



Town of
**INDIAN
TRAIL**
north carolina

Unified Development Ordinance

Adopted on December 30, 2008

As Amended through November 14, 2017

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Chapter 110. Legal Framework

110.010 Short Title

This ordinance shall be known and may be cited as the Indian Trail Unified Development Ordinance.

110.020 Authority and Purpose

- A.** This ordinance is adopted pursuant to the authority contained in North Carolina General Statutes, Chapter 160A, Article 19, and for the purpose of promoting the public health, safety, morals, and general welfare of the residents of the Town of Indian Trail.
- B.** This development ordinance is adopted for the purposes of:
- 1.** protecting and promoting the public health, safety and general welfare;
 - 2.** implementing adopted plans and policies;
 - 3.** enhancing residents' quality of life;
 - 4.** protecting the character of established residential neighborhoods;
 - 5.** maintaining economically vibrant as well as visually attractive business and commercial areas;
 - 6.** retaining and expanding the Town's business and employment base;
 - 7.** promoting mixed-use, pedestrian-oriented development patterns;
 - 8.** accommodating pedestrian, bicycle and transit use;
 - 9.** maintaining orderly and compatible development patterns that promote an appropriate mix of land uses and protect and conserve property values;
 - 10.** ensuring adequate light, air, privacy, and access to property;
 - 11.** promoting environmentally responsible development practices;
 - 12.** promoting rehabilitation and reuse of older buildings;
 - 13.** maintaining a range of housing choices and options;
 - 14.** establishing clear and efficient development review and approval procedures; and
 - 15.** Accommodating the orderly and beneficial development of all parts of the Town in accordance with the preceding purposes.
- C.** Whenever any provision of this ordinance refers to or cites a section of the North Carolina General Statutes and that section is later amended or superseded, the ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

110.030 Jurisdiction

This Unified Development Ordinance applies to all development, public or private, within the corporate limits of Indian Trail, North Carolina unless otherwise exempted or provided for in this Zoning Ordinance.

110.040 Applicability

Except as provided under DIVISION 1400 of this ordinance (Nonconformities), no person may use, occupy, or sell any land or buildings or authorize or permit the use, occupancy, or sale of land or buildings under his/her control except in accordance with all of the applicable provisions of this ordinance. For purposes of this section, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on, or in that building or land.

110.050 Effective Date

The provisions in this ordinance were adopted on December 30, 2008 and became effective on December 31, 2008.

110.060 Minimum Requirements; Compliance with Other Applicable Regulations

- A.** The provisions of this development ordinance are the minimum requirements deemed necessary to carry out the development ordinance's stated purpose and intent.
- B.** In addition to the requirements of the development ordinance, all uses and development must comply with all other applicable Town, state, and federal regulations.
- C.** All new developments must comply with the Union County's Adequate Public Facilities Ordinance adopted September 22, 2006 consistent with the memorandum of understanding between the Indian Trail Town Council and the Union County Board.
- D.** All references in the development ordinance to other Town, state, or federal regulations are for informational purposes only and do not constitute a complete list of such regulations. These references do not imply any responsibility for the Town to enforce state or federal regulations.

110.070 Conflicting Provisions

A. Conflict with State or Federal Regulations

If the provisions of this development ordinance are inconsistent with those of the state or federal government, the more restrictive provision will control, to the extent permitted by law. The more restrictive provision is the one that imposes greater restrictions or more stringent controls.

B. Conflict with Other Town Regulations

If the provisions of this development ordinance are inconsistent with one another, or if they conflict with provisions found in other adopted ordinances or regulations of the Town, the more restrictive provision will control. The more restrictive provision is the one that imposes greater restrictions or more stringent controls.

C. Conflict with Private Agreements and Covenants

This development ordinance is not intended to interfere with, abrogate or annul any easement, covenant, deed restriction or other agreement between private parties. If the provisions of this development ordinance impose a greater restriction than imposed by a private agreement, the provisions of this development ordinance will control. If the

provisions of a valid, enforceable private agreement impose a greater restriction than this development ordinance, the provisions of the private agreement will control. The Town does not enforce or maintain a record of private agreements.

110.080 Authorization of Exemption

- A.** The Town Council may issue an “authorization of exemption” from the provisions of this Ordinance for publicly owned, tax supported facilities when the following exists:
- 1.** a request for authorization of exemption is heard in a public meeting; and
 - 2.** the Town Council determines the provisions would result in an undue hardship for the publicly owned, tax supported facility; and
 - 3.** the exemption of the provisions would not result in a threat to the public health, safety, morals and general welfare of the residents of the Town of Indian Trail.
- B.** The following publicly owned facilities shall be deemed exempt by right from the provisions of this Ordinance without the need for any exemption request or issuance of authorization of exemption by the Town Council:
- 1.** Union County Crooked Creek Wastewater Treatment Plant facility and any future onsite expansions to said facility located at 4015 Sardis Church Road and consisting of Tax Parcel Number 07066015B.

110.090 Relationship to the Comprehensive Plan

It is the intention of the Town Council that this ordinance implements the planning policies adopted by the Town Council for the Town as reflected in the Town of Indian Trail comprehensive plan. While the Town Council reaffirms its commitment that this ordinance and any amendment to it are in conformity with the adopted comprehensive plan, the Town Council hereby expresses its intent that neither this ordinance nor any amendment to it may be challenged on the basis of any alleged nonconformity with any planning document.

110.100 Severability

It is hereby declared to be the intention of the Town Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this ordinance since the same would have been enacted without the incorporation into this ordinance of such unconstitutional or invalid section, paragraph, sentence, clause or phrase.

Chapter 120. General Rules of Language and Interpretation

120.010 Meanings and Intent

The language of the development ordinance must be read literally. Regulations are no more or less strict than stated. Words defined in DIVISION 1600 have the specific meaning assigned, unless the context expressly indicates another meaning. Words that are not defined in DIVISION 1600 have the meaning given in the latest edition of Merriam-Webster’s Unabridged Dictionary.

120.020 Tenses and Usage

- A.** Words used in the singular include the plural. The reverse is also true.

- B.** Words used in the present tense include the future tense. The reverse is also true.
- C.** The words “must,” “will,” “shall” and “may not” are mandatory.
- D.** The word "may" is permissive in nature, except when the context of the particular use is negative, and then it is mandatory.
- E.** When used with numbers, “up to X,” “not more than X” and “a maximum of X” all include X.

120.030 Miscellaneous Terminology Rules

- A.** The word "person" includes a firm, association, organization, partnership, corporation, trust, and company as well as an individual.
- B.** The word "lot" includes the word "plot" or "parcel" or “tract”.
- C.** The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".
- D.** The term "Town Council" shall mean the "Town Council of Indian Trail, North Carolina".
- E.** The term "Planning Board" shall mean the "Planning Board of Indian Trail, North Carolina".
- F.** The term "Board of Adjustment" shall mean the "Board of Adjustment of Indian Trail, North Carolina".
- G.** The term "Zoning Administrator" shall mean the "Zoning Administrator of Indian Trail, North Carolina" who may also be the Planning and Development Director.
- H.** The term "Street" shall mean any "road, street, roadway, alley, avenue, thoroughfare, boulevard, highway or interstate”.
- I.** In the event of a conflict between the text of these regulations and any caption, figure, illustration, or table, the text of these regulations shall control.
- J.** Any reference to a Division or Chapter shall mean a Division or Chapter of this Ordinance, unless otherwise specified.
- K.** The term “Planning and Development Director”, shall mean the “Planning and Development Director of Indian Trail, North Carolina” who may also be the Zoning Administrator.

120.040 Conjunctions

Unless the context otherwise clearly indicates, conjunctions have the following meanings:

- A.** “And” indicates that all connected items or provisions apply; and
- B.** “Or” indicates that the connected items or provisions may apply singularly or in combination.

120.050 Fractions

The following rules apply to fractional number unless otherwise expressly stated.

A. Minimum Requirements

When a regulation is expressed in terms of a minimum requirement, any fractional result of 0.5 or more must be rounded up to the next consecutive whole number. For example, if a minimum requirement calling for one tree to be provided for every 30 linear feet of frontage is applied to a 50-foot dimension, the resulting fraction of 1.67 is rounded up to 2 required trees.

B. Maximum Limits

When a regulation is expressed in terms of maximum limits, any fractional result will be rounded down to the next lower whole number. For example, if a maximum limit of one dwelling unit for every 5,000 square feet is applied to a 12,500 square foot lot, the resulting fraction of 2.5 is rounded down to 2 (allowed dwelling units).

120.060 Headings and Illustrations

Headings and illustrations are provided for convenience and reference only and do not define or limit the scope of any provision of this development ordinance. In case of any difference of meaning or implication between the text of this development ordinance and any heading, drawing, table, figure, or illustration, the text controls.

120.070 Reserved

120.080 Current Versions and Citations

All references to other Town, county, state, or federal regulations in the development ordinance refer to the most current version and citation for those regulations, unless expressly indicated otherwise. When the referenced regulations have been repealed and not replaced by other regulations, development ordinance requirements for compliance are no longer in effect.

120.090 Lists and Examples

Unless otherwise expressly indicated, lists of items or examples that use “including,” “such as,” or similar terms are intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.

120.100 Delegation of Authority

Whenever a provision appears requiring the head of a department or another officer or employee of the Town to perform an act or duty, that provision will be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority. Delegation of authority is not allowed when the provisions of this development ordinance expressly prohibit such a delegation.

120.110 Public Officials and Agencies

All employees, public officials, bodies, and agencies to which references are made are those of the Town of Indian Trail unless otherwise expressly stated.

120.120 Commentaries

Commentaries are sometimes included in the development ordinance as a means of clarifying certain provisions or providing supplemental information. Text marked as “Commentary” has no regulatory effect. It is intended solely as a guide for administrative officials and the public. Commentaries may be added to the development ordinance by the Director of Planning and Development without the need for a formal ordinance amendment.

Commentary: When commentaries are provided, they will appear in this manner.

Chapter 130. Zoning Districts

130.010 Establishment of Districts

For the purpose of this Unified Development Ordinance (UDO), portions of the Town, as specified on the Town's Official Zoning Map are hereby divided into the following zoning districts:

Residential Zoning Districts	
RSF	Rural Single-Family
SF-1	Single-Family, Low Density
SF-2	Single-Family, Low/Medium Density
SF-3	Single Family, Medium Density
SF-4	Single-Family, Medium/High Density
SF-5	Single-Family, High Density
MFR	Multi-Family Residential
O-MHP	Mobile Home Park Overlay
Commercial Zoning Districts	
CBD	Central Business District
NBD	Neighborhood Business District
GBD	General Business District
RBD	Regional Business District
O-VCD	Village Center Overlay
O-DD	Downtown Overlay
Industrial Zoning Districts	
LI	Light Industrial
HI	Heavy Industrial
O-PID	Planned Industrial Overlay
Other Zoning Districts	
O-GCD	Goose Creek Overlay
OP/A	Open Space/ Agricultural
I	Institutional
CZ	Conditional Zoning (PD,TND,PUD, MXD, CD, OSD)
O-PED	Pre-existing Development Overlay (PUD, PND, PRD, CUD approved prior December 30, 2008)
O-MD	Mining District

130.020 General Use Districts

Also known as base zoning districts, these represent the traditional residential, commercial, and industrial districts established above. They set uniform standards for uses in their district and are the governing standards unless overlaid with more restrictive standards as in the case of an overlay district.

130.030 Conditional Zoning Districts

Applicants may apply for conditional zoning districts consistent with Chapter 330 of this UDO. Conditional Zones shall be established for all Planned Unit Developments, Traditional Neighborhood Developments, Mixed Use Developments, Cluster and Open Space Subdivisions. Conditional districts are

classification where the property owner commits and agrees to limit the use of their property to a particular use or commits to subject their property to specific restrictions as a pre-condition to any rezoning. These conditions are limited to those that address the conformance of the development and use of the property to the goals and objectives of the Town's UDO and comprehensive plan and to those impacts reasonably expected to be generated from the development or the use of the property.

130.040 Overlay Districts

Overlay districts are districts that are superimposed over properties that are also subject to other "underlying" zoning district requirements. An overlay district can affect the regulations applicable to properties within such districts in two ways. First, an overlay district can add to the regulations of the underlying district, or make such regulations more restrictive. Second, an overlay district can alter the regulations of the underlying district so that they are less restrictive.

- A.** The Village Center Overlay, the Goose Creek Overlay, the Downtown Overlay, and the Mobile Home Park Overlay, are four such overlay districts. In addition, overlay zoning districts have been created to apply to Planned Residential Developments (PRDs), Planned Unit Developments (PUDs), Planned Neighborhood Developments (PNDs), or Conditional Use Districts (CUDs) that were authorized prior to the adoption of this UDO. Under the UDO, all such developments have been placed in one or more general use zoning districts, subject to a Pre-existing Development Overlay (O-PED) district that modifies the requirements of the underlying zoning district to reflect as closely as possible the conditions and requirements of the pre-existing development approval. For example, a pre-existing PRD will be zoned SF-2, subject to an O-PED that reduces the front yard setback generally applicable in the SF-2 district from 30 to 25 feet.
- B.** Overlay zoning districts may appear on the Official Zoning Map. Pre-existing Development Overlay districts are shown on the Official Zoning Map and labeled PED1, PED2, etc. The regulations applicable to each such overlay district are set forth in appendix 2.

130.050 Official Zoning Map

- A.** There shall be a map known as the Official Zoning Map, which shall show the boundaries of all zoning districts within the Town's planning jurisdiction. This map shall be drawn on a durable material or generated in a digital format from which prints or digital copies can be made, shall be dated, and shall be kept in the Town Hall.
- B.** The Official Zoning Map is adopted and incorporated herein by reference. Amendments to this map shall be made and notice posted in accordance with Section 310.030E, Public Hearing Requirements.
- C.** Should the Official Zoning Map be lost, destroyed, or damaged, it can be redrawn on a durable material or generated in a digital format from which prints can be made, so long as no district boundaries are changed in this process.

Chapter 140. Official Zoning Map

140.010 Establishment

The location and boundaries of the zoning districts established by this development ordinance are shown on a geographic coverage layer entitled "Zoning" that is maintained as part of the Town's geographic information system (GIS) under the direction of the Director of Planning and Development. This "Zoning" geographic coverage layer constitutes the Town of Indian Trail's official zoning map. The official zoning map—together with all notations, references, data and other information shown on the

map— is adopted and incorporated into this development ordinance. It is as much a part of this development ordinance as if actually depicted within its pages.

140.020 Maintenance and Updates

The Director of Planning and Development is responsible for directing revisions to the official zoning map to reflect its amendment as soon as possible after the effective date of zoning map amendments (rezonings). No unauthorized person may alter or modify the official zoning map. The Director of Planning and Development may authorize printed copies of the official zoning map to be produced, and must maintain digital or printed copies of superseded versions of the official zoning map for historical reference.

140.030 District Boundaries

When the ordinance establishing a zoning boundary identifies the boundary as following a particular feature, or reflects a clear intent that the boundary follows the feature, the boundary will be construed as following that feature as it actually exists. The official zoning map must note any such relationship between a zoning boundary and other mapped feature on the zoning map when entering the zoning boundary.

140.040 Interpretation of Zoning District Boundaries

- A.** Where uncertainty exists as to the boundaries of any district shown on the Official Zoning Map, the Zoning Administrator shall employ the following rules of interpretation:

1. Centerline

Where a boundary line lies within and follows a street right-of-way, a railroad right-of-way, or utility easement, the boundary shall be construed to be in the center of such street right-of-way, railroad right-of-way, or utility easement. If such a street right-of-way, railroad right-of-way, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the edge of the abandoned or vacated street bed or utility easement.

2. Edge Line

Where a boundary line follows the edge of a street or alley right-of-way, a railroad right-of-way, or utility easement, the boundary shall be construed to be in the edge of such street or alley right-of-way, railroad right-of-way, or utility easement. If such a street or alley right-of-way, railroad right-of-way, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the edge of the abandoned or vacated road bed or utility easement.

3. Town Limits

Boundaries indicated as approximately following town limits shall be construed as following the town limits.

4. Watercourses

Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.

150.010. Applications Submitted Before December 31, 2008

5. Extensions

Boundaries indicated as parallel to or extensions of street rights-of-way, channelized waterways, railroad rights-of-way, utility easements, lot lines, town limits, county lines, or extraterritorial boundaries shall be so construed.

6. Scaling

In a case where a district boundary does not coincide with any boundary lines as above and no distances are described by specific ordinance; the boundary shall be determined by the use of the scale appearing on the map.

7. Interpretation

Where the Zoning Administrator determines that the physical features existing on the ground or that the actual property lines or other man-made boundary lines used to depict zoning district boundaries are at variance with those shown on the Official Zoning Map, the Board of Adjustment shall have the authority to interpret zoning district boundaries in accordance with Section 230.050C.

Chapter 150. Transitional Provisions

150.010 Applications Submitted Before December 31, 2008

Complete applications that are pending approval before December 31, 2008 may be reviewed and approved in accordance with the development ordinance in effect immediately before December 31, 2008. All development applications submitted on or after December 31, 2008 must be reviewed under the terms of this development ordinance.

150.020 Permits Issued Before December 31, 2008

Any building, development or structure for which a final building permit was issued before December 31, 2008 may be completed in conformance with the issued building permit and other applicable permits and conditions, even if such building, development or structure does not fully comply with provisions of this development ordinance. If building is not commenced and diligently pursued within the time allowed under the original permit or any extension granted, then the building, development or structure must be constructed, completed and occupied only in strict compliance with the standards of this development ordinance.

150.030 Violations Continue

Any violation of the previous development ordinance will continue to be a violation under this development ordinance and be subject to penalties and enforcement under Section 1510.030 (Violations, Penalties and Enforcement). If the use, development, construction or other activity that was a violation under the previous ordinance complies with the express terms of this development ordinance, enforcement action will cease, except to the extent of collecting penalties for violations that occurred before the effective date specified in Sec. 110.050. The adoption of this development ordinance does not affect nor prevent any pending or future prosecution of, or action to abate, violations of the previous ordinance that occurred before the effective date specified in Sec. 110.050.

150.040 Nonconformities

Any nonconformity under the previous development ordinance will also be nonconformity under this development ordinance, as long as the situation that resulted in the nonconforming status under the previous regulation continues to exist. If, however, a nonconforming situation under previous zoning regulations becomes conforming because of the adoption of this development ordinance, or any subsequent amendment to it, then the situation will no longer be considered a nonconformity. A situation that did not constitute a nonconforming situation under the previously adopted development ordinance

does not achieve nonconforming status under this development ordinance merely by repeal of the previous development ordinance.

150.050 Zoning District Conversions

The zoning district classifications in effect before the effective dates specified in Section 110.050 are converted as follows:

Existing District	New District
RC-80	Eliminated
RA-40	RSF
R-40	RSF
RA-20	SF-1
R-20	SF-1
New District	SF-2
New District	SF-3
R-8	SF-4
R-6	SF-5
R-6 Multi-Family	MFR
O	NBD/ CBD if located within the Downtown Overlay
B-1	CBD
B-2	NBD/ CBD if located within the Downtown Overlay
B-3	NBD
B-4	GBD
HC	RBD
B-6	Eliminated
LI	LI
HI	HI
New District	Conditional Zone District (CZ)
Flood Plain/Floodway Overlay	Flood Plain and Floodway Overlay
Mining Overlay	Mining Overlay District
Downtown Overlay	Downtown Overlay (DD)
New District	Goose Creek Overlay
New District	Village Center Overlay
New District	Mobile Home Park Overlay.
R-20 -Planned Unit Development	PED Overlay 1
R-20 - Planned Residential Development	PED Overlay 2
R-20 – Planned Neighborhood Development	PED Overlay 3
Conditional Use Districts	PED Overlay 4

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Chapter 210. Indian Trail Town Council

210.010 Responsibility

The Town Council will be responsible for final actions regarding the text of this UDO, the Official Zoning Map, decisions regarding conditional uses and Conditional Zoning Districts and appointments to the Planning Board, Board of Adjustment, and Citizen Advisory Committee.

210.020 Powers and Duties

The Town Council will have the powers and duties as set forth in this UDO:

210.030 Appointments

A. Planning Board

1. The Town Council will appoint all members of the seven-member Planning Board plus alternates, each member must reside within the Town of Indian Trail;
2. The Town Council may remove any member for cause.

B. Board of Adjustment

1. The Town Council will appoint the five regular members plus alternates of the Board of Adjustment, who must reside within the Town of Indian Trail.
2. The Town Council may remove any member for cause.

210.040 Legislative Acts

A. Text Amendments

The Town Council, acting in its legislative capacity, will hear and approve, approve with modifications or deny proposed Text Amendments to this UDO in accordance with Chapter 320, Procedures for Text Amendments.

B. Official Zoning Map Amendments

The Town Council, acting in its legislative capacity, will hear and approve, approve with conditions or deny proposed Official Zoning Map amendments for both general districts and conditional zoning district rezoning in accordance with Chapter 320, Amendments In General.

C. Conditional Zoning

The Town Council will review applications for conditional zoning approvals in accordance with Chapter 330. Conditional zoning applications will include all applications for planned developments approvals consistent with Chapter 340, Review and Approval of Planned Developments.

D. Appeals of Actions on Final Plats

The Town Council will be responsible for hearing and taking action on any appeals of the Director of Planning and Development's decisions on major final plats and minor subdivision plats.

Chapter 220. Planning Board

220.010 Appointment and Terms of Planning Board Members

- A. There will be a planning board consisting of seven (7) regular members and three (3) alternate members.

1. Planning board regular members as well as alternates will be appointed for terms as designated by the Town Council.
2. If a regular planning board member or an alternate member moves outside the Town of Indian Trail that will constitute a resignation from the planning board.

220.020 Meetings of the Planning Board

- A. The planning board will establish a regular meeting schedule and will meet frequently enough so that it can take action in conformity with Section 410.130 (Applications to be Processed Expeditiously).
- B. Since the planning board does not exercise the broad, quasi-judicial, discretionary authority characteristic of the board of adjustment, it need not conduct its meetings strictly in accordance with the quasi-judicial procedures set forth in Section 310.080 of this ordinance. However, it will conduct its meetings so as to obtain necessary information and to promote the full and free exchange of ideas.
- C. Minutes must be kept of all board proceedings.
- D. All board meetings will be open to the public.
- E. Whenever the board is called upon to make recommendations concerning zoning map amendment proposals notice must be given as provided in Section 310.030, Required Notice for Public Hearings.

220.030 Powers and Duties of the Planning Board

The Planning Board will have the following powers and duties:

A. Tree Advisory Committee

Members of the Planning Board will serve as the Tree Advisory Committee

B. Major Subdivision Preliminary Plats

The Planning Board will review and make recommendations to the Town Council on preliminary plat applications for major subdivisions when associated with Conditional Zoning Districts;

C. Text Amendments

The Planning Board will review and make recommendations to the Town Council on amendments to the text of this UDO;

D. Official Zoning Map

The Planning Board will review and make recommendations to the Town Council on amendments to the Official Zoning Map;

E. Conditional Zoning District

The Planning Board will review and make recommendations to the Town Council on applications for a Conditional Zoning District;

F. Planned District Review

The Planning Board will review and make recommendations to the Town Council on Planned District applications;

G. Comprehensive Plan Administration

The Planning Board will be responsible for the preparation of a comprehensive plan and all plan amendments and will make recommendations to the Town Council on policies,

ordinances, administrative procedures and other means for carrying out plans in a coordinated and efficient manner;

H. Promoting Town Beautification Programs

The Planning Board will initiate, promote and assist in the implementation of programs of general community beautification in the Town's planning jurisdiction;

I. Community Design and Appearance

The Planning Board will provide leadership and guidance in matters of area or community design and appearance to individuals, and to public and private organizations and agencies;

J. Studies

The Planning Board will prepare studies of the visual characteristics and problems of the planning jurisdiction, including surveys and inventories of an appropriate nature and will recommend standards and policies of design for the entire area, any portion or neighborhood thereof or any project to be undertaken;

K. Plans

The Planning Board will prepare plans for the improved appearance of the planning jurisdiction, setting forth desirable standards and goals for the aesthetic enhancement of the municipality; of any part thereof within its area of planning and zoning jurisdiction, including public ways and areas, open spaces and public and private buildings and projects; and

L. Other Responsibilities

The Planning Board will have any other duties assigned by the Town Council.

M. Staff

The Planning Department will serve as staff to the Planning Board.

220.040 Advisory Committees

- A.** From time to time, the Town Council may appoint one or more individuals to assist the planning board to carry out its planning responsibilities with respect to a particular subject area. By way of illustration, without limitation, the Council may appoint advisory committees to consider the thoroughfare plan, housing plans, economic development plans, etc.
- B.** Members of such advisory committees may sit as nonvoting members of the planning board when such issues are being considered and lend their talents, energies, and expertise to the planning board. However, all formal recommendations to the Town Council will be made by the planning board.
- C.** The planning board may appoint such standing or ad hoc subcommittees of its own members to consider particular issues or types of issues and may also appoint ad hoc advisory committees consisting of non-planning board members to assist it in its work.

Chapter 230. Board of Adjustment

230.010 Appointment and Terms of Board of Adjustment

- A.** There will be a board of adjustment consisting of five regular members and three alternates all appointed by the Town Council. All regular members and alternates must reside within the Town of Indian Trail.
- B.** Board of adjustment regular members and alternates will be appointed for terms as determined by the Town Council.
- C.** Members may be reappointed to successive terms without limitation.

230.020 Meetings of the Board of Adjustment

- A.** The Board of Adjustment will establish a regular meeting schedule and will meet frequently enough so that it can take action in conformity with Section 410.130, (Applications to be Processed Expeditiously).
- B.** The board will conduct its meetings in accordance with the quasi-judicial procedures set forth in Section 310.080.
- C.** All meetings of the board will be open to the public, and whenever feasible the agenda for each board meeting will be made available in advance of the meeting.

230.030 Quorum

A quorum for the Board of Adjustment will consist of four members (including alternates sitting in lieu of regular members).

230.040 Participating and Voting

- A.** The concurring vote of four-fifths of the members of the Board of Adjustment will be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternatives available to take the place of such members.
- B.** Once a member is physically present at a Board of Adjustment meeting, any subsequent failure to vote will be recorded as an affirmative vote unless the member has been excused in accordance with paragraph 3 below.
- C.** A member may be excused from participating in or voting on a particular issue by majority vote of the remaining members present under the following circumstances:
 - 1.** if the member has a direct financial interest in the outcome of the matter at issue;
 - 2.** if participation in the matter might give the appearance of a conflict of interest;
 - 3.** if a member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest; or
 - 4.** if a member was not present at the public hearing at which evidence relevant to the matter at issue was taken.

230.050 Powers and Duties of Board of Adjustment

The board of adjustment will hear and decide:

- A.** Appeals from any order, decision, requirement, or interpretation made by the Administrator, as provided in Section 380.010.
- B.** Applications for variances, as provided in Section 380.020.
- C.** Applications for special use permits.

230.060. Board of Adjustment Jurisdiction over Uses Otherwise Permissible with a Zoning Permit

- D.** Any other matter the board is required to act upon by any other Town of Indian Trail ordinance.
- E.** The board may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this ordinance.

230.060 Board of Adjustment Jurisdiction over Uses Otherwise Permissible with a Zoning Permit

Notwithstanding any other provisions of this Chapter, whenever the Table of Permissible Uses (located in Division 500 of this UDO) provides that a use in a nonresidential zone or a nonconforming use in a residential zone is permissible with a zoning permit, a special use permit shall nevertheless be required if the Director of Planning and Development and/or his or her designee finds that the proposed use would have an extraordinary impact on neighboring properties or general public. In making this determination, the Director of Planning and Development and/or his or her designee shall consider, among other factors, whether the use is proposed for an undeveloped or previously developed lot, whether the proposed use constitutes a change from one principal use classification to another, whether the use is proposed for a site that poses peculiar traffic or other hazards or difficulties, and whether the proposed use is substantially unique or likely to have impacts that differ substantially from those presented by other uses that are permissible in the zoning district in question.

Chapter 240. Director of Planning and Development

240.010 Designation

The Town Manager will designate the Director of Planning and Development for the Town of Indian Trail. Where this UDO assigns a responsibility, power, or duty to the Director of Planning and Development, the Director of Planning and Development may delegate that responsibility.

240.020 Responsibility

The Director of Planning and Development will have the primary responsibility for administering and enforcing this UDO except as otherwise specifically provided.

240.030 Powers and Duties

The Director of Planning and Development will have the following powers and duties:

A. Administration and Enforcement

The Director of Planning and Development will administer and enforce the provisions of this UDO;

B. Interpretation

The Director of Planning and Development will make written interpretations of this UDO setting forth the reasons and explanation therefore, and will forward same to the Town Attorney;

C. Zoning Compliance Permit

The Director of Planning and Development or the Director's designee will approve or disapprove zoning compliance permit applications;

D. Site Plan Review

The Director of Planning and Development, as chair of the Technical Review Committee, will review and approve, approve with conditions or disapprove site plans;

E. Technical Review Committee

The Director of Planning and Development will be responsible for all final decisions of the Technical Review Committee;

F. Minor Subdivision Plats

The Director of Planning and Development, as chair of the Technical Review Committee, will approve, approve with conditions or deny minor subdivision plats.

G. Final Plats

The Director of Planning and Development, as chair of the Technical Review Committee, will approve, approve with conditions, or deny major subdivision final plats.

H. Major Subdivision Preliminary Plats

The Director of Planning and Development will review and approve, approve with conditions, or deny major subdivision preliminary plats for conventional subdivision;

I. Variances

The Director of Planning and Development will review variance requests;

J. Special Use Review

The Director of Planning and Development will review special use requests;

K. Text Amendments

The Director of Planning and Development will review amendments to the text of this UDO;

L. Official Zoning Map Amendments (Rezoning)

The Director of Planning and Development will review amendments to the Official Zoning Map;

M. Conditional Zoning District

The Director of Planning and Development will review conditional district zoning applications;

N. Planned Development Review

The Director of Planning and Development will review planned development applications;

O. Other Duties

The Director of Planning and Development will perform other duties imposed under the provisions of the Town of Indian Trail UDO, as amended from time to time.

Chapter 250. Zoning Administrator

250.010 Designation

The Town Manager will designate the Zoning Administrator for the Town of Indian Trail.

250.020 Powers and Duties

The Zoning Administrator will have the following powers and duties:

A. Temporary Use Permits

The Zoning Administrator will review, approve, approve with conditions or deny temporary use permit applications;

B. Building Permits

The Zoning Administrator will issue a zoning certification for all building permits;

C. Certificate of Occupancy

The Zoning Administrator will issue certificates of occupancy.

D. Sign and Master Sign Permits

The Zoning Administrator will approve, approve with conditions or disapprove sign permit applications and applications for master sign permits;

E. Sign Permits

The Zoning Administrator is responsible for administering and enforcing sign permits, including:

1. The issuance of a violation notice.
2. To issue a compliance order for any sign or sign structure not corrected within the time allotted under the violation notice or for a prohibited sign or any temporary portable sign not permitted.
3. The issuance of an unsafe sign notice.

F. Other

Enforcement actions on all zoning violations.

Chapter 260. Town Engineer

260.010 Designation

The Town Manager will designate the Town Engineer for the Town of Indian Trail.

260.020 Powers and Duties

The Town Engineer will have the following powers and duties:

A. Subdivision Plats

As a member of the Technical Review Committee, the Town Engineer will review and comment on all preliminary and final plats, both minor and major; and

B. Stormwater Development Permits

The Town Engineer will issue all stormwater permits and watershed protection occupancy permits. A record of all permits will be kept on file and will be available for public inspection during regular office hours. The Town Engineer will undertake to monitor land use activities within the watershed areas to the extent reasonably practicable, to identify situations that may pose a threat to water quality, and report all significant findings to the Watershed Review Board.

C. Site Plan Review

The Town Engineer will review and make recommendations on major and minor site plans.

D. Planned Development Review associated with Conditional Zoning District

As a member of the Technical Review Committee, the Town Engineer will review all planned development applications associated with a Conditional Zoning request.

E. Inspection of Roads within the Town Limits

The Town Engineer has the authority to inspect all roads and associated drainage facilities, both public and private, during construction and upon approval. Additionally, The Town Engineer has the authority to require roads to be built to the standards of the Town of Indian Trail and/or NCDOT (whichever applies) for roads and as-built upon completion and issue a final approval for roads.

Chapter 270. Technical Review Committee

270.010 Designation

The Town Manager will designate a Technical Review Committee consisting of the Director of Planning and Development, the Town Engineer, the Zoning Administrator, and any other Town professional the Town Manager deems necessary for the professional review, so long as executive, planning and engineering divisions are represented. The Director of Planning and Development will serve as chair of the Committee and be responsible for all final decisions of the Committee.

270.020 Powers and Duties

The Technical Review Committee (through its chair, the Director of Planning and Development) has the following powers and duties:

A. Minor Subdivision Plats

The Technical Review Committee, through its chair, the Director of Planning and Development, will approve, approve with conditions or deny minor subdivision plats.

B. Stormwater Management Permits

The Technical Review Committee working with the Town Engineer will review all stormwater permits.

C. Final Plats

The Technical Review Committee, through its chair, the Director of Planning and Development, will approve, approve with conditions or deny major subdivision final plats.

D. Site Plan Approval

The Technical Review Committee, through its chair, the Director of Planning and Development, will approve, approve with conditions or deny site plans.

Table 2-1: Summary of Duties and Responsibilities

Procedure	Zoning Administrator	Town Engineer	Director of Planning and Development	Technical Review Committee	Planning Board	Board of Adjustment	Town Council
Town Council Decisions							
Conditional Zoning			Review	Review	Review		Decision
Official Map Amendments			Review	Review	Review		Decision
Appeal of Any Denial of a Final Plat							Decision
Text Amendments			Review	Review	Review		Decision
Comprehensive Plan Amendments			Review	Review	Review		Decision
Specific Plans and their amendments			Review	Review	Review		Decision
Board of Adjustment Decisions							

Procedure	Zoning Administrator	Town Engineer	Director of Planning and Development	Technical Review Committee	Planning Board	Board of Adjustment	Town Council
Administrative Appeals			Review			Decision	
Variances			Review			Decision	
Special Uses			Review			Decision	
Director of Planning and Development Decisions							
Final Plat, Major			Decision	Review			Appeal
Minor Plat			Decision	Review			Appeal
Site Plan Review			Decision	Review		Appeal	
Written Interpretations			Decision	Review		Appeal	
Ordinance Enforcement			Decision	Review		Appeal	
Interpretation			Decision			Appeal	
Administrative Decisions							
Zoning Compliance Permits	Decision					Appeal	
Sign Permits	Decision					Appeal	
Master Sign Plan	Decision		Review			Appeal	
Stormwater Permits		Decision				Appeal	
Temporary Use Permits	Decision					Appeal	

DIVISION 300. DEVELOPMENT REVIEW PROCEDURES

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Chapter 310. Hearing Procedures

310.010 Required Hearings

A public hearing will be required for development review as shown in the Table below.

Application for Approval	Board of Adjustment	Planning Board	Town Council
Official Map Amendment			X
Text Amendment			X
Appeal of Administrative Decision	X		
Special Use Permits	X		
Preliminary Plat Approval, Major Subdivision (if associated with Conditional Zoning District)			X
Variance	X		
Conditional Zoning District			X

310.020 Summary of Notice Required

Notice will be required for development review as shown in the Table below.

Procedure	Published	Posted	Mailed
Official Map Amendment	X	X	X
Text Amendment	X	X	X
Appeal of Administrative Decision		X	X
Special Use Permits		X	X
Preliminary Plat Approval, Major Subdivision		X	X
Variance		X	X
Conditional Zoning District	X	X	X

310.030 Required Notice for Public Hearings

- A.** Public hearing notifications shall be in accordance with the table in 310.020.
- B.** A notice for any public hearing on any public hearing (including the zoning map amendments) will be published once a week for two successive weeks in a newspaper having general circulation in the county. The notice will be published for the first time not less than ten days and not more than twenty-five days before the date fixed for the hearing. With respect to major map amendments, notification of such changes will be in accordance with G.S. 160A-384.
- C.** Mailed notice for all public hearings shall:
1. Be sent by the Town by first class mail to the applicant, the owner of the subject parcel of land, and the owners of all parcels of land and established Home Owner Associations that lie within 400 feet as measured from the exterior boundaries of the subject property.
 2. Property owners shall be identified from the county tax listings and notice mailed to the last addresses listed for such owners on the county tax abstracts.

310.030. Required Notice for Public Hearings

- 3.** The notice shall be mailed 10 days prior to the proposed public hearing in accordance with 310.050. The person or persons mailing such notices will certify to the decision making authority that fact, and such certificate will be deemed conclusive in the absence of fraud. With respect to major map amendments, notification of such changes will be in accordance with G.S. 160A-384.
- 4.** Rezoning petitions proposing to change the zoning classification from one land use category to another, intensifying the use (e.g. Residential to Commercial, Commercial to Industrial), shall require:
 - a.** A 500-foot public hearing mail notification area mailed and processed as set forth herein; and
 - b.** One community meeting to be held prior to the petition being scheduled for discussion by the Planning Board. The community meeting shall be advertised by sign posting of the subject property and notice mailed to owners of all parcels of land and established Home Owners Associations that lie within 500-feet as measured from the exterior boundaries of the subject property in the same manner as Section 310.030 C.
- D.** Request for mailed notification of a public hearing by parties not identified in 310.030C shall be honored if written request has been submitted to the Planning and Development Department prior to the 10-day notification deadline.
- E.** The planning staff will also post notices of the public hearing in the vicinity of the property that is subject to a public hearing and will take any other action deemed by the planning staff to be useful or appropriate to give notice of the public hearing on any proposed amendment.
- F.** The newspaper and mailed notice required or authorized by this section will:
 - 1.** state the date, time, and place of the public hearing;
 - 2.** summarize the nature and character of the proposed project associated with the public hearing;
 - 3.** if a proposed amendment involves a change in zoning district classification, reasonably identify the property whose classification would be affected by the amendment;
 - 4.** state that the full text of an amendment or copies of application forms can be obtained from the planning department; and
 - 5.** state that substantial change in the proposed amendment may be made following the public hearing.
- G.** The required posted notices will indicate the following:
 - 1.** type of application filed;
 - 2.** link to the Town website, containing the information for the time, date and place of the public hearing, as well as all information on the application filed.

3. a phone number to contact the Town.
4. Note – such public notice sign postings shall be placed on the affected property(ies) once a complete project application (i.e., SUP, zoning map amendment, etc.) is received by the Town.

310.040 Constructive Notice

Minor defects in notice will not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Failure of a party to receive written notice will not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date and place of a hearing and the location of the subject property will be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the decision-making body will make a formal finding regarding whether there was substantial compliance with the notice requirements of this UDO before proceeding with the hearing.

310.050 Computation of Time

Whenever the Zoning Administrator or other person is required to take certain action (e.g., mailing or publishing a notice) on or before a specified number of days prior to the occurrence of an event (e.g., a public hearing), then in computing such period, the day of the event shall not be included but the day of the action shall be included. For example, if notice of a public hearing is required to be published at least ten days before the hearing, then notice published on the first of the month would be satisfactory for a hearing on the eleventh.

310.060 Modification of Application at Public Hearing

The applicant may agree to modify his application, including the plans and specifications submitted, in response to questions or comments by persons appearing at the public hearing or to suggestions or recommendations by the Town Council, Planning Board, or Board of Adjustment.

- A. Unless such modifications are so substantial that the approving authority cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised plans before it, the approving authority may approve the application with the stipulation that the permit will not be issued until plans reflecting the agreed upon changes are submitted to the Planning Department.
- B. Where deemed appropriate by the affected decision-making body, modifications may be referred back to the recommending body for review, prior to further consideration. The decision-making body will choose one of the following options:
 1. continue the hearing to a new date and time certain within 45 days in accordance with the provisions of below;
 2. close the hearing and re-publish notice of any future hearing in accordance with this section.

310.070 Continuation of Public Hearings

A public hearing may be continued without further notification, so long as the motion to continue such hearing, made in open session, specifies the date and time when the hearing will be continued. However the following limitations and conditions have been adopted to prevent problems created by last-minute and repeated requests for continuances.

- A. If an applicant wishes to request a continuance, then the office of the Zoning Administrator or Director of Planning and Development must receive a request for continuance and the

reasons for the request, in writing, or have such request received in the mail at the Town of Indian Trail Planning Department, addressed to the attention of the Zoning Administrator no less than 7 business days prior to the scheduled hearing.

