; which will be about an acre of parking.

She said when you have people coming there with canoes, and trailers attached to their car or truck, that does take up a significant area. She said you are looking at 2 or 2 ½ parking spaces per vehicle. We went back and forth on that one and landed on the 60,000, which will be about an acre and a half up to five acres.

Mr. Fesperman said that is a tough one; because, depending on where the Trail Head is, or if it is in an area that people don't want a collection of a lot of vehicles around to devalue their property to some degree.

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Ms. Morris said if someone wanted to do that in a residential area, that is where they will use the conditional use permit process.

Ms. Frye said if that is a 60,000 square foot lot, will we see whether or not is paved or whether or not it is screened. She is trying to think visually, what this 1 acre of a stand-alone lot is going to look like as a Trail Head.

Ms. Morris said image a big field, and at the end of that field, between that field and where the cows are, where the fence is, you have a parking area and then a trail that leads down to the stream. She said it will be a conditional use if it is a stand-alone trail that they are not already using, like at a school shared lot.

She asked the Board if they thought 60,000 square feet was too much.

The Chair thinks that in most instances, they are not going to build more than they absolutely have to, because its money and he does not see these things as generating revenue. It says up to 60,000, and he thinks people will build them as small as practical.

Ms. Morris said 60,000 is the maximum. She asked if the Board was okay with the 20 feet from the property.

It was the consensus of the Board to keep the 60,000 square foot maximum lot size and the 20 foot from the property line.

Ms. Morris said the next part talks about Blue Trail or Water Trail. It says if you are going to put a landing area there, or have a way for people to get in and out, they will need to keep in mind that there is a Waterbody Buffer Zone, and if it is disturbed it will need to be fixed.

She said Trail Signage gets into some of the accessibility code. If you are putting a sign at the beginning of the trail, or along the trail, we are not going to make them get a permit for every one of those signs. But, if you are putting a sign out at the street or somewhere else then they will be subject to the Ordinance. They must provide a Rules of Use board for the trail and should include the address of the site and emergency contact information. There should be a Use Conflict Avoidance sign which notifies the user that there is a natural habitat area or they need to avoid that area.

Ms. Morris said the document we have now that the Ordinance references, is about 20 pages, and gets into a tier system and modification of trails. It is not a user friendly document, so we are trying to create something that is straight forward and shows you what you need to do. If the county does end up taking something over at some point, we wanted it to be something that we can maintain without a lot of added staff time.

Mr. Fesperman said this is really going to be coming our way. He said it is all over Mecklenburg County right now, and there is a lot that goes into this. He thinks Ms. Morris is doing a good job on it.

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Ms. Morris said if the Board is okay with the recommendations, she will make the changes and bring them back to the Board.

It was the consensus of the Board to accept the recommendations and to review the changes at the next meeting.

Directors Report

Ms. Morris said Barry Shoemaker and Tommy Porters terms have ended and two new members have been appointed to the Planning and Zoning Commission by the Board of Commissioners. Mr. James Litaker, will be the representative for Kannapolis and Mr. Aaron Ritchie, will be the Eastern Area representative.

We need a new member for the Text Amendment Committee to take Barry Shoemakers place.

She reminded the Board that at the next meeting they will need to nominate a Chair, a Vice Chair and then someone to stand in in the event the Chair and Vice Chair are both not here for the meeting.

The Chair asked if she ever heard why the applicant never showed up for the case last month.

Mr. Koch said supposedly he got the date wrong. That is despite having email exchanges about the change, and also a letter he asked Ms. Morris to send that dealt with the completeness of the application, and also mentioned the date again. He said they have appealed it and it is going to the Board of Commissioners.

Mr. Fesperman asked if the APFO case would be heard before the end of the year.

Mr. Koch said maybe this fall. Our brief is in and they have asked for an extension on theirs. He said the extension was granted at the end of last week, so, it will be sometime in September.

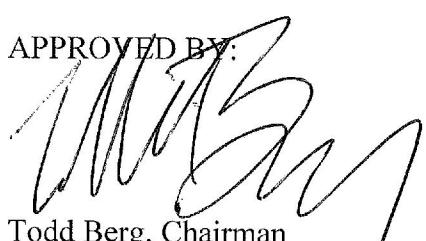
Ms. Morris said Mr. Koch has turned in our answer on the Ben Small case.

Mr. Koch said the attorney for Mr. Small still has not applied for a Writ of Certiorari. He said it is the same thing as last time; a different attorney, but the same thing. He said it is a one page form, and all you have to do is submit it to the judge to sign it. It just tells us to turn the record over to the court. He is going to let it sit for a little bit and then he is going to schedule a motion to dismiss it for failure to prosecute the appeal.

There being no further discussion, Mr. Danny Fesperman, **MOTIONED, SECONDED** by Ms. Mary Blakeney to **ADJOURN** the meeting. The vote was unanimous. The meeting ended at 8:37 p.m.

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APPROVED BY:



Todd Berg, Chairman

SUBMITTED BY:



Arlena B. Roberts

ATTEST BY:

Susie Morris
Planning and Zoning Manager