- B.** Upon receipt of such a properly filed request for a continuance, the Zoning Administrator or Director will have the authority to continue the case to a regularly scheduled meeting if the applicant establishes to the satisfaction of the Zoning Administrator that there is just cause for granting a continuance. If the Zoning Administrator denies a continuance, then the applicant can request a continuance from the Planning Board or Board of Adjustment based on just cause, but the applicant must be prepared to have the appeal heard if either of the Boards denies the request. Three votes of the Zoning Board of Adjustment are required in order to grant a continuance and four votes of the Planning Board are required.
- C.** If the applicant wishes to file a second request for a continuance, or any subsequent request for a continuance, then the applicant must properly comply with the same procedure as stated above. However, the Zoning Administrator will have the authority to request sufficient information from the applicant either justifying or corroborating such a request for a continuance and the applicant is expected to provide the information to the Zoning Administrator before the day of the scheduled hearing. The applicant or the applicant's representative must appear before the Planning Board or Zoning Board of Adjustment at the scheduled hearing to request a continuance. The Zoning Administrator will be given an opportunity to report on the information provided by the applicant to support the granting of the continuance and the Zoning Administrator will have the right to make a recommendation on the request. A vote of the majority of the Planning Board or Zoning Board of Adjustment members is required in order to grant a continuance. The Board will not grant the continuance unless there are exceptional, extenuating reasons justifying a continuance that must be stated in the minutes. In appearing before the Planning Board or Board of Adjustment, the applicant must be fully prepared to have the case proceed if the request for continuance is denied.
- D.** If an applicant fails to properly comply with the procedure described herein, then the case must be heard as scheduled. If the applicant fails to appear for the hearing or appears and does not elect to proceed, then the application will be automatically be deemed to be denied. The applicant will be entitled to file an entirely new application and pay a new filing fee, as if no application had been filed before. If the application is an appeal of a notice of violation, and the 30 days have transpired since the date of the notice of violation, then the 30 days will have expired and the Planning Board or Zoning Board of Adjustment will not have jurisdiction to hear an appeal on the notice of violation. While the Planning Board or Zoning Board of Adjustment will not have jurisdiction if the 30 days have expired on an appeal from a notice of violation, in all other circumstances, the Planning Board or Zoning Board of Adjustment does retain authority for some extraordinary situations to grant a continuance to hear the case. In order to grant a continuance to hear such a case, there must be a majority of the vote by the Planning Board or Zoning Board of Adjustment finding either:
 - 1.** that there are highly unusual circumstances justifying the Board to grant the continuance, and
 - 2.** that there is a most compelling reason of justice to so hear the case or the Zoning Administrator recommends that a continuance should be granted in the best interest of an efficient and effective way of dealing with the issues raised by the case.

310.080 Special Requirements for Quasi-Judicial Hearings

A public hearing on a variance request, administrative appeal, or special use permit will be considered a quasi-judicial hearing.

A. Evidence

1. All persons who intend to present evidence to the Board (rather than arguments only) will be sworn.
2. All findings and conclusions relevant to the permit or appeal decision (crucial findings) will be based upon reliable evidence. Competent evidence (evidence admissible in a Court of Law) will be preferred whenever reasonably available, but in no case may crucial findings be based solely upon unqualified testimony or evidence unless competent evidence is not reasonably available, the evidence in question appears to be particularly reliable, and the matter at issue is not seriously disputed.

B. Record

1. A tape recording or other audio record will be made of all public hearings required by Section 310.010 and such recordings will be kept for at least two years. Accurate minutes will also be kept of all such proceedings, but a transcript need not be made.
2. All documentary evidence presented at a hearing as well as all other types of physical evidence will be made a part of the record and will be kept by the Town for at least two years, whenever practical.

C. Written Decision

1. The board shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material and substantial evidence in the record..
2. Each quasi-judicial decision shall be reduced to writing and reflect the board's determination of contested facts and their application to the applicable standards.
3. A quasi-judicial decision is effective upon filing the written decision with the clerk to the board or such other office or official as the ordinance specifies.
4. The decision of the board shall be delivered by personal delivery, electronic mail or by first-class mail to the applicant, property owner and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.

D. Judicial Review of Quasi-Judicial Final Decisions

1. Every final decision of a quasi-judicial body (i.e., Board of Adjustment) shall be subject to review by the Superior Court by proceedings in the form of certiorari pursuant to G.S. 160A-393.
2. The petition for the review shall be filed with the Union County Clerk of Superior Court by the later of thirty (30) days after or later of the following occurrences:

320.010. General Procedures

- a. A written copy of the quasi-judicial body has been given in accordance with 310.080 (c);
 - b. When first class mail is used to deliver notice, three days shall be added to the time to file the petition.
- 3. A copy of the writ of certiorari shall be served upon the Town of Indian Trail.

Chapter 320. Zoning Map and Development Ordinance Text Amendments

320.010 General Procedures

- A. Amendments to the text of this ordinance or to the zoning map may be made in accordance with the provisions of this Chapter.
- B. The term "major map amendment" will refer to an amendment initiated by the Town Council, planning board, or planning staff that addresses a zoning reclassification action directly affecting more than 50 different property owners.
- C. Amendments to the Town's comprehensive plan may be made in accordance with this Chapter. The Town Council may consider amendments to the comprehensive plan not in association with a zoning map amendment, as may be required from time to time, with a recommendation from the Planning Board. The Town Council may also consider amendments to the Comprehensive Plan when zoning map amendments are in significant conflict with the plan, as determined by the Director of Planning and Development. When required, an application for a comprehensive plan amendment must be submitted and reviewed concurrently with an application for a zoning map amendment.

320.020 Initiation of Amendments

- A. An amendment to the text of this ordinance or to the zoning map or to the Town's comprehensive plan may be initiated by the town council, the planning board, the planning staff, or any other interested person.
- B. Any petition for rezoning property must be signed by the petitioner, who will indicate the capacity in which he filed the petition. In the event the party filing the petition is someone filing the same on behalf of the owner, such party must attach his authority to execute said petition on behalf of the owner to the petition. An application for rezoning must be accompanied by a survey and legal description of the property to be rezoned if the applicant is seeking to have rezoned less than an entire lot or tract or if the planning and development director determines that such information is otherwise necessary to provide sufficient public notice of the area requested for rezoning.
- C. Notice of the planning board's consideration of a proposed minor map amendment must be sent to the owner of the property to be rezoned and to adjoining property owners as provided in subsection 310.030F.
- D. Unless the Town Council finds that there have been substantial changes in conditions or circumstances bearing on the application, the Town will not accept for consideration a petition for a text or map amendment if:

320.030. Planning Board Consideration of Proposed Amendments

1. within one year prior to the date the petition is submitted, the Town Council has denied a previous rezoning request for the same property or has approved a rezoning to a more restrictive classification than requested, or the applicant has withdrawn a previous request after consideration of such request by the planning board, or
2. within one year prior to the date the petition is submitted, the Town Council has denied a substantially similar request for a text amendment.

E. Providing Actual Notice in Zoning Map Amendments.

Except for a town-initiated zoning map amendment, when an application is filed to request a zoning map amendment and that application is not made by the owner of the parcel of land to which the amendment would apply, the applicant shall certify to the Town Council that the owner of the parcel of land as shown on the county tax listing has received actual notice of the proposed amendment and a copy of the notice of public hearing, as provided by NCGS 1A-1, Rule 4(j). If notice cannot with due diligence be achieved by personal delivery, registered or certified mail, or by a designated delivery service authorized pursuant to 26 U.S.C. § 7502(f)(2), notice may be given by publication consistent with NCGS 1A-1, Rule 4(j1).

320.030 Planning Board Consideration of Proposed Amendments

- A. Every proposed map or text amendment or amendment to the comprehensive plan will be referred to the planning board for its consideration.
- B. The planning board will endeavor to review the proposed amendment in such a timely fashion that any recommendations it may have can be presented to the Town Council at the public hearing on the amendment. However, if the planning board is not prepared to make recommendations at the public hearing, it may request the Town Council to delay final action on the amendment until such time as the planning board can present its recommendations.
- C. The Town Council may not take final action approving a proposed amendment until it has received the recommendation of the planning board or until forty-five days have passed since the proposal was heard by the planning board, whichever occurs first. However, the Town Council is not bound by the recommendations, if any, of the planning board.

320.040 Council Action on Amendments

- A. At the conclusion of the public hearing on a proposed amendment, the Council may proceed to vote on the proposed ordinance, refer it to a committee for further study, or take any other action consistent with its usual rules of procedure.
- B. The Council is not required to take final action on a proposed amendment within any specific period of time, but it should proceed as expeditiously as practicable on petitions for amendments since inordinate delays can result in the petitioner incurring unnecessary costs.
- C. Voting on amendments to this ordinance will proceed in the same manner as other ordinances.

320.050 Ultimate Issue before Council on Amendments

In deciding whether to adopt a proposed amendment to this ordinance, the central issue before the Council is whether the proposed amendment is consistent with the Town of Indian Trail's comprehensive plan or any specific area plan and whether the proposed amendment advances the public health, safety or welfare. In particular, when considering proposed map amendments the Town Council will evaluate:

- A.** The range of uses that may occur under the proposed amendment versus the range of uses that may occur under the existing zoning classification. The Council will not rely upon any representations made by the petitioner that, if the change is granted, the rezoned property will be used for only one of the possible range of uses permitted in the requested classification.
- B.** The impact of the proposed change on the public at large versus any advantages or disadvantages to the individual requesting the change.
- C.** The existing land uses within the general vicinity of the property and the zoning classifications of property within the general vicinity of the subject property.
- D.** The suitability of the subject property for the uses permitted under the existing zoning classification.
- E.** The extent that the amendment may adversely affect the operation of public facilities or services including roadways, storm water management facilities, sewer and water services, and police and fire protection.
- F.** Consistency with the Indian Trail Comprehensive plan and small area plan if applicable.

Chapter 330. Conditional Zoning Districts

330.010 Purpose and General Requirements

Conditional zoning district is established to provide for flexibility in the development of property while ensuring that the development is compatible with neighboring uses. Conditional zoning affords a degree of certainty in land use decisions not possible when rezoning to a general district. Additional standards and regulations may be attached to a proposed development to ensure compatibility with the surrounding uses and with applicable adopted plans in accordance with requirements of this section. This section sets forth the types of conditional zoning districts and explains their relationship to the general use districts. The procedure for approving a conditional zoning districts rezoning is set forth in this Chapter.

- A.** Each planned development identified in Section 340.030 will have a corresponding conditional zoning district.
- B.** Conditional zoning districts will be designated only in accordance with the procedures and requirements set forth in Section 310.030 of this Ordinance, and may not contain conditions which are less restrictive than this Ordinance or other applicable state and/or federal laws.
- C.** No use will be permitted within a conditional district except pursuant to the conditions imposed on the conditional zoning districts approval. The permitted uses must be ones that this Ordinance allows in the corresponding general use district.
- D.** All standards and requirements that apply to the corresponding general use or planned district will apply to the conditional zoning districts.
- E.** A property may be rezoned to a conditional zoning district only in response to and consistent with a petition submitted by the owners of all the property to be included in the district. A petition for conditional zoning must include a site plan and supporting information and text describing the project, specifying the intended uses of the property, and describing the rules, regulations, and conditions that in addition to the general district use conditions, will apply to the proposed development.

330.020 Application Procedures

All applications must include a conceptual plan, drawn to scale, and supporting text that, if approved, will become a part of the Ordinance amendment. The conceptual plan, drawn by an architect, landscape architect, professional surveyor, or engineer licensed to practice in North Carolina, shall include any supporting information and text that specifies the actual use or uses intended for the property and any rules, regulations, and conditions that are in addition to all Ordinance requirements, will govern the development and use of the property.

- A.** The applicant shall, at a minimum, include as part of the application, each of the items listed below
- 1.** A boundary survey showing the total acreage, present zoning classifications, date, and north arrow.
 - 2.** Legal description of the property (ies).
 - 3.** The owners' names, addresses, and the tax parcel numbers of all adjoining properties within five hundred (500) feet of the subject parcel. The information shall be provided in a digital format and typed on address labels.
 - 4.** All existing or proposed easements, reservations, and rights-of-way on the property (ies) to be rezoned.
 - 5.** Existing location of buildings on the parcel.
 - 6.** Lot sizes for residential uses and proposed out parcels if applicable.
 - 7.** Proposed principal uses: For residential uses this shall include the number of units and an outline of the area(s) where the structures will be located. For non-residential uses, designate the area(s) within the development where particular types of uses that will occur with reference made to the list of uses found in the applicable zoning district.
 - 8.** Traffic impact analysis/study for the proposed service area as required by the Town's Guide for the Preparation of Traffic Impact Studies document. In addition, traffic, parking, and circulation plans, showing the proposed locations and arrangement of parking spaces and access points to adjacent streets including typical parking space dimensions and locations (for all shared parking facilities) along with typical street cross-sections. The traffic impact analysis/study shall receive a preliminary approval by the Town prior to the community meeting being scheduled. The Town Engineer shall be authorize to require revisions to the preliminary approved TIA if it is determined that modifications to the proposed project (between the community meeting and public hearing) may result in other significant impacts.
 - 9.** Detailed information on the number, height, size and location of structures.
 - 10.** All proposed setbacks, buffers, screening and landscaping required by these regulations or otherwise proposed by the applicant shall be delineated on a conceptual plan. Actual approval of landscaping plans shall be part of the site plan review process.
 - 11.** Generalized traffic, parking, and circulation plans.

- 12.** All existing and proposed points of access to public streets.
- 13.** A detailed description of all proposed phasing of development for the project.
- 14.** Number, location, type, and size of all signs proposed to be erected by the developer at entrances to the site. Additionally, a general description of other proposed signs including number, location, type and size of all commercial signs. Actual approval of signs shall be part of the site plan review process.
- 15.** Conceptual renderings of the proposed development delineating the exterior treatments of the principal structures including proposed materials and general architectural design shall be in compliance with the Statement of Integrity and Design. Actual approval of all proposed buildings shall be part of the site plan review process.
- 16.** Approximately identify all environment constraints on the subject property including but not limited to the following: flood plain, ponds, streams, and wetlands. Approximately delineate areas within the regulatory floodplain as shown on the official Flood Insurance Rate Maps (F.I.R.M.) published by the Federal Emergency Management Agency (F.E.M.A.)
- 17.** Existing and proposed topography at two-foot contour intervals or less.
- 18.** Scale and physical relationship of buildings relative to abutting properties. This may be accomplished by providing existing and proposed topographic elevation cross-sections of the site showing proposed structures relative to existing adjacent properties.
- 19.** Letter of water and sewer availability from Union County Public Works.
- 20.** Detailed information of measures that will be taken in order to comply with the Post Construction Ordinance. Prior to submitting an application for a conditional zoning district the applicant/property owner will need to have a consultation meeting with the Storm Water Administrator.
- 21.** School impact study for residential developments of fifty (50) lots/units or greater as required in UDO Chapter 13140.

B. Conceptual Plans

Conceptual plans, including all additional information shown on it, shall constitute part of the petition for rezoning to a conditional zoning district. The Planning Director may, on a case by case basis and within his/her sole discretion, specify how many copies of the application the applicant must submit in order to initiate the review. No application shall be deemed complete unless accompanied by a fee in accordance with the most recently adopted fee schedule adopted by the Town Council.

C. Additional requirements

When reviewing an application to rezone property to a conditional zoning district, the Planning Board and/or Town Council may request additional information (in addition to that required in Section 330.020, as they deem necessary.

D. Technical Review Committee

The TRC shall review and comment on the proposed project to insure all of the Town ordinances are being complied with. Once the TRC comments are addressed and the project is resubmitted the community meeting may be scheduled.

E. Community Meeting

Once the conceptual plan and the required number of associated documents have been submitted to the Town and the required fees have been paid, the applicant shall schedule and hold a community meeting in coordination with the Town planning staff. Such meetings shall occur prior to the petition being scheduled on the Planning Board agenda. The community meeting is designed to provide a framework for creating a shared vision with community involvement directed by the applicant in accordance with the following requirements:

- 1.** The applicant shall provide an agenda, schedule, location, and list of participants such as landscape architects, engineers, etc. to answer questions from citizens and service providers for the project in cooperation with the planning staff. This information shall be provided to the Town prior to the community meeting notification being mailed.
- 2.** The community meeting shall be a minimum of 4 hours. Two hours shall be scheduled during normal business hours to allow service providers (such as NCDOT, utilities, NCDENR) to participate as needed and to allow for citizens to drop in at a convenient time throughout the period. It is strongly recommended that this portion of the community meeting take place at the proposed development site. In addition, a 2 hour evening period shall be scheduled at the Indian Trail Town Hall or other nearby location agreed upon by the applicant and planning staff. This meeting shall also be conducted in a drop in format.
- 3.** Notice of community meetings shall at a minimum, be given as follows:
 - a.** A public notice shall be sent by the Town of Indian Trail to a newspaper having general circulation in the town not less than 10 days or more than 25 days prior to the date of the community meeting.
 - b.** A notice shall be sent by first class mail by the Town of Indian Trail to the property owner(s) affected by the proposed zoning change and to the owners of all properties that lie within 500 feet as measured from the exterior boundaries of the proposed development. The applicant shall furnish the Town with mailing labels that depict the names and addresses of the owners (or "Current Resident") of all properties within said 500 foot area. Such notice shall be sent not less than 10 days prior to the date of the community meeting. The notification shall contain information regarding the community meeting time and location(s) as well as a general description of the proposal. The community meeting notice shall contain an information sheet with a general description of the conditional zoning process and timeline.
 - c.** A community meeting notification sign shall be posted by the Town in a conspicuous place at the property not less than 10 days prior to the community meeting.
 - d.** All conceptual plans submitted and reviewed during the community meeting process shall conform to all current Town Ordinances. In addition, a disclaimer statement shall be added to all community meeting notifications

indicating that the proposed application and conceptual plan in no way has been endorsed or approved by the Town of Indian Trail.

- e. The applicant shall reimburse the Town for all expenses incurred to provide the notifications required by this Section.
- 4. Town staff shall keep notes of citizen comments received during the community meeting. In addition, all service provider comments shall be recorded by the Town, including but not limited to, all correspondence, reports, and oral comments by service providers. After Town review, the information will be available at Town Hall and at subsequent meetings concerning the project. When practical, comments, ideas, and suggestions should be incorporated by the developer into the proposed development.
- 5. Following the community meeting, the applicant shall have the opportunity to make changes to the application to take into account information and comments received. Revised copies of the conceptual plan shall be submitted to the Planning Director for review. No additional fee shall be required for making such changes provided the Planning Director receives the revised conceptual plan within 30 days following the community meeting. If a revised conceptual plan is not received within the 30 day period, or if the applicant otherwise notifies the Planning Director in writing that no revised conceptual plan will be submitted, the Planning Director shall review the original application submitted.

F. Planning Director Review

Within 30 days of the submission of a revised application or revised conceptual plan or within 60 days following the community meeting where no revised application is submitted, the Planning Director will make comments and suggestions for revisions. If the planning director does not forward comments to the applicant by the end of these time periods, the application shall be scheduled on the Planning Board agenda. If the Planning Director provides the applicant with comments on the application, the applicant shall have 10 days after receiving those comments to inform the director whether the application will be further revised. If the applicant informs the Planning Director that the application will not be further revised, the director shall schedule the application on the Planning Board agenda. If the applicant informs the director the application will be further revised, the director shall not submit the current application to the Planning Board. Once the applicant submits a revised application, it shall be subject to review in accordance with this section.

330.030 Planning Board Review

- A. The Planning Board will review the application for consistency with this UDO and all adopted town plans.
- B. The Planning Board will consider applications in a timely fashion and will forward a written recommendation to the Town Council for its consideration within the time frame authorized.
- C. In response to suggestions made by the Planning Board, the applicant may revise the application before it is submitted to Council.

330.040 Town Council Decision

- A. Conditional zoning district decisions are a legislative process subject to judicial review using the same procedures and standards of review as apply to legislative general use district zoning decisions. Conditional zoning district decisions shall be made in consideration of the adopted

Comprehensive Plan and other adopted land use policy documents and/or ordinances. A statement analyzing the reasonableness of the proposed rezoning shall be prepared for each application for a rezoning to a conditional district. Once the public hearing has been held, the Town Council shall take action on the petition. The Town Council shall have the authority to:

1. Approve the application as submitted.
2. Deny approval of the application.
3. Approve the application with modifications that are agreed to by the applicant.
4. Submit the application to the Planning Board for further study. The Planning Board shall have up to thirty (30) days from the date of such submission to make a report to the Town Council. Once the Planning Board issues its report, or if no report is issued within that time period, the Town Council may take action on the application.

B. Town Council's Public Hearing

The Town Council shall conduct a public hearing on the application. Notice of the public hearing shall be as provided in Section 310.030. Once the public hearing is conducted, the Town Council shall be in a position to take action on the rezoning. Staff reports regarding the application shall be furnished to the applicant, the Planning Board and Town Council prior to the Planning Board and Town Council taking action on the application.

C. Conditions of Approval for Petition

In approving a petition for the reclassification of a piece of property to a conditional zoning district, the Planning Board may recommend, and the Town Council may request that reasonable and appropriate conditions be attached to approval of the petition. Any such conditions shall relate to the relationship of the proposed use to the surrounding property, proposed support facilities (e.g., parking areas, pedestrian circulation systems), screening and landscaping, timing of development, street and right-of-way improvements, water and sewer improvements, provision of open space, and other matters that the Planning Board or Town Council may find appropriate or the applicant may propose. Such conditions to approval may include but not limited to dedication of right-of-way or easements for streets and/or utilities to serve the development. In no instance shall any of these conditions be less restrictive than any requirements of this UDO. Such conditions may exceed any performance criteria or minimum requirements listed elsewhere in this Ordinance that apply to that development. The applicant shall have notice of and a reasonable opportunity to consider and respond to any such conditions prior to final action by the Town Council. The Town Council may not impose any condition(s) that are not agreed to by the applicant.

330.050 Effect of Approval; Zoning Map Designation

If a petition for a conditional zoning district is approved, the development and use of the property shall be governed by the ordinance requirements applicable to the district's zoning classification, the approved conceptual plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and to the Zoning Map. Following the approval of the petition for a conditional zoning district, the subject property shall be identified on the Zoning Map by the appropriate district designation followed by the letters CZ. If a petition is approved, the Planning Director shall record with the Register of Deeds the approved conditional zoning district.

A. Changes to an Approved Conditional Zoning District

Except as provided in this section, a request to change the conceptual plan or the conditions governing an approved conditional zoning district shall be processed in accordance with this

Ordinance as a new application to rezone property to a conditional zoning district. The Planning Director shall have the authority to approve an administrative amendment to an approved conditional zoning district conceptual plan or to the governing conditions without the requested change having to be approved as a new application in accordance with this ordinance. Such administrative amendments shall include only those changes that:

1. Do not significantly alter the conceptual plan or its conditions;
2. Do not significantly impact abutting properties and
3. Do not increase the amount of residential development or the maximum number of allowed residential dwelling units.
4. Any request for an administrative amendment shall be in writing, signed by the property owner, and it shall detail the requested change. The applicant must provide any additional information requested by the Planning Director. Accompanying the written request must be the applicable fee for administrative review that is required by the Town of Indian Trail fee schedule.
5. Any decision by the Planning Director to approve or deny a request for an administrative amendment must be in writing and must state the grounds for approval or denial. The Planning Director shall always have the discretion to decline to exercise the authority delegated by this section if he or she is uncertain if the requested change would qualify as an administrative amendment or because the Planning Director determines that a public hearing and Town Council consideration is appropriate under the circumstances. If the Planning Director declines to exercise the authority delegated by this section, the applicant can only apply for a rezoning in accordance with Chapter 320 of this Ordinance.

B. Revocation of Conditional Zoning District

The purpose of this section is to put a time limit on the approval if the project does not move forward in a timely manner. The Town Council may act to revoke the conditional zoning district designation if the applicant fails to apply for the necessary building permits within two (2) years. The applicant may apply to the Town Council for approval to extend the two (2) year period, however, only one extension may be granted.

C. Petition Withdrawal

An applicant who has submitted a complete application for a conditional zoning district may withdraw the application prior to a final decision being rendered. However, if so withdrawn, a similar petition submitted by that property owner/or his agent shall not be accepted by the Zoning Administrator within one year of the date of withdrawal

D. Petition Resubmission

If a petition for a conditional zoning district is denied by the Town Council, a similar application shall not be accepted by the Planning Director for a period of one year following the date of denial.

340.010 Purpose and Intent

Planned development is a concept that is intended to encourage innovative land planning and site design concepts that achieve a high level of environmental sensitivity, aesthetics, high quality development, and other community goals by:

- A.** reducing or eliminating the inflexibility that sometimes results from strict application of zoning standards that were designed primarily for individual lots;
- B.** allowing greater freedom in selecting the means to provide access, open space and design amenities; and
- C.** promoting quality urban design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations and land uses.

340.020 Applicability

- A.** The requirements of this Section and applicable requirements found in Division 600 will apply to all proposed Planned Development (PD). The PD is established as a conditional zoning district approved by the Town Council. These planned developments will be affixed to the Official Zoning Map only as CZ in accordance with the procedures in Chapter 340 when an application for the respective development, meeting the requirements of this Section, is approved.

340.030 Submission Requirements

In order to qualify for a planned development zoning classification, a proposed development must first meet the following requirements:

- A.** The proposed minimum standards for each type of Planned Development as follows:

Planned Development Type	Section
Planned Unit Development	Chapter 660
Traditional Neighborhood Development	Chapter 670
Mixed Unit Development	Chapter 680
Cluster or Open Space Subdivision	Chapter 1210

- B.** A pre-application conference will be required;

340.040 Approval Process

Approval of a planned development shall be in accordance with Chapter 330 of this UDO.

340.050 Site/Development Plan

A suitable site/development plan will be submitted by the applicant for review by the Director of Planning and Development and the Planning Board, and approval by the Town Council. Specifically, such plan will include the following elements, where applicable:

A. Site Plan

The site plan (drawn to scale by a registered civil engineer, registered landscape architect, or registered architect) on sheet(s) no larger than 24 x 36 inches will include the following elements:

- 1.** the exact dimensions of the parcel of land under consideration including total acreage and current zoning classifications;

340.060. Detailed Development Plan

2. zoning and current use classifications of adjacent properties and the identification of adjacent property owners;
3. a schematic representation of general types and locations of land uses including parcel boundaries with acreage;
4. the general density and intensity of the proposed uses including maximum gross density of the entire planned development and maximum and net densities of individuals parcels within the planned development;
5. building setbacks for all parcels (both residential and nonresidential);
6. proposed open spaces or parks and common open spaces with acreage delineations;
7. storm drainage plan showing conceptual storm drainage system plan;
8. utility plan showing conceptual water and wastewater system plan;
9. phasing plan showing conceptual delineation of areas to constructed in phases or sections and the sequential order that will be followed in the development;
10. hydrology plan showing streams, wetlands, floodplains, stream corridor buffers, proposed water bodies or impoundment areas.
11. landscape concept plan;
12. design guidelines for the development;
13. vehicular and pedestrian circulation plan showing primary and secondary traffic circulation patterns with traffic volumes analysis, and all proposed sidewalk or greenways planned for the development ; and
14. any other information required by the Director of Planning and Development during the pre-application conference.
15. Any information required by Section 330.020.

340.060 Detailed Development Plan

Following the establishment of a planned development conditional zoning district and approval of a the conceptual site plan, a detailed development plan must be reviewed and approved by the Director of Planning and Development in accordance with the procedures and requirements for the site plan process as set forth in Chapter 370 (Site Plan Review) and the following requirements:

A. Detailed Development Plan Contents

A detailed development plan must contain the same information required for a site plan or major subdivision plan, as set forth in Section 340.030.

B. Subdivision Consistency Required

The subdivision of lots will be consistent with the terms of the conditional zone.

340.070 Minor Changes to Detailed Development Plan

- A. The Director of Planning and Development is authorized to approve minor changes to a detailed development plan issued pursuant to this Section. Minor changes include those that

340.080. Development in a PD District

have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development. All other changes are major changes and can only be approved by the Town Council pursuant to the provisions applicable to the issuance of the original Planned Development Conditional Zoning District. Without limiting the generality of the foregoing, changes in phasing schedules are minor changes, while the following constitute major changes:

1. any proposed increase in density, floor area, or impervious surface area limitations;
2. any changes in uses authorized under the planned development conditional zone;
3. substantial changes in pedestrian or vehicular access or circulation plans;
4. substantial changes in stormwater drainage plans;

340.080 Development in a PD District

- A. Following approval of the detailed development plan, any lot that is subdivided may be developed in accordance with the provisions of the conditional zone and other applicable provisions of this UDO upon issuance of a certificate of zoning compliance.
- B. All further development must conform to the standards adopted for the district regardless of any changes in ownership. Any proposed changes in the district will be treated as amendments to this UDO and must be considered in accordance with procedures set forth in this Section for initial establishment of the district.
- C. In any event where it is determined by the Town Council that development in the Planned District is not in accordance with the standards adopted for that district, the Town Council will be empowered to amend the Official Zoning Map to place parts or all of the property in the Planned District in another zoning classification deemed by the Town Council to be more appropriate.

340.090 Performance Guarantee

Before approval of a Planned District, the Town Council may require a contract with safeguards satisfactory to the Town Attorney guaranteeing completion of the development plan in a period to be specified by the Council, but which period will not exceed five years unless extended by the Town Council for due cause shown. Such guarantee may include the submission of a performance bond in an amount as set by the Town Council.

Chapter 350. Subdivisions**350.010 Major Subdivisions**

Major subdivision review is a 4 stage review process. These steps will include:

- A. Preparation and submittal of an informal sketch plan and the review of this plan by the Technical Review Committee (TRC). The purpose of this informal process is not to approve any plans but to provide an opportunity to exchange information between the developer and the TRC.
- B. Submittal of a preliminary plan. A plan must be submitted in accordance with specific development standards as listed in subsection 350.030F. Initially, the plan is reviewed by the TRC to determine whether or not it complies with the requirements of the UDO. If the preliminary plan is associated with a proposed Conditional Zoning District, it will be

forwarded to the Planning Board for a recommendation to the Town Council. After reviewing the comments from the TRC and Planning Board, the Town Council shall approve, approve conditionally, or disapprove the plan. If the plan is associated with a conventional subdivision, the Planning and Development Director will approve, approve conditionally, or disapprove the plan.

- C. After approval of the preliminary plan, the applicant may submit the construction drawings for review and approval by the Indian Trail Planning Department. Prior to any development, all construction plans shall be approved by the proper regulatory agencies. A zoning certification will be issued upon receipt of all required approvals and such certification will authorize the construction to proceed.
- D. Within 24 months of the preliminary plan approval by the Town Council or Planning and Development Director, the applicant shall submit a final plat and an as-built drawing showing completion of the subdivision according to the preliminary plan and construction drawings. The final plat shall be reviewed by the TRC and approved by the Planning Department. Only after the final plat has been approved by the Planning Department and recorded at the Union County Register of Deeds office shall any of the lots be transferred or conveyed. The plat must be recorded within 30 days after approval by the governing body. Two copies of the recorded plat and an electronic version (AutoCAD – .dwg or .dxf) shall be submitted to the Indian Trail Planning Department for their records.
- E. In the case of minor subdivisions, as defined in Section 350.140B, applications may be processed under an abbreviated review procedure. The minor subdivision plat shall be reviewed and approved by the Planning Department. The applicant, if in disagreement with the decision of the Planning Director, may appeal the Director's decision to the Indian Trail Town Council.

350.020 Sketch Design Plan Review

- A. The sketch plan review is an informal process that allows an exchange of information between the developer and the TRC. No formal application or fee is required. However, plans should be on the same size paper and scale as required for preliminary plans and final plats. Twelve paper copies shall be submitted to the TRC a minimum of two weeks prior to meeting with the developer. The TRC and developer shall review the project to evaluate its feasibility in light of the Town's development practices and requirements. Once the review process has been completed, one copy shall be returned to the applicant and one copy retained by the TRC.
- B. Review of the sketch design plan shall not in any way be construed as constituting an official action of approval for recording of the subdivision by the Town of Indian Trail.

350.030 Preliminary Plan

Figure 1: Preliminary Plat (Major Subdivisions)



Preliminary plans may be referred to Town Council on appeal. Planning Board review and recommendation as illustrated above is required for any subdivision approval that is part of an application for a conditional zoning district but is not required for conventional subdivision.

A. Review Procedure

1. If associated with a Conditional Zoning request, the applicant or authorized agent must submit copies of the preliminary plan to the TRC at least 21 days prior to a regular meeting of the Planning Board. During this period, the TRC must evaluate the plan to determine whether or not it meets the requirements of this ordinance. The TRC may receive comments from other persons or agencies before making their final recommendations. After the TRC determines that the plan meets the requirements of this ordinance, it notifies the Director of Planning and Development that the Conditional Zoning Application may proceed in accordance with Section 330.020 B (E) and ultimate consideration by the Town Council.
2. If preliminary plan is associated with a Conventional Subdivision, the applicant or agent shall submit compiles to the TRC for review and recommendation to the Director of Planning and Development.

B. Number of Copies and Graphic Media

Twelve black or blue line prints of the proposed subdivision must be submitted as well as an electronic copy in an AutoCAD revision compatible with the Town's.

C. Scale and Size of Sheets

The preliminary plan must be at a suitable scale to assure legibility and should be drawn on a sheet (s) with an outside dimension of not more than required by Union County Register of Deeds and shall include a 1 1/2" inch border on the left side and a 1/2" border on the remaining sides.

D. Administrative Fees

At the time of submission of the preliminary plan, the applicant must pay to the Town of Indian Trail a filing fee as established by the Town Council. In addition, the Town must be reimbursed by the applicant for all costs associated with the Town's engineering and other related consulting services with respect to review of the preliminary plat prior to preliminary plat approval.

E. TRC Submission to Director of Planning

The TRC shall evaluate the preliminary plan to determine whether or not it meets the requirements of this ordinance. After review by the TRC, the Director of Planning and Development shall approve, approve conditionally, or disapprove the preliminary plan for Conventional Subdivisions, or forward the recommendation of the TRC to the Planning Board and Town Council if associated with a Conditional Zoning request.. If approved or approved conditionally, the Director of Planning and Development or Town Council shall certify their approval on 3 paper copies of the plan. This certification must be incorporated onto the drawings by the applicant and must provide the following:

1. That the Indian Trail Director of Planning and Development or the Town Council approves or approves conditionally the subdivision. If approved conditionally, the specific conditions must be listed. Such approvals or conditional approvals must be signed and dated by the authorizing authority.

F. Contents Required

The preliminary plan shall depict or contain the information specified in Section 350.130 and Chapter 13140, unless previously submitted through rezoning or special use permit process. Plans not illustrating or containing the information required for Section 350.130 and Chapter 13140 shall be returned to the applicant or authorized agent for completion and resubmission.

G. Disposition of Copies

If the preliminary plan is approved or approved conditionally, approval and conditions must be noted on at least 3 copies of the plan permitting authority. One copy shall be returned to the applicant and 2 copies shall be retained by the Indian Trail Planning Department. If the preliminary plan is disapproved, the permitting authority shall specify the reasons for such action in writing. One copy of such reasons shall be returned to the applicant and 1 copy retained by the Indian Trail Planning Department.

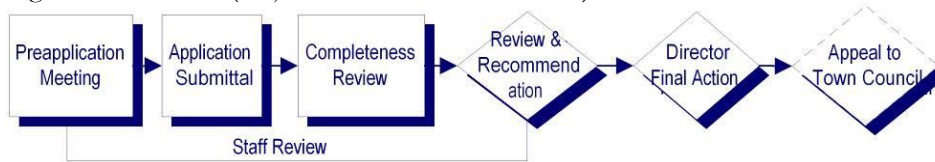
350.040 Improvement Plans Approved Prior to Construction

All site improvements shall be in accordance with the Town of Indian Trail standards. Before a final plat is eligible for approval by the Planning and Development Department, all improvements shall be installed and completed. All plans and specifications for site improvements, including but not limited to grading, drainage, sidewalks, utilities (water and sewer), and street improvements shall be inspected and approved by the proper agency prior to acceptance.

350.050 Final Plat Review

The Planning Director will approve all final plats provided that the final plat is consistent with the plat approved under the preliminary plat approval process. The final plat may include all or only a portion of the subdivision as proposed and approved on the preliminary subdivision plat, provided that all required improvements have been installed as called for in the approved preliminary plat or a surety bond or similar financial instrument has been approved by the Town Engineer in accordance with Chapter 1170, Improvement Guarantees for the subdivision.

Figure 2: Final Plat (Major and Minor Subdivisions)



- A. The Planning Director must determine whether or not the final plat substantially agrees with the approved preliminary plan. If substantial differences exist, the plat shall be resubmitted as a new preliminary plan. Prior to the approval of a final plat, the Planning Director will determine that:
 1. any required sureties are in place;
 2. a letter of Public Works approval submitted;
 3. any subdivision Code, Covenants, and Restrictions (CC&R's) have been recorded.
- B. The Planning Director must approve or disapprove the final plat within 30 days after the Director has determined that a complete final plat application has been submitted.

350.060 Certifications Required From Applicant

Before the Planning Director accept a final plat, the following certifications shall appear on all copies of the final plat:

A. Certificate of Ownership and Dedication

1. The applicant must certify that they are the owner of the property shown and described, which is located in the Corporate Limits of the Town of Indian Trail and that the plan of subdivision establishes minimum building setback lines, and street dedications, walks, parks, and other sites and easements to public or private use as noted consistent with the requirements of this ordinance. Furthermore, the applicant must dedicate all sanitary sewer and water lines to the appropriate agency.
2. All such certifications must be dated, signed, and notarized by a notary public.

B. Certificate of Survey and Survey Accuracy

1. The professional surveyor must certify as to the accuracy and detail of surveys of properties that are part of a subdivision and to the source of information for which the survey is based. The surveyor must certify that the survey map was prepared in accordance with G.S. 47-30 as amended.
2. The surveyor must sign, seal, and date the survey and they must include their professional registration or license number.
3. All signatures of professional surveyors must be witnessed by a notary public.

C. Division of Highways District Engineer Certificate

1. The District Engineer of the NC Division of Highways must certify that the streets on this plat designated as public are or will be in accordance with the minimum right-of-way and construction standards established by the Board of Transportation for acceptance on the state highway system.
2. The District Engineer should further certify that the streets on the plat designated as private streets do not satisfy the minimum right-of-way and construction standards established by the Board of Transportation and that such streets will not be accepted on the state highway system.

D. Certification NCDOT District Engineer and Town Engineer for Roads

1. The District Engineer of the NC Division of Highways must certify that the streets on this plat designated as public are or will be in accordance with the minimum right-of-way and construction standards established by the Board of Transportation for acceptance on the state highway system.
2. The Town Engineer should further certify that the streets on the plat designated as private streets have been designed to satisfy the minimum right-of-way and construction standards established by the Town of Indian Trail Land Development Standards for private streets. These streets will not be accepted on the Town roadway system the Town is not liable for the maintenance and repair of the streets.
3. The Town Engineer for the Town of Indian Trail must certify that the streets on this plat are designated as public are or will be in accordance with the minimum right-of-way and construction standards established by the Town of Indian Trail in the Town Land Development Standards for acceptance on the Town roadway system.

E. Certification by the Planning Director

1. The Planning Director must certify that the final plat satisfies all the requirements of this Ordinance.
2. The Planning Director must certify that all streets, utilities, and other required improvements shown on the plat have been installed or completed in a acceptable manner or that their installation or completion (within twenty-four months after the date below) has been assured by the posting of a performance bond or other sufficient surety, and that the subdivision shown on this plat is in all respects in compliance with the Town of Indian Trail specifications and standards, and the filing fee for this plat has been paid. The Planning Director will certify the approval of the final plat and such certification will be valid provided the plat is recorded with Union County Register of Deeds within thirty (30) days.

350.070 Number of Copies and Graphic Media

Seven copies of the final plat must be submitted: the original, 3 Mylar copies, and 3 blue line paper copies. The Mylar must be 3 ml. and suitable for reproduction. The original and 3 reproducible copies must each have original signatures. The final plat must be drawn on a sheet with an outside dimension of not more than required by Union County Register of Deeds and shall include a 1 1/2" border on the left side and a 1/2" border on the remaining sides. The final plat shall be submitted electronically in an AutoCAD version compatible with the Town's software. All mapping requirements shall be in compliance with this Chapter, Union County Mapping Requirements, and N.C. G. S. 47-30.

350.080 Plat Prepared by Licensed Surveyor

The final plat must be prepared by a surveyor licensed and registered to practice in the State of North Carolina. The final plat will substantially conform to the preliminary plat as it was approved. It must also conform to the provisions of plats, subdivisions, and mapping requirements as set forth in General Statutes 47-30, as amended, and the "Standards of Practice of Land Surveying in North Carolina".

350.090 Administrative Fees

At the time of submission of the final plat, the applicant or his authorized agent must pay the Town of Indian Trail a filing fee as established by the Indian Trail Town Council. In addition, the Town must be reimbursed by the applicant for all costs associated with the Town's engineering and other related consulting services with respect to review of the final plat and inspection of infrastructure improvements prior to final plat approval.

350.100 Content Required

The final plat shall depict or contain the information specified in Section 350.130. (Plats not illustrating or containing the information required in Section 350.130 shall be returned to the applicant or authorized agent for completion and resubmission.

350.110 Disposition of Final Plats

The original and 3 Mylar copies shall be signed and executed as required for recording by the Register of Deeds Office of Union County within 30 days after approval by the Planning Director. The original copy shall be returned to the applicant, 2 Mylar copies shall be recorded at the Register of Deeds Office, and 2 copies shall be returned to the Indian Trail Planning Department.

350.120 Resubdivision Procedures

For any replatting or resubdivision of land, the same procedures, rules, and regulations shall apply as prescribed herein for an original subdivision.

350.130 Information Required for Preliminary Plans & Final Plats

The preliminary plan and final plats shall depict or contain the information indicated in the following table. An X indicates that the information is required.

Table 3-1: Submission Requirements: Preliminary and Final Plats

Submittal Information	Preliminary Plat	Final Plat
Title Block Name of subdivision Name of Owner/Applicant Location and Street Address Scale and North Arrow Graphic Bar Scale, if applicable Name, address, phone of preparer	All required	All required
Vicinity map	X	X
Corporate or jurisdictional boundaries, if relevant	X	X
Names, addresses, and professional registrations seals of land surveyors, architects, landscape architects, and professional engineers responsible for preparation of the plans.		X
Dates of preparation and submittal	X	X
Clear and accurate boundaries with bearings and distances shown (drawn to scale)	X	X
Clear and accurate boundaries of lots to be subdivided with bearings and distances shown (drawn to scale)		X
Names of adjacent property owners	X	X
Names of adjoining subdivisions	X	X
Minimum setback lines	X	X
Zoning classification of tract being subdivided and adjoining properties	X	X
Existing properties lines	X	X
Existing buildings, water courses, railroads, bridges, culverts, storm drains, other structures on the property or immediately adjacent		X
Proposed lot lines, lot and block numbers all with exact dimensions	X	X
Lots numbered consecutively	X	X
Wooded areas, heritage trees, marshes, rock outcroppings, ponds, lakes, streams, streambeds, and natural features		X
Exact boundaries of flood hazard, floodway, or flood fringe areas from the community's FEMA maps or other approved maps	X	X
Street information including: Proposed streets Existing and platted streets Right-of-way location/dimensions Pavement widths/typical sections Approximate grades Design/engineering data for corners and curves Typical street cross sections Street names	All required	All required

350.140. Minor Subdivisions, Lot Line Adjustments or Lot Recombinations*

Submittal Information	Preliminary Plat	Final Plat
Location and dimension of: Utility and other easements Natural buffers Pedestrian or bicycle paths Parks and recreation areas School sites Land to be dedicated to public use Designation of ownership for common Stormwater Facilities and maintenance responsibility Areas to be used for non-residential use Designation of ownership for common open spaces and recreation facilities	All required	All required
Utility Layouts: Sanitary sewers Storm sewers Other drainage facilities Water distribution lines Natural gas lines Telephone lines Electrical lines Cable TV Fiber optics/ other communication	All required	All required
Site Calculations: Total Acreage of Subdivision Acreage of Park/Recreation Space Acreage of non-residential use Total number of Parcels Dimensions of smallest lot Linear feet in streets	All required	All required
Historical properties identified on the National Register of Historic Places	X	X
Location and descriptions of all monuments, markers, or control points	X	X

350.140 Minor Subdivisions, Lot Line Adjustments or Lot Recombinations***A. Purpose**

An abbreviated process shall be permitted to simplify and speed up the review procedure for handling minor subdivisions, lot line adjustments, or lot recombinations without undermining the objectives of the subdivision regulations. Lot recombinations are not subject to approval or disapproval by the Town however the process shall be consistent with this section to ensure accurate records are maintained by Union County and the Town of Indian Trail.

B. Minor Subdivision, Lot Line Adjustment or Recombination Defined

A minor subdivision is a subdivision of land that does not involve any of the following:

1. the creation of more than a total of five lots since 1978;
2. the creation of any new public streets or street right-of-ways;
3. the extension of water and sewer system facilities operated by the Union County Public Works Department;

350.140. Minor Subdivisions, Lot Line Adjustments or Lot Recombinations*

4. the installation of drainage improvements through one or more lots to serve one or more other lots.
5. The installation of a private waste water plant or a private water supply system for more than one lot or building site.
6. A lot line adjustment is the relocation of an existing lot line or lines to a new location that does not result in:
 - a. the creation of a new lot in addition to the existing lots;
 - b. the modification of an existing lot to a new configuration that does not meet the minimum standards of this ordinance.
7. A recombination or combination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the municipality.

C. Procedure

1. The developer shall submit a sketch development plan to the TRC. At this stage the TRC and the developer shall informally review the proposal.
2. After this initial review has been completed, the applicant or authorized representative shall prepare a final plat as specified in Section 350.140E and submit it to the TRC.
3. Before granting an approval, the TRC Chairman shall refer the application to the Union County Public Works or the Union County Environmental Health for a written approval as to the proposed water supply and sewage treatment systems as well as the other appropriate county departments and agencies for their review. All such agencies shall be given a reasonable period to submit their recommendations to the TRC Chairman.
4. The TRC shall approve or disapprove the plat.
5. If the applicant is denied, the chairman of the TRC shall promptly furnish the applicant with a written statement of the reasons for disapproval. If the applicant disagrees with the decision of the Planning Director the applicant may appeal to the Indian Trail Town Council at their next regular meeting.

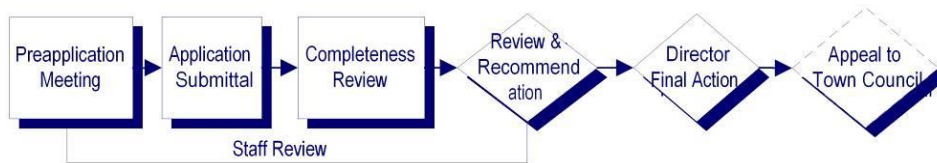
D. Certification

In the abbreviated procedure, the certifications for the final plats shall be the same as required in the normal review procedure as specified in Section 350.060. The certification of approval shall appear on the original and three (3) Mylar copies and include certification from the Director of Planning and Development Director that the minor subdivision, lot line adjustment, or lot recombination shown on the plat is in compliance with the Indian Trail Unified Development Ordinance and such certification will be valid provided the subdivision is recorded in the Office of the Union County Register of Deeds within thirty days.

E. Final Plat

Planning and Development Director will approve or disapprove subdivision final plats in accordance with the provisions of this section.

Figure 3: Final Plat (Major and Minor Subdivisions)



1. The applicant for subdivision final plat approval will submit to the Director a final plat, drawn to scale and otherwise acceptable to the Union County Register of Deed's Office for recording purposes. When more than one sheet is required to include the entire subdivision, all sheets will be made of the same size and will show appropriate match marks on each sheet and appropriate references to other sheets of the subdivision. The applicant will also submit six prints of the plat.
2. In addition to the appropriate endorsements, as provided in Section 350.060, the final plat will contain the information required in Section 350.130.
3. The Planning and Development Director must approve the proposed plat unless she/he finds that the plat or the proposed subdivision fails to comply with one or more of the requirements of this ordinance or that the final plat differs substantially from the plans and specifications approved in conjunction with the compliance permit that authorized development of the subdivision.
4. If the final plat is denied by the Planning and Development Director, the applicant must be furnished with a written statement of the reasons for the disapproval.
5. Approval of a final plat is contingent upon the plat being recorded within ninety days after the approval certificate is signed by the Planning and Development Director or his/her designee. Upon final plat approval the Planning and Development Director or their designee the applicant will have the plat recorded in the Union County Registry and a fee will be paid by the applicant to the Town of Indian Trail.

F. Appeal of Director of Planning and Development Director's Decision

Appeals from the decision of the Planning and Development Director will be taken to the Indian Trail Town Council. The person filing the appeal may not file a revised preliminary plan for the portion of the subject site affected by the appeal until the completion of the appeal to the Town Council or any final judicial determination. The Planning and Development Director may approve a preliminary plan for that portion of the property not affected by the action of the appeal.

Chapter 360. Special Use Permits

360.010 General Procedures

A complete application for a special use permit will be submitted to the Board of Adjustment by filing a copy of the application with the administrator. Such application shall be accompanied with a written consulting report from a North Carolina State Certified Real Estate Appraiser that conforms to Standard 5 of the Uniform Standards of Professional Appraisal Practice, except in the case of temporary event uses. A school impact study for residential developments of fifty (50) lots/units or greater as required in UDO Chapter 13140 shall also accompany the application unless previously submitted through the rezoning approval process.

360.020 Consideration of Complete Applications

Subject to subsection C, the Board of Adjustment will issue the special use permit for a completed application unless if it concludes, based upon the information submitted at the hearing, that:

360.030. Considerations of Public Health, Safety, and Welfare

- A. The permit is not within its jurisdiction according to the table of permissible uses; or
- B. The application is incomplete; or
- C. If completed as proposed in the application, the development will not comply with one or more requirements of this ordinance (not including those the applicant is not required to comply with under the circumstances specified in DIVISION 1400, Nonconformities).

360.030 Considerations of Public Health, Safety, and Welfare

The Board of Adjustment's authority in the review of special use permit applications is broad and the board may approve with conditions if it concludes, based upon the information submitted at the hearing, that the proposed development will:

- A. not materially endanger the public health or safety; and
- B. not substantially injure the value of adjoining or abutting property; and
- C. be in harmony with the area in which it is to be located; and
- D. be in general conformity with the Town of Indian Trail Comprehensive Plan or other adopted plans.

360.040 Burden of Proof

The applicant has the burden of producing competent, material, and substantial evidence establishing that the applicant's proposed use will not substantially injure the value of adjoining or abutting property and will be in general conformity with the land use plan, thoroughfare plan, or other plans or policies officially adopted by the Town Council. The burden of proof will be on anyone in opposition of the application to establish by competent, material, and substantial evidence that the applicant's use will materially endanger the public health or safety and will not be in harmony with the area in which is to be located.

360.050 Staff Report

When presented to the Board of Adjustment, the application for a special use permit, respectively, will be accompanied by a report setting forth the staff's proposed findings concerning the application's compliance with subsection 360.020 and subsection 360.030 of this ordinance, as well as any staff recommendations for additional requirements to be imposed by the board of adjustment.

360.060 Board of Adjustment Action on Special Use Permits

The Board of Adjustments must conduct a public hearing on the requested special use permit in a quasi-judicial manner. Such public hearing will be advertised as prescribed in Section 310.030.

360.070 Conditions on Special Use Approvals

In approving for a special use permit, the Board of Adjustment may attach reasonable and appropriate conditions to the approval. Any conditions will relate to the relationship of the proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and landscaping areas, the timing of development, and other matters that the Board of Adjustment may find appropriate or the petitioner may propose. Such conditions to approval may include dedication of rights-of-way or easements for streets, water, sewer, or other public utilities necessary to serve the proposed use. The petitioner will have a reasonable opportunity to consider and respond to any additional requirements prior to approval or denial of the special use permit application by the Board of Adjustment. In no instance will such conditions be less restrictive than any requirements that would pertain to that particular development found in the zoning district in which the property is located. Such conditions may exceed

360.080. Criteria for Approving Special Use Applications

any performance criteria or minimum requirements listed elsewhere in the Ordinance that pertain to that development.

360.080 Criteria for Approving Special Use Applications

In considering whether to approve an application for a special use permit, the Board of Adjustment will review and evaluate the following:

- A.** Whether the application is complete. If the Board of Adjustment concludes that the application is incomplete and the applicant refuses to provide the necessary information, the application will be denied. A motion to this effect will specify either the particular type of information lacking or the particular requirement with respect to which the application is incomplete. If a motion to this effect is not made, this will be taken as an affirmative finding by the board that the application is complete.
- B.** The Board of Adjustment will consider whether the application complies with all of the applicable requirements of this ordinance. If a motion to this effect passes, the Board of Adjustment need not make further findings concerning such requirements. If such a motion fails or is not made, then a motion will be made that the application be found not in compliance with one or more requirements of this ordinance. Such a motion will specify the particular requirements the application fails to meet. A separate vote may be taken with respect to each requirement not met by the application. It will be conclusively presumed that the application complies with all requirements not found by the board to be unsatisfied through this process. If the Board of Adjustment concludes that the application fails to meet one or more of the requirements of this ordinance, the application will be denied.
- C.** If the Board of Adjustment concludes that all such requirements are met, it will issue the permit unless it adopts a motion to deny the application for one or more of the reasons set forth in Section 360.030. Such a motion will propose specific findings, based upon the evidence submitted, justifying such a conclusion.

Chapter 370. Site Plan Review

370.010 Applicability

Once a site plan application is determined complete, all proposed development will be consistent with the approved site plan. The Director of Planning and Development, upon recommendation of the Technical Review Committee, will approve all site plans, with or without conditions.

370.020 Pre-application Conference

Prior to the submission of an application for site plan approval, all potential applicants are strongly encouraged to request a pre-application conference with Town staff. The purpose of the conference is to respond to any questions which the applicant may have regarding any application procedures, standards, or regulations required by this UDO. Upon receipt of such request, the Town staff will afford the potential applicant an opportunity for such a pre-application conference at the earliest reasonable time. The Director of Planning and Development has the authority to require a pre-application conference based on anticipated impacts the project may have on surrounding properties.

370.030 Application Requirements

The required details for a site plan will be consistent with those required by Section 340.050A of this ordinance. The Director of Planning and Development may also require the following when deemed necessary:

A. Traffic Impact Analysis

A traffic impact analysis may be required in accordance with the Town of Indian Trail's Traffic Impact Analysis policy and Chapter 1340.

B. Environmental Impact Analysis

An environmental impact analysis may be required if it is determined sensitive resources may be impacted as a result of the development.

C. School Impact Study

A school impact study for residential developments of fifty (50) lots/units or greater as required in UDO Chapter 13140 shall also accompany the application unless previously submitted through the rezoning or special use permit approval processes.

D. Waiver of Application Requirements

The Director of Planning and Development will have the authority to waive any of the application requirements when he determines that the requisite information is not necessary to understand the application and the application complies with this UDO.

E. Approval by Director of Planning and Development

Site plans submitted for review under this Section will be processed and the applicant notified in writing of such approval, approval with conditions, or denial. In the case of a denial, the applicant may appeal this denial to the Zoning Board of Adjustment. The Director of Planning and Development may grant approval with conditions only to the extent that such conditions specify the actions necessary to bring the application into complete compliance with this UDO. If the proposed site plan is determined to be consistent with all applicable provisions of this UDO, the Director of Planning and Development will approve the site plan and so advise the applicant in writing.

F. Expiration of Approval

An approved site plan will expire two years from the date of approval unless the proposed development is pursued as set forth below:

1. A complete building permit application has been submitted or, if no building permit is required, a certificate of occupancy has been issued; or
2. In case of projects that are to be built out in phases, the applicant may submit a schedule for construction subject to review and approval by the Director of Planning and Development. The Director may approve a schedule if it is determined that the applicant will comply with the intent of this Section and the Director determines that the applicant plans to diligently pursue the development.

Chapter 380. Appeals and Variances

380.010 Board of Adjustment Hearings on Appeals

- A. An appeal from any final order, interpretation or decision of the Zoning Administrator or Director of Planning may be taken to the Board of Adjustment by any person with standing pursuant to G.S. 160A-393 (d). An appeal is taken by filing with the Town Clerk a written notice of appeal specifying the grounds therefore.
- B. The official who made the decision shall give notice to the owner of property that is the subject of the decision and to the party who sought the decision, if different from the owner
- C. The owner or other party shall have thirty days from receipt of the written notice within which to file an appeal.

- D.** It shall be conclusively presumed that all persons with standing to appeal have constructive notice of decision from the date a sign containing the words “Zoning Decision” or “Subdivision Decision” in letters at least six inches high and identifying the means to contact an official for information about the decision is prominently posted on the property that is the subject of Posting of signs is not the only form of constructive notice. Any such posting shall be the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision. Absent an ordinance provision to the contrary, posting of signs shall not be required.
- E.** Whenever an appeal is filed, the official making the decision must, at once, transmit to the Board of Adjustment all the documents and exhibits constituting the record relating to the action appealed from. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.
- F.** An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from unless the official who made the decision certifies to the Board of Adjustment after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the ordinance. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and Board of Adjustment shall meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an applicant for may request and board may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.
- G.** Subject to the provision of subdivision (F) of this subsection, the Board of Adjustment shall hear and decide the appeal within a reasonable time.
- H.** The official who made the decision shall be present at the hearing as a witness. The appellant shall not be limited at the hearing matters stated in the notice of appeal. If any party or the city would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the board shall continue the hearing.
- I.** The board of adjustment may reverse or affirm (wholly or partly) or may modify the order, requirement or decision or determination appealed from and will make any order, requirement, decision or determination that in its opinion ought to be made in the case before it. To this end, the board will have all the powers of the officers from whom the appeal is taken.
- J.** When hearing an appeal pursuant to G.S. 160A-400.9 (e) or any other appeal in the nature of certiorari, the hearing shall be based on the record and the scope of review shall be as provided G.S. 160A-393 (k).
- K.** The parties to an appeal that has been made under this subsection may agree to mediation or other forms of alternative dispute resolution. The ordinance may set standards and procedures to facilitate and manage such voluntary alternative dispute resolution.

380.020 Board Hearings on Variances

- A.** An application for a variance to the Board of Adjustment will be made by filing a copy of the completed application in the office of the administrator. Applications will be handled in the same manner as applications for special use permits in conformity with the provisions of Chapter 360.
- B.** A variance may be granted by the board of adjustment after a public hearing has been held in a quasi-judicial manner and advertised in accordance with Section 310.030. When unnecessary hardships would result from carrying out the strict letter of the Unified Development Ordinance, the Board of Adjustment shall vary any of the provisions on the ordinance upon a showing of all of the following:
 - 1.** Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property; and
 - 2.** The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance; and
 - 3.** The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as self-created hardship; and
 - 4.** The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured and substantial justice is achieved; and
 - 5.** The variance will neither result in the extension of a nonconforming situation in violation of DIVISION 1400, Nonconformities nor authorize the initiation of a nonconforming use of land.
- C.** No change in permitted uses may be authorized by a variance.
- D.** Appropriate conditions may be imposed on any variance, by the Board of Adjustment, provided that the conditions are reasonably related to the variance. Any other ordinance that regulates land use for development may provide for the variances consistent with the provisions of the subsection. A variance may be issued for an indefinite duration or for a specified duration only.
 - 1.** The nature of the variance and any conditions attached to it must be entered on the face of the zoning permit, or the zoning permit may simply note the issuance of the variance and refer to the written record of the variance for further information. All such conditions are enforceable in the same manner as any other applicable requirement of this ordinance.

380.030 Hearings on Appeals or Variances

The board of adjustment will hear and decide all appeals, and variance requests, as expeditiously as possible, consistent with the need to follow regularly established agenda procedures, provide notice in accordance with Section 310.030, and obtain the necessary information to make sound decisions.

A. Burden of Proof in Appeals and Variances

1. When an appeal is taken to the board of adjustment in accordance with Chapter 380 (Appeals), the administrator will have the initial burden of presenting to the board sufficient evidence and argument to justify the order or decision appealed from. The burden of presenting evidence and argument to the contrary then shifts to the appellant, who will also have the burden of persuasion.
2. The burden of presenting evidence sufficient to allow the board of adjustment to reach the conclusions set forth in Section 380.020B, as well as the burden of persuasion on those issues remains with the applicant seeking the variance.

B. Board Action on Appeals and Variances

1. With respect to appeals, a motion to reverse, affirm, or modify the order, requirement, decision, or determination appealed from will include, insofar as practicable, a statement of the specific reason or findings of facts that support the motion. If a motion to reverse or modify is not made or fails to receive the votes necessary for adoption, then a motion to uphold the decision appealed from will be in order.
2. Before granting a variance, the board must take a separate vote and vote affirmatively on each of the six required findings stated in Section 380.020B. Insofar as practicable, a motion to make an affirmative finding on each of the requirements set forth in Section 380.020B will include a statement of the specific reasons or findings of fact supporting such motion. Said approved variance shall be recorded at the Union County Registrar of Deeds within 60 days from the date of approval.
3. A motion to deny a variance may be made on the basis of findings regarding any one or more of the criteria set forth in Section 380.020B. Insofar as practicable, such a motion will include a statement of the specific reasons or findings of fact that support it.

DIVISION 400. ADMINISTRATIVE AND GENERAL PERMIT REQUIREMENTS

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Chapter 410. General Permit Requirements

410.010 Permits Required Before Development

- A.** The use made of property may not be substantially changed (i.e. change from one use classification to another) and no substantial clearing, grading or excavation may be commenced if such activity is undertaken for purposes of preparing a lot for development other than a single-family detached residence. No buildings or other substantial structures may be constructed, erected, moved, or substantially altered except in accordance with and pursuant to one of the following permits:
- 1.** a zoning permit issued by the administrator;
 - 2.** a permit issued by the staff;
 - 3.** a special use permit issued by the Board of Adjustment as required by this UDO.
- B.** Zoning permits, development permits, special use permits and sign permits are issued under this ordinance only when a review of the application submitted, including the plans contained therein, indicates that the development will comply with the provisions of this ordinance if completed as proposed. Such plans and applications as are finally approved are incorporated into any permit issued, and except as otherwise provided in Section 410.110, all development must occur strictly in accordance with such approved plans and applications.
- 1.** Physical improvements to land to be subdivided may not be commenced except in accordance with a development permit after preliminary plat approval by the Town Council for a major subdivision and by final plat approval or minor subdivision approval by the Director of Planning and Development.
 - 2.** A zoning permit, development permit, special use permit, or sign permit must be issued in the name of the applicant (except that applications submitted by an agent will be issued in the name of the principal), will identify the property involved and the proposed use, will incorporate by reference the plans submitted, and will contain any special conditions or requirements lawfully imposed by the permit-issuing authority. All special use permits (except permits for single-family and two-family residential uses) must be recorded by the permit recipient in the Union County Registry after execution by the property owner of record.

410.020 Staff Consultation Before Formal Application

- A.** To minimize development planning costs, avoid misunderstandings or misinterpretations, and ensure compliance with the requirements of this ordinance, pre-application consultation between the developer and the staff is encouraged or required as provided in this section.
- B.** Before submitting an application for a development permit authorizing a development that consists of or contains a major subdivision, the developer must submit to the planning and development director a sketch plan of such subdivision, drawn to scale. The developer will submit the number of sketch plan copies (not to exceed ten) that the Director of Planning and Development determines is reasonably necessary to facilitate the sketch plan review process. The sketch plan will contain:

1. Vicinity Map

A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads and waterways.

2. Boundaries

The boundaries of the tract and the portion of the tract to be subdivided.

3. Acreage

The total acreage to be subdivided.

4. Use of Land

The existing and proposed uses of the land within the subdivision and area adjoining it.

5. Street and Lot Layout

The proposed street and lot layout with lot sizes and widths.

6. Owner Information

The name, address and telephone number of owner(s).

7. Zoning

The zoning classification(s) of the tract and of adjacent properties.

8. Other Information

Any other information the developer believes necessary to obtain the informal opinion of the planning staff as to the proposed subdivision's compliance with the requirements of this ordinance.

- C.** Following a review of the sketch plan and other materials by the planning staff, the Union County Health Department, the Union County Schools System, the Union County Public Works Department, and the NC Department of Transportation, the planning staff will advise the developer of the results of this review. The application for a development permit for a project requiring sketch plan review may not be submitted until after the staff has provided the developer with its comments and recommendations based upon this review.
- D.** Before submitting an application for any other type of permit, developers are strongly encouraged to consult with the staff concerning the application of this ordinance to the proposed development.

410.030 Application Forms and Fees

The following regulations will apply to all applications.

- A.** Applications required under this UDO will be submitted on forms and in such numbers as required by the Town.
- B.** Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters may be charged to applicants for zoning permits, sign permits, development permits, special use permits, zoning amendments, zoning certification, variances and other administrative relief. The amount of the fees charged shall be as set in a fee schedule adopted by the Town Council.
 - 1.** All required fees will be made payable to "The Town of Indian Trail"; and

2. An applicant who has paid an appropriate fee pursuant to the submission of an application, but who chooses to withdraw such application prior to any review or action taken, will be entitled to a refund of the total amount paid upon written request to the Town. Once review has begun, no refund will be available.

410.040 Who May Submit Permit Applications

- A. Applications for zoning, development, variances, special use, or sign permits or preliminary or final subdivision plat approval will be accepted only from persons having the legal authority to take action in accordance with the permit or the plat approval. By way of illustration, in general this means that applications should be made by the owners or lessees of property, or their agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this ordinance, or the agents of such persons (who may make application in the name of such owners, lessees, or contract vendees).
- B. The administrator may require an applicant to submit evidence of his authority to submit the application in accordance with Subsection A above whenever there appears to be a reasonable basis for questioning this authority.

410.050 Applications Must Be Complete

- A. All applications for permits must be submitted in a complete form before the permit issuing authority is required to consider the application.
- B. Subject to Subsection A above, an application is complete when it contains all of the information that is necessary for the permit issuing authority to decide whether or not the development, if completed as proposed, will comply with all of the requirements of this ordinance.
 1. Detailed or technical design requirements and construction specifications relating to various types of improvements (streets, sidewalks, etc.) are set forth in the Town's Design Standards Manual. It is not necessary that the application contain the type of detailed construction drawings that would be necessary to determine compliance with the Manual, so long as the plans provide sufficient information to allow the permit issuing authority to evaluate the application in the light of the substantive requirements set forth in this text of this ordinance. However, whenever this ordinance requires a certain element of a development to be constructed in accordance with the detailed requirements set forth in the Manual, then no construction work on such element may be commenced until detailed construction drawings have been submitted to and approved by the administrator. Failure to observe this requirement may result in permit revocation, denial of final subdivision plat approval, or other penalty as provided in DIVISION 1500, Violations, Penalties, and Enforcement.
 2. The presumption established by this ordinance is that all of the information set forth in this UDO and the Town of Indian Trail Standards Manual are necessary to satisfy the requirements of this section. However, it is recognized that each development is unique, and therefore the permit issuing authority may allow less information or require more information to be submitted according to the needs of the particular case. The applicant may rely on the recommendations of the zoning administrator or planning staff as to whether more or less information should be submitted.

3. The zoning administrator or planning staff will make every effort to develop application forms, instructional sheets, checklists, or other techniques or devices to assist applicants in understanding the application requirements and the form and type of information that must be submitted. In classes of cases where a minimal amount of information is necessary to enable the zoning administrator or planning staff to determine compliance with this ordinance, such as applications for single-family homes or applications for sign permits, the zoning administrator or planning staff will develop standard forms that will expedite the submission of the necessary plans and other required information.

410.060 Staff Consultation after Application Submittal

- A. Upon receipt of a formal application for a zoning, special use, planned development, or development permit, or major/minor subdivision plat approval, the administrator or planning staff, as applicable, will review the application and confer with the applicant to ensure that he/she understands the staff's interpretation of the applicable requirements of this ordinance, that they have submitted all of the information that he/she intends to submit, and that the application represents precisely and completely what they propose to do.
- B. If the application is for an approval requiring a public hearing, the administrator or planning staff, as applicable, will place the application on the agenda of the appropriate board when the applicant indicates that the application is as complete as the applicant intends to make it.

410.070 Use, Occupancy, or Sale before Completion of Development

- A. Issuance of a special use permit, planned development, zoning certification or other approval authorizes the recipient to commence the activity resulting in a change in use of the land or, (subject to obtaining a building permit), to commence work designed to construct, erect, move, or substantially alter buildings or other substantial structures or to make necessary improvements to a subdivision. However, except as provided in this Section, the intended use may not be commenced, no building may be occupied, and in the case of subdivisions, no lots may be sold until all of the requirements of this ordinance and all additional requirements imposed pursuant to the issuance of a permit have been complied with.
- B. In circumstances where factors (e.g. natural disasters, bad weather, or fire) beyond the control of applicants for zoning certifications, special use permits, planned developments or other approvals, make it unreasonable to require the permit recipient to comply with all of the requirements of this ordinance before commencing the intended use of the property, the permit issuing board or the administrator may authorize the commencement of the intended use or the occupancy of buildings (insofar as the requirements of this ordinance are concerned) if the permit recipient provides a performance bond or other security satisfactory to the board or the administrator to ensure that all of these requirements will be fulfilled within a reasonable period (not to exceed six months) established by the board or the administrator.
- C. When the Board of Adjustment or Town Council imposes additional requirements upon the permit recipient in accordance with this UDO or when the developer proposes in the plans submitted to any permit issuing authority (administrator, planning board, or board of adjustment) to install amenities beyond those required by this ordinance, the permit issuing authority or the administrator may authorize the applicant to commence the intended use of the property or to occupy any building before the additional requirements are fulfilled or the amenities installed. The early commencement of the use or occupancy of the building will occur only if permit issuing authority or administrator specifies a date by which or a schedule according to which such requirements must be met or each amenity installed and if authority

or administrator concludes that compliance will be ensured as the result of any one or more of the following:

1. a performance bond or other security satisfactory to the board or administrator is furnished; or
 2. the nature of the requirements or amenities is such that sufficient assurance of compliance is given by DIVISION 1500, Violations, Penalties and Enforcement and Chapter 110, Certificate of Zoning Compliance.
- D. With respect to subdivisions in which the developer is selling lots, the planning and development director may grant final plat approval and authorize the sale of lots before the completion of all improvements required by this ordinance if it or he concludes that:
1. Completion of such improvements has been delayed because of weather conditions or other factors beyond the control of the developer and
 2. It would be unreasonable to require the completion of such improvements before granting final plat approval, and if the developer provides a performance bond or other security in accordance with Chapter 1170.

410.080 Completing Developments in Phases

- A. If a development is constructed in phases or stages in accordance with this section, then, subject to Subsection 410.080, the provisions of Section 410.070 (No Occupancy, Use, or Sale of Lots until Requirements Fulfilled) and Section 410.110 (Amendments to and Modification of Permits) will apply to each phase as if it were the entire development.
- B. As a prerequisite to taking advantage of the provisions of Subsection 410.080, the developer will submit plans that clearly show the various phases or stages of the proposed development and the requirements of this ordinance that will be satisfied with respect to each phase or stage.
1. If a development that is to be built in phases or stages includes improvements that are designed to relate to, benefit, or be used by the entire development (such as a recreational amenities, transportation improvements (on-site and off-site) or landscaping (on-site or off-site), then, as part of his application for development approval, the developer will submit a proposed schedule for completion of such improvements. The schedule will relate completion of such improvements to completion of one or more phases or stages of the entire development. Once a schedule has been approved and made part of the permit by the permit issuing authority, no land may be used, no buildings may be occupied, and no subdivision lots may be sold except in accordance with the schedule approved as part of the permit. The developer shall comply with the provisions of Chapter 1170, Improvement Guarantees.
 2. Modifications in approved phasing schedules may be approved in the same manner as other permit modifications (see Section 410.110).

410.090 Expiration of Permits

- A.** Zoning permits are valid for six months. Special use permits and permits authorized by the Board of Adjustment will be valid for up to two years after the issuance of such permits and such permits will be invalid if:
- 1.** the use authorized by such permits has not commenced, in circumstances where no substantial construction, erection, alteration, excavation, demolition, or similar work is necessary before commencement of such use; or
 - 2.** less than ten percent of the total cost of all construction, erection, alteration, excavation, demolition, or similar work on any development authorized by such permits has been completed on the site. With respect to phased development (see Section 410.080), this requirement will apply only to the first phase or the active phase.
 - 3.** if, after some physical alteration to land or structures begins to take place, such work is discontinued for a period of two years, then the permit authorizing such work will immediately expire; provided, however, that no permit will expire pursuant to this subsection within the applicable period provided in Subsection 410.090A. Expiration of the permit will not affect the provisions of Chapter 1170, Improvement Guarantees.
 - 4.** The permit issuing authority may extend for a period up to six months the date when a permit would otherwise expire pursuant to Section 410.090 if it concludes that:
 - a.** The permit has not yet expired,
 - b.** The permit recipient has proceeded with due diligence and in good faith, and
 - c.** Conditions have not changed so substantially as to warrant a new application. Successive extensions may be granted for periods up to six months upon the same findings. All such extensions may be granted without resort to the formal processes and fees required for a new permit.
 - d.** For purposes of this section, the permit within the jurisdiction of the Town Council or the board of adjustment is issued when such board votes to approve the application and issue the permit. A permit within the jurisdiction of the administrator is issued when the earlier of the following takes place:
 - (1)** a copy of the fully executed permit is delivered to the permit recipient, and delivery is accomplished when the permit is hand delivered or mailed to the permit applicant;
 - (2)** the administrator notifies the permit applicant that the application has been approved and that all that remains before a fully executed permit can be delivered is for the applicant to take certain specified actions, such as having the permit executed by the property owner so it can be recorded if required under Section 410.010B.
 - (3)** Notwithstanding any of the provisions of DIVISION 1400, Nonconformities, this section will be applicable to permits issued prior to the date this section becomes effective.

410.100 Effect of Permit on Successors and Assigns

- A.** Zoning, special use, conditional zoning districts and sign permits authorize the applicant to make use of land and structures in a particular way. Such permits are transferable. However, so long as the land or structures or any portion thereof covered under a permit continues to be used for the purposes for which the permit was granted, then:
- 1.** no person (including successors or assigns of the person who obtained the permit) may make use of the land or structures covered under such permit for the purposes authorized in the permit except in accordance with all the terms and requirements of that permit; and
 - 2.** the terms and requirements of the permit apply to and restrict the use of land or structures covered under the permit, not only with respect to all persons having any interest in the property at the time the permit was obtained, but also with respect to persons who subsequently obtain any interest in all or part of the covered property and wish to use it for or in connection with purposes other than those for which the permit was originally issued, so long as the persons who subsequently obtain an interest in the property had actual or record notice of the existence of the permit at the time they acquired their interest.
 - 3.** Whenever a special use or development permit is issued to authorize development (other than single-family or two-family residences) no building permit may be issued until the record owner of the property has signed a written acknowledgment that the permit has been issued and the permit has been recorded by the permit recipient in the Union County Registry and indexed under the record owner's name as grantor.

410.110 Amendments to and Modifications of Permits

- A.** Small or minor deviations from the permit (including approved plans) are permissible and the zoning administrator or planning and development director may authorize such small or minor deviations. A deviation is insignificant if it has no discernible impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.
- B.** Minor design modifications or changes in permits (including approved plans) are permissible with the approval of the administrator. Such permission may be obtained without a formal application, public hearing, or payment of any additional fee. For purposes of this section, minor design modifications or changes are those that have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.
- C.** All other requests for changes in approved plans will be processed as new applications. If such requests are required to be acted upon by the board of adjustment, new conditions may be imposed in accordance with Section 360.070, but the applicant retains the right to reject such additional conditions by withdrawing his request for an amendment and may then proceed in accordance with the previously issued permit.
- 1.** The administrator will determine whether amendments to and modifications of permits fall within the categories set forth in subsections A and B above.
 - 2.** A developer requesting approval of changes must submit a written request for such approval to the administrator, which request will identify the changes. Approval of all changes must be given in writing.

410.120 Reconsideration of Board of Adjustment Action

- A.** Whenever the board of adjustment disapproves an application for a special use permit or a variance, on any basis other than the failure of the applicant to submit a complete application, such action may not be reconsidered by the respective board for at least twelve (12) months or unless the applicant clearly demonstrates that:
- 1.** circumstances affecting the property that is the subject of the application have substantially changed; or
 - 2.** new information is available that could not with reasonable diligence have been presented with the previous application. A request to be reheard on this basis must be filed with the zoning administrator within the time period specified within the rules of procedure of the board of adjustment.
 - 3.** Notwithstanding Subsection A above, the Town Council or board of adjustment may at any time consider a new application affecting the same property as an application previously denied. A new application is one that differs in some substantial way from the one previously considered.

410.130 Applications to be Processed Expeditiously

- A.** Recognizing that inordinate delays in acting upon appeals or applications may impose unnecessary costs on the appellant or applicant, the Town of Indian Trail will make every reasonable effort to process appeals and permit applications as expeditiously as possible, consistent with the need to ensure that all development conforms to the requirements of this ordinance.

410.140 Vested Rights: Site Specific Development Plan

- A.** The Town Council or Board of Adjustment determines that a special use permit or a conditional zoning district will be regarded as a “site specific development plan” under the provisions of G.S. 160A-385.1. Therefore, once a special use permit or conditional zoning district has been issued, the permit recipient will have a “vested right” to complete the development authorized by such permit in accordance with its terms, irrespective of subsequent amendments to this UDO, to the extent provided in G.S. 160A-385.1.
- B.** The Town Council further determines that certificates of zoning compliance and site plan approval should be entitled to the same protections as recipients of special use permit or conditional zoning district.
- C.** A vested right under this subsection commences upon the issuance of the permit in question.
- D.** A zoning right that has been vested as provided above will remain vested for a period of two years, unless upon request by the applicant, the Town Council finds it appropriate to grant a longer vesting time period as allowed under G.S.160A-385.1. This vesting will not be extended by any amendments or modifications to a site-specific development plan that are not processed as new applications, unless expressly provided for by the approval authority at the time the amendment or modification is approved.
- 1.** As provided in G.S. 160A-385.1(d)(6), a right that has been vested in accordance with this subsection will terminate at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed.

2. Nothing in this subsection will prohibit the revocation of a permit, and the vesting of rights provided for under this subsection will be terminated upon such revocation.

410.150 Vested Rights Building Permits

As provided in G.S. 160A-385, amendments, modifications, supplements, repeal or other changes in the regulations set forth in this UDO or zoning district boundaries will not be applicable or enforceable without consent of the owner with respect to buildings and uses for which a building permit has been issued pursuant to G.S. 160A-417 prior to enactment of the ordinance making the change or changes, so long as the permit remains valid and unexpired pursuant to G.S. 160A-418 and unrevoked pursuant to G.S. 160A-422.

410.160 Revocation of Permits

- A. A permit described in this Chapter may be revoked by the permit-issuing authority in accordance with this subsection if the permit recipient fails to develop or maintain the property in accordance with the plans submitted the requirements of this UDO, or any additional requirements lawfully imposed by the permit issuing authority.
- B. Before a permit may be revoked, notice requirements equal to those imposed on the permit issuance must be complied with. Such revocation will require a public hearing, where one was required for the original approval. The notice will also inform the recipient of the alleged grounds for the revocation.
- C. The burden of presenting evidence sufficient to authorize the permit-issuing authority to conclude that a permit should be revoked will be upon the party advocating that position. The burden of persuasion will also be upon that party.
- D. A motion to revoke a permit will include, to the extent practicable, a statement of the specific reasons or findings of fact that support the decision.
- E. Before a permit which does not require a public hearing can be revoked, the Director of Planning and Development will give the permit recipient ten days notice of intent to revoke the permit and will inform the recipient of the alleged reasons for the revocation and of their right to obtain an informal hearing on the allegations. If the permit is revoked, the Director of Planning and Development will provide to the applicant a written statement of the decision and the reasons for such decision.
- F. No person may continue to make use of land or buildings in the manner authorized by any permit described in this Chapter after such permit has been revoked in accordance with this subsection.

Chapter 420. Certificate of Zoning Compliance

A completed application form for a zoning permit will be submitted to the zoning administrator by filing a copy of the application with the zoning administrator in the inspections department.

420.010 The zoning administrator will issue the zoning permit unless he/she finds, after reviewing the application and consulting with the applicant that:

- A. The requested permit is not within his jurisdiction according to the Table of Permissible Uses; or
- B. The application is incomplete; or

- C. If completed as proposed in the application, the development will not comply with one or more requirements of this ordinance (not including those requirements for which a variance has been granted; circumstances where the Town Council or board of adjustment have granted discretionary approvals; or circumstances where the applicant is not required to comply as specified in DIVISION 1400, Nonconformities).
- D. No building hereafter erected or structurally altered or changed in use will be used or occupied until a certificate of zoning compliance has been issued by the Zoning Administrator.

420.020 Application for a Certificate of Zoning Compliance

A certificate of zoning compliance may only be issued after written application for same has been made in which the applicant has stated that the building or structure erected or altered or changed complies in all respects with this Ordinance and the zoning permit previously issued. If the application for certificate of compliance is for any building, the application will include a scaled, dimensional plat drawn by and certified as accurate by a surveyor or engineer registered in the State of North Carolina which affirmatively shows that the building or structure was erected in compliance with this Ordinance and the zoning permit previously issued. The as built/physical survey must meet current requirements of N.C. Board of Examiners for Professional Engineers and Professional Land Surveyors for:

- A. house site/out-building/garages;
- B. offset distances to property lines;
- C. minimum setback lines, all easements, wells, power poles and overhead utilities;
- D. acreage or square footage if under one acre;
- E. the location of designated flood plains and a description of first floor elevations in relation to flood elevations.
- F. Storm drainage structures (pipes & boxes);
- G. porches, sidewalks, and driveways;
- H. roadside sidewalk inside/outside of public/private road right-of-way;
- I. fences;
- J. pools;
- K. Town limits lines, if such lines apply.

420.030 Interim Certificate

The Director of Planning and Development may authorize the issuance of an Interim Certificate of Zoning Compliance for occupancy prior to the completion of required improvements associated with the development when the following situation exists:

- A. the subject property is located adjacent to a public right-of-way and is within or associated with a non-residential center or park; and

- B. the required improvements to be deferred are limited to off-site improvements located within the public right-of-way. Examples of off-site improvements may consist of but are not limited to curb, gutter, storm drain, sidewalks, and traffic medians; and
- C. the deferment of the improvements is restricted to a maximum time period of one-year from the date that the Interim Certificate of Zoning Compliance is issued; and
- D. the deferment of the improvements will not result in a threat to the public health, safety, morals and general welfare of the residents of the Town of Indian Trail.

420.040 Standards for Interim Certificates

The issuance of an Interim Certificate of Zoning Compliance may only occur after the applicant/property owner has complied with the following:

- A. the applicant/property owner must submit an application for issuance of a Interim Certificate of Zoning Compliance accompanied by the construction schedule; and
- B. a security has been received from the applicant in the amount of 125% of the required improvements to be deferred in compliance with the provisions of Chapter 1170, Improvement Guarantees; and
- C. all on-site improvements have been constructed to the satisfaction of the Zoning Administrator or permit authorizing agent;
- D. proof of all off-site improvements right-of-way acquisitions have been completed to the satisfaction of the Zoning Administrator or the permit authorizing agent; and
- E. an as-built survey is provided consistent with Section 420.020.

420.050 Final Certification Removing Interim Status

The applicant/responsible party must obtain a final Certificate of Zoning Compliance within one year from the date of issuance of the Interim Certificate of Zoning Compliance. Expiration of the Interim Certificate of Zoning Compliance will result in the Town's action to call in the security. The applicant/responsible party will be subject to the same penalties after expiration of the Interim Certificate of Zoning Compliance as the applicant/responsible party would be subject to if the Certificate of Zoning Compliance had not been ever issued. The applicant/responsible party may request a time extension from the Town Council.

Chapter 430. Master Signage Plans

430.010 Master Signage Plans Required

A master signage plan will be submitted to the Town for developments containing more than one lot, tenant, or principal structure. Within a development the coordination of styles and colors will be used to insure continuity. A master signage plan will include the following in booklet form:

- A. Detailed designs of all proposed signs including the size, height, copy, materials, and colors of such signs.
- B. Proposed number and location of signs.
- C. Sign illumination plans.

- D.** Provisions for shared usage of freestanding sign(s).
- E.** A master signage plan will be part of any development plan/site plan or other plan required for development and shall be processed simultaneously with such plan(s). A master signage plan will be approved prior to the issuance of sign permit(s).
- F.** A master signage plan may be amended by filing a new plan, which complies with all the requirements of this Ordinance provided that the new plan is accompanied with the necessary processing fees.
- G.** After approval of a master signage plan, no sign will be erected, affixed, placed, painted or otherwise established except in conformance with such plan and such plan may be enforced in the same way as any other provisions of this Ordinance. In case of any conflict between the provisions of such a plan and any other provisions of this Ordinance, the Ordinance will control.

Figure 4: Master Signage Plan



Chapter 440. Temporary Use Permit

440.010 Permits Required

Temporary uses must obtain a temporary use permit from the Zoning Administrator that outlines conditions of operations to protect the public, health, safety and welfare. All such permits will be subject to the following conditions:

- A.** Activities related to temporary use are limited to non-residentially zoned properties unless otherwise authorized herein.
- B.** Sales activities cannot be located in any required setback, right of way, sight triangle, or required buffer.
- C.** Event lasts no more than 5 days, including setup and break down, unless otherwise noted.
- D.** Only one sales event is allowed per tax parcel at any one time.
- E.** No more than three events are allowed per calendar year on any one lot.
- F.** Adequate parking must be provided.
- G.** Written permission from property owner must be provided.
- H.** All licenses and/or permits required by other agencies must be obtained prior to issuance of Temporary Use Permit from Town of Indian Trail planning staff.

440.020 Types of Temporary Uses

Examples of temporary non-residential uses include the following and are subject to the specific regulations of DIVISION 700, Supplementary Use Regulations:

- A.** Food Vendors (or Food Vending Units)
Please see Chapter 7230, Mobile Food Vending Unit and Food Vendors
- B.** Grand opening sales - Grand openings shall only be approved if applied for within six (6) months of receiving a Certificate of Occupancy.
- C.** Grand re-opening sales - Grand re-opening sales shall only be approved if renovations exceed 50 percent of current building or lease space.
- D.** Tent sales: Tent sales are to be associated with a local business located in a permanent structure on the same property. The total floor area of the tent sale shall not exceed 40 percent of floor area of permanent location. Anything larger shall be considered a Special Event and subject to provision of Chapter 450 of this UDO. In addition, specific to auto dealership types of uses that have tent sales can exceed the time limit requirement of the UDO Section 440.010C, provided that the maximum time limit that can be set for such an extension shall be no more than 32 days in time frame, for a maximum of three (3) allowable such time periods per calendar year, for such sales. Anything in excess of this maximum time limitation shall be taken through as a Special Use Permit, subject to approval by the Board of Adjustment.
- E.** Outdoor seasonal sales- Outdoor seasonal sales such as pumpkin patches or holiday tree lots are allowed for a maximum of 45 consecutive days including setup and break down.
- F.** Fundraiser sponsored by school, church, or government lasting more than two days.
- G.** Athletic fundraiser such as a 5K run.
- H.** Parades excluding wild animals.
- I.** Temporary uses will include short-term or seasonal uses not otherwise allowed by the zoning district regulations of this UDO.
- J.** Temporary sales or construction trailers associated with an approved residential or non-residential development permit. Temporary trailers shall be permissible for a period not to exceed one year or as otherwise authorized by the Planning and Development Director:
 - 1.** Trailers shall meet all required setbacks for the associated lot and zone and must be ADA accessible; and
 - 2.** Underpinning and crawl spaces shall be screened and landscaped; and
 - 3.** Off-street parking shall be provided; and
 - 4.** Pods or Seatainer type of construction storage trailers shall be screened or stored out of general view within all residential developments.

440.030 Submission Requirements

An application for a temporary use permit will include a written description of the proposed use or event, the duration of the use or event, the hours of operations, anticipated attendance, and any buildings/structures signs or attention-attracting devices used in conjunction with the event, as well as a

response to each of the criteria established in Section 440.040 below. In addition, permit may only be processed if the applicant complies with the following:

- A.** written permission is submitted to the Planning Department from the property owner of the site from which a temporary use or event will take place;
- B.** building permits or approval by the Building Official and Fire Code Inspector are submitted if the temporary use involves use of a temporary structure or tent. Also, any applicable approvals must be obtained in writing from the Union County Health Department for any temporary use or event involving food service.
- C.** Application should be made at least 10 working days in advance of the requested start date for a temporary use. The Zoning Administrator will make a determination whether to approve, approve with conditions or deny the permit within 10 working days after the date of application.
- D.** Any applicant denied a permit by the Zoning Administrator will be notified in writing of the reasons for the denial and of the opportunity to appeal the denial to the Board of Adjustment.

440.040 Approval Criteria and Standards

- A.** The temporary use must be compatible with the purpose and intent of this UDO and the zoning district in which it will be located.
- B.** The duration and hours of operation of the temporary use must be consistent with the intent of the event or use and compatible with the surrounding land uses. The duration and hours of operation will be established by the Zoning Administrator at the time of approval of the temporary use permit.
- C.** The temporary use, as determined by the Town Engineer, will not cause undue traffic congestion or accident potential given anticipated attendance and the design of adjacent streets, intersections and traffic controls.
- D.** Adequate off-street parking will be provided for the temporary use, and it will not create a parking shortage for any of the other existing uses on the site.
- E.** The temporary use will be compatible in intensity, appearance and operation with surrounding land uses in the area, and it will not impair the usefulness, enjoyment or value of adjacent property due to the generation of excessive noise, dust, smoke, glare, spillover lighting, or other forms of environmental or visual pollution.
- F.** The Zoning Administrator will review all signage in conjunction with the issuance of the temporary use permit for compliance with the sign requirements set forth in DIVISION 900, Sign Regulation.
- G.** The Zoning Administrator may establish any additional conditions deemed necessary to ensure land use compatibility and to minimize potential adverse impacts on nearby uses, including, but not limited to, time and frequency of operation, temporary arrangements for parking and traffic circulation, requirements for screening/buffering, and guarantees for site restoration and cleanup following the temporary use.

440.050 Expiration and Lapse of Approval

If the use described in the temporary use permit has not begun within 90 days from the date of issuance, the temporary use permit will expire and be of no further effect.

440.060 Appeals

Appeals of temporary use permits denied by the Zoning Administrator will be taken to the Board of Adjustment within 30 days of mailing of the denial, in accordance with the procedures in Chapter 380.

Figure 5: Temporary Use Permit

**Chapter 450. Special Event Permits****450.010 General Requirements**

Special events include but are not limited to fairs, circuses, carnivals, or rodeos. The duration of such events typically lasts longer than one day and attracts substantial crowds. Special events will be subject to the following requirements:

- A. The maximum allowable time period for a special event is 14 days.
- B. All special events will require a special use permit from the Town of Indian Trail Board of Adjustment.

450.020 Activities Eligible for Permits

Types of special events are subject to the general restrictions of Section 450.030 and include the following:

- A. A circus – A circus is typically held in a large tent featuring a traveling company of performers and trained animals.
- B. A carnival, festival, or street fair or other gathering of people to display or trade produce or other goods, to parade or display animals, and to enjoy associated entertainment.
- C. A flea market or swap meet- A flea market or swap meet is a place where vendors come to sell or trade merchandize that is typically inexpensive and range in quality.
- D. A rodeo – A rodeo consist of roping, riding, and racing contests featuring ranch animals such as horses, broncos, bulls, steer, or calves.
- E. A tent sale where the sales area exceeds 40 percent of floor area of the business it is associated with.

450.030 Criteria and Standards

In the review of permit applications for a special event, the board of adjustment will review the standards of Section 360.030, and the Board shall ensure that, (if the special event is conducted at all):

- A. The hours of operation allowed are compatible with the uses adjacent to the activity.

450.040. Performance Guarantee May Be Required.

- B. Food vendors have secured permits from appropriate state and county agencies including but not limited to N.C. Department of Environment and Natural Resources, N.C. Department of Agriculture, or Union County Environmental Health.
- C. The amount of noise and lighting generated will not disrupt the activities of adjacent land uses.
- D. The applicant will guarantee that all litter generated and temporary structures constructed by the special event be removed at no expense to the Town of Indian Trail or any municipality. The applicant must restore property to original condition within 10 days of event completion, or be subject to fines levied by the Town of Indian Trail.
- E. The parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners to use and operate their businesses and activities without disruption.
- F. Events will not substantially interrupt vehicular or pedestrian traffic in the immediate area.
- G. Events will not block traffic lanes or close streets during peak hours on non-holiday weekdays.
- H. Concentrations of participants will not unduly interfere or place undue responsibility on emergency personnel.
- I. The event will not have adverse impacts on surrounding properties.
- J. The event will not interfere with any previously issued permit.
- K. The event will provide adequate safety equipment/personnel and sanitation facilities.
- L. Only one permit and one renewal will be allowed per property within a 12-month period.
- M. Additional conditions may be placed on special use permit to ensure requirements of this section are met.

450.040 Performance Guarantee May Be Required.

In cases where it is deemed necessary, the Board may require the applicant to post a bond to ensure compliance with the conditions of the special use permit.

450.050 Fees for Municipal Services

If the permit applicant requests the Town of Indian Trail or any incorporated municipality to provide extraordinary services or equipment, the applicant shall be required to pay to the county or the town, as appropriate, a fee sufficient to reimburse the county or town for the costs of these services. This requirement shall not apply if the event has been anticipated in the budget process and sufficient funds have been included in the budget to cover the costs incurred.

450.060 Permit Applications

Applications for special event permits shall include the following:

- A. Name, address, and phone number of applicant and event organizer.
- B. Proposed location.

- C.** Letter of intent from the property owner.
- D.** A statement of fees to be charged at special event.
- E.** Dates and times the event is to be conducted.
- F.** Approximate number of people, animals, and vehicles to be used.
- G.** A site plan.
- H.** Proof of insurance or statement to release the Town of Indian Trail from any and all liability.

DIVISION 500. BASE ZONING DISTRICTS

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Chapter 510. Residential Districts

510.010 General Purpose

The “R” residential zoning districts are intended to create, maintain, and promote a variety of housing opportunities for individual household and to maintain the desired physical character of the Town’s existing neighborhoods. While the districts primarily accommodate residential use types, certain nonresidential uses such as schools, churches, parks and other uses that are compatible with residential neighborhoods are also allowed.

A. RSF, Rural Single-Family District

The RSF, Rural Single-Family Residential district is intended to accommodate low-density residential uses, including single-family dwellings and Class AA manufactured homes, served by individual wells and sewage disposal systems. Rural Single-Family Districts are in locations characterized by large lot, agricultural activities, and limited public services or utilities. RSF Districts are consistent with “Rural Residential” designations on the Town of Indian Trail Comprehensive Plan: “A Plan for Managed Growth and Livability” (Plate 20). The preservation of open space and natural features will be achieved through the use of Rural Single-Family District designation.

B. SF-1, Single-Family Residential District

The SF-1, Single-Family district is established to provide a low density area for single-family dwellings under conventional or planned development controls. These areas are typically serviced by public or community water and/or public sewer systems, plus the governmental and other support facilities necessary to service urban levels of development.

C. SF-2, Single-Family Residential District

The SF-2, Single-Family Residential district is intended to accommodate low- to moderate-density residential development, including single-family dwellings constructed under conventional or planned development controls, and serviced by public or community water and/or public sewer systems, plus the governmental and other support facilities necessary to service urban levels of development.

D. SF-3, Single-Family District

The SF-3, Residential district is intended to accommodate moderate intensity residential uses, generally consisting of single family dwellings, under conventional or planned development controls. These districts are typically serviced by public water and sewer plus the governmental and support facilities necessary to service urban levels of development.

E. SF-4, Single-Family Residential District

The SF-4, Residential district is intended to accommodate a variety of moderate intensity of single-family development under conventional or planned development controls. SF-4 Districts shall be serviced by public water and sewer services, plus the governmental and support services necessary for urban levels of development.

F. SF-5, Single-Family District

The SF-5, Residential district is intended to accommodate a variety of moderate to high intensity residential uses, including single-family homes and attached single-family homes under conventional or planned development controls. Land designated SF-5 shall be serviced by public water and sewer services, plus the governmental and support services necessary for such levels of urban development.

G. Multifamily Residential District (MFR)

This district is designed to create and maintain higher density residential neighborhoods composed primarily of multifamily dwellings and, as special uses, those service, institutional, public and other compatible uses that are so designed, constructed and maintained that they

do not detract from the quality of the neighborhood as a place for peaceful, quiet and aesthetically- pleasing residential living. When evaluating an application for the MFR zoning district, emphasis shall be given to the location of the proposed district relative to adjoining developed property to ensure that such district is carefully located and achieves a satisfactory relationship with the surrounding properties.

510.020 Allowed Uses

The use table below identifies permitted, special, prohibited and other uses authorized within the zoning districts identified. The uses identified are subject to compliance with all other applicable standards or requirements of this UDO.

A. Permitted Uses

Uses identified with a “P” are permitted by-right in the subject zoning district, subject to compliance with all other applicable standards of this UDO.

B. Special Uses

Uses identified with an “S” may be allowed if reviewed and approved in accordance with the special use procedures of Chapter 360, subject to compliance with all other applicable standards of this UDO.

C. Planned Developments

Uses identified with a “PD” may be allowed if reviewed and approved in accordance with the Conditional Zoning procedures of Chapter 330 and Chapter 340.

D. Prohibited Uses

Uses identified with a “-” are expressly prohibited. Uses that are not listed in the table are also prohibited.

E. Use Standards

The use standards column of the following Use Table identifies use-specific standards that apply to some uses. Compliance with such standards is required regardless of whether the use is “Permitted” or a “Special Use”.

F. Parking Standards

The “parking standards” column of the following Use Table contains a reference to the applicable off-street parking ratio for the listed use. Off-street parking regulations are contained in DIVISION 1000.

G. Residential Districts Use Table

Use Group	Zoning District							Use Standard
Use Category	RSF	SF-1	SF-2	SF-3	SF-4	SF-5	MFR	
Specific Use Type								
Household/Family Living								
Single-Family Detached (Site Built or Modular)	P	P	P	P	P	P	-	
Single-Family (Class A Manufactured Homes)	P	S	P* (O-MHP overlay only)	P* (O-MHP overlay only)	P* (O-MHP overlay only)	P* (O-MHP overlay only)	-	See Section 1310.050 standards

Chapter 510. Residential Districts

510.020. Allowed Uses

Use Group	Zoning District							Use Standard
Use Category	RSF	SF-1	SF-2	SF-3	SF-4	SF-5	MFR	
Single-Family (Class B Manufactured Home)	P	S	-	-	-	-	-	See Section 1310.050 standards
Single-Family (Class C Manufactured Home)	-	-	-	-	-	-	-	
Single Family (Class D Manufactured Home)	-	-	-	-	-	-	-	
Two-Family Dwelling	S				-	-	P	
Multi-Unit (3 or more units)	-	-	-	-	-	-	P	
Townhouse	-	-	-	-	-	S	P	See Chapter 660
Boarding or Rooming Houses	P	-	-	-	-	-	S	
Accessory Apartments	P	P	P	P	P	P	-	See Chapter 710.070
Group Living								
Family homes, Small	P	P	P	P	P	P	P	
Family homes, Large	S	S	S	S	S	S	S	
Halfway house	S		-	-	-	-	-	
Homes for the handicapped, aged or infirm	S	S	S	S	S	S	S	
Nursing care or skilled care facility	S	S	S	S	S	S	S	
Senior Housing, Independent living	P	S	S	S	S	S	S	
Group Living Not Otherwise Classified	S	S	S	S	S	S	S	
Public and Civic								
Colleges and Universities		-	-	-	-	-	-	
Recreational Buildings, Boy and Girls Clubs	S							
Golf-driving ranges	S		-	-	-	-	-	Accessory to residential subdivision
Skateboard parks, water slides, basketball courts	S	S	S	S	S	S	S	Accessory to residential subdivision
Privately-owned campgrounds	S	-	-	-	-	-	-	

Chapter 510. Residential Districts

510.020. Allowed Uses

Use Group	Zoning District							Use Standard
Use Category	RSF	SF-1	SF-2	SF-3	SF-4	SF-5	MFR	
Privately-owned recreation facilities such as golf-courses, and country clubs	S	S	S	S	S	S	S	
Public parks and open spaces	P	P	P	P	P	P	P	
Libraries	S							
Day Care (child/ adult care)								
Family Child Care Home (up to 9 enrollees)	P	P	P	P	P	P	P	Refer to definition 1610.070(B)(1)
Child Care Center	S	S	S	S	S	S	S	Complies with state licensing rules
Adult Day Care Home (up to 6 enrollees)	P	P	P	P	P	P	P	Complies with state licensing rules
Adult Day Care Center	S	S	S	S	S	S	S	Complies with state licensing rules
Hospital	S	-	-	-	-	-	-	
Religious Assembly	P	P	P	P	P	P	P	
School	P	P	P	P	P	P	P	
Utilities, Minor	P	P	P	P	P	P	P	
Utilities, Major	S	S	S	S	S	S	S	
Agricultural and Other								
Agricultural Operations without livestock	P	P	P	P	P	P	P	10 acre minimum except in RSF District
Agricultural Operations with livestock	P	-	-	-	-	-	-	
Animal Foster Care	P	S	S	S	-	-	-	Must meet definition under UDO Section 1610.080K.5
Animal Services -- veterinarian offices,	S	-	-	-	-	-	-	

Use Group	Zoning District							Use Standard
Use Category	RSF	SF-1	SF-2	SF-3	SF-4	SF-5	MFR	
kennels, and boarding facilities								
Greenhouse or Nursery	P							
Silver Culture Operations	P			-	-	-	-	
Horseback Riding Stables	P	S		-	-	-	-	
Wireless Communication Facilities								
Co-located on existing building, structure, or tower	P	P	P	P	P	P	P	See Chapter 7160
Free-standing Tower	S	-	-	-	-	-	-	See Chapter 7160

510.030 Development Types

Different development options are offered in the R districts as a way of promoting a wide variety of housing options and lifestyle choices. The development options described in this section may be used at the property owner's election.

A. Conventional Development

"Conventional development" is a term used to describe lot-by-lot development on lots that have been lawfully established. It is, in effect, any development that occurs outside of an approved open space development, cluster development or master planned development. Lot and building standards for conventional development can be found in Sec. 510.040 (Table 510.040B).

B. Open Space Development

The open space development option allows smaller lots and other flexible lot and building standards in exchange for the provision of common open space that is not typically provided in a conventional development. An open space development shall be reviewed and approved in accordance with Chapter 330 "Conditional Zoning District" and the requirements of DIVISION 1200. Lot and building standards for open space development can be found in Sec. 510.040 (Table 510.040B.) Additional open space development standards are included in the Subdivision Review Chapter.

C. Cluster Development

The cluster development option allows even greater flexibility in exchange for the provisions of a greater amount of common open space than required for open space developments. A cluster development shall be reviewed and approved in accordance with Chapter 330 "Conditional Zoning District" and the requirements of DIVISION 1200. Lot and building standards for cluster development can be found in Sec. 510.040 (Table 510.040B). Additional cluster development standards are included in the Subdivision Review Chapter.

D. Planned Unit Development

The planned unit development (PUD) option is available to accommodate new mixed-use communities, innovative development proposals or unique site conditions that cannot be readily addressed by other available development options. Planned developments shall be

reviewed and approved in accordance with Chapter 330 “Conditional Zoning District”. The flexibility inherent in the planned unit development plan option is intended to be granted only in exchange for development projects that contain amenities, design features and/or environmental design that are not do not typically occur through other development options. Planned unit development regulations are included in General Review Procedures Chapter.

510.040 Lot and Building Standards

A. General

1. This section establishes basic lot and building standards for all development in R districts. The standards that apply vary on the basis of zoning, building type and development type.
2. All residential and nonresidential development in R districts must comply with the lot and building standards of Table B, except as otherwise expressly provided in this ordinance.
3. Rules for measuring compliance with the lot and building standards established in Table 510.040B and applicable exceptions to the standards can be found in General Review Procedures Chapter.

B. Lot Size, Density, Setback and Height Table

Lot and Building Standards	RSF	SF-1	SF-2	SF-3	SF-4	SF-5	MFR
Conventional Development							
Lot Size							
Minimum lot area (sq. ft.)	40,000	20,000	15,000	12,000	10,000	8,000	
Minimum lot area per unit (sq. ft.)	40,000	20,000	15,000	12,000	10,000	8,000	3,350
Minimum lot frontage (feet)	120	100	80	80	60	60	
Maximum lot depth to width ratio	4	NA	NA	NA	NA	NA	NA
Minimum Front Setback (feet)							
Boulevards and Thoroughfares	50	50	40	40	40	30	30
All other streets	40	40	30	30	30	25	25
Minimum rear setback (feet)	40	40	40	40	40	30	30
Minimum side setback	15	15	12	12	10	10	10
Maximum building height	35	35	35	35	35	35	40
Cluster Development						*See Chapter 1210	
Overall site area							
Minimum site area (acres)	10	10	10	10	NA	NA	NA

Chapter 510. Residential Districts
510.040. Lot and Building Standards

Lot and Building Standards	RSF	SF-1	SF-2	SF-3	SF-4	SF-5	MFR
Minimum open space (% of site)*	15%/20%	15%/20%	15%/20%	15%/20%	NA	NA	NA
Minimum site area per unit (sq. ft.)	40,000	20,000	15,000	12,000	NA	NA	NA
Lot Size							
Minimum lot area (square feet)	30,000	15,000	12,000	10,000	NA	NA	
Minimum Lot frontage (feet)	100	80	70	60	NA	NA	
Minimum Front Setback							
Arterials and Boulevards	40	40	30	30	NA	NA	
All other streets	20	20	20	20	NA		
Minimum Rear Setback	20	20	20	20	NA	NA	
Minimum Side* Setback	12	12	12	12	NA	NA	See Section 1210.060
Maximum Building Height	35	35	35	35	NA	NA	
Open Space Development							
Overall site area							
Minimum site area (acres)	25	25	25	25	NA	NA	NA
Minimum open space (% of site)	25%	25%	25%	25%	NA	NA	NA
Minimum site area per unit (sq. ft.) Community Water and Waste Water	20,000	15,000	12,000	10,000	NA	NA	NA
Minimum site area per unit (sq. ft.) Private Water and Waste Water	20,000	15,000	12,000	10,000	NA	NA	NA
Lot Size							
Minimum lot area (square feet)	20,000	15,000	12,000	10,000	NA	NA	NA
Minimum Lot frontage (feet)	100	75	60	60	NA	NA	NA
Minimum Front Setback							
Arterials and Boulevards	40	40	30	30	NA	NA	NA
All other streets	20	20	20	20			NA

Lot and Building Standards	RSF	SF-1	SF-2	SF-3	SF-4	SF-5	MFR
Minimum Rear Setback	20	20	20	20	NA	NA	NA
Minimum Side* Setback	12	12	6	6	NA	NA	See Section 1210.060
Maximum Building Height	35	35	35	35	NA	NA	NA

510.050 Other Applicable Regulations

Uses and development in R districts are subject to other standards including the following:

A. Parking, Loading, and Vehicle/Equipment Storage

1. No person may park or store a vehicle other than an operable passenger car, passenger van, pickup truck, motorcycle, recreational vehicle, or recreational equipment in an unenclosed area on any lot in a residential zoning district, except when necessary for loading and unloading or within the performance of a service to or upon property in the block the vehicle is parked. Recreational vehicles and equipment are subject to the additional requirements of the following paragraph.
2. For the purposes of administering and enforcing the provisions of the preceding two paragraphs, passenger cars, passenger vans, pickup trucks, motorcycles, recreational vehicles, or recreational equipment are defined as vehicle that are: (1) licensed for use on public streets or waterways, (2) designed primarily for the transportation of people as opposed to equipment, freight or other vehicles, and (3) sold primarily to individuals for personal use.
3. No person may park or store a tractor trailer or truck trailer that is longer than 15 feet in any off-street parking area in a residential zoning district, except when necessary for loading and unloading or within the performance of a service to or upon property in the block the vehicle is parked.
4. No person may park or store a hauling trailer in any off-street parking area in a residential zoning district, other than in an enclosed garage, a covered outbuilding, an interior rear yard or interior side yard. A hauling trailer with a length of 15 feet or less may be stored in an interior side yard if it is placed behind the front building line.

510.060 Landscape and Screening

(See Landscaping and Screening, DIVISION 800)

510.070 Signs

(See Sign Regulation DIVISION 900)

510.080 Accessory Uses and Structures (Including Fences)

(See Supplementary Use Regulations, DIVISION 700)

510.090 Flag Lots

The creation of new flag lots may be considered only in compliance with 1110.080 H.

Chapter 520. Business and Commercial Zoning Districts

520.010 District Descriptions

The Business and Commercial zoning districts are intended to accommodate retail, service, and commercial uses and to ensure that business and commercial-zoned areas are conveniently located so as to provide goods and services to Town residents and so that new business and commercial development is compatible with the character of existing neighborhoods.

A. CBD, Central Business District

The CBD, Central Business District is intended to implement the policies of the Town's Comprehensive Plan that calls for a downtown that serves as a central location that serves all the neighborhoods and sub-areas of the Town. Generally, the CBD district is covered by the Downtown Overlay but eventually the CBD may extend beyond the boundaries of the overlay district.

B. NBD, Neighborhood Business District

The NBD, Neighborhood Business District is intended to allow for small scale retail and business service uses in close proximity to residential neighborhoods. The NBD district is intended to allow for "convenience" shopping and services close to home without the need to travel long distances.

C. GBD, General Business District

The GBD, General Business District is intended to provide for businesses that provide goods and services to the entire Town. These districts provide for a wide variety of commercial, financial, business service, and office uses. The service area of businesses in the GBD will be primarily from residents of the Town. The standards that apply in the district are intended to create and maintain an appealing shopping environment for the community.

D. RBD, Regional Business District

The RBD, Regional Business District is intended to establish suitable development standards for the provision of convenience goods, groceries, and services at locations along major transportation routes to the motoring public, both local and transient. The RBD District should always be located with access directly from major or minor thoroughfares, never local residential streets.

E. O-VCD, Village Center Overlay

The Village Center Overlay District designates areas within the Town where mixed-use centers may be established. Village Center Overlay Districts may be established with different mixes of land uses and different densities consistent with the broad guidelines established by the Comprehensive Plan. The location of Village Center Overlay Districts will be consistent with the locations identified in the Comprehensive Plan.

F. O-DD, Downtown Overlay District

The Downtown (DOD) Overlay District is intended to encourage the development of a mixed-use, pedestrian-oriented, downtown business district, with retail, financial, service, office, governmental, cultural and entertainment uses, along with residential options.

520.020 Business and Commercial Zoning Districts

*See Chapter 7220 for existing car wash uses within the Old Monroe Village Center Overlay. New car wash uses in Village Center Overlays are otherwise prohibited.

520.030 Allowed Uses

The use table below identifies permitted, special, prohibited and other uses authorized within the zoning districts identified. The uses identified are subject to compliance with all other applicable standards or requirements of this UDO.

A. Permitted Uses

Uses identified with a “P” are permitted by-right in the subject zoning district, subject to compliance with all other applicable standards of this UDO.

B. Special Uses

Uses identified with an “S” may be allowed if reviewed and approved in accordance with the special use procedures of Chapter 360, subject to compliance with all other applicable standards of this UDO.

C. Planned Developments

Uses identified with a “PD” may be allowed if reviewed and approved in accordance with the planned development procedures of Chapter 340.

D. Prohibited Uses

Uses identified with a “-” are expressly prohibited. Uses that are not listed in the table are also prohibited.

E. Use Standards

The use standards column of the following Use Table identifies use-specific standards that apply to some uses. Compliance with such standards is required regardless of whether the use is “Permitted” or a “Special Use”.

F. Parking Standards

The “parking standards” column of the following Use Table contains a reference to the applicable off-street parking ratio for the listed use. Off-street parking regulations are contained in DIVISION 1000.

G. Use Table and Standards

USE GROUP		Business and Commercial Districts						Use Standard
Use Category		CBD	NBD	GBD	RBD	O-VCD	O-DD	
	Specific Use Type							
	Adult Use	-	-	-	P	-	-	See Chapter 720
Animal Services								
	Shelter/Boarding Kennel	-	-	S	S	-	-	
	Sales and Grooming	P	P	P	P	P	S	
	Veterinary	S	S	S	S	S	S	
Artist Work/Sales Space								
	Art galleries	P	P	P	P	P	P	
	Artist Studio	P	P	P	P	P	P	
Body Art Services								
	Body Piercing	-	-	-	S	-	-	
	Tattooing	-	-	-	S	-	-	At least 500 feet from any school
Building Maintenance Services								

USE GROUP		Business and Commercial Districts						Use Standard
Use Category		CBD	NBD	GBD	RBD	O-VCD	O-DD	
	Specific Use Type							
	Janitorial	-	-	P	P	-	-	
	Landscaping Maintenance	-	-	S	S	-	-	
	Window Cleaning Service	-	-	P	P	-	-	
	Exterminator Services	-	-	-	S	S	-	
Business Equipment Sales and Service								
	Office Equipment and Supply	P	P	P	P	P	P	See Size Limitations of Section <u>520.040</u>
	Small Business Machine Repair	P	P	P	P	P	P	
	Hotel Equipment and Supply	-	-	P	P	-	-	
Business Support Services								
	Blueprint Services	P	P	P	P	P	P	
	Business or Trade Schools	S	S	S	P	S	S	
	Day Labor Employment	-	-	-	P	-	-	
	Employment Agency	P	P	P	P	P	P	
	Secretarial Services	P	P	P	P	P	-	
	Telephone Answering Service	P*	P*	P*	P*	P*	P*	See Size Limits Sec. <u>520.040</u>
Communication Service Establishment								
	Recording Studios	P	P	P	P	P	P	
	Television and Radio Studios	-	-	P	P	-	-	
	Telecom Sales/Service Centers	P	P	P	P	P	P	
Construction Sales and Service								

USE GROUP		Business and Commercial Districts						Use Standard
Use Category		CBD	NBD	GBD	RBD	O-VCD	O-DD	
	Specific Use Type							
	Building Material Sales	-	-	P	P	P*	P*	
	Contractor/Construction Storage Yard	-	-	-	S	-	-	
	Tool Equipment Sales or Rental	-	-	-	S	-	-	
	Building Contracting/Construction Office	P	P	P/S	P/S	P	P/S	SUP for any outdoor operations
	Drive-Through Facility (restaurants, banks, drug stores)	S	S	P	P	P	S	
	Eating and Drinking Establishments							
	Breweries, Distilleries and Wineries	P/S*		P/S*	P/S*	P/S*	P/S*	*See Special Requirements under UDO Section 7210 SUP for outdoor operations per UDO Section 7210
	Restaurants	P	P	P	P	P	P	
	Private Club/Tavern	-	-	S	S	-		
	Entertainment Sports (indoor basketball, hockey, soccer, batting)							
	Small	S	-	P	P	P	S	
	Medium	S	-	S	P	S	S	
	Large	-	-	-	S	-	-	
	Financial Services							
	Banks	P	P	P	P	P	P	
	Consumer Investment Services	P	P	P	P	P	P	
	Consumer Loan Offices	P	P	P	P	P	P	

USE GROUP		Business and Commercial Districts						Use Standard
Use Category		CBD	NBD	GBD	RBD	O-VCD	O-DD	
	Specific Use Type							
	Payday Loan Stores	-	-	S	S	-	-	
	Pawn Shop	-	-	S	S	-	-	
	Savings and Loan Association	P	P	P	P	P	P	
Flea Market		-	-	-	S	-	-	
Food and Beverage Retail Sales								
	Bakery	P	P	P	P	P	P	
	Delicatessen	P	P	P	P	P	P	
	Ice Cream Store	P	P	P	P	P	P	
	Grocery store	P	P	P	P	P	P	
	Liquor Sales (accessory to hotel, motel, country club)				P			
Fortune Telling Service		-	-	-	S	-	-	
Funeral and Internment Service								
	Cemetery, mausoleum, columbarium	P	P	P	P	P	P	
	Cremating	-	-	S	S	-	-	
	Undertaking	S	S	P	P	S	-	
Gas Stations		-	-	P	P	S	-	
Lodging								
	Bed and Breakfast	P	-	P	P	P	P	
	Hotel/Motel	-	-	-	P	-	-	
Medical Services								
	Government-operated health center	-	-	-	P	-	-	
	Health maintenance organizations	-	-	-	P	-	-	

USE GROUP		Business and Commercial Districts						Use Standard
Use Category		CBD	NBD	GBD	RBD	O-VCD	O-DD	
	Specific Use Type							
	Medical/Dental Labs	P	P	P	P	P	P/S*	*If 0-1,500 sq. ft., then permitted by-right; if greater than 1,500 sq. ft., SUP is required.
	Medical/Dental Offices	P	P	P	P	P	P	
Offices								
	Administrative	P	P	P	P	P	P	
	Professional	P	P	P	P	P	P	
	High-technology Offices/Labs			P	P			
	Legal	P	P	P	P	P	P	
Parking, Non-Accessory		S	-	-	-	S	S	
Personal Service								
	Dance Studios	P	P	P	P	P	P	
	Child Care Center	P	P	P	P	P	P	Complies with state licensing rules
	Adult Day Care Center	P	P	P	P	P	P	Complies with state licensing rules
	Driving Schools	-	P	P	P	P	-	
	Hair or Nail Salon/Barbershop	P	P	P	P	P	P	
	Martial Arts Studio	P	P	P	P	P	P	
	Other High-Volume Traffic Generating Uses	P	P	P	P	P	P	
	Other Low-Volume Traffic Generating Uses	P	P	P	P	P	P	
	Religious Assembly	P	P	P	P	P	P	Storefront location only-located within a multi-tenant structure
	Yoga Studio	P	P	P	P	P	P	
Repair Service, Consumer								
	Appliance Repair Shops	-	-	P	P	-	-	
	Locksmiths	P	P	P	P	P	P	

USE GROUP		Business and Commercial Districts						Use Standard
Use Category		CBD	NBD	GBD	RBD	O-VCD	O-DD	
	Specific Use Type							
	Musical Instrument Repair	P	P	P	P	P	P	
	Other High-Volume Traffic Generating Uses	P	P	P	P	P	P	
	Other Low-Volume Traffic Generating Uses	P	P	P	P	P	P	
	Shoe and Apparel Repair	P	P	P	P	P	P	
	Retail Sales , General							
	ABC Stores	P	P	P	P	P	P	Subject to UDO Chapter 7190
	Antique Shops	P/S	P/S	P	P	P/S	P/S	See Chapter 7200
	Appliance Stores	-	-	P	P	P	-	
	Bait Shop, Live	-	-	-	P	-	-	
	Beauty Supply Stores	-	P	P	P	P	-	
	Bicycle Sales, Rental and Repair	P	P	P	P	P	P	
	Book Stores	P	P	P	P	P*	P*	*See Size Limits 520.040B040
	Camera Stores	P	P	P	P	P	P	
	Candy Stores	P	P	P	P	P	P	
	China and Glassware Stores	P	P	P	P	P	P	
	Clothing Rental Shops	P	P	P	P	P	P	
	Coin and Philatelic Shop	P	P	P	P	P	P	
	Computer Sales and Service	P*	P	P	P	P*	P*	*See Size Limits Sec. <u>520.040</u>
	Costume Rental Shops	P	P	P	P	P	P	
	Department Stores	S	-	P	P	P	S	
	Dress Shops	P	P	P	P	P	P	
	Drug Stores	P	P	P	P	P	P	
	<u>Electronic Gaming Operation</u>	=	=	=	<u>S*</u>	=	=	<u>*See Special Requirements Under UDO Chapter 7220</u>

Chapter 520. Business and Commercial Zoning Districts

520.030. Allowed Uses

USE GROUP		Business and Commercial Districts						Use Standard
Use Category		CBD	NBD	GBD	RBD	O-VCD	O-DD	
	Specific Use Type							
	Florist Shops	P	P	P	P	P	P	
	Furniture Stores	S	-	P	P	P	S*	*See Size Limits Sec <u>520.040</u>
	Furrier Shops	-	-	P	P	P	P	
	Garden Supply Store	S	S	P*	P	S	S	*See Size Limits Sec. <u>520.040</u>
	Gift Shops	P	P	P	P	P	P	
	Greenhouse, Retail	-	-	P	P	-	-	
	Hardware Store	S	S	P	P	S	S	
	Hobby Shop	P	P	P	P	S	S	
	Household Appliance Store	-	-	S	P	S	-	
	Jewelry Store	P	P	P	P	P	P	
	Leather/Luggage Stores	S	S	P	P	S*	S*	*See Size Limits Sec. <u>520.040</u>
	Musical Instrument Sales	P	P	P	P	P	P	
	Other High-Volume Traffic Generating Uses	P	P	P	P	P	P	
	Other Low-Volume Traffic Generating Uses	P	P	P	P	P	P	
	Pet Supplies	P*	P*	P	P	P*	P*	*See Size Limits Sec. 520.040B
	Photographic Supply Store	P*	P*	P	P	P*	P*	*See Size Limits Sec. <u>520.040</u>
	School Supply Store	P	P	P	P	P	P	
	Second Hand Thrift/Consignment Sales	P/S	P/S	P	P	P/S	P/S	Pending New Amendment
	Sewing Machine Sales	P	-	P	P	P	P	
	Shoe Stores	P	P	P	P	P*	P*	*See Size Limits Sec. <u>520.040</u>
	Sporting Good Stores (Including firearm retail and gunsmithing)	P	S	P	P	P*	P*	*See Size Limits Sec. <u>520.040</u>
	Stationary Stores	P	P	P	P	P	P	
	Tobacco Shops	P	-	P	P	P	P	

USE GROUP		Business and Commercial Districts						Use Standard
Use Category		CBD	NBD	GBD	RBD	O-VCD	O-DD	
	Specific Use Type							
	Toy Shops	P	P	P	P	P*	P*	*See Size Limits Sec. <u>520.040</u>
	Wearing Apparel Shops	P	P	P	P	P	P	
Sports and Recreation, Participants								
	Amusement Arcades	-	-	-	P	-	-	
	Driving ranges-outdoor	-	-	P	P	-	-	
	Entertainment Cabaret	-	-	-	P	-	-	
	Miniature golf courses	-	-	P	P	-	-	
	Billiard Parlors	-	-	P	P	-	-	
	Bowling Alleys	-	-	P	P	-	-	
	Health Clubs/Fitness Centers	P	P	P	P	P*	P*	See Size Limits Sec. 520.040B
Theatre								
	Theatre, Motion Picture			P/S	P/S	P/S		SUP for Outdoor Use
	Theatrical Playhouse (Excluding Adult Use)	P/S	P/S	P/S	P/S	P/S	P/S	SUP for Outdoor Use
Utilities, Minor		P	P	P	P	P	P	
Utilities, Major			S	S	S			See Note at Bottom of Table See UDO 110.080 for Exemptions
Vehicle Sales and Service								
	Auto Supply and Service	-	-	P	P	-P*	-	*Only permitted in Old Monroe Village Center Overlay District
	Car Wash	-	-	P	P	-	-	
	Heavy Equipment Sales/Rental (Retail)	-	-	-	P/S*	-	-	*See Chapter 7150

USE GROUP		Business and Commercial Districts						Use Standard
Use Category		CBD	NBD	GBD	RBD	O-VCD	O-DD	
	Specific Use Type							
	Heavy Equipment Sales/Rental (Wholesale)	P*	P*	P*	P*	P*	P*	*See Chapter 7150
	Light Equipment Sales/Rental (Retail)	-	-	P/S*	P/S*	-	-	*See Chapter 7150
	Light Equipment Sales/Rental (Wholesale)	P*	P*	P*	P*	P*	P*	*See Chapter 7150
	Motor Vehicle Repair Shop not including body work, parking and commercial vehicle repair*	-	-	S	P	S	-	Commercial Repair limited to gross vehicle weight $\leq$ 26,000 lbs
	Motor Vehicle Repair Shop including body work, parking and commercial vehicle repair	-	-	-	P	-	-	
	RV and Boat Storage	-	-	-	S	-	-	
	Vehicle Storage and Towing	-	-	-	S	-	-	
	Wholesale Distribution				P/S			Permitted by right for office/warehouse facilities built prior to adoption of UDO on December 30, 2008.

1. Any existing, Major Utilities legally established in the CBD and or O-VCD and O-DD districts prior to the date of this ordinance shall be considered permitted uses.

520.040 Lot and Building Standards

All residential and nonresidential development in business districts must comply with the lot and building standards of Table A, except as otherwise expressly provided. Rules for measuring compliance with the lot and building standards established in Table A and applicable exceptions to the standards can be found in the General Review Procedures, Section 410.110.

A. Lot Size, Density, Setback and Height Table

Lot and Building Standards	CBD	NBD	GBD	RBD	O-VCD	O-DD
Lot Size						
Minimum lot area (sq. ft.)	None	6,000	6,000	8,000	NA	NA

520.040. Lot and Building Standards

Minimum lot area per dwelling unit (sq.ft.)	3,350	6,000	6,000	6,000	NA	NA
Minimum lot width (feet)	None	60	60	60	NA	NA
Minimum setback along lot lines						
Building setback from street R-O-W	None	25; maybe reduced to 15 if parking is located behind building	25; maybe reduced to 15 if parking is located behind building	40; maybe reduced to 20 if parking is located behind building	0-10'	0-10'
Building Setback from rear lot line	None	12.5	12.5	20	NA	NA
Building setback from side lot line--not abutting residential	10	10	10	10	0-10'	0-10'
Building setback from side lot line--abutting residential district	15	15	15	15	15	15
Minimum setbacks between buildings	None except when adjacent to residential	None except when adjacent to residential	NA	NA	None except when adjacent to residential	None except when adjacent to residential
Maximum Height	50	40	40	40	40	40

B. Building Height

No structure shall exceed a height of 40 feet, except as provided in this Section or elsewhere in these regulations.

1. Except as provided for in this Section, a building in any non-residential district may be erected to a height in excess of 40 feet, provided the minimum yard setbacks are increased 1 foot for every 2 feet of building height in excess of the 40 feet.
2. A building which abuts a residential use or residential zoning district may not be erected to a height in excess of 40 feet, unless the minimum yard setbacks abutting the residential use or zoning district is increased 1 foot for every foot of building height in excess of 40 feet.
3. Multi-family structures cannot exceed a maximum height of 60 feet in any district.

520.050. Floor Area Limits for Commercial Establishments When Applicable

4. The height limitation established in subsection (1) above shall not apply to public utility poles and lines, skylights, and roof structures for elevators, stairways, tanks, heating, ventilation and air-conditioning equipment, or similar equipment for the operation and maintenance of a building, and any device used to screen such structures and equipment.

520.050 Floor Area Limits for Commercial Establishments When Applicable

A. CBD District

Commercial establishments in the CBD districts may not include more than 15,000 square feet of gross floor area.

B. NBD District

Commercial establishments in the NBD district may not include more than 5,000 square feet of gross floor area.

C. GBD District

Commercial establishments in the GBD district may not include more than 20,000 square feet of gross floor area on any single floor. Food stores (groceries) are not subject to this floor area limit.

D. RBD District

No floor area limit applies to commercial establishments in RBD district.

E. Village Center Overlay

Commercial establishments in the O-VCD districts may not include more than 15,000 square feet of gross floor area

F. Downtown Overlay

Commercial establishments in the O-DD district may not include more than 20,000 square feet of gross floor area on any single floor. Food stores (groceries) are not subject to this floor area limit.

520.060 Other Applicable Regulations

Uses and development in the CBD, NBD, GBD, RBD, Village Center Overlay, and Downtown Overlay districts are subject to other standards including the following:

A. Parking and Loading

(See Parking and Loading, DIVISION 1000)

B. Landscaping and Screening

(See Landscaping Standards, DIVISION 800)

C. Non-Residential Design Standards

(See Integrity and Design Standards, 1220.040C)

D. Signs

(See Sign regulations, DIVISION 900)

E. Accessory Uses and Structures (Including Fences)

(See Supplementary Use Regulations, DIVISION 700)

Chapter 530. Industrial Zoning Districts

The Industrial districts are intended to accommodate industrial park development, manufacturing, warehousing, and wholesaling in locations with good access to highways and arterial roads. The Industrial districts are intended to promote job retention and job creation and such districts are intended to promote expansion of the Town's employment base and access to jobs in close proximity to people's homes.

530.010 District Descriptions

A. LI, Light Industrial District

The LI, Light Industrial district is established to provide regulations for the development of areas generally devoted to light manufacturing, processing and assembly uses, warehousing, distribution and servicing enterprises and office and ancillary service activities controlled by performance standards to limit the effect of such uses on uses within the district and on adjacent districts. Development in this district under the planned development process is encouraged. The LI, Light Industrial district is consistent with the Industrial designation on the Indian Trail Comprehensive Plan.

B. HI, Heavy Industrial District

The HI, Heavy Industrial district is established to produce areas for intensive manufacturing, processing and assembly uses, controlled by performance standards to limit the effect of such uses on adjacent districts. The HI, Heavy Industrial District is consistent with the industrial designation on the Indian Trail Comprehensive Plan.

C. O-VCD, Village Center Overlay

The Village Center Overlay District designates areas within the Town where mixed-use centers may be established. Village Center Overlay Districts may be established with different mixes of land uses and different densities consistent with the broad guidelines established by the Comprehensive Plan. The location of Village Center Overlay Districts will be consistent with the locations identified in the Comprehensive Plan.

530.020 Allowed Uses

The use table below identifies permitted, special, prohibited and other uses authorized within the zoning districts identified. The uses identified are subject to compliance with all other applicable standards or requirements of this UDO.

A. Permitted Uses

Uses identified with a “P” are permitted by-right in the subject zoning district, subject to compliance with all other applicable standards of this UDO.

B. Special Uses

Uses identified with an “S” may be allowed if reviewed and approved in accordance with the special use procedures of Chapter 360, subject to compliance with all other applicable standards of this UDO.

C. Planned Developments

Uses identified with a “PD” may be allowed if reviewed and approved in accordance with the planned development procedures of Chapter 340.

D. Prohibited Uses

Uses identified with a “-” are expressly prohibited. Uses that are not listed in the table are also prohibited.

E. Use Standards

The use standards column of the following Use Table identifies use-specific standards that apply to some uses. Compliance with such standards is required regardless of whether the use is “Permitted” or a “Special Use”.

F. Parking Standards

The “parking standards” column of the following Use Table contains a reference to the applicable off-street parking ratio for the listed use. Off-street parking regulations are contained in DIVISION 1000.

G. Use Table and Standards

Use Group	Zoning Districts			Use Standard
	LI	HI	O-VCD	
Specific Use				
COMMERCIAL				
Adult Use	-	-		
Animal Services				
Shelter/ Boarding Kennel	S	-		
Sales and Grooming	S	-	P	See Chapter 630 for specific villages permitting use
Veterinary	S	-	P	See Chapter 630 for specific villages permitting use
Stables	S	-		
Artist Work and Sales Space	P	P	P	See Chapter 630 for specific villages permitting use
Building Maintenance Services	P	P	S*	*See Chapter 630 for specific villages permitting use; See Chapter 630 for outdoor storage and additional requirements within Village Center Overlays; SUP required unless established through Conditional Zoning
Business Equipment Sales and Service	P	P	P	See Chapter 630 for specific villages permitting use
Commercial Greenhouse or Nursery	P	P	P	
Communication Service Establishments	P	P	P	See Chapter 630 for specific villages permitting use
Construction Sales and Service	P	P	S*	*See Chapter 630 for specific village permitting use; See Chapter 630 for outdoor storage and additional requirements within Village Center Overlays; SUP required unless established through Conditional Zoning
Construction Storage Yard	S	P		
Funeral and Interment Service				
Cemetery or Mausoleum	-	-		
Cremating	S	S	S*	*See Chapter 630 for specific villages permitting use;

Chapter 530. Industrial Zoning Districts

530.020. Allowed Uses

Use Group	Zoning Districts			Use Standard
	LI	HI	O-VCD	
				SUP required unless established through Conditional Zoning
Commercial Laundry Services	P	P		
Offices	P		P	See Chapter 630 for specific villages permitting use
Business or Trade School	P		P	See Chapter 630 for specific villages permitting use
Ancillary Services Within Business Parks				
Health Clubs/Fitness*	P*		P*	*See Chapter 630 for specific villages permitting use; See Size Limits Sec. 530.040*
Child Care Center*	S*		S*	*See Chapter 630 for specific villages permitting use; SUP required unless established through Conditional Zoning; See Size Limits, Parking and Loading, and Locational Requirements Sec. 530.040*
Dry Cleaning, Shoe and Apparel Repair (Consumer)*	P*		P*	*See Chapter 630 for specific villages permitting use; See Size Limits Sec. 530.040*
Bakery*	P*		P*	See Chapter 630 for specific villages permitting use; See Size Limits Sec. 530.040*
Delicatessen*	P*		P*	See Chapter 630 for specific villages permitting use; See Size Limits Sec. 530.040*

Use Group	Zoning Districts			Use Standard
	LI	HI	O-VCD	
Restaurant (not including drive-through facilities)*	P*		P*	*See Chapter 630 for specific villages permitting use; See Size Limits Sec. 530.040*
Mailing, Copying, and Blue Print Services*	P*		P*	*See Chapter 630 for specific villages permitting use; See Size Limits Sec. 530.040*
Employment Agency*	P*		P*	*See Chapter 630 for specific villages permitting use; See Size Limits Sec. 530.040*
Secretarial Services*	P*		P*	See Chapter 630 for specific villages permitting use; See Size Limits Sec. 530.040*
Telephone Answering Service*	P*		P*	*See Chapter 630 for specific villages permitting use; See Size Limits Sec. 530.040*
Residential Storage Warehouse	P	P	P*	*See Chapter 630 for specific villages permitting use; *Indoor, climate controlled storage facility only in Village Center Overlays
Indoor Shooting Range	S	S	S*	Chapter 7170
Sports and Recreation, Participants (Not including firearms shooting ranges)				
Outdoor	S	S	S*	*See Chapter 630 for specific villages permitting use; See Chapter 630 for additional requirements

Use Group	Zoning Districts			Use Standard
	LI	HI	O-VCD	
				within Village Center Overlays; SUP required unless established through Conditional Zoning
Indoor	P	-	P	
Vehicles Sales, Storage and Service				
Heavy Equipment Sales and Rental* (Retail and Wholesale)	P	P	S**	*See Chapter 7150 **See Chapter 630 for specific villages permitting use; See Chapter 630 for outdoor storage and additional requirements within Village Center Overlays; SUP required unless established through Conditional Zoning
Motor Vehicle Repair Shop including commercial vehicles	P	P	S*	*See Chapter 630 for specific villages permitting use; See Chapter 630 for outdoor storage and additional requirements within Village Center Overlays; SUP required unless established through Conditional Zoning
RV or Boat Storage	S	S	S	
Vehicle Storage and Towing	S	S	S	
Industrial				
Manufacturing, Production, and Industrial Services	P	P	P*	*See Chapter 630 for specific villages permitting use; See Chapter 630 for outdoor storage and additional requirements within Village Center Overlays.
Artisan	P	P	P	See Chapter 630 for specific villages permitting use
Limited Industrial	P	P	P*	*See Chapter 630 for specific villages permitting use;

Use Group	Zoning Districts			Use Standard
	LI	HI	O-VCD	
				See Chapter 630 for outdoor storage and additional requirements within Village Center Overlays
General Industrial	P	P	P	
Heavy Industrial	-	P		
Mining/Excavation	S	P		
Warehousing, Wholesaling, and Freight Movement	P	P		
Waste and Salvage Related Uses				
Junk/Salvage yard	-	S		
Recycling facilities, indoors	P	P	P	
Recycling facilities, outdoors	-	S		
Resource Recovery Facilities	-	S		
Waste Transfer Stations	-	S		
Other				
Agricultural Operations	P	P		
Breweries, Distilleries and Wineries	P/S*	P/S*	P/S*	*See Special Requirements under UDO Section 7210 SUP for outdoor operations per UDO Section 7210
Emergency Services	P	P	P	See Chapter 630 for specific villages permitting use
Utilities, Minor	P	P	P	See Chapter 630 for specific villages permitting use
Utilities, Major	S	S	S*	*See Chapter 630 for specific villages permitting use; SUP required unless established through Conditional Zoning
Wireless Communication Facilities				
Co-located	P	P	P	See Chapter 630 for specific villages permitting use; See Chapter 7160
Freestanding Towers	P	P	P	See Chapter 630 for specific villages permitting use; See Chapter 7160

530.030 Lot and Building Standards**A. Basic Standards**

All development in I districts must comply with the lot and building standards of Table B, except as otherwise expressly provided. Rules for measuring compliance with the lot and building standards established in the Rules for Measurements and applicable exceptions to the standards can be found in the General Review Procedures Section 410.110.

B. Lot Size, Setback and Height Table

Lot and Building Standards (Industrial Districts)	LI District	HI District
Lot Size		
Minimum lot area (square feet)	NA	NA
Minimum lot width (feet)	100	100
Building Setbacks		
Building setback from front property line	50	50
Building setback from rear lot line	50	50
Side setback-not abutting residential district	20	20
Side setback abutting residential district	25	25
Maximum permitted building height	100	100

530.040 Other Applicable Regulations

Uses and development in I districts are subject to other standards including the following:

A. Parking and Loading

1. Vehicular access, parking, and circulation areas for day care center establishments within the LI district must be designed to minimize conflicts with the access, parking, and circulation for industrial establishments within the business park.
2. Pedestrian circulation routes for day care center establishments must be provided between parking areas and entrances to buildings so as not to conflict with vehicular truck or other service traffic associated with industrial establishments within the business park.
3. See Parking and Loading, DIVISION 1000 for additional requirements.

B. Landscaping and Screening

(See Landscaping Standards, DIVISION 800)

C. Signs

(See Sign Regulations, DIVISION 900)

D. Floor Area Limits for Ancillary Service Establishments

Ancillary service establishments located within business parks in the LI district may not include more than 20% of the total cumulative gross floor area of all establishments within the park. For example, if a business park has a cumulative total gross floor area of 100,000 sq.ft. (for all establishments), the total permitted gross floor area of ancillary service establishments within the park may not exceed 20,000 sq. ft. Ancillary service establishments are not permitted in standalone structures located outside of a business park.

E. Locational Requirements for Day Care Centers

1. Day care center establishments within the LI district shall not be located in the vicinity of existing, incompatible industrial establishments. Incompatible industrial establishment are those that produce excessive amounts of light, noise, odor, truck or service traffic, and similar use characteristics that will be harmful to day care attendees, parents/guardians, or staff.
2. Day care center establishments within the LI District shall not be located in a building designed for or occupied by multiple tenants.

F. Accessory Uses and Structures

(See Supplementary Use Regulations, DIVISION 700)

Chapter 540. Institutional District

The I, Institutional district is intended to provide a transition zone between residential and business or industrial districts and to accommodate a moderate to high intensity mixture of institutional uses. Within this district, uses such as schools, hospitals, government buildings, churches, and public utility buildings may be allowed. Land designated I, Industrial District shall normally be served with public water and sewer services and has direct access to major or minor thoroughfares.

540.010 Allowed Uses

The use table below identifies permitted, special, prohibited and other uses authorized within the zoning districts identified. The uses identified are subject to compliance with all other applicable standards or requirements of this UDO.

A. Permitted Uses

Uses identified with a “P” are permitted by-right in the subject zoning district, subject to compliance with all other applicable standards of this UDO.

B. Special Uses

Uses identified with an “S” may be allowed if reviewed and approved in accordance with the special use procedures of Chapter 360, subject to compliance with all other applicable standards of this UDO.

C. Planned Developments

Uses identified with a “PD” may be allowed if reviewed and approved in accordance with the planned development procedures of Chapter 340.

D. Prohibited Uses

Uses identified with a “-” are expressly prohibited. Uses that are not listed in the table are also prohibited.

E. Use Standards

The use standards column of the following Use Table identifies use-specific standards that apply to some uses. Compliance with such standards is required regardless of whether the use is “Permitted” or a “Special Use”.

F. Parking Standards

The “parking standards” column of the following Use Table contains a reference to the applicable off-street parking ratio for the listed use. Off-street parking regulations are contained in DIVISION 1000.

G. Use Table and Standards

Use Group	Zoning District	Use Standard
Specific Use Type	I District	
Civic and Public Uses		
Convention Facility	Conditional Zoning District	
Government Office	P	
Hospital	Conditional Zoning District	
Laboratory	P	
Library	P	
Museums	P	
Non-profit Agency/Office	P	
Public Parks and Open Spaces	P	
Public Utility, Major	Conditional Zoning District	
Public Utility, Minor	P	
Recreation facilities -- private golf courses and country clubs	S	
Community Service Uses	P	
Child Care Center	P	Complies with state licensing rules
Adult Day Care Center	P	Complies with state licensing rules
Cemetery or Mausoleum	P	
College or University	Conditional Zoning District	
Community Service Center	P	
Convalescent and Nursing Home	P	
Religious Assembly	P	
Schools, Public* or Private	P	See 540.010
Social Service Agencies	P	

H. Intensity, Dimensional and Design Standards

All development shall be subject to the Intensity, Dimensional and Design Standards of this Section.

Lot and Building Standards (Institutional Districts)	I District
Lot Size	
Minimum lot area (square feet)	NA
Minimum lot width (feet)	100
Building Setbacks	
Building setback from front property line	50
Building setback from rear lot line	50

Lot and Building Standards (Institutional Districts)	I District
Side setback-not abutting residential district	20
Side setback abutting residential district	25
Maximum permitted building height	100

I. Building Size

Buildings with total floor area of more than 25,000 square feet shall require special use permit unless planned development approval is required.

J. Building Design Standards

New buildings must comply with the Integrity and Design Standards, 1220.040C.

K. Signs

All signs shall comply with the standards the Sign Regulations, DIVISION 900.

L. Lighting

Outdoor lighting shall comply with the requirements of lighting standards see Chapter 1310.

M. Parking and Loading Areas

Off-street parking and loading area shall be subject to all parking/loading area design, construction and landscaping standards of DIVISION 1000.

N. Community Open Space

Each development within the I, Institutional district shall contribute to the establishment or enhancement of community open spaces providing at least 10% on-site open space.

O. Design Standards for Union County Public Schools**1. Findings**

Union County Public Schools (UCPS) is currently subject to 13 different sets of local land use regulations (12 different municipalities and Union County). Regulations vary from jurisdiction to jurisdiction, making it difficult to build new schools, renovate existing schools or locate mobile units in a consistent, timely and cost effective manner. As a part of the Union County Board of Education's adopted "Building Program Cost Saving Principles", UCPS is endeavoring to establish a standard zoning classification and standardized requirements for school construction regardless of the schools locale in Union County. Such standardization will result in 1) equitable school facilities throughout the county; 2) more efficient permitting of school facilities and 3) cost savings for the benefit of the taxpayers of Union County.

2. Cooperative Planning

Staffs from UCPS, Union County and all local municipalities have met and have agreed to make recommendations to their elected boards as follows:

- a. UCPS staff will involve local municipal staff early in the site selection process. The local municipal staff will make recommendations regarding target sites or areas within their respective jurisdictions that are suitable for school uses. Pursuant to state statute, final decisions regarding the selection of school sites are made by the Union County Board of Education.
- b. Allow all new schools, additions, or renovation uses by right with supplemental standards. This will eliminate the costly and time-consuming discretionary (CUP/SUP) zoning process and site-by-site negotiations. All local government entities benefit by having expectations regarding school design and construction identified in advance.

- c. Jurisdictions may consider an optional CUP/SUP review process if unique conditions exist as determined by the zoning/planning administrator. The administrator shall consider if the proposed project poses a negative impact on the public health and safety.

3. Supplemental standards

All applications are subject to the following supplemental standards:

a. Exterior of buildings

- (1) Exterior building materials shall be limited to masonry brick (brick or pre-finished block), natural or synthetic stucco, pre-finished insulated or non-insulated metal panel system, pre-finished metal fascia and wall coping, standing seam metal roof (for sloped roof only), painted hollow metal and/or pre-finished aluminum door and window frames, glass, painted or pre-finished steel.
- (2) UCPS staff will work with municipality staff to follow any requirements of municipality “special overlay districts” as it relates to the exterior design of the facility.
- (3) Exterior of buildings will be articulated to enhance the area of the site.

b. Mobile classrooms (MCR)

- (1) MCR’s shall be located in rear yard if possible. If rear yard cannot accommodate the MCR’s then they can be placed in the side yard. MCR’s can be placed in the front yard only if the MCR’s cannot be accommodated in the rear or side yards.
- (2) MCR underpinning and crawl spaces shall be screened.
- (3) Landscaping/planting shall be provided between the MCR and any adjacent roads from which the MCR’s are visible.

c. Sidewalks

- (1) Sidewalks will be required consistent with Town adopted regulations. The Indian Trail UDO provides for publicly owned, tax supported facilities to apply for an exemption of this provision of the Zoning Ordinance. If such exemption is granted by the Town Council then UCPS shall comply with 4.3.2 – 4.3.4 of this section.
- (2) UCPS will dedicate appropriate easement or road right of way needed for sidewalks if requested by municipality.
- (3) UCPS will grade areas for sidewalks if requested by municipality.
- (4) UCPS will cooperate with municipality to apply for grants for sidewalks.

d. Exterior Illumination

- (1) Driveway and parking area lighting shall be no more than 10 foot candles. Spill over to adjacent properties shall not exceed 1 foot candle for non-residential use/and or zoning and 0.50 foot-candle for residential use and/or zoning. Lighting fixtures shall be shielding type.
- (2) Lighting fixtures located on the building exterior shall not emit more than 5 foot candles and shall be shielding type.
- (3) Lighting for athletic fields shall follow the current standards as set forth by the North Carolina High School Athletic Association Lighting Standard. A lighting control package shall be included and lights shall be shut-off no later than one hour after the end of the event.

e. Signs:

- (1) Materials for sign base and structure shall match the primary building materials.
- (2) Sign face shall not exceed 40 square feet and does not include the sign support structure. The bottom of the sign face shall be no less than 24" above nor more than 72" above the ground surface. The sign support structure can include columns and walls on either side of and below the sign face and shall not be more than 16" taller than the sign face.
 - (a) Changeable Copy Signs may be incorporated within said freestanding sign. The changeable copy portion may be a manually or electronically changed reader board. Electronically Changed Boards shall be of a LED Static Message Board type and comply with all related requirements of the UDO.
- (3) One sign shall be permitted per school. Alternatively, if multiple schools use the same driveway access, then the allowable square footage may be increased by 10 square feet for each additional school.
- (4) One wall sign per school shall be permitted and only for the name of the school and shall be reviewed by the administrator.
- (5) External illumination is allowed.

f. Parking:

- (1) At elementary and middle schools provide 1 space per staff member plus 1.6 spaces per classroom or 1 space for each 3 seats used for assembly purposes whichever is greater.
- (2) At high schools provide 5 spaces per instructional classroom or 1 space for each 3 seats used for assembly purposes whichever is greater.
- (3) No more than 20% of the required spaces can be compact spaces.
- (4) Minimum size of spaces shall be 9' wide by 19' long for regular, 7.5' wide by 15' long for compact, and accessible spaces shall meet current accessibility codes.

g. Student Drop Off Stacking:

- (1) On-site vehicle stacking for student drop-off shall be based on NCDOT requirements using the NCDOT required calculator.

h. Landscaping and Screening/buffering:

- (1) Trees and shrubs shall be as indicated within the municipality species list.
- (2) Parking Area: 1 large or 2 small trees shall be provided for each 12 parking spaces. Each parking space shall be located within 65' of a tree. Rows of parking spaces shall be terminated with a landscaped island and shall be the same size as a parking space.
- (3) Parking areas shall be screened from adjacent public roads with shrubs based on the municipality's species list.
- (4) Storm Detention Basins shall be screened with fencing and/or shrubs as determined by the administrator and shall be dependant upon the size, location, and use of the basin.
- (5) Land berms will not be permitted between school facilities and roads.
- (6) Land berms can be used in conjunction with required screening/buffering to adjacent uses as determined by the local regulations.
- (7) Screening/buffering from adjacent uses will be opaque and shall consist of:
 - (a) Small trees planted at a rate of 3 per 100' and 6' high evergreen shrubs planted at a rate of 25 per 100', or
 - (b) Large trees planted at a rate of 2.5 per 100' and a 6' high solid wood fence, or
 - (c) Tall evergreen trees with branches touching the ground planted in a stagger.
- (8) If the adjoining property is of similar or compatible use the Administrator may reduce or eliminate the screening/buffer.
- (9) Screening/buffering requirements may be waived when screening/buffering is already provided. There may be cases where the unusual topography or elevation of a site or the size of the parcel involved, or the presence of screening on adjacent property would make the strict adherence to the regulation serve no useful purpose. In those cases, the Administrator is empowered to waive the requirements for screening so long as the spirit and intent of this section and the general provisions of this section pertaining to screening are adhered to. This section does not negate the necessity for establishing screening for uses adjacent to vacant property.
- (10) UCPS will endeavor to adhere to all Tree Preservation ordinances of the municipalities and shall preserve natural buffers between the school facility and adjacent properties as much as practical.

(11) UCPS will endeavor to retain as much existing trees and vegetation on school sites as practical and will re-introduce common local species into the project as possible.

(12) The provisions of this section shall not be interpreted to be all encompassing. In the event any provisions do not clearly address or are silent on any requirements of the Town of Indian Trail, the requirements of the Town requirements shall control.

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Chapter 610. Manufactured Home Park Overlay Zone (O-MHP)

610.010 District Established

The Manufactured Home Park Overlay Zone hereby established is provided for the designation of areas within selected residential zones within which Class A Manufactured Homes may be located. When the regulations and standards of this Section are met, the suffix O-MHP is attached to a base residential zone on the Town's Official Zoning Map. Without an O-MHP designation, a Manufactured Home cannot be placed in any residential zone except where more specifically authorized. Such O-MHP designated districts may not consist of an individual lot or scattered lots, but shall consist of a defined area of not less than two acres, and must conform to the requirements for conventional residential subdivisions as set forth in DIVISION 1100, as well as those contained herein.

610.020 Purpose and Intent

This Section is established to provide alternative, affordable housing opportunities for Town of Indian Trail and its planning jurisdiction by permitting the use of Manufactured Homes in selected single-family residential zoning districts, subject to the requirements set forth herein.

610.030 Rezoning Procedures

The Town shall process Manufactured Home Park Overlay district rezoning requests in the same manner as set forth by Chapter 320 for all other rezoning requests.

610.040 General Provisions and Regulations

- A.** Manufactured homes shall be used for residential purposes only.
- B.** All manufactured homes shall be served with a public water supply and sanitary sewer.
- C.** Maximum density shall be 6 units per acre with a minimum of 5,000 square feet of ground area per unit; units shall be at least 20 feet apart.
- D.** Each unit shall have a garage, or an accessory storage building, and an enclosed trash receptacle screened from view from the internal driveways and public streets.
- E.** Driveways and parking pads shall be hard-surfaced.
- F.** Each home must be placed on a permanent stand in accordance with standards set by the North Carolina Department of Insurance.
- G.** Each home must have a patio or deck of at least 180 square feet that is installed on a permanent platform or concrete base.
- H.** Each manufactured home park or subdivision shall include outdoor recreation areas with playground equipment equal to 10 percent of the gross acreage of the development; a community building is required for a mobile home park of 100 or more units.
- I.** Each mobile home park or subdivision may have one low-profile identification sign 64 square feet in size.
- J.** Minimum parcel size is 5 acres.
- K.** Private roads shall be improved to be consistent with the Town of Indian Trail engineering design standards or the North Carolina Department of Transportation standards for streets.

- L. Installation of a 20 foot landscaping buffer on all boundaries of a mobile home park.
- M. A subdivision plat shall be recorded to establish lots, utility easements, and public or private streets.

610.050 Additional Requirements

Structures within a district suffixed as a Manufactured Home Park District Overlay (O-MHP), must conform to the applicable parking, landscaping, tree planting and other requirements of this Unified Development Ordinance.

Chapter 620. Goose Creek Overlay District

620.010 District Established

The Goose Creek Overlay district regulations contained herein are intended to limit the exposure of Goose Creek to the cumulative and secondary impacts of development. These impacts include increased storm water runoff from built upon areas, altered hydrographic conditions, nutrient loading and pesticide contamination from point and non point sources.

620.020 Effect of O-GC District Designation

The O-GC district is applied in combination with (“overlying”) existing base zoning districts and has the effect of modifying the requirements, regulations and procedures applying in the applicable base-zoning district to the extent expressly indicated in this section.

A. Applicability

This Chapter applies to all new development within the boundaries Goose Creek corridor as defined. No development may occur on a property that falls in part or whole within this creek corridor except in accordance with this article.

B. Exemptions

This Chapter does not apply to land or to development which:

1. Is part of an approved final plat, preliminary plat, or approved site plan where such approval was granted before December 31, 2008.
2. Is covered by an unexpired zoning compliance permit issued before December 31, 2008 in accordance with the Town of Indian Trail zoning ordinance in effect prior to the effective date of this UDO.
3. State, county or Town sponsored projects designed for the purpose of stream restoration, flood protection, or environmental monitoring.

C. O-GC District Boundaries

The boundaries of the O-GC District extend 200 feet from the water’s edge on both sides of Goose Creek. The water’s edge will be defined by the high water mark along the banks of the Creek or will be based on maps of the Creek’s floodway as defined in floodplain maps maintained by Union County.

D. Water Quality Management Plan Required

1. A buffer plan approved by the Town Council is required for all projects where development or redevelopment is to occur on property that includes or is within 100 feet of the Creek’s stream bed except for projects and land uses specifically exempted by Section 620.020B.

2. Buffer plans must be submitted at the time of preliminary plat or site plan review.

E. Buffer Areas Required

1. Those portions of Goose Creek mapped as perennial streams shall have a 200-foot undisturbed buffer and areas of intermittent streams shall have a 100-foot undisturbed buffer adjacent to surface waters in the Goose Creek Watershed. Buffer widths shall be measured horizontally on a line perpendicular to the surface water, landward from the top of the bank on each side of the stream. For the purposes of this ordinance a stream shall be present if the feature is approximately shown on either the most recent version of the soil survey map prepared by the Natural Resources Conservation Service of the United States Department of Agriculture (USDA) or the most recent version of the 1:24,000 scale (7.5 minute) quadrangle topographic maps prepared by the United States Geologic Survey (USGS). Buffers adjacent to surface waters that do not appear on either of the aforementioned maps shall not be subject to this ordinance.
2. Buffer widths may be averaged across the affected property. In no case shall less than a 50 foot wide buffer be maintained.
3. Required buffers shall be reflected on all subdivision plats created following the adoption of this Section.
4. Boundary markers must be installed prior to issuance of final development permits. Construction fencing must be placed at the outer edge of the buffer to delineate the stream protection zone and such fencing shall be maintained throughout the project construction.

F. Flood Plain Protection

No fill operations, dredging or other disturbance shall be allowed within flood plains, as defined on the most recent Federal Emergency Management Agency Flood Insurance Rate Map (FIRM), except for artificial stream bank or shoreline stabilization, water dependent structures and public or private projects such as roads, utilities or greenways where no practical alternatives exist. Permitted activities within designated flood plain areas shall be designed to minimize impacts on the flood plain to the greatest extent practicable by minimizing impervious coverage, maximizing preservation of existing vegetation, minimizing placement of fill materials, directing runoff away from surface waters and maximizing the utilization of storm water best management practices.

G. Buffer Management and Maintenance

The required Creek buffer, including wetlands and floodplains within the buffer, must be managed and maintained. Management includes specific limitations on the alteration of the natural condition of these environmentally sensitive areas. The following practices and activities are prohibited within the buffer, except with the approval of the Town Council:

1. Clearing of existing vegetation.
2. Soil disturbance by grading, stripping, and other practices.
3. Filling or dumping.
4. Drainage by ditching, underdrains or other systems.
5. Use, storage, or application of pesticides.

6. Housing, grazing, or other maintenance of livestock.
7. Outdoor storage or salvage of motorized or non-motorized vehicles.
8. The construction of roads, bridges, and utilities. The Town Council will approve such improvements provided that the proposed right-of-way is the minimum necessary for traffic flow and safety.

H. Appeals

Appeals from the buffer area requirements of this Section may be granted when an on-site determination shows that the creek is not present. When a landowner believes that the USDA or USGS stream buffer delineation maps described in this Section inaccurately depict the creek, he or she shall request a determination from the Storm Water Administrator. Such determinations shall be made by the Storm Water Administrator based on an on-site evaluation using the U.S. Army Corps of Engineers and N.C. Division of Water Quality methodology for stream delineation. Such determinations can also be made at the discretion of the Storm Water Administrator in the absence of a request from a landowner or other concerned party. The buffer requirements of this ordinance shall apply based on determinations made by the Storm Water Administrator. Surface waters that appear on the maps shall not be subject to this ordinance if an on-site determination by the Storm Water Administrator shows that they fall into one of the following categories:

1. Ditches and manmade conveyances other than modified natural creeks or streams.
2. Manmade ponds and lakes that are not intersected by a buffered creek segment and that are located outside natural drainage ways.
3. An ephemeral (storm water) portion of the creek.

Chapter 630. Village Center Overlay Zone (O-VC)

630.010 District Established

The Village Center Overlay Zone is hereby established to provide for the designation of areas within the Town where mixed-use centers may be established. Village Center Overlay Districts may be established with different mixes of land uses and different densities consistent with the broad guidelines established by the Comprehensive Plan. The location of Village Center Overlay Districts will be consistent with the locations identified in the Comprehensive Plan.

A. Applicability

This Chapter applies to all new development within the boundaries Village Center Overlay Zone as defined within the Indian Trail Comprehensive Plan. No development may occur on a property that falls in part or whole within this overlay zone unless in accordance with this article.

B. Exemptions

This Chapter does not apply to land or to development which:

1. Is part of an approved final plat, preliminary plat, or approved site plan for a commercial center where such approval was granted before December 31, 2008; or

2. Is covered by an unexpired zoning certification permit issued before December 31, 2008 in accordance with the Town of Indian Trail zoning ordinance in effect prior to the effective date of this UDO or
3. An existing use in an Industrial zoning district within the Village Center Overlay that has been in continuous operation on or before June 30, 2016. Said uses shall also be exempt from Chapter 630.050 . Any future additions or expansions, however, shall be subject to the requirements of Chapter 630 in place at the time of the addition or expansion.

630.020 Purpose and Intent

This Chapter is intended to implement the Town of Indian Trail Comprehensive Plan that calls for the establishment of village centers at strategically located intersections within the Town. The purpose of this Chapter is to create a classification consistent with the Town's comprehensive plan. It is also the purpose of this Chapter to establish a classification that allows for mixed residential, commercial and industrial development that meets a higher standard of design and site planning.

630.030 Rezoning Procedures

The Town shall process Village Center Overlay Zone district requests in the same manner as set forth by Chapter 320 for all other rezoning requests.

630.040 Development Standards

The following standards apply to buildings located on lots fronting public or private collector roads, boulevards, or thoroughfares.

- A. Parking lots must be located at the side or rear of buildings. No parking lots may be located at the front of commercial or residential buildings. For uses located within Industrial zoning districts, parking lots may be located at the front of the building provided it meets landscaping requirements of Section 810.180.
- B. Where parking lots are located at the side of buildings, including those located within Industrial zoning districts, such parking areas must meet the perimeter landscaping requirements of Section 810.180
- C. For uses located within a commercial, institutional, or residential zoning district, at least 60% of a building's front façade that faces a street or sidewalk must be transparent (windows and doors) between an elevation of 4 feet and 10 feet above grade.
- D. Dry-it (EIFS) is not permitted as the primary building material and metal buildings are also prohibited. Buildings will meet the design standards of 1320.020.

630.050 Additional Requirements

- A. Village Centers will incorporate pedestrian improvements that connect all building and uses consistent with the requirements of Section 810.200.
- B. Light Industrial (LI) uses shall only be permitted in the following village center overlays: Old Hickory, Old Monroe and the secondary Sun Valley Village Center Overlay.
- C. Separation requirements: Uses in LI within village center overlays involving manufacturing, production, wholesaling and freight movement shall be located a minimum of 250 feet from any residential or institutional district or from property used for residential, religious institution or school purpose. Uses may locate closer than 250 feet from a residential or

640.010. District Established

institutional district or from property used for residential, religious or institutional or school purposes when approved through a conditional rezoning per Chapter 330.

- D.** Outdoor Storage uses in LI within village center overlays shall be subject to Chapter 7180 in addition to the following requirements:
- 1.** Outdoor Storage areas located on any side yard shall be fully screened from any right-of-way by a solid wall or opaque fence. Chain link, split rail wood and slat fences shall not qualify as opaque screening fences.
 - 2.** Screening from Residential Uses: In addition to the Landscaping Requirements of Chapter 810, uses shall be fully screened from adjacent residentially zoned property or property used for residential purposes by a solid wall, opaque screening fence or berm. Fences, walls and/or berms shall be a minimum of 6 feet in height. Chain link, split rail wood and slat fences shall not qualify as opaque screening fences.
- E.** Odors and Other Nuisances: Uses in LI within village center overlays shall not produce odors, gas, dust or any other pollutants detrimental to the health, safety or general welfare of persons living or working in the surrounding properties.
- F.** Noise: Uses in LI within village center overlays shall not create any unreasonably loud, disturbing or unnecessary noise that is detrimental to the health, safety, or general welfare of persons living or working in the surrounding properties. Any mechanical equipment which produces excessive noise, including but not limited to compressors, pumps, generators, vacuums, and similar equipment shall be located inside the building or within an enclosed structure equipped with noise dampening materials.
- G.** Site Access: Vehicular access to uses located in the LI District within a village center overlay shall not be permitted using a street or drive primarily intended to serve a residential community.

Chapter 640. Downtown Master Plan Overlay District

640.010 District Established

The Downtown (DOD) Overlay District is hereby established to encourage the development of a mixed-use, pedestrian-oriented downtown business district, with retail, financial, service, office, governmental, cultural and entertainment uses, along with residential options. Within this district, the applicant may use property in accordance with the Table of Permissible Uses for the Downtown Master Plan Overlay District.

640.020 Purpose and Intent

This Section is intended to implement the Town of Indian Trail's Downtown Master Plan that calls for development of a downtown mixed-use center.

640.030 Development Standards

- A.** Minimum Standards and criteria are set forth herein and within the adopted Downtown Master Plan, land development standards, and comprehensive plan.
- B.** All projects within the Downtown Master Plan Overlay District shall provide open space as follows:
- C.** Downtown Overlay District Open Space Requirements:

650.010. Location of Boundaries of Floodplain and Floodway Districts

Type of Development	Density	Minimum Open Space/ Gross Lot Area
Residential Developments	Single-Family	25%
Residential Developments	Multiple-Family	35%
Commercial/Office		15%
Mixed Use		15%

Open Space is defined as Parks, Greenways, Playgrounds, Attached and Detached Squares, Plazas, Forecourts, and Green Roofs.

Chapter 650. Flood Plain and Floodway Overlay District

650.010 Location of Boundaries of Floodplain and Floodway Districts

As used in this Section, the terms floodplain and floodway refer in the first instance to certain areas whose boundaries are determined and can be located on the ground by reference to the specific fluvial characteristics set forth in the definitions of these terms. These terms also refer to overlay zoning districts floodplains shown on the maps referenced in Section 140.010, which boundaries are intended to correspond to the actual, physical location of floodways and floodplains. Therefore, the administrator and Town engineer are authorized to make necessary interpretations as to the exact location of the boundaries of floodways or floodplains if there appears to be a conflict between a mapped boundary and actual field conditions. Such interpretations, like other decisions of the administrator, may be appealed to the board of adjustment in accordance with the applicable provisions of this ordinance.

650.020 Construction within Floodways and Floodplains Restricted

See the rules and regulations of Chapter 1140.

650.030 Setbacks from Streams outside Designated Floodplains

In any area that is located outside a designated floodplain but where a stream is located, no building or fill may be located within a distance of the stream bank equal to twenty feet on each side.

Chapter 660. Planned Unit Development District Standards

Planned unit developments are permissible only on tracts of at least five contiguous acres and shall require Town Council approval of a Conditional Zoning District. The general review procedures and criteria in Chapter 330 shall apply.

660.010 Required Development Mix

All PD development shall adhere to the following maximum percentages of listed land uses:

Land Use	Maximum Percentage
Detached Single-Family Residential	No limit.
Attached Single-Family Residential	40
Two Unit Residential and Multifamily	40
Public, Civic, and Institutional	15
Commercial, Office, and Retail	15

660.020 Planned Unit Development Master Plan

The proposed Planned Unit Development Master Plan shall indicate the particular portions of the lot that the developer intends to develop for each of the elements described above. See Chapter 330 for the information and analysis required as part of the submittal for PD approvals. In addition the PD Master Plan must also illustrate:

- A. neighborhood character and identity; and
- B. a mixture of land uses, including commercial and residential.

660.030 Nonresidential Development Restrictions

The nonresidential portions of any Planned Unit Development may not be occupied until all of the residential portions of the development are completed or where the phase is completed within a phased development project. The intent of this provision is to ensure that the Planned Unit Development procedure is not used, intentionally or unintentionally, to create nonresidential uses in areas generally zoned for residential uses except as part of an integrated and well-planned, primarily residential, development.

660.040 Perimeter Setback Required

A minimum 25-foot setback along the entire development perimeter is required, except where single-family residential lots on lots of the standard required square footage of the district in which they are located about a similar single-family development. The setback from any street bordering the PD tract is 35 feet unless a greater setback is required by this UDO.

660.050 Building Separation

A minimum separation between single-family and multifamily buildings of 60 feet is required. Building to building relationships are otherwise specified the setback and yard requirements of this UDO.

660.060 Screening and Buffering

No required buffer shall be intruded on by any building, parking area or access drive. Reservation of significant natural features shall be documented in the required permit application materials, along with landscaping appropriate to the site, uses and building locations.

660.070 Common Recreation and Open Space

A minimum of 25 percent of the gross land area in the PD Master Plan shall be reserved for common recreation area and/or usable open space.

660.080 Deviations

Any requested deviation from the standards otherwise applicable in this UDO shall be set forth in the documentation approved as part of the Conditional Zoning request.

Chapter 670. Traditional Neighborhood Development (TND) Standards

Traditional neighborhood development is an option provided to encourage a compact housing within a comprehensively planned development that incorporates the principles of new urbanism. Traditional neighborhood developments are permissible only on tracts of at least 40 contiguous acres. Request to develop a TND will be processed as a Conditional Zoning District in accordance with Chapter 330 of this UDO. The following general standards and criteria shall also be met:

A. TND Master Plan

In addition to the requirements in Chapter 330, the TND Master Plan shall illustrate:

1. a town center which is memorable with a square, green and/or transit stop, with retail and office uses connected to the mix of residential uses in a practical way;
2. conformance with a general development pattern employing a grid pattern for a majority of development, with back alleys and garages and parking at the rear of buildings;
3. identifiable neighborhoods that have a variety of dwelling types;
4. shops and offices located at the edge of the neighborhoods;

5. interconnection of the town center and neighborhoods with pedestrian ways and streetscapes;
6. common areas and meeting places within the general design of development, including churches and schools;
7. relatively narrow streets, with trees and sidewalks on both sides;
8. a network of open space serving the entire development and providing internal connections within the project;
9. prominent sites reserved for civic and other important community buildings; and
10. resulting land use patterns that promote and expand opportunities for pedestrian activity, public transportation and an efficient compact network of streets.

B. Perimeter Setback Required

A 25-foot setback along the entire development perimeter is required, except where single-family homes on 12,000 square foot lots abut similar development. Any required screening and buffering, as provided for in DIVISION 800, Landscaping Standards, shall be within this perimeter setback. Parking and access drives may encroach within the perimeter setback but not by more than 10 feet and then only within the ten feet farthest from the development perimeter.

C. Screening and Buffering

The screening requirements that would normally apply where a multifamily development adjoins a single-family development shall not apply within the traditional neighborhood development, but all screening requirements shall apply between the development and adjacent lots. Preservation of significant natural features shall be documented in the required permit application materials, along with landscaping appropriate to the site, uses and building locations.

D. Public Facilities

1. The TND Master Plan shall establish public squares and meeting places that connect uses.
2. The development may deviate from the Town's road width standards, so the development achieves installation consistent with neo-traditional or new urban design principles as deemed appropriate by the Town Council.

E. Common Recreation and Open Space

A minimum of 35 percent of the gross land area in the TND Master Plan shall be reserved for common recreation and usable open space.

F. Minimum Building Separation

Minimum building separation is specified and approved as part of the project development plan.

G. Traditional Neighborhood Development Guidelines

1. A central community gathering place, surrounded by civic and nonresidential or mixed uses should be developed as focal point of the development.

2. Residential densities in a traditional neighborhood development should range from five to eight single family units per net acre, and from 15 to 25 multifamily units per net acre.
3. Single-family homes with accessory dwelling units, as defined in DIVISION 1600, may make up to ten percent of the housing stock of the development.
4. Blocks within the development should range from 200 to 400 feet deep, and 400 to 800 feet long.
5. A hierarchy of streets should be developed that includes collectors with two 12-foot travel lanes, subcollectors with two 10-foot travel lanes, local streets with two 10-foot lanes, and alleys with one 12-foot lane.
6. Shared parking is encouraged, and a base ratio of one space per 500 square feet of mixed use development should be applied.
7. Architectural standards should be incorporated that are responsive to the community's context. The standards should include site design issues such as building orientation and location on the site, location of parking areas, and mixing of uses.

H. Deviations

Any requested deviation from the standards otherwise applicable in this UDO shall be set forth in the documentation approved by the Town Council as part of the Conditional Zoning Request.

Chapter 680. Mixed Use Development (MXD) Development

Mixed use developments are permissible only on tracts of at least 10 contiguous acres for residential and 25 acres for non-residential mixed use development. These developments shall be processed as a Conditional Zoning District pursuant to Chapter 330 and subject to the following standards:

A. Required Development Mix

A minimum of three of the use categories listed below shall be included in any MXD District:

1. Flex Space;
2. Office/Institutional;
3. Research, technology, and industrial;
4. Commercial;
5. Cultural; and
6. Residential (Maximum of 50 percent of MXD, and then, at no more density than permitted in Section 510.040B for MFR. No detached single-family residential is permitted).

B. MXD Master Plan

The proposed Mixed Use Development Master Plan shall indicate the particular portions of the lot that the developer intends to develop for each of the elements described above. See

Section 330.020 for the information and analysis required as part of the submittal for MXD approvals.

C. Perimeter Setback Required

A minimum 50-foot setback along the entire development perimeter is required unless located within the Downtown or Village Center Overlay Districts. The setback from any street bordering the MXD tract shall be 35 feet unless a greater setback is required by this UDO.

D. Building Setback and Separation

Building setbacks and building to building relationships are otherwise specified in Section 520.040.

E. Screening and Buffering

No required buffer shall be intruded on by any building, parking area or access drive. Screening and buffering between uses within the MXD shall be in conformance with DIVISION 800, Landscaping Standards. Reservation of significant natural features shall be documented in the required permit application materials, along with landscaping appropriate to the site, uses and building locations.

F. Public Facilities

Where residential uses are proposed, the MXD Master Plan shall establish public squares and meeting places that connect uses.

G. Common Recreation and Open Space

A minimum of 5 percent of the gross land area in the MXD Master Plan shall be reserved for common recreation and usable open space unless otherwise stated herein this UDO.

H. Mixed Use Guidelines

1. The mixed use development should contain some buildings that are vertically mixed in use.
2. Retail uses should be placed at street level, while office and residential uses should be placed in the rear or on the upper stories.
3. Any limitation on residential density should be a function of parking demands, vehicular traffic generation, adequate utility service, building height, and lot coverage.
4. Streets should interconnect within the development and with adjoining development. Streets should be planned with due regard to the designated corridors shown on the Thoroughfare Plan.
5. Mid-block and rear alleys should be utilized for access to parking, service and loading areas to minimize the number of driveways along the main pedestrian spaces.
6. To facilitate transit usage and circulation, mixed use development should provide transit stops at key nodes with easy access to the surrounding thoroughfares along routes through the development planned to accommodate the technical requirements of bus operations.
7. Locate buildings close to the street, with parking behind and/or beside buildings. If the building is located at a street intersection, place the main building, or part of the building, at the corner. Parking, loading or service may not be located at an intersection.

8. Pedestrian circulation should be an integral part of the initial site layout. Organize the site so that the buildings frame and reinforce pedestrian circulation, and so that the pedestrians walk along building fronts rather than along or across parking lots and driveways.

I. Deviations

Any requested deviation from the standards otherwise applicable in this UDO shall be set forth in the documentation approved by the Town Council as part of the Conditional Zoning request.

Chapter 690. Pre-existing Development Overlay District

690.010 District Established

The Pre-existing Development overlay zoning districts have been created to apply to Planned Residential Developments (PRDs), Planned Unit Developments (PUDs), Planned Neighborhood Developments (PNDs), or Conditional Use Districts (CUDs) that were authorized prior to the adoption of this UDO.

Previous Zoning Designation	UDO Designation
R-20 -Planned Unit Development	PED Overlay1
R-20 - Planned Residential Development	PED Overlay2
R-20 – Planned Neighborhood Development	PED Overlay3
Conditional Use Districts	PED Overlay4

690.020 Purpose and Intent

This intent of this Section is to provide guidance in applying regulations of this UDO to pre-existing planned developments and conditional use districts approved prior to December 30, 2008. Under the UDO, all such developments have been placed in one or more general use zoning districts, subject to a Pre-existing Development Overlay (O-PED) district that modifies the requirements of the underlying zoning district to reflect as closely as possible the conditions and requirements of the pre-existing development approval. For example, a pre-existing PRD will be zoned SF-2, subject to an O-PED that reduces the front yard setback generally applicable in the SF-2 district from 30 to 25 feet.

690.030 Modifications of Original Permit

Any request for modification of the original permit (PRD, PND, PUD, and CUD) approved prior to the adoption of this permit must be reviewed and considered in accordance with Chapter 330 “Conditional Zoning”.

690.040 Required Development Standards

The properties located within an approved Pre-existing Development overlay zoning districts shall be authorized all privileges for use, development standards, and conditions authorized by the approved permit. Specific development standards for each O-PED is provided in appendix two (2) of this UDO and within the recorded permit associated with the planned development. Copies of recorded permits may be obtained from the Union County Register of Deeds Office or Indian Trail Planning and Development Department.

Chapter 6100. Mining Overlay District

6100.010 District Established

The mining (M) overlay district is hereby established as a "floating zone" since the precise location of areas within which mineral extraction (including quarrying, open-pit drilling, tunneling, etc.) should be

encouraged cannot generally be predetermined. Within this district, the applicant may use property in accordance with the regulations applicable to the underlying zoning district, except that the property may also be used for mining purposes upon issuance of a conditional zoning district by the Town Council in compliance of Chapter 330 and Chapter 7100.

- A.** Before the mining overlay district classification is applied to any property, the applicant for rezone to the conditional zoning district shall first have obtained a mining permit from the appropriate state and federal agencies. A copy of such permit together with such documents as were required to obtain such permit, including, but not limited to, any site plans, operations plans, approved for rezoning. Also attached to the petition for rezoning shall be a written report from a registered mining engineer to the effect that there are minerals located on the property of such a nature and in quantity as to justify commercial extraction.

DIVISION 700. SUPPLEMENTARY USE REGULATIONS

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Chapter 710. Accessory Uses and Structures

710.010 General

Accessory uses and structures are permitted in connection with any lawfully established principal use unless otherwise expressly provided in this development ordinance. Also, unless otherwise expressly stated, accessory uses and structures are subject to the same regulations as the principal use or structure.

710.020 Time of Construction

Accessory structures must be constructed in conjunction with or after the principal building. They may not be built prior to the construction of the principal building.

710.030 Subordinate Nature

1. Accessory uses must be subordinate and clearly incidental to the principal use of the property. No accessory structure floor area may exceed 60 % of the floor area of the primary structure unless granted a Special Use permit in accordance with Chapter 360 of this UDO.
2. Accessory structures must be of secondary importance and subordinate to the principal building on the property.

710.040 Lot and Building Standards

A. General

The lot and building standards of the base zoning district apply to accessory structures unless otherwise expressly stated.

B. Interior and Rear yard Setbacks

In the RSF district, detached accessory buildings must be set back at least 35 feet from all interior lot lines. In all other R districts, detached accessory buildings must be set back at least 5 feet from all interior and rear-yard lot lines if they are located behind the rear plane of the primary dwelling.

C. Exterior Setbacks (Street-side for Corner Lots)

Exterior setback standards apply to accessory buildings. In addition, no accessory building may be located closer to the street than the principal building.

D. Separation

Accessory buildings must be separated by a minimum distance of 10 feet from all other accessory and principal buildings.

E. Height of Accessory Structures

Accessory structures may not exceed 12 feet in height, or the height of the principal building on the same lot, whichever is less. Request for heights beyond the 12-foot maximum shall require a setback from both the side and rear yard setback of two-feet for every one-foot in height.

F. Building Coverage

In R districts, detached accessory buildings may not cover more than 15% of the actual area of the rear yard or an area exceeding 50% of the building coverage of the principal building, provided that at least 600 square feet of accessory building coverage is allowed on any lot in an R district.

710.050 Fences**A. General**

The general regulations of this subsection apply to all fences, regardless of the zoning district in which they are located.

- 1.** All fences must be constructed in a workman-like manner of customary or normal fencing materials.
- 2.** The materials used in fence construction must be manufactured and marketed for construction of permanent fences.
- 3.** Plastic-coated, chain-link fences are allowed only in those instances where chain-link fencing is allowed.
- 4.** Materials typically used for temporary fences, such as plastic, PVC, vinyl, or similar materials may not be used for permanent fences.
- 5.** Bright colors such as orange, yellow or red are not permitted for permanent fences.
- 6.** All fence support structures must be located on the inside of the fence covering material.
- 7.** All fences must be maintained in a reasonable condition and vertical position, and any missing or deteriorated slats, pickets, other fencing material, or structural elements must be replaced in a timely manner with the same quality of material and workmanship.
- 8.** No fence may be used to display any sign or advertising material other than a small—maximum 1 square foot—placard identifying the sign contractor/manufacturer.
- 9.** Fences are subject to the intersection visibility standards of 1340.030, Intersection Visibility Standards.
- 10.** Fences around tennis courts, swimming pools and other similar recreational facilities are expressly exempt from otherwise applicable fence height limitations. Such fences must comply with any other requirements of the town code.
- 11.** Electrically charged fences are prohibited except in the RSF district, where they may be used in conjunction with bona-fide farming activities.
- 12.** Barbed wire fencing is prohibited except in the RSF district, where it may be used in conjunction with bona-fide farming activities. Barbed wire fencing may also be approved as part of a special use permit when deemed necessary to protect health and safety in association with utility structures, landfills, airports or similar facilities. When approved outside of an RSF district, barbed wire fencing must be located at least 7 feet above grade.

710.060 Residential Zoning Districts

The regulations of this subsection apply to all fences in R zoning districts.

- A. Fences or walls in residential zoning districts may not exceed 30 inches in height when located in required front yards.
- B. No fence or wall located in the interior side yard setback, between the front and rear building plans (facades) of principal structure, shall be built to a height greater than 6-feet above grade.
- C. No fence or wall located in the required rear yard setback shall exceed 8 feet in height.
- D. No fence shall be constructed within a storm drainage easement which may result in the impediment of the flow of the storm water runoff.

710.070 Accessory Apartment Use Standards

The following regulations shall apply to all accessory apartment uses, as defined in UDO Section 1620.010:

- A. Only one (1) accessory apartment may be permitted on a residential lot.
- B. An accessory apartment may be attached to the primary residential dwelling unit, or in a detached structure, on the same residential lot, provided that all lot coverage and setbacks for such an apartment are met as stated in the UDO.
- C. The primary residence or accessory apartment shall be occupied by an owner of the property.
- D. Accessory apartments shall not be larger than 50 percent of the primary residence's living area, or 900 square feet, whichever is smaller in size. Such uses shall also not exceed 25 feet in height or the height of the primary residence's roof surface, whichever is less.
- E. At least one (1) additional off-street parking space shall be provided for the accessory apartment. In addition, the following shall apply for parking:
 - 1. There should be a minimum of three (3) off-street parking spaces present on a residential lot – two (2) spaces for the primary residence, and one (1) space for the accessory apartment.
 - 2. Such additional parking shall be constructed of the same materials as was completed for any existing parking for the primary residence.
- F. An accessory apartment's exterior design and entry locations shall give the appearance of a single-family dwelling. This shall be accomplished by doing the following:
 - 1. The entrance to the accessory apartment shall not be oriented in any such way as to directly face a public right-of-way.
 - 2. If an accessory apartment is to be detached, then it shall be located behind the rear plane of the primary residence.
 - 3. For an accessory apartment, additional screening and/or landscaping may be required by the Town as part of the site plan for the use.
 - 4. Accessory apartments shall be constructed of the same building materials as the primary home.

- G. Accessory apartments shall be not subdivided or otherwise separated in ownership from the primary residence.
- H. Accessory apartments permitted by the Town shall conform to all County, state, and/or federal building code requirements.

710.080 Accessory Residential Uses in Non-Residential Zoning Districts

A. Applicability

Accessory residential uses shall be permitted on properties located in all business and commercial, industrial, and institutional zoning districts within the Downtown Overlay District, subject to the standards identified in subsections B.1 through B.6 below.

Accessory residential uses may also be permitted on properties located within all businesses and commercial, industrial and institutional zoning districts outside the Downtown Overlay District, when utilized as a dwelling unit for an onsite caretaker or guard, subject to the standards identified in subsections B.1 through B.6 below.

B. Standards

1. There shall be on more than one (1) accessory residential use for each building and/or parcel of land; and
2. Accessory residential buildings or units shall be consistent in appearance with the primary building unless the accessory building is existing. Freestanding accessory residential buildings shall not exceed the height of the primary building's roof surface unless accessory building is existing; and
3. Accessory residential uses shall have independent and private entrances, self-sufficient and private bathroom/sanitation facilities, and a self sufficient and private kitchen or food preparation facility; and
4. The size of accessory residential uses shall be limited to 25 percent of the gross floor area of the principal building or buildings or fifteen hundred 1,500 sq. ft. of gross floor area for the accessory building or unit; whichever is smaller in size; and
5. Accessory residential uses made available for lease shall have a minimum lease term of ninety (90) consecutive days; and
6. Accessory residential uses shall comply with applicable County, State, and Federal building, fire, and environmental health code requirements.

Chapter 720. Adult Use Regulations

720.010 Adult uses/establishments are subject to the following restrictions because such uses may have significant secondary effects on the neighborhoods in which they are located. Numerous studies from cities such as Kansas City, Minneapolis, Los Angeles, and the following specific studies (A Report on the Secondary Impacts Impact of Adult Use Businesses in the City of Denver, City of Denver, January, 1998; Adult Entertainment Study, New York Department of City Planning, New York, 1994; Adult Entertainment Businesses in Indianapolis, An Analysis, City of Indianapolis, 1984) have indicated that a concentration of adult businesses can have significant negative impacts on the use and enjoyment of surrounding properties and that the establishment of adult uses offering on-premise entertainment frequently results

in secondary impacts related to public safety and neighborhood property values. Studies have shown that a concentration of adult businesses is correlated to an increase in crime rates in the areas where such businesses are clustered. Regulation of these uses is necessary to insure that these adverse secondary effects do not contribute to the blighting of surrounding neighborhoods.

720.020 The Town Council has also determined that adult uses should be separated from schools, churches, child care centers, parks and playgrounds, and residential neighborhoods where children and young adults may congregate. According to the testimony of the Director of Planning, the negative secondary impacts of adult uses/establishments are heightened when such uses are in proximity of residential areas or uses where children or young adults assemble. It is the intent of this Section to establish reasonable regulations to prevent the concentration of adult establishments within the Town of Indian Trail and to require the separation of adult establishments from sensitive uses such as schools, churches, and homes.

720.030 Use Description

- A.** Adult uses/establishments include: adult arcades, adult bookstores or adult video stores, adult cabarets, adult massage parlors, adult motels, adult motion picture theaters, adult novelty shops, adult theaters, adult modeling studios, sexual encounter centers or adult entertainment uses.
- B.** Adult uses will always be considered a principal use of the property except where otherwise specifically provided.

720.040 Permits for Adult Uses/Establishments

A. Required Submittals

A site plan and vicinity map along with any other information as required by this ordinance must be submitted to the Zoning Administrator to verify compliance with the requirements of this ordinance.

B. Review Criteria

The Zoning Administrator will review all applications for adult uses/establishments to determine compliance with the spacing criteria of Section 720.050A and the general regulations of the RBD, Regional Business District. The Zoning Administrator may approve a proposed adult use/establishment provided it is determined that the proposed use complies with all of the following criteria:

- 1.** the use is proposed to be located in an the RBD, Regional Business District and complies with all of the requirements of this district;
- 2.** the proposed use complies with all of the location, use, and other restrictions of Section 720.050;
- 3.** the proposed use complies with the Town's parking standards. Where no specific parking standard is listed for a proposed adult use, the Director of Planning and Development will determine the required amount of parking based on the most similar use.

720.050 Districts Where Adult Uses May Be Authorized

Adult uses/establishments may be permitted in any RBD, Regional Business District subject to the following restrictions. All applications will demonstrate compliance with the following standards and will be subject to review consistent with the criteria established in this Section.

A. Property Separation

Where these standards establish locational restrictions for an adult use/establishment such restriction will be measured by a straight line in all directions and will not be measured as a walking or street distance. Since adult uses are likely to have adverse secondary effects on surrounding properties whether located inside and outside of the Town of Indian Trail, all measurements will be taken from the proposed location of an adult use to surrounding land uses and zoning districts irrespective of the corporate boundaries of the Town of Indian Trail. All measurements must be from property line to property line except in the case where an adult use/establishment is proposed to be located within a multi-tenant building, in which case, all measurements will be in a straight line from the public entrance to the adult use/establishment.

1. No adult use/establishment is permitted to be located within 2,000 feet of any other adult use/establishment.
2. No adult use/establishment may be located within 1,500 feet of any residential use within the Town limits, and within 1000 feet of any residential use outside of the Town limits. A residential use will include any building designed, used or intended to be used for residential occupancy by one or more families and buildings intended for mixed residential and nonresidential occupancy in which the residential occupancy represents 50% or more of the building's total floor area.
3. No adult use/establishment is permitted to be located within 1,000 feet of a church, synagogue, temple or other place of worship, public or private elementary or secondary school, child day care center or nursery school, or public park or playground. The required separation from the above listed uses applies whether the place of worship, school, child day care center, playground or park is the principal use or an accessory use of the property. For example, the required separation applies to a child day care center located within a medical facility, community center, or office building.

B. Prohibition of Sleeping Quarters

Except for an adult motel, no adult use/establishment is permitted to have sleeping quarters.

C. Restriction of Uses on the Same Property or in the Same Building

There shall not be more than one adult use/establishment in the same building, structure, or portion thereof. No other principal or accessory adult use may occupy the same building, structure, property, or portion thereof with any other adult use/establishment.

D. Signs

Except for business signs permitted by the sign regulations of this Ordinance, no adult use/establishment is permitted to have promotional materials visible to the public from sidewalks, walkways, or streets.

E. Size Limitation

The maximum total floor area of any allowed adult use/establishment shall not exceed 5,000 square feet.

Chapter 730. Agribusiness Uses

Agribusiness uses are permissible within the RSF District pursuant to a special use permit only if the proposed use satisfies the following requirements:

- 730.010** The lot where the agribusiness use is located must have sufficient frontage along an arterial street or major arterial access street so that the principal means of ingress and egress for the use lies along such street.

Chapter 740. Bed and Breakfast

720.050. Districts Where Adult Uses May Be Authorized

- 730.020** No building or structure that houses any part of the agribusiness use may be located within 500 feet of any pre-existing residence (other than a residence owned by the applicant) that is occupied, held ready for occupancy, or under construction on the date the permit is issued.
- 730.030** A 25 foot bufferyard must be installed on all sides of the property containing the agribusiness use (except a side that borders a public street) to the extent necessary to protect adjacent residential properties from the agribusiness use.
- 730.040** The proposed use shall comply with parking, landscaping, flood plain and other standards applicable to residential districts.
- 730.050** The maximum square footage of sign surface area advertising the proposed use shall be thirty-two square feet, and not more than one freestanding sign may be erected.

Chapter 740. Bed and Breakfast

Bed and breakfast establishments are permissible with a zoning permit in most business districts in accordance with Section 520.020.

- 740.010** The building that houses the dwelling unit may not be expanded by more than ten percent of its original floor area, nor may rooms for rent be added onto or created within accessory buildings.
- 740.020** Not more than one sign advertising the existence of a bed and breakfast operation may be erected on the lot where such use is located. No side of this sign may exceed four square feet in surface area. The sign may not be internally illuminated.

Chapter 750. Cemeteries

Cemeteries must be set back at least 40 feet from adjacent property lines and street rights-of-way.

Chapter 760. Commercial Greenhouses

Commercial greenhouses with on premises sales will be permitted by special use permit in the RSF district only after demonstrating compliance with the standards of Section 360.080 on lots that have street frontage along an arterial street.

Chapter 770. Electric Substations

Electric substations are permissible in all zoning districts with a development permit issued by the administrator, subject to the following requirements as well as other relevant provisions of this ordinance.

- 770.010** All structures shall maintain a minimum front yard setback of one hundred (100) feet measured from the highway right-of-way to the required fence enclosing said structure.
- 770.020** The design of structures shall conform as closely as possible to the character of the neighborhood in which located.
- 770.030** Fences which are not easily climbed and other safety devices shall be installed and maintained around electric substations in order to make such facilities inaccessible to the general public.
- 770.040** A 25 foot bufferyard must be installed consistent with Section 810.040.

Chapter 780. Home Occupations

780.010 General Provisions

Some types of business operations can be conducted at home with little or no effect on the surrounding neighborhood. The regulations of this section are intended to permit home occupations while ensuring these businesses will not have any detrimental impact on the use and enjoyment of surrounding properties. The regulations require that home businesses remain clearly incidental and subordinate in floor space to the residential use of the property and that the home occupation will not change the essential residential character of the dwelling. In the Town of Indian Trail there will be two classifications of home occupations including “minor” home businesses and “major” home businesses.

780.020 General Exemptions

Nothing in this Section will be interpreted to require a permit or zoning certification for after-hours paperwork and similar activities performed by residents on evenings and weekends where the residents have a primary office elsewhere. Furthermore, no home occupation permit or zoning certification is required for home offices with incidental storage (e.g. storage of telecommuting equipment in the home). Incidental storage shall not exceed 50 square feet in area.

780.030 Permits Required

- A.** Unless otherwise exempted by this Section or other provision of the Town Code, all home occupations must receive a zoning certification issued consistent with the procedures and standards established by this Section. All home occupations will comply with the standards and requirements of Section 780.070.
- B.** All major home occupations must be approved by the Zoning Board of Adjustment consistent with the standards and requirements for a special use permit.

780.040 Minor versus Major Home Occupations

- A.** A minor home occupation is a home business where residents use their home as a place of work but have no employees and generate little or no traffic from customers or clients coming to the home. The Town Council of Indian Trail has determined that minor home occupations are less likely to have impact on surrounding properties.
- B.** Major home occupations are home businesses that are more likely to have employees and to generate traffic associated with clients and customers coming to the site. On a case by case basis, the Zoning Board of Adjustment may permit major home occupations when they conclude that such home businesses would have limited effect on neighboring properties, for example, when the Board finds a major home business proposed for an isolated location within the Town or when they find such a business is proposed within a very low density district. Major home occupations will generally comply with the requirements and standards of Section 780.070 but for the specifically listed “major” home occupations the Zoning Board of Adjustment may allow some adjustment in these standards in the issuance of a special use permit. The Zoning Board of Adjustment shall enter onto the face of the permit a condition that requires the property owner to submit an outline of current home occupation business operations at its five year anniversary or when the property is transferred.

780.050 Where Permitted

A home occupation shall be permitted as an accessory use to any dwelling unit in accordance with the requirements of this Section.

780.060 Prohibited Home Occupations

The following businesses are not permitted as home occupations. This list of businesses is not intended to be all inclusive and the Zoning Administrator may prohibit others upon a determination that a proposed home occupation is similar to those listed below. The following specific prohibitions apply even if an applicant can demonstrate compliance with the general standards of Section 780.070:

- A.** Auto or vehicle repair; engine and mechanical repair; or welding and machine shops.
- B.** Barber shops and beauty salons with more than one chair.
- C.** Funeral parlor and undertaking.
- D.** Adult businesses.
- E.** Clubs or drinking establishments.
- F.** Food vendors or restaurants.
- G.** Commercial bakeries.
- H.** Vehicle sales.
- I.** Veterinarian clinics.
- J.** Medical or dental clinics.
- K.** Animal hospital or animal care facilities.

780.070 General Standards

- A.** Use of the dwelling for all home occupations must be limited to no more than 25 percent of the total floor area of the principal building, or 500 square feet, whichever is less. Areas used for storage of materials shall be included in determining the percentage of the structure devoted to a home occupation. Incidental storage of 50 square feet or less, shall not count toward determining the percentage devoted to the home occupation.
- B.** Permits for home occupations issued prior to the effective date of this section that do not meet the requirement of this Section shall be considered legal non-conforming home occupations. However, any subsequent home occupation permit issued at the same address must conform to these standards.
- C.** Storage outside of a fully enclosed structure is prohibited.
- D.** No use of explosives or highly combustible materials or storage of hazardous material is permitted.
- E.** The home may not be altered in any way that changes its residential character or appearance especially if the change could advertise that a business is conducted here.
- F.** Only residents of the dwelling may be engaged in the home occupation.

- G.** Machinery that causes noises, vibration, glare, fumes, odors, dust, detectable at the property line is prohibited. Machinery that causes electrical interference with radio or television reception is also prohibited.
- H.** There shall be no evidence on the exterior of the property that is used in any way other than for a dwelling including and not limited to parking, signs, or lights.
- I.** No on-premises sale of goods is permitted except for incidental sale of materials produced on-site.
- J.** Clients or business related visitors shall be by appointment only.
- K.** Hours of operation for deliveries, clients, and operation of mechanical or electrical equipment shall be limited to 7:00 am to 8:00 pm.
- L.** The number of vehicles used by clients or business related visitors to any home occupation shall be limited to two at any given time.

780.080 Permitted Minor Home Occupations

The following is a sample of permitted minor home occupations in three categories and these home businesses will be permitted provided they comply with the general standards of Section 780.070. This list is not intended to be all inclusive and the Zoning Administer may allow other minor home occupations based on a determination that a proposed home business complies with Section 780.070 and provided the Zoning Administrator determines the proposed home occupation is most similar to the types of minor home businesses identified in this Section.

A. Professional Offices

This includes the home offices of professionals such as architects, engineers, surveyors, clergy, insurance and real-estate agents, real-estate brokers, lawyers, accountants, journalists, editors, travel agents, sales representatives, psychologists and counselors.

B. Instructional Services

This includes home businesses for music or dance teachers, yoga or art instructors, educational tutoring, and home-day care that comply with all the other requirements of the Town of Indian Trail and the State of North Carolina.

C. Home Craft Business

This includes artists, quilters, sculptors, musicians, dressmakers and tailors, photographers, gift basket makers, weavers, lapidary, and home based catering provided that no products are sold directly from the house and all food is prepared in compliance with the standards of the Union County Health Department.

780.090 Major Home Occupations

The following “major” home occupations may be permitted following the review and approval of a special use application by the Zoning Board of Appeals. In the review of applications for major home occupations, the Zoning Board will consider the standards for home occupations in Section 780.070 and the general standards for all special use permits. The following home businesses may be established upon approval of the special use:

- A.** Barbershops of beauty salons.
- B.** Manicure and pedicure salons.
- C.** Pet grooming.

- D. Construction or landscape contractors.
- E. Cabinet makers.
- F. Building cleaning services.
- G. Equipment repair shops.
- H. Appliance repair shops.
- I. Kennels (5-acre minimum)
- J. Stables and bird keeping.

780.100 Revocation and Permits

- A. The Zoning Administrator shall have the authority to revoke a home occupation permit, upon a determination that the use as operated or maintained creates one or more of the following conditions:
 - 1. a nuisance, or other undesirable condition interfering with the public health, safety or general welfare;
 - 2. a violation of the provisions of this title or any other applicable law or ordinance, or a violation of the conditions imposed upon the home occupation permit.
 - 3. The applicant has the opportunity to appeal the Zoning Administrator's decisions to the Board of Adjustment.

B. Additional Requirements

- 1. If the applicant is not the property owner then a signature from the property owner is required.
- 2. The applicant must obtain a privilege license when applying for a home occupation permit.

Chapter 790. Off-Premises Signs (RBD District)

Off-premises signs are permissible in the RBD zoning district for placement on Hwy 74/Independence Blvd with a zoning permit only if and to the extent that such signs comply with one of two section below as follows:

- 790.010** Advertisement for a non-residential use located within the 74-Business corridor or RBD where such use does not have frontage on Hwy 74 subject to the following:
- A. Comply with all of the applicable requirements of Division 900 of this ordinance or as authorized in this section; and
 - B. Are located within a 1,000 foot radius of any principal building used for non-residential purposes advertised on said sign; and
 - C. Are not located within a 500 foot radius of a pre-existing residence not owned by the owner of the land where the sign is to be located. A residence shall be deemed pre-existing for purposes of this subsection if, at the time an application is filed for a sign permit authorizing

initial construction of the sign, the residence was constructed or under construction or if there is outstanding a valid building permit authorizing the construction of such residence.

- D.** No off-premises sign may be located within a 1,000 foot radius of any other pre-existing off-premises sign
- E.** All off-premise signs authorized under this section shall:
 - 1.** Be located a minimum of 50-feet from any other freestanding sign on the property; and
 - 2.** Have a maximum area of 65 square feet; and
 - 3.** Have a maximum height of 10-feet in area.

790.020 Advertisement for various types of large entertainment, sports, or meeting hall venues in compliance with Section 9110.130.

Chapter 7100. Mining

Mining may be permitted in any non-residential district upon the issuance of a conditional zone pursuant to Chapter 330. The zoning district may only be granted pursuant to these minimum standards:

- 7100.010** The area for which the state or federal mining permit is granted must be greater than 10 acres; mining shall be on an industrial extraction basis only and shall not be permitted by hobbyists or others not engaged in the mineral extraction business;
- 7100.020** The edges of any extraction area where mining is allowed shall be at least 50 feet from all property lines and at least 150 feet from any residence;
- 7100.030** Fencing shall be required as determined by the Board of Adjustment and shall be erected and maintained to keep the site safe and secure; and
- 7100.040** If at any time the state and/or federal agencies revoked any of the required permits it has issued for the mining operation, said revocation shall cause the special use permit to become null and void;
- 7100.050** The special use permit shall be valid for a period of two years from the date the same is granted or provided the Board of Adjustment shall have the authority to extend the time from two years to any longer period where the nature of the use or other pertinent circumstances justify a longer period for example for so long as it is commercially feasible to operate. In the event the property owner desires to continue the mining operation thereafter, he shall again petition the Board of Adjustment for a new permit.

Chapter 7110. Livestock and Horse Stables

No person may keep livestock or poultry within 150 feet from an adjoining lot line. Nothing in this subsection shall be construed as authorizing poultry or livestock to be kept except where such uses are authorized under the zoning district regulations.

- 7110.010** Horseback riding stables are subject to the following requirements with the exception of stables that are integrated in the design and layout of a planned development consistent with Chapter 340.

- 7110.020** The tract must contain at least one acre for every horse kept thereon, provided that, if this density figure is exceeded as a result of a mare giving birth, the colt or filly may remain for weaning purposes for a period not to exceed six months.
- 7110.030** The structure that houses a horse must be located in the rear yard when accessory to a residential structure and must be located at least 30 feet away from such principal structure. In addition, the structure that houses a horse must be set back at least 50 feet from adjacent property lines and not less than 100 feet from pre-existing adjacent residences.

Chapter 7120. Temporary Dependent Care Residences

In all residential districts, not more than one Class C mobile home may be permitted in a rear yard on a temporary basis provided the Board of Adjustment issues a special use permit after finding that a personal hardship exists that justifies such a special permit. Such hardship shall involve the need to care for elderly parents or other dependents of the family occupying the principal building. Reasons justifying separate quarters shall be incompatibility, contagious disease, illness, or lack of adequate space within the principal building.

- 7120.010** Special use permits authorizing the use may be issued in such cases for six months, but may be renewed for successive six month periods for so long as the hardship continues to exist. Application for renewal of the permit shall be made at least thirty days prior to the expiration date.
- 7120.020** All such mobile homes must have access to approved water and sewer systems and such mobile homes must be maintained so as not to create nuisance conditions.
- 7120.030** Temporary residences authorized under this section shall not be subject to the density limitations set forth in Section 510.040B but shall be subject to applicable setback requirements.

Chapter 7130. Landfills Other Than County Owned and/or Operated.

On-site demolition landfills and reclamation landfills less than one acre for noncommercial use shall be permitted in all zoning districts subject to the following provisions:

- 7130.010** Landfill operations must maintain a valid permit from and comply with the standards of the Union County Health Department and the State of North Carolina, as applicable.
- 7130.020** No such site may be operated for more than 24 months, after which time it must be closed in an approved fashion.
- 7130.030** The location of any such site must be indicated on any required final subdivision plat. Further, even where no subdivision plan is required, the owner of any parcel or lot which contains any part of any such landfill must have notification of the existence and extent of the site from the developer. Such site must be recorded by metes and bounds legal description as part of the deed for the lot or parcel and/or be recorded by a plat map. The zoning compliance permit shall not be issued until proof of recordation is presented to the Zoning Administrator.
- 7130.040** No portion of any such site may be located within 15 feet of any exterior property line of a subdivision or any unsubdivided parcel.
- 7130.050** Any on-site demolition waste disposal site which is located in an industrial district or industrial park shall be exempt from the 24 month closing requirement provided that no

portion of the site is located within 100 feet of any adjoining existing residence or residentially zoned property.

Chapter 7140. Non-Accessory Golf Driving Ranges and Par 3 Golf Courses

Golf driving ranges and par 3 golf courses are permitted as provided in Sections 510.020G and 520.030G pursuant to either a special use or zoning compliance permit. The proposed use shall satisfy the following requirements.

- 7140.010** Lighting must be directed away from residential areas or shielded to protect them such that the use does not substantially interfere with the use or enjoyment of neighboring properties.
- 7140.020** An 25 foot bufferyard shall be installed on all sides of the property that do not border public streets to the extent necessary to protect adjacent properties from any of the uses authorized herein.
- 7140.030** The maximum square footage of sign surface area advertising the proposed use shall be sixteen square feet within a residential zone. Signage within a commercial zoning shall continue to utilize the computation formula under DIVISION 900, Signs.
- 7140.040** Vehicular access to a site with residential zoning shall be provided from a two lane thoroughfare or higher road classification as specified in the Indian Trail Thoroughfare Plan, and not from local residential streets.
- 7140.050** Within a residential zone, no accessory use, such as snack bars, club houses, and pro shops, shall be closer than 300 feet, and no parking area shall be within 200 feet, of any pre-existing residence (other than a residence owned by the applicant), or a residence under construction on the date the permit is issued.
- 7140.060** Netting shall be placed where necessary to keep golf balls within the golf driving range and off adjacent property.
- 7140.070** No green (par 3 golf course) shall be nearer to any property line than 100 feet.
- 7140.080** The depth of a golf driving range along the driving axis shall be not less than 350 yards measured from the location of the tees and the breath not less than 200 yards at a distance of 350 yards from the tees.
- 7140.090** Within a residential zone, there shall be a ten acre minimum area requirement.

Chapter 7150. Vehicle Sales Lots

The intent of this section is to provide standards to address the unique characteristics of this particular business type of new and used vehicle sales lots within the Town of Indian Trail and to establish minimum criteria for all future sales lots.

- 7150.010** The minimum lot size shall be 2 acres in size, and subject to the following Table:

Table 7-1: Retail and Wholesale Vehicle Sales Uses:

Type of Vehicle Sales Use	Use Regulation/Permitted
Retail Sales- Stand-Alone Sales Lot	Permitted By-Right, per UDO Section 520.020 (G)

7160.010. Purpose

Retail Sales - Multi-Tenant Structure	Special Use Permit (SUP), per UDO Section 520.020 (G) and Chapter 360
Wholesale Sales – Office Only (No Vehicle Display or Storage)	Exempted from this Chapter; allowed where permitted in UDO Section 520.020(G)

- 7150.020** All required parking spaces and display areas within general traffic circulation areas shall be paved and striped in accordance with the Town of Indian Trail UDO and no cars shall be displayed within a public right-of-way or within access driveways.
- 7150.030** Wheel stops, curbs or bollards are required along the exterior parking spaces of the display area to prohibit parking within landscaped areas, unless otherwise expressly permitted in this Chapter.
- 7150.040** All lighting shall be directed toward the interior of the site to reduce light pollution and no outdoor intercom will be permitted for use when a car dealership abuts a residential zoning district.
- 7150.050** A special street frontage vehicle display area may be permitted and can encroach into the required landscaping area located adjacent to a public right-of-way, subject to the following requirements:
- A.** A maximum of 65% of the linear road frontage may be used for vehicle display. (Example: 100-feet of linear frontage shall not exceed 65-linear feet of street frontage display.) For any increases beyond the maximum 65% up to a total 85% vehicle display area, a Special Use Permit (SUP) will be required, subject to UDO Chapter 360, and the following two requirements:
 - i.** The vehicle sales lots requesting the additional display area must be adjacent to another vehicle sales lot in the Town; and
 - ii.** The adjacent vehicle sales lot must conform to the Town's UDO.
 - B.** The parking display space shall be paved with a suitable material (gravel, stone, asphalt, or cement) and equipped with a wheel stop, bollard, or curb to prevent overhang into the public right-of-way, sidewalk, or adjacent landscaped areas. Such a display space shall conform to the Town's minimum parking space dimensions requirements provided in UDO Section 1070.020.
 - C.** A minimum of five (5) feet of landscape area is required between property line at right-of-way and special street frontage display area.
 - D.** All street frontage vehicle display areas proposed shall be approved through the site plan review process. Flexibility in the placement location and orientation of the display space is permitted subject to approval of the Planning Director.

Chapter 7160. Wireless Communication Antennas and Towers

7160.010 Purpose

In recognition of the Telecommunications Act of 1996 and the North Carolina General Statute Senate Bill 831, it is the intent of the Town of Indian Trail to allow communication providers the opportunity to

locate towers and related facilities within its jurisdiction in order to provide an adequate level of service to its customers while protecting the health, safety, and welfare of the citizens of Indian Trail. Wireless towers must be design, constructed, and located so as to minimize the aesthetic impact of the tower on adjoining properties. Communication towers must be located and designed to prevent any interference with radio, TV, or other electrical appliances.

All wireless communication facilities must meet or exceed current standards and regulations of the Federal Communications Commission (FCC), Federal Aviation Administration (FAA), and other agency of the federal government with authority to regulate wireless communication facilities.

A. Location and Installation of New Antennas

1. Co-location on an existing tower

- a.** Installation of a wireless communication tower and antenna on an existing wireless communication tower is a permitted use in any zoning district, and are subject to the permitted height regulations set forth in Section 7160.020C.
- b.** All new monopole towers shall be designed to accommodate at least three telecommunications providers and all lattice towers must accommodate at least four telecommunications providers.
- c.** Stealth wireless communications facilities shall be designed to accommodate the collocation of other antennas whenever feasible and aesthetically appropriate as determined by the Board of Adjustment or Planning Director.

2. Co-location by attachment to an existing structure

The antennas and associated accessory equipment required for wireless communication facilities may be located on an existing building, light pole, water tower, church steeple, and any other freestanding structure. Such co-located facilities including any accessory structures are subject to the following minimum standards:

Placing antennas on existing buildings, existing structures and existing towers should be easy. State law indicates these permits should be granted within 45 days unless the applicant has not submitted the correct information.

a. Residential and Planned Districts

In any residential district or Planned District wireless communication antennas and associated accessory equipment may not extend more than 10 feet above the highest point of any existing structure that is 40 feet or less in height. Such equipment may not extend more than 15 feet above the highest point of any existing structure that is more than 40 feet in height.

b. Non-Residential Districts

In any business, commercial, downtown, or industrial district wireless communication antennas and associated accessory equipment may be attached to any existing structure and may extend up to 20 feet above the highest point of the existing structure.

B. Antenna Dimensions

No antenna attached to an existing building or structure may exceed the height limits established above and no such antenna may exceed 4 feet in width.

C. Antenna Projection

No antenna or associated accessory equipment attached to a building or structure may project more than 3 feet from the side of the structure. No antenna or associated accessory

equipment mounted on the roof of an existing building may be located within 5 feet of the outer edge of such structure.

D. Antenna Design

The antenna and associated equipment attached to an existing building or structure must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure or building so as to make the antenna and accessory equipment as visually unobtrusive as possible.

7160.020 Freestanding Facilities

- A.** An application for a freestanding wireless communication tower must include an affidavit of intent that commits the property owner or operator, their assigns or successors, to allowing the shared use of the tower and proofs sufficient to the Town attorney that the tower will be offered to at least one potential additional user under reasonable terms and conditions.

Smaller towers that meet all the height, setback, separation, and landscaping requirements of this Section should be allowed by permit from the Zoning Administrator and Planning Director. Any tower that cannot meet the requirements of this Section should require a special use permit.

- B.** When a freestanding tower requires special use approval, it may not be approved by the Zoning Board of Adjustment until the applicant demonstrates to the Board's reasonable satisfaction that no existing tower or structure could accommodate the applicant's needs. Evidence submitted to demonstrate that no existing facility or structure can accommodate the applicant's proposed facility may consist of the following:
- 1.** Evidence showing that no existing wireless communication towers are located within the geographic area required to meet the applicant's engineering requirements.
 - 2.** No existing towers have sufficient height to meet the applicant's engineering requirements.
 - 3.** No existing towers have sufficient structural strength to support the applicant's antenna and associated accessory equipment.
 - 4.** The fees, costs, rent required by the owner in order to share an existing tower or to adapt an existing wireless communication facility for sharing are unreasonable. Costs that exceed the costs of building a new tower are presumed unreasonable.

C. Height Limits for Wireless Communication Towers

- 1.** No freestanding tower is permitted in any residential zoning classification without the approval of a special use permit issued by the Zoning Board of Adjustment.
- 2.** Towers are subject to the following height limits:

Permitted Height of Wireless Communication Towers*

Zoning District	Adjacency to Residential or Rural Zoning District		Adjacency to Non-residential Zoning Districts	
	Conventional Tower (Single/Multiple User)	Stealth Tower* (Single/Multiple User)	Conventional Tower (Single/Multiple User)	Stealth Tower* (Single/Multiple User)

Neighborhood Business District (NBD)	Not Permitted	80/100	Not Permitted	100/120
Central Business District, (CBD)	Not Permitted	80/100	Not Permitted	100/120
(GBD) General Business District RBD, Regional Business District	70	80/100	140	140/160
Industrial Districts, LI and HI Districts	80	80/100	160	160/180
Planned Unit Development Districts	As approved by Town Council	As approved by Town Council	As approved by Town Council	As approved by Town Council
Floodplain and Floodway Overlays	Not permitted	80/100	Not permitted	100/120
Overlay Zoning Districts	Not Permitted	50*** SUP	Not Permitted	50*** SUP
Residential Zoning Districts	Not Permitted	50 SUP	Not Permitted	50 SUP

*These height limits do not apply to the mounting of antennas on existing structures as provided for in Section 7160.010A.2. Any proposed wireless communication tower that exceeds the height limits permitted in this chart will require approval as a special use under the standards of Chapter 360.

** Stealth towers must be approved by the Director of Planning and Development and must be enclosed, camouflaged, screened, obscured, or otherwise not readily apparent to a casual observer. The structure utilized to support the antennas must be allowed within the underlying zoning district. Such structures may include, but are not limited to, flagpoles, bell towers, clock towers, crosses, monuments, smoke stacks, parapets, and steeples. Setbacks for the structure enclosing a stealth tower shall be governed by the setback requirements of the underlying zoning district.

*** All stealth towers in the overlay districts may be approved up to 50 feet in height by special use permit. If an applicant can demonstrate to the Board of Adjustment that added height above the 50 foot limit is necessary and that such an increase would not adversely affect adjoining properties or run counter the Town's plans protecting unique environments then the Board of Adjustment may allow a maximum tower height up to 70 feet from finished grade.

D. Setbacks for Wireless Communication Towers

1. No wireless communications tower of any type is permitted within any required landscaped setback or bufferyard.
2. In all districts the minimum setback requirement in all directions will be 1.5 feet for every 1 foot of tower height (e.g. a 150 foot tower would require a 225 foot setback.) If the applicant can submit documentation acceptable to the Director of Planning and Development that the collapse area needed for the tower is less than the setbacks required by this Section then the setback will be based on that documentation.

E. Separation between Wireless Communication Towers

No freestanding tower may be located the distances required within the following table.

These distances will be measured as a radial distance from the proposed freestanding tower.

Proposed Tower Height	Required Separation Between Towers

Less than 80 feet	1,200 feet
80 to 199 feet	1,800 feet
200 to 299 feet	2,500 feet
300 +	3,000 feet

F. Required Landscaping of Freestanding Towers

Wireless communication towers (e.g. monopole towers or stealth towers disguised as trees) must be landscaped with an opaque planting hedge and fence subject to a determination by the Director of Planning and Development that the landscaping and fence effectively screens the base of the tower from adjoining properties. The tower owner and the property owner shall be jointly and severally be responsible for the maintenance of all screen materials. Such maintenance shall include all actions necessary to keep the screened area free of litter and debris, to keep all landscaping healthy, and to keep planting areas neat in appearance.

G. Fencing of Freestanding Towers

Freestanding towers must be enclosed by security fencing not less than 6 feet high must also be equipped with an appropriate anti-climbing device. The anti-climbing device may not include barbed wire, razor wire, or a similar sharp barrier.

H. Construction and Design

1. Towers must be of monopole construction (cylindrical, tapering steel tubes without guy wires). The Zoning Board of Adjustment may authorize the use of a “guyed” tower or a “lattice” tower only upon the approval of a special use application for such a tower if a technical need for a “lattice tower” or “guyed tower” can be shown to provide a greater benefit to the community than a less visually obtrusive monopole tower.

Figure 6: Monopole Tower



Figure 7: Stealth Tower



2. All accessory structures containing switching equipment and other equipment housing must be designed to closely resemble the architecture of any buildings on the lot or the architecture of buildings on adjoining lots.
3. Free-standing or attached signs proposed to be located on a freestanding tower site are prohibited. Incidental signs identifying the tower owner/operator, emergency phone numbers or contacts or signs warning “no trespassing” are permitted provided that no sign may exceed 8 square feet.

4. Towers shall not have lighting unless specifically required by the FAA. If FAA lighting is required, strobe lights shall be avoided unless specifically required by the FAA. Lighting of all towers in any district shall be directed toward the tower and/or equipment shelters.
5. Freestanding wireless communication tower sites may not be combined with a use involving outdoor storage of equipment, vehicles, or equipment display. Wireless communication tower sites must be fenced and secured from other activities on the property.
6. In terms of load requirements for freestanding wireless communication towers and/or facilities, such towers and/or facilities must also conform to the Electronic Industries Alliance (EIA) and Telecommunications Industry Association (TIA) standards for construction and design, which deal with loading and wind velocity requirements.
7. In addition, wireless communications towers and/or facilities must also conform to the guidelines of the International Building Code (IBC), particularly with respect to additional construction requirements for such structures (IBC Chapter 16, Section 1609 (1.1)). Furthermore, any wireless communications towers and/or facilities must conform to the regulations and requirements of the Federal Communications Commission (FCC).

I. Abandonment or Discontinuation of Use

1. At such time as the owner of a wireless communication tower plans to abandon or discontinue operation of the facility, the owner must notify the Zoning Administrator by certified mail of the proposed date of abandonment or discontinuation of operation. Such notice shall be given no less than 30 days before abandonment or discontinuation of operation.
2. In the event that the owner fails to give such notice, the facility will be deemed abandoned upon discontinuation of operation.
3. Upon such abandonment or discontinuation of use, the owner must physically remove the wireless communication facility within 120 days from the date of abandonment or discontinuation of use. This will mean the removal of the tower, antennas, mount, equipment shelters, platforms and security barriers from the property.
4. In the event that the owner fails to remove the wireless communication facility in accordance with the provisions of this section, then the Town may seek an order of abatement, providing the town with a lien for the cost of executing the order. At such time as the operator of a wireless communication tower plans to abandon or discontinue operation of the facility, the operator must notify the Zoning Administrator by certified mail of the proposed date of abandonment or discontinuation of operation. Such notice shall be given no less than 30 days before abandonment or discontinuation of operation.

7160.030 Review and Approval Procedures

A. Permits Issued by the Director of Planning and Development

The Director of Planning and Development may authorize the establishment of a wireless communication tower and antenna by issuing a Zoning Permit and Zoning Certificate of

Compliance (where an SUP is not required) only when the applicant demonstrates full compliance with this Chapter. The Town may retain the services of a consultant to evaluate technical submittals by the applicant and seek an independent judgment on the safety of the proposed tower. The Planning Director shall be responsible for selecting the technical expert hired for the review of a wireless communication application; however, all costs associated with this technical review will be paid by the applicant. The technical expert must make investigations consistent with all the terms and conditions of this ordinance and will advise the Planning Director and/or Zoning Board of Adjustment as to whether any existing towers or structures could be used to accommodate the applicant's needs. The fees charged for the technical expert's review will be the customary fees required for site inspections, analysis of surrounding land uses, building plan review, and for the preparation of a technical report. Charges for such consulting services will be fixed in advance of the processing of applications and will be incorporated into the overall permit application fee.

B. Streamlined Collocation Permits

1. Applications for collocation are entitled to streamlined processing under this section shall be reviewed for conformance with applicable site plan and building permit requirements but shall not otherwise be subject to zoning requirements, including design or placement requirements, or public hearing review.
2. Applications for collocation of wireless facilities are entitled to a streamlined processing if the addition of the additional wireless facility does not exceed the number of wireless facilities previously approved for the wireless support structure on which the collocation is proposed and meets all the requirements and conditions of the original approval. This provision applies to wireless support structures which are approved on or after December 1, 2007.
3. The streamlined process set forth in subsection 1 of this section shall apply to all collocations, in addition to collocations qualified for streamlined processing under subsection 2 of this section, that meet the following requirements:
 - a. The collocation does not increase the overall height and width of the tower or wireless support structure to which the wireless facilities are to be attached.
 - b. The collocation does not increase the ground space area approved in the site plan for equipment enclosures and ancillary facilities.
 - c. The wireless facilities in the proposed collocation comply with applicable regulations, restrictions, or conditions, if any, applied to the initial wireless facilities placed on the tower or other wireless support structure.
 - d. The additional wireless facilities comply with all federal, State and local safety requirements.
 - e. The collocation does not exceed the applicable weight limits for the wireless support structure.
4. A collocation application shall be deemed complete unless the city provides notice in writing within 45 days of submission or within some other mutually agreed upon timeframe. The notice shall identify the deficiencies in the application which, if cured, would make the application complete. The application shall be deemed complete on resubmission of the additional materials cure the deficiencies identified.

5. The Town shall issue a written decision approving or denying an application within 45 days of a complete application.

C. Special Use Permits

All Special Use Permits required for wireless telecommunications towers and antennas pursuant to Sections 7160.020C and 7160.020H will be considered for approval by the Board of Adjustment. Applications for special use permits must include the following information and must be accompanied by payment for the evaluation of technical submittals by the applicant from a consultant retained by the town as per Section 7160.030A.

1. Identification of intended service provider(s).
2. Evidence that the property owners of residentially zoned property within 300 feet of the site have been notified by the applicant of the proposed tower height and design.
3. Documentation that towers over the height allowed by Section 7160.020C are necessary for a minimal level of service;
4. documentation called for in Section 7160.020C for proposed freestanding towers;
5. landscaping and screening detailing the type, amount of plantings, and location;
6. documentation of collapse area;
7. a statement regarding possible interference, if any, with respect to radio and/or television reception.
8. Documentation, photo simulations and a coverage map that show that the new structure or facility is necessary and cannot be co-located;
9. proof of insurance from the provider;
10. a written consultants report from a North Carolina State Certified Real Estate Appraiser that conforms to Standard 5 of the Uniform Standards of Professional Appraisal Practice.

D. Standards for Special Use Approvals

The Zoning Board of Adjustment may grant a special use permit that allows towers with greater heights, modified setbacks or separation distances, or alternative landscape plans if the Board determines that the applicant has demonstrated compliance with the general purposes of Section 7160.010, the submittal requirements of Section 7160.030C and provided the applicant has demonstrated compliance with the general criteria and standards for a special use permit. The Zoning Board of Adjustment may not alter or waive any federally-mandated requirements.

E. Zoning Certification

1. A zoning certification is required for each for each new or collocated wireless communication antenna or tower. When a wireless communication tower requires a special use permit such permit must be obtained before any zoning certification or building permit may be issued.

2. A zoning certification is required wherever an antenna is added to an existing tower or whenever an existing tower is substantially modified. An increase in tower height above the limits established in Section 7160.020C is considered a substantial modification that requires approval as a special use permit by the Zoning Board of Adjustment. The relocation of any existing tower such that it would violate the setback or separation requirements of Sections 7160.020D and 7160.020E is considered a substantial modification that requires approval as a special use permit by the Zoning Board of Adjustment.
3. Each applicant requesting a permit for a wireless communication antenna or tower must submit with the application a scaled site plan and scale elevation drawing and other supporting materials, signed and sealed by appropriate licensed professionals showing:
 - a. the location and dimensions of all improvements;
 - b. information concerning the properties topography;
 - c. radio frequency coverage;
 - d. tower height and setbacks;
 - e. drives, parking, fencing, landscaping; and adjacent land uses;
 - f. any other information deemed necessary by the Zoning Administrator or Director of Planning and Development in order to judge whether the proposed antenna or tower complies with this ordinance.

F. Variances

If an applicant wishes to install a tower or antenna higher than allowed in Section 7160.020C, with less separation than called for in Section 7160.020E, or in any manner that exceeds or is contrary to the requirements set forth in this ordinance. The applicant may pursue a variance as per this UDO.

Chapter 7170. Indoor Firearm Shooting Range Facilities

Indoor Firearm Shooting Range facilities are permitted as provided in Section 530.020G pursuant to a special use or zoning compliance permit. The proposed use shall satisfy the following requirements and shall be entered into the face of the permit:

- 7170.010** All facilities shall be designed, constructed, and operated in accordance with the NRA Range Source Book (Published 1999).
- 7170.020** All plans for indoor range facility (including interior up-fit of existing buildings) shall be prepared by a licensed engineer and obtain site plan approval by the Town.
- 7170.030** An evaluation in the area of use, procedural, range safety and design prepared by a NRA Range Technical Advisor shall be submitted to the Town prior to receiving a certificate of compliance, a power name change, or a privilege license by the Town. Recommendations identified within the evaluation shall be constructed or implemented prior to obtaining approval by the Town.
- 7170.040** Public notice for the required Special Use Permit public hearing shall be consistent with Chapter 310 of the UDO and the following:

- A. A public notice shall be sent to individual business owners/tenants occupying suites within a multi-tenant building where the range facility is proposed.
- B. A public notice shall be sent to individual business owners/tenants located on adjacent parcels of the subject property in which the range facility is proposed.

Chapter 7180. Outdoor Storage and Sales

The purpose and intent of this section is to allow outside storage, display, and sales/rental in the non-residential districts as an accessory use provided that such outside storage, display, and sales/rentals are designated areas that are adequately screened and meet the standards listed within this section.

7180.010 Unless specifically permitted for a particular use and on a site specific development plan, no outdoor storage, display, or sales/rental are permitted within any district without obtaining the appropriate permit.

7180.020 For those uses that require outdoor storage, display, or sales/rentals as an accessory use, the area to be used for outdoor storage, display, or sales/rentals:

- A. Must only be those areas designated as outdoor storage, display, or sales/rentals on a site specific development approval.
- B. Must meet building setbacks.
- C. Industrial and Commercial Uses.
- D. For industrial uses, must be located within the back 50% of the side-yard and/or in the rear yard; no outdoor storage, display, or sales/rentals are permitted in the front 50% of the side yard or in the front yard.
- E. For commercial uses, must be located within the side and/or rear yard and/or in the front yard if located entirely under the permanent primary building canopy.
- F. For commercial uses displaying outdoor sales of plants, produce, and cut flowers, the following applies:
 - a. The display area shall not extend more than 75% of the linear distance from the building or fenced outside sales area to the edge of the sidewalk or improved display area.
 - b. The display must not exceed twenty-five percent (25%) of the length of the building.
 - c. The display racks must not exceed eight (8) feet in height.
 - d. The display area must not interfere with pedestrian flows. Outdoor displays shall maintain five (5) feet of sidewalk clear for pedestrian flow. Sidewalks also maintaining a display area must continue to meet NC State Building Code and ADA compliance requirements.
 - e. Is limited to areas that are surfaced with asphalt, concrete or other materials that are equal in quality (if approved by the Planning Director).

- 7180.030** Is the case of storage of materials posing an environmental hazard, such as soil, fertilizer, lumber, or other loose, unprotected material, shall be fully contained to prevent leaching or run-off.
- 7180.040** Must not interfere with pedestrian flows. Outdoor displays shall maintain five (5) feet of sidewalk clear for pedestrian flow. Sidewalks also maintaining a display area must continue to meet NC State Building Code and ADA compliance requirements.
- 7180.050** In no case shall any parking space designated on a site-specific development plan be used for outdoor storage, display, or sales/rental unless authorized by the Planning Director in writing.
- 7180.060** The areas shall be screened from off-site view, except under the permanent primary building canopy, where goods simply cannot extend past the canopy unless otherwise allowed in this Chapter. Screening shall be achieved through the use of opaque fencing and/or evergreen plants. Chain link fencing with vinyl slats is not considered opaque fencing and is not allowed for screening purposes. Plants must be 6' tall or the height of goods stored, displayed, or for sale/rental at the time of planting and must reach the height of the goods stored, displayed, or for sale/rental within 3 years of planting.

Chapter 7190. Alcohol Beverage Control (ABC) Store

ABC Store use is permissible within the RBD, GBD, and O-VCD districts only if the proposed use meets the following requirements:

- 7190.010** The responsible party shall obtain all local, state and federal permits required for such use.
- 7190.020** The proposed location for the construction of or establishment thereof, an ABC Store shall be considered by the Indian Trail Town Council. Permits associated with the request shall be processed as follows:
- A.** Staff shall notify the Council upon receipt of an initial permit for all ABC Store use within the Town.
 - B.** The Council shall consider the proposed location at the next Town Council meeting and determine whether it objects to the proposed said location. If Council does object by majority, a public hearing date shall be set and the local ABC Board notified.
 - C.** If a public hearing is required, the Council shall:
 - a.** Notice the public hearing consistent with Chapter 310 of this ordinance;
 - b.** Take evidence and testimony at the public hearing;
 - c.** Pass a Town resolution objecting to or supporting the proposed location of the ABC Store;
 - d.** Resolutions passed objecting to the location shall be sent to the NC ABC Commission.

7190.030 All ABC Store operations shall comply with local, state and federal regulations.

Chapter 7200. Second Hand Thrift/Consignment Sales and Antique Shops

The following regulations shall apply to all Second Hand Thrift/Consignment Sales and Antique Shops uses as defined in UDO Section 1610.050, that are located within the Central Business District, Neighborhood Business District, and within the Downtown and Village Center Overlays.

- 1.** All merchandise or donated goods shall be delivered to, stored and processed within the interior of the building with the exception of the establishment of an outdoor merchandise receiving area as described in Section 2 below. The exterior storage of merchandise and donated material shall be prohibited with the exception of outdoor display/sales areas as permitted in UDO Chapter 7180; and
- 2.** Outdoor merchandise receiving areas may be established to accommodate the occasional delivery/donation of oversized merchandise or for the delivery/donation of merchandise from individuals with physical limitations subject to the following requirements:
 - a.** A Special Use Permit shall be required for establishment of outdoor merchandise receiving areas; and
 - b.** The applicant will need to demonstrate to the Board of Adjustment that the receiving area will only be utilized for the occasional delivery of oversized items or for those with limited physical abilities and is not intended to serve as a continuously used drive thru type facility; and
 - c.** The applicant will need to demonstrate to the Board of Adjustment how delivered merchandise will be immediately received and transferred into the building; and
 - d.** Receiving area shall be located to the side or rear (preferred) of the primary building and shall not interfere with the normal circulation of on or off-site traffic; and
 - e.** Receiving areas shall be screened from view of adjacent roadways and properties in compliance with UDO 810.080B unless approved otherwise by the Board of Adjustment; and
- 3.** The use of drive thru facilities for merchandise or donated goods drop off shall be prohibited; and
- 4.** The use of exterior donation drop off bins or areas shall be prohibited; and
- 5.** The use of tractor trailers, pods, shipping containers, and similar portable storage units for merchandise or donated goods storage or processing shall be prohibited.

Chapter 7210. Breweries, Distilleries and Wineries

The following regulations shall apply to all Brewery, Distillery and Winery Uses as described in UDO Section 1610.100.

- A.** Uses within the Industrial Zoning District [Light Industrial (LI) and Heavy Industrial (HI), and applicable overlay zoning districts:
1. Uses in the HI District shall not be open to the general public for activities such as onsite tours, product tasting room activities, and/or other food and beverage service activities; and
 2. Uses shall not produce odors, gas, dust or any other pollutants detrimental to the health, safety or general welfare of persons living or working in the surrounding properties; and
 3. Size limitations for non-production related activities in the LI district (i.e., tap or tasting room, food service and similar) shall not exceed 50% of the total floor area. For non-production related activities exceeding 50% of the total floor area, a Special Use Permit shall be required; and
 4. Parking requirements shall be calculated in accordance with Chapter 1020.010, *Parking Ratios* under the “Industrial” use category for “Manufacturing and Production.” Parking requirements for uses in the LI District that include a taproom or tasting room and/or a food and beverage service area shall be calculated under the “Restaurant” use category and shall ensure vehicular access, parking and circulation areas that are designed to minimize conflicts with access, parking and circulation for adjacent industrial establishments; and
 5. Outdoor storage shall comply with the provisions of UDO Section 7180, *Outdoor Storage*, and
 6. Outdoor activities, such as live or recorded music, shall not be audible from any occupied residential home and/or from within the enclosed building of any adjacent business establishment; and
 7. Uses shall comply with all applicable Federal, State and County regulations.
- B.** Uses within Commercial Zoning Districts [Regional Business District (RBD), General Business District (GBD), Central Business District (CBD), and applicable overlay zoning districts:
1. Shall include at least one of the following associated uses: restaurant, taproom or tasting room; and
 2. Uses shall not produce odors, gas, dust or any other pollutants detrimental to the health, safety or general welfare of persons living or working in the surrounding properties; and
 3. Size limitations for production related activities (i.e., production of alcohol or alcoholic beverages) shall not exceed 50% of the total floor area. For production activities exceeding 50% of the total floor area, a Special Use Permit shall be required; and
 4. Parking requirements for the production related activities shall be calculated in accordance with Chapter 1020.010, *Parking Ratios* under the “Industrial” use category for “Manufacturing and Production.” Parking for non-production related activities (i.e., taproom or tasting room, food service, and similar) shall be calculated under the

7160.030. Review and Approval Procedures

“Restaurant” use category and shall ensure vehicular access, parking and circulation areas that are designed to minimize conflicts with the access, parking and circulation for adjacent establishments; and

5. For uses located within new buildings, the street facing or front facing façade(s) shall maintain a commercial appearance with fenestration through store fronts, windows and doors. Uses located within existing buildings shall comply with this requirement as much as possible; and
6. Outdoor storage shall comply with the provisions of UDO Section 7180, *Outdoor Storage*; and
7. Uses located within new buildings shall not have outdoor storage or loading docks located within a front yard. For uses located within existing buildings, outdoor storage or loading docks may be located within the front yard if provided by the existing building and site layout; and
8. Outdoor loading or distribution activates outside RBD between the hours of 10pm and 7am shall require a Special Use Permit; and
9. Outdoor activities, such as live or recorded music, shall not be audible from any occupied residential home and/or from within the enclosed building of any adjacent business establishment; and
10. Uses shall comply with all applicable Federal, State and County regulations.

C. Uses within the Downtown Overlay O-DD and Village Center Overlay O-VCD;

1. Shall comply with the requirements of the base zoning district as stated in UDO Section 7210 A or B; and
2. Any outdoor storage operations shall require a Special Use Permit.

Chapter 7220. Existing Car Washes within the Old Monroe Village Center Overlay

The following regulations shall only apply to Car Wash uses within the Old Monroe Village Center Overlay legally permitted on or before December 30, 2008.

- A.** Any car wash use within the Old Monroe Village Center Overlay legally permitted on or before December 30, 2008 shall be considered a permitted use.

Notwithstanding any applicable designation or classification under Chapter 250.020 of the Unified Development Ordinance, the owner of any permitted car wash use legally permitted on or before December 30, 2008 shall be allowed to expand the current permitted car wash use onto, or utilize in furtherance of that permitted car wash use, any adjoining parcels of real property acquired after December 30, 2008 if the owner of the legally permitted car wash complies with all other provisions of this Unified Development Ordinance.

Chapter 7230. Electronic Gaming Operations

The following regulations shall apply to all Electronic Gaming Operations as described in UDO Chapter 1610.100:

- A. An electronic gaming operation may be a principal use or an accessory use to a principal business, within the same structure.
- B. *Property Separation*: Where these standards establish locational restrictions for these establishments, such restriction will be measured by a straight line in all directions and will not be measured as a walking or street distance. All measurements must be from property line to property line except in the case where an electronic gaming operation is proposed to be located within a multi-tenant building, in which case, all measurements will be in a straight line from the public entrance to the electronic gaming operation.
 - 1. No electronic gaming operation shall be permitted within 2,000 feet of any:
 - i. Electronic gaming operation; and
 - ii. Dwelling or dwelling unit, a church, mosque, synagogue, temple or other place of worship, public or private school, child day care center or nursery school, or public park or playground; and
 - iii. Business or facility that possesses an On-Premises alcoholic beverage permit from the North Carolina Alcohol Beverage Control Commission (ABC).
 - 2. The Board of Adjustment may consider modifications to the established criteria referenced in Section B1.i thru iii Property Separation upon request in accordance with Chapter 350 of the UDO. In considering a modification request, the Board of Adjustment shall consider the following factors:
 - i. The number and location of existing electronic gaming operations in the Regional Business District; and
 - ii. The proximity and/or visibility of the proposed electronic gaming establishment to a dwelling or dwelling unit, church, mosque, synagogue, temple or other place of worship, public or private school, child day care center or nursery school, and/or public park or playground; and
 - iii. The overall health, safety, and welfare of the Town.
- C. *Alcohol Consumption*: The sale and consumption of alcoholic beverages is prohibited on the premises.
- D. *Public Official Ingress*: Representatives of government agencies shall be granted the right of entry into the facility at all reasonable hours for the purpose of examination in accordance with §58-79-20 of the North Carolina General Statutes.
- E. *Occupancy*: The maximum building occupancy set by the Union County Fire Marshall's Office and/or other government agency shall be posted in a conspicuous location near the main entrance to the building.
- F. *Minimum Age*: Users of the electronic gaming machines or devices shall be at least 18-years of age unless a higher age threshold is established within the North Carolina General Statutes or other governing laws.
- G. *Accessory Use*: Electronic gaming operations permitted as accessory uses shall be subject to the following standards:
 - 1. *Number of Machines*: Limited to no more than two (2) devices or machines for each principal use or establishment.
 - 2. *Parking*: One (1) space for each machine shall be provided in addition to required parking for the principal use.
 - 3. If an electronic gaming operation is an accessory use with a maximum of two (2) devices or machines, then the property separation requirements noted in Section B above may not apply.

- H. Issuance of a zoning permit pursuant to the provisions of Chapter 7220 does not authorize any deviation from compliance with North Carolina General Statutes requirements for Electronic Machines and Devices for Sweepstakes and/or other gambling related statutes.

Chapter 7240. Mobile Food Vending Unit and Food Vendors

The following regulations shall apply to all mobile food vending units (MFVU) as described in UDO Chapter 1620:

- I. Mobile food vending units within the Town of Indian Trail must meet one of the following criteria:
 - 1. Be located in one of the following areas: Downtown Overlay, Light-Industrial and Heavy-Industrial Districts, Regional Business District, Village Overlay Districts – Non-Residential District of village only,
 - 2. Be part of a temporary sponsored event (such as a non-profit fundraiser, neighborhood festival or commercial grand-opening celebration), or
 - 3. Be operating under contract with the Town of Indian Trail on Town owned property.
- J. Exemption: A fundraiser held by a non-profit organization (i.e. – BBQ hosted by Boy Scouts) where 100% of the proceeds go to the non-profit shall be exempt from these regulations if proof of the non-profit 501(c)(3) documentation is provided and the non-profit organization is only selling food for a fundraiser one time a month for up to two (2) consecutive days. If a non-profit organization would like to sell food more than one time a month for up to two consecutive days, then a Temporary Use Permit will be required.
- K. Submittal: Applications must be submitted for review at least ten (10) business days prior to the date of the event.
- L. Duration of Permit: Permits for mobile food vending units shall be valid for six (6) months unless permitted as part of a temporary event.
- M. Mobile Food Vending Unit (MFVU) Requirements:

Food vendors shall provide the following documentation when applying for a permit:

 - 1. Union County Health Department documents, including, but not limited to: inspection report, sanitation rating and health permit.
 - 2. North Carolina Department of Agriculture approval, if necessary.
 - 3. The vendor must submit proof of property owner's permission to locate on site.
 - 4. Any mobile food vending unit driver must possess a valid driver's license, as required by State law.
 - 5. Copy of vehicle registration.
 - 6. Color photo of MFVU.
 - 7. If MFVU will be located on Town of Indian Trail property or within public rights-of-way, the vendor shall be required to meet the general liability insurance coverage policy and risk management requirements of the Town of Indian Trail.
- N. General Requirements:
 - 1. Town of Indian Trail MFVU approval certificate posted in conspicuous location.
 - 2. Trash receptacle and recycling bin for the customers which the vendor shall remove from site at the end of each day. The vendor shall be responsible for removing all trash and refuse from the site at the end of each business day.
 - 3. There shall be no signage used by vendors except what is allowed on the mobile unit itself and one (1) portable menu sign no more than six (6) square feet in display area on the ground no further than ten (10) feet from the truck.

4. No vendor shall utilize any electricity or power without the prior written consent of the power customer.
 5. Food trucks shall not be located in a manner that impacts the primary use from meeting minimum parking requirements.
- O. Location: In order to locate on a property there must be a primary use.
1. Food trucks may only conduct business on privately owned non-residential property with the exception of operations on Town owned property or when conducted as part of a neighborhood event subject to the approval of the property owner.
 2. Limit: Up to two (2) MFVUs may be located on one parcel. More than two (2) MFVUs shall require a temporary event permit or a special event permit, in accordance with Chapter 450.
 3. Minimum Separation. Mobile food vendor units shall:
 - i. Not be located closer than 200 feet from the front door of any existing, non-affiliated restaurant and/or outdoor dining area. Multi-tenant commercial centers located on the same parcel will be exempt from this requirement.
 - ii. Not park in fire lanes and must be located at least 20 feet from fire hydrants.
 - iii. Not block any driveway, sidewalk, utility box or vault, ADA accessible parking area, building entrance or exit, drive aisles, sight distance lines, emergency call box or any other area deemed unsafe by Town code enforcement staff or the Union County Sheriff Office.
 - iv. Not park within 250 feet of any residential district, except when part of a neighborhood event or Town sponsored event.
- P. Hours of Operation:
1. Sunday through Thursday: 6 am to 10 pm
 2. Friday and Saturday: 6 am to 12 am (midnight)
- Q. Alcohol: Alcohol sales shall only be permitted during special events or temporary events which have been approved by the Town of Indian Trail. Mobile food vendors must provide approval from the ABC Commission and Union County Environmental Health if applicable.
- R. Modification, Suspension and Revocation of Permit:
1. The permit issued for the food truck business may be revoked if the vendor violates any of the provisions contained in this article.
 2. The Town Manager may revoke a permit if he or she determines that the food truck vendor's operations are causing parking, traffic congestion, noise, odor or litter problems either on or off the property where the use is located or that such use is otherwise created a danger to the public health or safety.
 3. The Town Manager reserves the right to temporarily suspend food truck permits during the times of special events in the Town of Indian Trail.
 4. The Town Manager further reserves the right to modify the provisions of this ordinance in order to grant further latitude for enabling MFVUs to address unforeseen scenarios.
 5. Food truck businesses with revoked or suspended permits may not be permitted to apply for a new permit for six (6) months.

DIVISION 800. LANDSCAPING

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Chapter 810. Buffer Yards, Parking Lots and Street Frontages

810.010 Scope and Purpose

These regulations establish minimum requirements for buffer yards, perimeter landscaping, and parking lot landscaping. It is the intent and purposes of these provisions include:

- A.** To minimize the adverse aesthetic impacts of certain land uses (e.g. outdoor storage yards, junkyards, recycling facilities) by requiring buffer yards between different land uses.
- B.** To encourage tree planting and landscaping as a means of improving and protecting the Town's environment and ecological balance. Trees, shrubs, and plants will be used to mitigate the ill effects associated with some land uses by filtering noise, dust, and fumes, modifying the rate of stormwater runoff and soil erosion; reducing glare from vehicle headlights and parking lot area lighting; and providing shade and reducing the heat-island effect of large asphalt parking lots.
- C.** To enhance the environment and visual character of the Town of Indian Trail and to safeguard property values of adjacent properties, to protect public and private investments, and to promote high-quality development within the Town. Landscaping is intended to add beauty and value to property in the Town of Indian Trail by enhancing parking lots, home sites, and new commercial and industrial developments through the installation of trees and vegetation.
- D.** To reduce the incompatibility between zoning districts of different land use intensities and type. To lessen the adverse impacts of more intense land uses upon adjacent residential areas and other less intense land uses, thereby reducing the ill effects of large expanses of paved areas, outside storage yards, and parking lots.
- E.** To coordinate policies regarding the removal of existing trees and to require the planting and replacement of trees removed from private property within the Town of Indian Trail. In so doing, this will safeguard the ecological and aesthetic environment of the community.

810.020 Relationship to Tree Ordinance Requirements

- A.** Trees that are required to be preserved or planted under the tree save area or canopy planting requirements (see Section 830.040 and Section 840.010) of the Tree Ordinance will be credited toward the applicant's landscaping obligations established by the requirements of this Chapter. The Director of Planning and Development will determine whether saved trees or trees required to be planted to establish a minimum amount of tree canopy are credited toward the buffer yard, perimeter, or parking lot landscaping requirements of this Chapter. Where the Tree Ordinance establishes bonuses (see Chapter 850 of the Tree Ordinance) for saving existing stands of trees or heritage trees, the Director of Planning and Development will credit those bonuses to the requirements of this Chapter.

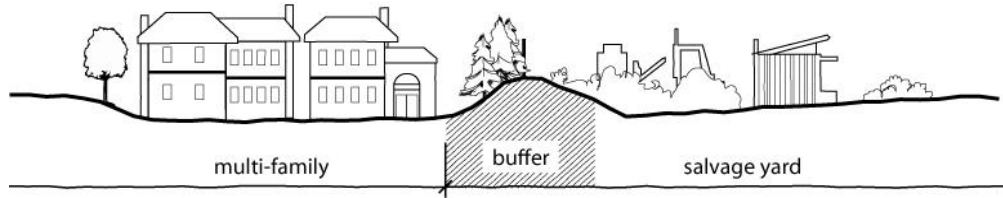
810.030 Applicability

The requirements of this Chapter apply to the construction of any principal structure or building and to the construction of any new parking area with more than 5 parking spaces. Where any provisions of this Chapter overlap or conflict with the requirements of the Tree Ordinance requirements, the most restrictive requirements will apply. The following apply to all new development, unless specifically exempted:

- A.** All ground surfaces, not otherwise built on or required to be paved, must be maintained with appropriate ground cover. Appropriate ground cover must include ground cover plants, turf, grass, mulch, or natural vegetation.
- B.** As illustrated in Figure 1, landscaped buffer yards are required to be placed along the boundaries of a zoning lot that abuts properties in a different, less intensive zoning district, as determined by 810.040D. Where buffer yards are required, these requirements will be considered the most restrictive requirements and will apply in lieu of any other perimeter planting requirements.

Figure 8: Illustration of Bufferyard Concept

buffering (example)



- C.** If a buffer yard is not required, then a landscaped setback consistent with Section 810.130A will be required for any parking lot or vehicular use area with more than 5 parking spaces or 2,000 square feet of area, whichever is less. In addition, building landscaping and interior landscaping will be installed consistent with the requirements of Section 810.140 and Section 810.160, respectively.
- D.** If a buffer yard is not required and the development does not trigger the parking lot landscaping requirements of 810.120, then perimeter landscaping consistent with Section 810.180 or street tree plantings consistent with Section 810.190 will be required.
- E.** The requirements of this Chapter apply to existing properties that do not currently conform to the requirements of this Chapter when such existing properties are changed or altered as described below. However, the Director of Planning and Development is authorized to permit exceptions and to authorize alternative means of compliance for existing properties when such changes are consistent with the Town's overall landscaping goals and where such exceptions or alternatives are appropriate given the size and scale of the proposed property improvements.
 - 1.** A new building or new parking lot (more than 5 spaces) is proposed;
 - 2.** an addition to an existing building or parking lot is proposed where such addition represents an expansion of 1,000 square feet or a 50% increase in the existing floor area, whichever is less. In addition, where an outdoor storage yard that is expanded by more than 2,000 square feet of land area;
 - 3.** when a zoning application for a planned development, special use permit, variance or other discretionary permit is filed for the property, approval of the zoning application may be granted with the condition that requires the entire property to be brought into compliance with the minimum landscaping requirements of this Ordinance. In addition, landscaping over and above the minimums may also be required.

4. When an existing parking lot is dug up, removed or reconstructed where such reconstruction involves the removal of existing paving, asphalt, or concrete devoted to parking, loading, or driving aisles. This provision does not apply to simple resurfacing or restriping of asphalt or concrete.

Most parking lots are resurfaced every few years; occasionally when properties are rebuilt or altered existing parking lots are reconstructed. Landscaping is not required when parking is resurfaced but is required when the parking lot is dug up, removed, or reconstructed.

810.040 Landscape Buffer Yards

A buffer yard is required at the edge or boundary of a parcel or development site that is adjacent to a less intensive land use.

- A. Buffers must be improved with trees, shrubs, ground covers, and screening but the Director of Planning and Development may also permit bufferyards to be occupied by stormwater retention areas provided such stormwater retention facilities are setback at least 10 feet from any property line and provided such retention areas incorporate state of the art improvements (e.g. wet pond fountains with circulations systems or rain gardens) that make the facilities a significant amenity to the development.
- B. The required size of buffers required between a proposed land uses and an existing land use on adjoining zoning lots is set forth in the Buffer Matrix, Table 10-1, below. If the land next to the proposed development is vacant, the buffering required shall be determined on the basis of the most intensive use permitted by the existing zoning on the adjacent vacant parcel. If the adjacent parcel is vacant, but is zoned for a more intensive zoning district, no buffer area shall be required of the less intensive use.
- C. In mixed-use development projects, bufferyards will not be required between different land uses within a development project. Bufferyards will only be required along the perimeter property lines forming the boundaries of the development. The Director of Planning and Development will determine the appropriate buffer yard requirement based on an analysis of the character and intensity of land uses nearest to the project boundaries.
- D. The relative degree of intensity between different land uses shall be determined as follows:
 1. Single-family shall be the least intensive.
 2. Attached single-family homes and two-family homes will be the next least intensive.
 3. Multiple-family development will be the next least intensive.
 4. Group 1 shall be the next least intensive.
 5. Group 2 shall be the next least intensive.
 6. Group 3 shall be the most intensive.
- E. Notwithstanding the foregoing, if a shared driveway subdivides two lots, not grassed/vegetative strip shall be required where such shared driveway is located, but the area of the grassed strip that would have been required without the shared driveway shall be relocated, as a whole or in parts, to either side or the front lot line of the lot served by the shared driveway. This provision would apply to non-residential driveways exclusively.

Table 8-1: Bufferyard Matrix

Buffer Matrix (Required Buffer Width [feet])						
Proposed Use	Abutting Use or Zoning and Required Buffer Width					
	Single-Family/Two Family	Attached Single-Family	Multiple-Family	Group 1	Group 2	Group 3
Single-Family/Two-Family	0	0	0	0	0	0
Attached Single-Family	50	25	0	0	0	0
Multi-Family	50	50	0	0	0	0
Group 1 Use	25	25	15	0	0	0
Group 2 Use	25	25	15	15	0	0
Group 3 Use	50	50	50	15	15	0

810.050 Land Use Groups

Land uses shall be assigned to land use groups in accordance with the following table:

Table 8-2: Land Use Groupings

Land Use Group Designation	
Group 1	
Cultural Facilities	Residential Support Uses
Art Galleries	Child Care Center
Libraries	Church/Synagogue/Religious Assembly
Museums	College/University
Schools	
Group 2	
Communication Facilities	Public Facilities
Motion Picture Studio	Public Service Facilities
Radio And Television Studio	Public Use Facilities
Radio And Television Transmitting/ Receiving Facility	
Telecommunications Tower	
Retail	Services
Bicycle Sales	Animal Hospital/Veterinary Clinic
Commercial Vehicle Sales	General
Convenience Goods	Small Animal
Domestic Vehicle Sales	Large Animal
Gas Station	Automatic Teller
General Merchandise	Bank
Liquor Stores	Business Services
Lumber And Other Building Materials	Financial Services
Mail Order Delivery/Pickup Facility	Health Services
Manufactured Home Sales	Health Practitioner's Office
Motor Vehicle Sales	Medical And Dental Laboratories
Service Station	

Land Use Group Designation	
Used Merchandise Sales	
Services – Miscellaneous	
Bicycle Repair Rehabilitation Centers	Off-Premise Signs
Business Schools	Parking, Off-Street
Dry Cleaners Hotels/Motels	Personal Services
Electrical/Electronic Repair – Small	Professional Services
Flea Markets, Enclosed	Repair Services
Food Catering Recreation and Amusement Services	Research Activities
Funeral Parlor	Sanitarium/Mental Institution
Furniture Refinishing And Repair	Small Motor Repair
Gunsmith	Small Motor Repair
Locksmith Photography Studio	Technical Schools
Mail Order Office Rental Of Light Equipment	Trade Schools
Membership Organizations	Vocational Schools Miscellaneous
Nursing, Convalescent, and Extended Care Facilities	Watch, Clock And Jewelry Repair
Office-Miscellaneous	
Group 3	
Junkyards	Transportation Facilities
Manufacturing, Processing, Assembly	Truck Terminal
Open Storage	Warehousing
Open Uses Of Land –Salvage and Recycling	Warehouse
Places Of Assembly (Entertainment)	Warehouse, Mini
Railroad Switching And Classification Yard	
Group 3 Miscellaneous	
Adult Uses	Motor Vehicle Repair – Minor
Car Wash (Primary Use)	Publishing And Printing
Crematorium	Rental Of Vehicles Or Heavy Equipment
Electrical/Electronic Repair – Large	Reupholster
Exterminator	Sign Painting Services
Flea Markets, Open	Slaughterhouse
Lawn Care/Landscaping	Stadium
Lumberyard	Wholesale Distribution

810.060 Unlisted Uses

In the case of uses not listed above, the Director of Planning and Development will make a determination of the group appropriate for such uses. In reaching the determination, the Director must determine the most similar use that has comparable impacts.

810.070 Buffer Yard Screening Required

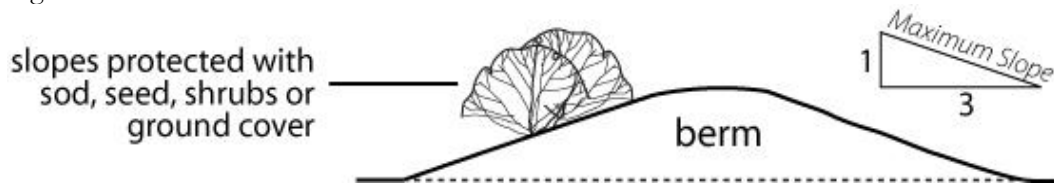
Screening shall be required along the property boundaries of the zoning lot with the exception that screening such as hedges, fences or walls, as described in this section, shall not be over 4 feet tall within front yards unless otherwise expressly authorized in this Ordinance. Trees required to be saved or planted as provided in the Tree Ordinance will be counted toward the buffer yard requirements of this Section when such trees are located within the required buffer yard area.

810.080 Size and Design of Required Buffers**A. 15-Foot Buffers**

Within buffers that are required to be 15 feet in width, partial screening is required and shall consist of a mix of small, medium, or large deciduous or ornamental trees planted in a row an average of 30 feet on center plus one of the following options:

1. A masonry wall (e.g. brick, stone, or stucco) located within the required buffer, such wall shall be a minimum height of five feet (above finished grade); or
2. A privacy fence made of wood, vinyl or similar high-quality material that is six feet in height; or
3. A berm and planting combination, the berm must have a minimum height of three feet and must be densely planted (i.e. a row of evergreen shrubs not less than 24 inches tall at the time of installation planted not more than 3 feet apart) so that the berm and plantings, when combined, achieve a minimum height of 6 feet and 75 percent opacity within 2 years. The maximum slope of any berm will be 3:1 and side slopes will be designed to ensure the prevention of soil erosion. Figure 2 illustrates the combination of a berm and shrubs in creating an effective buffer.

Figure 9: Berm Detail



4. Continuous hedges a minimum of 24 inches in height at the time of installation and eventually maintained at a height of 6 feet in side and rear yards.

B. 25-Foot Buffers

Within buffers that are required to be 25 feet in width, trees and screening are required and will consist of the following:

1. A mix of small, medium, or large deciduous or ornamental trees planted in a row an average of 30 feet on center; or
2. A row of evergreen shrubs not less than 24 inches tall at the time of installation planted not more than 3 feet apart to form a continuous hedge, that will be at least 6 feet high within 2 years of installation; or a solid brick, stone, stucco wall or vinyl fence, a minimum of 5 feet high; or a berm and planting combination, with the berm having an minimum height of 3 feet, and dense evergreen shrubs which, when combined with the berm, achieves a minimum height of 6 feet and 75 percent opacity within 2 years. The maximum slope of any berm will be 3:1 and side slopes will be designed to ensure the prevention of soil erosion.

Figure 10: Illustration of tall evergreens as screen.



Source: Metropolitan Design Center Image Bank; University of Minnesota

C. 50-Foot and Greater Buffers

Within buffers that are required to be 50 or more feet in width, screening is required and shall consist of at least the following:

1. the standards applicable to 25-foot buffers;
2. a double row of evergreen trees which are not less than 5 feet in height at the time of installation, planted no more than 10 feet apart; and
3. lawn, low-growing evergreen shrubs, evergreen ground cover, or wood mulch covering the balance of the buffer.

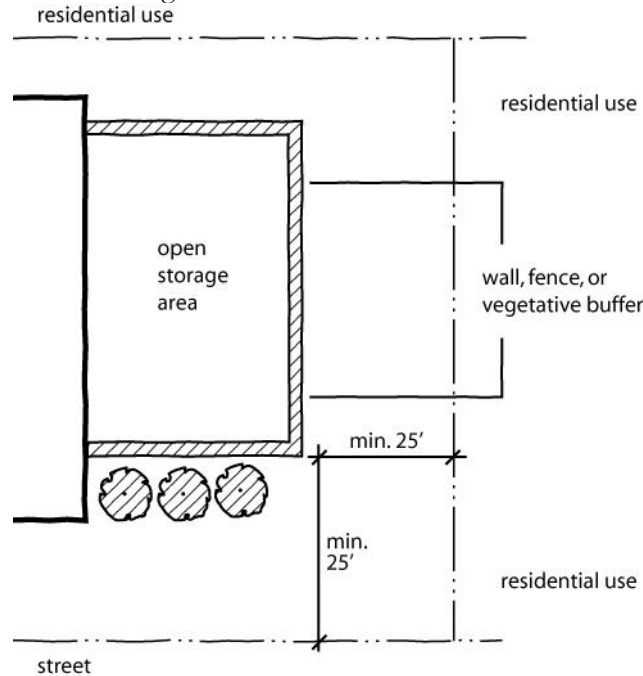
810.090 Alternative Buffers and Screening

In lieu of compliance with the 15-foot, 25 foot or 50-foot buffer standards of this section, an applicant may submit an alternative landscape and buffer plan to the Tree Advisory Committee for review. Upon review of the alternate plan, the Committee may recommend that the Director of Planning and Development approve the alternative buffering and screening upon finding that the proposal will afford a degree of buffering and screening, in terms of height, separation, and opacity that is equivalent to or exceeding that provided by the applicable 15, 25, or 50-foot and greater buffer standards of this section. The Planning Director may not take final action approving an alternative plan until a recommendation from the committee is received or until forty-five (45) days have passed since the proposal was heard by the committee, whichever is first.

810.100 Screening of Open Storage

Open storage areas as a principal or accessory use shall be screened from view of any street and from any residential use through the use of the same screening standards provided for 25-foot buffers. See Section 810.080B.

Figure 11: Screening of Outdoor Storage



810.110 Screening of Mechanical Equipment

All ground mounted mechanical equipment (air conditioners, heat pumps, etc.) must be screened using of features such as berms, fences, false facades or dense landscaping. When landscaping is used it should have a minimum height of 4 feet at the time of installation and should achieve a minimum 75% opacity within 2 years.

810.120 Parking Lot Landscaping

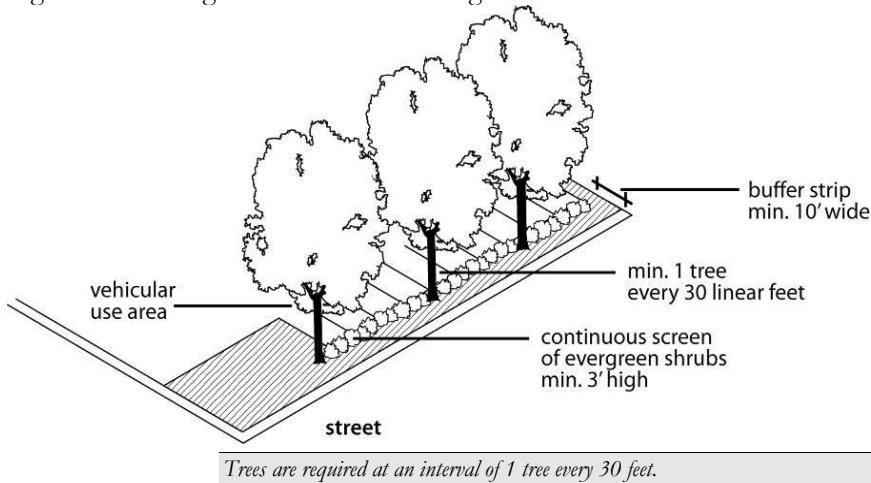
All parking areas must comply with the following minimum screening and landscaping standards except for parking associated with single-family or two-family dwellings, parking facilities with 5 or fewer parking spaces, and parking areas entirely enclosed or constructed underground. Trees required to be saved or planted as provided in Chapter 830 of the Tree Ordinance will be counted toward the parking lot landscaping requirements of this Section when such trees are located within the areas of a parking lot required to be landscaped. The Director of Planning and Development will make a determination as to whether trees required by Chapter 840 of the Tree Ordinance are credited toward the landscaping requirements for parking lot perimeters, interiors, or the landscaping required adjacent to buildings.

810.130 Perimeter Landscaping of Parking Lots

- A. Surface parking lots shall be screened from adjacent streets and rights of way by means of an effective screening device consisting of at least the following:
 1. A setback the width of which will vary according to the street type. This setback must be at least 20 feet in width adjacent to a thoroughfare or boulevard as designated by the Indian Trail Comprehensive Plan of 2005 (Plate 21) and at least 10 feet in width adjacent to a private street or any other public street. (See Figure 5.) This setback may be reduced to 15 feet and 7.5 feet respectively if the applicant installs a masonry wall no taller than 3.5 feet in height that screens parked cars from the street.

2. Trees must be at least 2.5 inches in caliper and no less than 8 feet in height at the time of installation and must be planted an average of 30 feet on center. Trees must be medium/large deciduous trees that grow to a minimum height of at least 30 feet and that provide substantial shade to the surrounding property. The Planning Director will authorize exceptions where there are overhead utility lines present. In such cases, small deciduous or ornamental trees may be used; however, the minimum spacing requirements shall be increased to one tree per 20 feet.

Figure 12: Parking Lot Perimeter Plantings



3. Densely planted shrubs a minimum of 24 inches in height at the time of planting and planted at no less than 36 inch intervals. Such hedges shall not exceed a height of 3 feet within any sight triangle.

810.140 Landscaping Adjacent to Buildings

Exterior building walls adjacent to parking lots, driving aisles, or public sidewalks that are visible from a public or private right-of-way must be improved with a landscaped buffer strip at least 3 feet in width. Where the exterior building façade provides public access to the building and is adjacent to a surface parking lot and/or a driving aisle there shall be a combined landscape strip and walkway with a width of at least 8 feet. Any landscape strip must be densely planted with hedges at least 24 inches in height at the time of installation. See Section 810.130A.3.

Figure 13: Landscaping Adjacent to Building



Landscaping is required at the edge of the building in addition to the walkway.

810.150 Landscaped Entryways

- A. The principal entryway (i.e. driveway) into parking facilities with more than 200 parking spaces must be bordered by a buffer strip a minimum of 9 feet in width that is landscaped with one tree for every 200 square feet of landscaped area and densely planted hedges at least 24 inches in height at the time of installation. This landscaping strip must extend an appropriate distance into the property in order to frame the property's entryway as determined by the Director of Planning and Development.

Figure 14: Landscaped entryway to large parking lot.



Source: Metropolitan Design Center Image Bank; University of Minnesota

810.160 Interior Parking Area Landscaping Requirements – New Parking Areas

A. Canopy Coverage in Parking Lots

1. All parking lots over 12 parking spaces must provide a minimum of 35% percent canopy cover or one tree per every 15 parking spaces whichever results in more trees. For example, a parking area of 12,000 square feet x .35 = 4200 square feet. To achieve this 4200 square feet, the applicant will be given tree canopy credits in the following manner: a planted large maturing tree shall be counted as equivalent to 1,600 square feet of canopy; a medium maturing tree shall be counted as the equivalent of 900 square feet of canopy; and a small maturing tree shall be counted as the equivalent of 400 square feet of canopy.
2. Parking lots containing over 250 parking spaces shall provide at least half of the required 35% percent canopy cover with large trees.
3. In the review of parking lot landscaping plans, the Director of Planning and Development will be responsible for insuring that trees are appropriately dispersed so that significant portions of parking lots are shaded. In general, trees will be considered adequately dispersed if all vehicular parking spaces have at least one tree trunk within sixty feet of each parking space. Where the Director of Planning and Development determines that trees saved or planted within the perimeter setback area are located so that they provide significant shading of parking areas then these trees may be counted toward meeting both the perimeter planting requirements of Section 810.180 and the interior planting requirements of this Section.
4. A mix of tree species shall be provided for rows of parking spaces over 10 and provide a minimum of 3 types of tree species.
5. A minimum size planting island shall be provided for different size trees:
 - a. Small trees shall have a minimum planting island of 162 square feet with a minimum width of 9 feet.
 - b. Medium maturing trees shall have a minimum planting island of 225 square feet with a minimum width of 9 feet.
 - c. Large maturing trees shall have a minimum planting island of 288 square feet with a minimum width of 9 feet.
6. Planting islands that serve to break up every 15 parking spaces shall be a minimum of 162 square feet with a minimum width of 9 feet.
7. Developers shall have the option of small, medium or large canopy trees so as long as 25% of the trees provided are large trees.

8. Existing, healthy, well-formed trees may be preserved and used for credit in satisfying the requirements of this section consistent with the tree save area requirements of Section 830.040B of the Tree Ordinance. Trees may be credited toward the parking lot landscaping requirements if they provide some shade to the parking area. Saving existing trees will be credited at the rate of 1 saved tree for every 1 new tree required except in the case of the saving of tree stands or heritage trees in which case the Director of Planning and Development may authorize greater credits consistent with the Tree Ordinance.
9. If any vegetation dies, replacement is required not later than the next planting season.
10. Any fraction of these requirements must be rounded up to the next whole number.
11. Landscaping must not obstruct the view of motorists using any street, private driveway, parking aisles or the approach to any street intersection so as to constitute a traffic hazard.
12. All trees required by this section shall be at least 8 feet in height above ground level and at least 2.5 inches in caliper at the time of installation, and shall have an expected mature height of at least 30 feet, unless otherwise expressly stated herein. All shrubs required by this section shall be at least 24 inches in height when planted and shall attain a minimum size of 30 inches in height within 3 years of plantings. The standards for all trees and shrubs required, including the minimum height, root ball size, number of branches and width shall conform to the American Standard for Nursery Stock published by the American Association of Nurserymen for that type of tree or shrub at the time of installation. The selection and planting of trees and shrubs shall conform to the suggested plant list in Appendix 1.

810.170 Modification of Interior Landscaping Requirements

When a zoning permit is requested for the redevelopment of an existing property, then interior parking landscaping is required per Section 810.160 above, subject to the following allowances for modification:

- A. The Planning Director may allow landscaping to be placed in alternative locations than those described in this Section if such alternative locations are necessary to maintain the existing parking arrangement.
- B. Existing street trees and shrubs located within the future public right-of-way may count toward meeting these interior-landscaping requirements. New trees and shrubs installed to meet these requirements may be placed in the future right-of-way only if approval is obtained from the Town of Indian Trail and North Carolina Department of Transportation. The applicant is responsible for replacing these trees if they are damaged or lost when a right-of-way is widened.
- C. Under circumstances where the application of these requirements is ineffective or inappropriate because application would significantly reduce the available parking due to the site design, topography, unique relationships to other properties, natural vegetation or other special circumstances relative to the proposed development, the developer may submit an alternative plan for planting to the Planning Director. The Planning Director must review the plan and may approve an alternate, interior parking landscaping plan upon making a finding that the alternate plan achieves the purpose of this section to the greatest degree that is reasonable and practical. Plans designed to simply avoid landscaping are not an option.

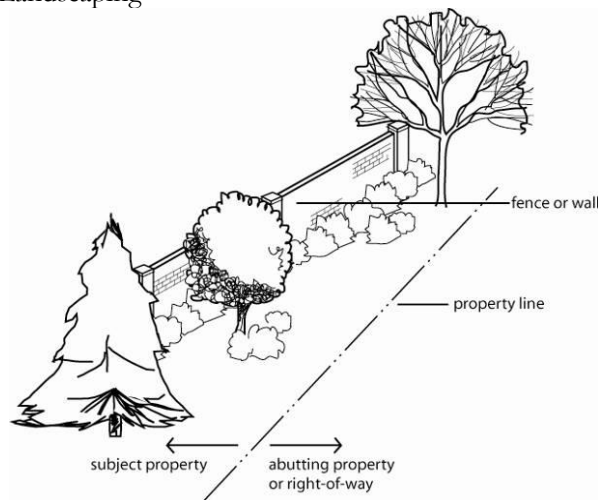
810.180 Perimeter Lot Line Landscaping Requirements

The following perimeter landscaping requirements apply to all new developments unless the stricter requirements for bufferyards (see Section 810.040) or parking lot landscaping (see Section 810.120) are applicable.

A. Front Lot Line Landscaping

1. Front lot line landscaping will consist of a landscape strip of at least 20 feet in width adjacent to a thoroughfare or boulevard as designated by the Indian Trail Comprehensive Plan of 2005 (Plate 21) and at least 10 feet in width adjacent to a private street or any other public street. This landscape strip must be located on private property immediately adjacent to a public or private street except within the Downtown Master Plan Overlay District. Within the Downtown Master Plan Overlay District street trees must be planted in the sidewalk or parkway consistent with the permit requirements of the North Carolina Department of Transportation.
2. Any major subdivision, any multiple-family residential development, or any business, commercial or industrial development that has frontage on a public or private street must install landscaping as specified in this section. See Figure 15. Where this ordinance requires a landscape buffer yard or perimeter parking lot landscaping, the requirements of this section will not apply. The street frontage landscaping must be installed between the use to be screened and the property line adjacent to any street except within the Downtown Master Plan Overlay District.

Figure 15: Front Lot Line Landscaping



Street frontage landscaping is required when there are no buffer yard or parking lot landscaping requirements.

3. The required front lot line landscape strip must be comprised of a combination of the following: medium/large deciduous trees, evergreen or small ornamental trees, shrubs, perennial plants, ground cover plants, lawns, berms, fences and walls. Trees required to be saved or planted as provided in the Tree Ordinance will be counted toward the street frontage landscaping requirements of this Section when such trees are located within the required setback from the right-of-way. The landscape strip required must include the following:
4. A row of medium or small deciduous or ornamental trees planted an average of 30 feet on center; or

5. A row of evergreen shrubs not less than 24 inches tall at the time of installation planted not more than 3 feet apart to form a continuous hedge; a solid brick, stone, or stucco wall; or a wooden, vinyl, or similar high-quality material fence, a maximum of 4 feet high; or a berm and planting combination, with the berm having an average height of 3 feet, and dense evergreen shrubs which, when combined with the berm, achieves a height of 6 feet of continuous screening within 2 years of installation. The maximum slope of any berm will be 3:1 and side slopes will be designed to ensure the prevention of soil erosion.
6. Properties abutting the right-of-way of US-74 in Indian Trail will meet a higher standard for landscaping and screening because of the visibility of this corridor and because of the size and character of businesses located adjacent to this highway. All commercial and other nonresidential developments are required to provide a landscape strip with a minimum width of 20 feet. This strip must be planted with a minimum of 1 tree for each 30 linear feet of required landscape strip and at least 1 shrub for each 3 linear feet of required landscape strip.

B. Side and Rear Lot Line Landscaping

1. Where no bufferyard is required, a 10 wide landscaped setback must be installed along side or rear lot lines for any non-residential development. This 10 foot landscaped setback must be planted with ground cover and a mix of shrubs and trees acceptable to the Director of Planning and Development.
2. Where two properties share a driveway then no landscaped setback will be required along the abutting property lines but the amount of landscaped area that would have otherwise been required must be relocated and installed on other portions of the lot. The Director of Planning and Development will be responsible for determining that the otherwise required landscaped setback area is appropriately relocated.

810.190 Street Tree Planting in Downtown Overlay District

Street trees will be planted consistent with the requirements of Section 840.030 of the Tree Ordinance except as provided herein for the Downtown Master Plan Overlay District.

- A. New construction within the Downtown Master Plan Overlay District must install one street or parkway tree for every 30 feet of lot frontage on a public or private street. Street or parkway tree means a tree planted along a street, road, or thoroughfare either in the sidewalk or in a landscaped area between the sidewalk and the curb. Figure 16 shows trees planted in the parkway.

Figure 16: Trees will be planted in the sidewalk within the Downtown Overlay District.



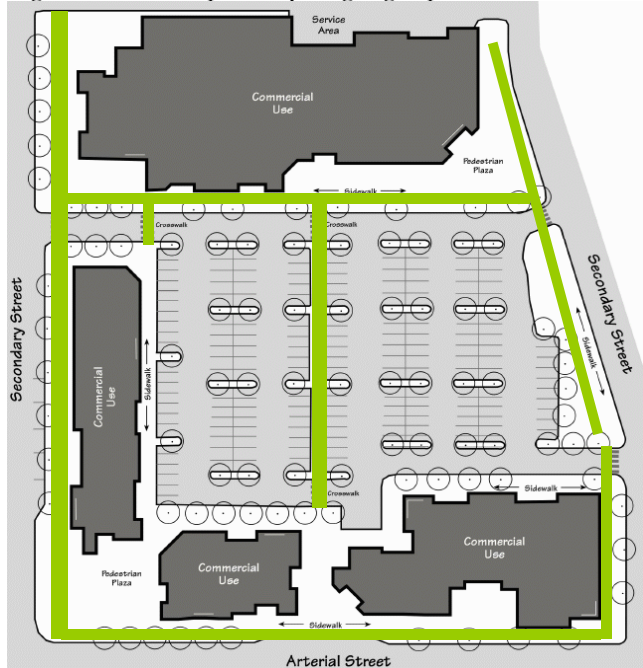
Source: Metropolitan Design Center Image Bank; University of Minnesota

- B.** Street/parkway trees planted in the Downtown Master Plan Overlay District must have a minimum caliper size of 2.5 inches at the time of planting.
- C.** No medium/large deciduous tree is required in any existing sidewalk or parkway that is less than 6 feet in width measured from the edge of the sidewalk to the curb, however, on these smaller sidewalks small deciduous trees must be planted consistent with the recommendation of the Parks, Greenway, and Tree Committee.
- D.** All street/parkway trees must be installed in accordance with standard practices of horticultural professionals and in a good and workmanlike manner and must be maintained by the property owner in good condition for a period of not less than 5 years. After the 5 year period, tree maintenance will be the responsibility of the Town of Indian Trail.

810.200 Coordination of Landscaping and Pedestrian Improvements

Development projects containing multiple buildings and activities are required to provide safe and direct pedestrian connections between the different buildings and land uses. Such sidewalk and walkway improvements must be coordinated with the layout and design of required landscape improvements. The Director of Planning and Development is authorized to allow modifications in the design of bufferyards, perimeter landscaping, and parking lot landscaping when such modifications are necessary to accommodate the required pedestrian improvements between buildings and uses. See figure below:

Figure 17: Green pathways highlight pedestrian connections between buildings



810.210 Maintenance and Irrigation of Landscaping

All landscaping and screening that provides required buffering and screening shall be maintained. Landscape plans must indicate the proximity and source of water to irrigate trees and landscaping. Business or commercial centers located within Neighborhood Business, Downtown Business, General or Regional Business Districts that exceed 10 or more acres in size must have an automated sprinkler system for landscaped areas. All such systems shall be equipped with a rain sensor. The Town may require a performance guarantee if there is any delay in the installation of the irrigation system.

Chapter 820. Performance Guarantee

820.010 Security for Landscape Improvements

All required landscape materials must be installed prior to the issuance of a zoning compliance permit. The Planning Director may grant a deferral to the next planting season based on consideration of seasonal extremes in weather and unique problems with soil conditions that may be incompatible to landscaping. Where the Planning Director allows a deferral of the required landscaping, the applicant will be required to post a bond or other form of financial guarantee and no zoning compliance permit will be issued until:

- A.** the required landscaping is completed in accordance with the approved plan; or
- B.** a bond or certified check, payable to the Town of Indian Trail, in the amount of 125% of the estimated cost to assure installation of the required landscaping.
- C.** An irrevocable letter of credit issued by a bank in the form approved by the Town Attorney may be accepted in lieu of bond under the terms and conditions applicable to bonds in Subsection 820.010B above.
- D.** No surety or portion thereof, as provided for in this section shall be released by the Town until all landscaping has been installed, inspected and approved.

- E. When parking is provided underground or within buildings, the performance guarantees shall not apply.

Chapter 830. Tree Preservation and Protection

830.010 Purpose and Findings

The regulations of this section are intended to reduce tree canopy loss and implement urban forest improvements through requirements for tree protection, tree preservation, and the planting or replanting of trees and the maintenance of existing trees within the Town of Indian Trail. The tree preservation requirements are intended to enhance the quality of life through sustainable urban forest practices and increase benefits that trees provide, including, but not limited to the following:

- A. Absorption of carbon dioxide and returning oxygen.
- B. Reduction of soil erosion and the increase of rainwater infiltration.
- C. Provision of shade for cooling.
- D. Screening of noise, dust and glare.
- E. Improvement of stormwater runoff.
- F. Maintenance and improvement of Town appearance and aesthetics.
- G. Provision of habitat for wildlife.
- H. Preservation, protection, and enhancement of the natural environment.

830.020 Applicability

The provisions of this ordinance shall apply to the following:

- A. All major subdivisions, non-residential developments, and multi-family developments.
- B. Changes in use, expansions, and new buildings for already existing non-residential or mixed use land uses as per the following:
 - 1. Changes in use from residential to non-residential, such as a change from commercial to residential, or residential to industrial;
 - 2. Vehicle Accommodation Areas – Only expanded portions of existing parking lots shall be held to the shading requirements that appear in section 840.010 of this ordinance.
 - 3. Non-Residential Expansions – Any expansion of any existing land use (buildings, parking lots, etc) shall comply with the Tree Preservation and Protection Requirements in Section 830.010 of this ordinance with the following exception:
 - a. All non-residential expansions of less than 25% of existing impervious surfaces (i.e. buildings, parking lots, etc.) shall be exempt from all provisions of this ordinance except those that deal specifically with heritage Trees and vehicle accommodation areas subject to item 830.020 2 above.

830.030 Exemptions

The requirements of this Chapter do not apply to any of the following:

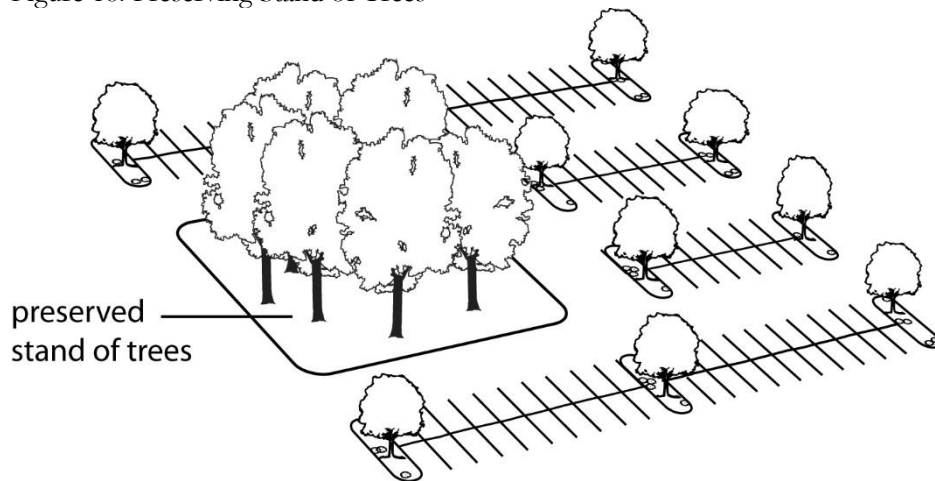
- A.** Existing or proposed single family detached dwellings or two family dwellings on individually owned lots.
- B.** Forestry activity on forestland that is taxed on the basis of its present-use value as forestland under Article 12 of Chapter 105 of the North Carolina General Statutes.
- C.** Activity that is conducted in accordance with a forest management plan that is prepared or approved by a forester registered in accordance with Chapter 89B of the North Carolina General Statutes.

830.040 Tree Preservation and Protection Requirements**A. General Rules/Objectives**

A tree protection plan and a tree inventory are required. The tree inventory must be done and submitted by a certified arborist or a licensed surveyor before it is submitted to the Town for review. The inventory is intended to serve as the basis for formulating a tree protection plan. In delineating areas to protect, the following general objectives apply:

- 1.** The protection of tree stands, rather than individual trees, is strongly encouraged. Where a project saves a stand of trees and is subject to the tree save area tree requirements of this Chapter, a one-hundred and ten percent of the canopy area shall count toward the required tree save area requirements.

Figure 18: Preserving Stand of Trees



- 2.** The protection of large, heritage trees is a priority.
- 3.** Quality natural areas, free of exotic invasive species, should be the focus of tree preservation and tree save areas whenever possible.
- 4.** If an area proposed for tree preservation or as a tree save area contains exotic invasive species at the time of such proposal, such species must be removed prior to development in order to promote the growth of larger, healthier trees. The removal of invasive species will be required prior to the issuance of certificate of compliance for major subdivisions or non-residential developments.

5. The decision of which trees to preserve as shown on the tree inventory shall be made jointly by the Planning Director, developer and design team during project approval process.

B. Tree Save Area Requirements

All development subject to the requirements of this Chapter must designate tree save areas on site plans in an amount consistent with this Section. Generally, tree save areas should preserve and protect existing trees but such areas may also designate tree planting areas consistent with this Section. The requirements for protecting existing tree canopy or protecting existing canopy and establishing new canopy will be consistent with Table 8-3 below.

Table 8-3 : Requirements for Protecting Existing Tree Canopy and Creating New Tree Canopy

Land Use Classification	Standard for Saving Existing Tree Canopy	Standard for Sites Lacking Existing Tree Canopy
Low to Medium Density Districts: RSF, SF-1, SF-2, SF-3	Where the existing tree canopy is at least 20% of the property area, a tree save area equal to at least 20% of the property must be protected.	Where the existing tree canopy is less than 20% of the property area, a tree save area equal to 20% of the property must be achieved by saving all existing tree canopy and planting new trees consistent with Chapter 870.
Medium to High Intensity Residential: SF-4, SF-5, and MFR	Where the existing tree canopy is at least 15% of the property area, a tree save area equal to at least 15% of the property must be protected.	Where the existing tree canopy is less than 15% of the property area, a tree save area equal to 15% of the property must be achieved by saving all existing tree canopy and planting new trees consistent with Chapter 870.
All Non-Residential or Mixed Use Districts	Where the existing tree canopy is at least 10% of the property area, a tree save area equal to at least 10% of the property must be protected.	Where the existing tree canopy is less than 10% of the property area, a tree save area equal to 10% of the property must be achieved by saving all existing tree canopy and planting new trees consistent with Chapter 870.

1. Method of Calculation

The total property area will be calculated by taking the square footage for the entire site and subtracting the square footage for existing or dedicated road right-of-ways, utility easements, and any area covered by existing ponds and lakes. The property designated as a tree save area must be equal to 20%, 15%, or 10% of the property after rights-of-way, easements, and ponds and lakes are subtracted consistent with the requirements of this Section.

2. Method for Designating Tree Save Areas

A tree save area shall be considered the combined areas of the tree protection zone and the critical root protection zone. The critical root and tree protection zone will be measured as a radial distance from the tree trunk and will be equivalent to the greater area of: the drip line; a minimum of six feet from the trunk; or a distance of 1.5 feet for every inch of trunk diameter as measured at breast height. If root disturbance or construction

activities occur within the drip line of any tree designated as protected, only the area actually being protected will be included in the tree save area.

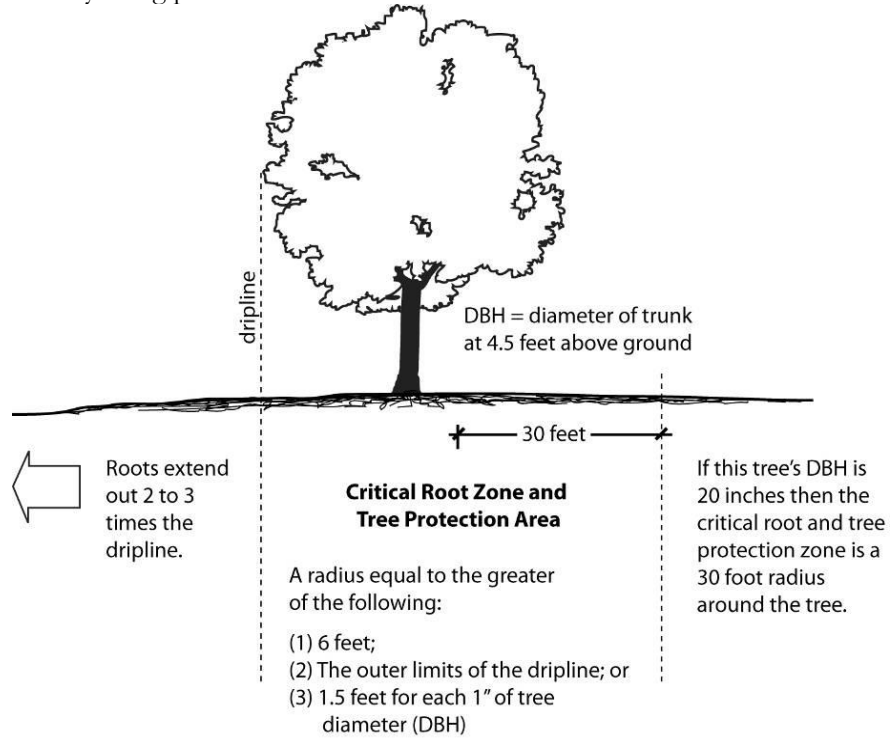


Figure 19: Critical Root/Tree Protection Zone

C. Limitations on the Removal of Existing Tree Canopy

Any existing tree canopy must be saved to meet the requirements of this Section and may only be removed if:

1. the existing trees are located in a project's future right-of-way, within the outline of the building envelope, or within the project's required parking area. Preservation of existing trees is not intended to prevent development of property or otherwise unreasonably restrict the use of the property, or
2. the existing trees pose a threat to property or public safety because the trees are diseased, in danger of falling, or otherwise present a hazard to other vegetation or surrounding properties; and
3. the existing trees that are removed under this Section are replaced with new trees consistent with the requirements of Table in Section 840.010A.

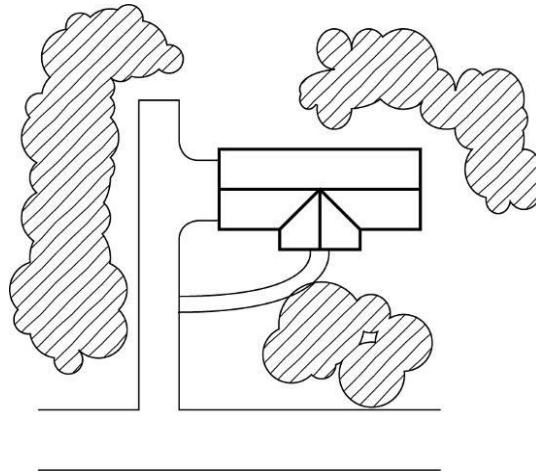


Figure 20: Tree save areas should include tree stands outside of the building envelope and outside driveway/parking areas.

D. Credit for newly planted trees

The area devoted to newly planted areas may be counted as part of the tree save area. The land devoted to tree save areas that is represented by newly planted trees will be calculated on the basis of the following credits for new trees. A planted large maturing tree shall be counted as equivalent to 1,600 square feet of canopy; a medium maturing tree shall be counted as the equivalent of 900 square feet of canopy; and a small maturing tree shall be counted as the equivalent of 400 square feet of canopy.

E. Heritage Tree Protection

1. Applicability

To the maximum extent feasible, heritage trees located on any site subject to tree preservation requirements of this Chapter must be preserved. Where a project saves heritage trees and is subject to the canopy tree requirements of this Chapter, 150 percent of the heritage tree canopy area shall count toward the required canopy tree requirements. Anyone who removes a heritage tree without plan approval, except as noted below in the emergency subsection of Section 2, *Exemptions*, is subject to one or more of the civil penalties in Section Chapter 8120A. Standard for plans representing the removal of heritage trees shall meet the requirements listed in Section (3), *Heritage Tree Removal*, below.

2. Exemptions

This Chapter shall not apply to the removal of heritage trees under the following circumstances.

a. Diseased, Dying or Dead Trees and Dangerous Trees

Diseased, dying or dead trees causing a probable safety hazard to buildings, utilities, and/or pedestrian or vehicular travel paths may be removed with written approval from the Planning Director, unless deemed an emergency, as described in subsection (2) below. The removal request shall include the number, location, species and diameter of the trees to be removed along with the condition of the tree and reason for the proposed removal. The Planning Director shall review all heritage tree removal proposals and consider the following:

- (1)** The condition of the tree or trees with respect to their health, danger of falling, proximity to existing structures or utilities, and their location near

pedestrian or vehicular travel paths and the probability of implementing tree maintenance techniques as an alternative to heritage tree(s) removal.

- (2) The emergency removal of trees that pose an immediate public health and safety hazard, as determined by a Town, County, and/or State emergency services professional, may be removed without first obtaining written approval from the Planning Director. Written documentation of the removed tree(s) shall be provided to the Planning Director and include the tree species, diameter, location and a description of photographic evidence of the emergency condition.

b. Trees Within ROW and Utility Easements

All reasonable efforts shall be made to minimize the removal of heritage trees located within Right-of-Way (ROW) and within public utility easements. Heritage trees located within the existing public ROW or within public utility easements or heritage trees located in future public ROW or utility easements being dictated as part of an active land development permit are exempt from this chapter once it has been demonstrated to the Town that all reasonable efforts to minimize removal have been implemented. For purposes of this exemption, public ROW shall consist of ROW associated with public roads, sidewalks, and trails/greenways. Public utility easements shall consist of easements associated with water, sewer, electric, natural gas and other infrastructure.

3. Heritage Tree Removal

Plans associated with an active land development application that represent the removal of heritage trees will be granted only where:

- (a) The tree(s) is located within the portion of the site where buildings or related improvements are permitted. The applicant should demonstrate that there is no other reasonable location for the building or improvement and that preservation would unreasonably restrict use of the property.
- (b) Removal is necessary to allow construction of a road or drive that is essential for access to site.
- (c) Where removal of healthy heritage trees is approved as part of an approved site plan, subdivision plat or tree removal, new trees will be planted according to the Mitigation Planting standards in Section (4), *Mitigation Planting*, below (also refer to Chapter 870, Tree Planting Standards).

4. Mitigation Planting

The Mitigation Planting standards below are cumulative caliper inches approach to tree mitigation and replanting. For example, for every caliper inch of heritage trees(s) removed, a percentage of those caliper inches must be replaced with a tree or trees equal to that total percentage of those caliper inches. Each replacement tree shall be at least 2.5" caliper at the time of replanting. See below for the respective percentages to be replaced based on the type of development.

Where removal of healthy Heritage trees is approved as part of an approved site plan or subdivision plat, new trees shall be planted according to the following in addition to Chapter 870, Tree Replanting Standard:

- a. *Single-Family Residential Use Replanting Ratio* – replacement for residential development, excluding single-family lots not developed as part of a subdivision, shall be at a 50% ratio (e.g., caliper tree X 50% = 9” caliper replacement tree or trees equivalent to that cumulative caliper)
- b. *Non-Single Family Residential Use Replanting Ratio* – replacement for all non-single family development shall be at a 25% ratio (18” caliper tree X 25% = 4.5” caliper replacement tree or trees equivalent to that cumulative caliper)
- c. *Canopy Retention Option:* In instances where site or other constraints prohibit planting the required number of Heritage mitigation trees described in sections (4)(a) and (b) above, any acreage exceeding the tree canopy retention acreage requirements specified in UDO Section 830.040B may be utilized to satisfy a portion of the Heritage tree mitigation requirements.

Any additional tree canopy acreage used to meet the Heritage tree mitigation requirements shall be comprised of retained existing tree canopy versus newly planted trees/canopy. Qualifying trees within the additional tree canopy area used to meet the Heritage tree mitigation requirement must be a minimum of 15 feet in height. Each Heritage mitigation tree shall equate to 900 sq. ft. of additional canopy retention area. See below for a sample calculation:

Site Area	Canopy Required	Canopy Provided	Surplus Canopy (trees over 15' in height)	Canopy Credit Formula	Heritage Tree Mitigation Equivalent
45,000 sf	4,500 sf	9,000 sf	4,500 sf	4,500sf/900sf	5

¹ In the example above, a total of five trees may be credited toward the Heritage Tree replanting rate

² A combination of the two methods described above may also be applied

5. Alternative Mitigation Option

In the event the project site does not have sufficient area or is otherwise unsuitable to accommodate the required heritage tree mitigation planting described in subsection (4), *Mitigation Planting*, above, one or more of the alternative mitigation measures listed in this section may be proposed.

Alternative Mitigation Plans shall include the number, location, species, and diameter of the trees to be remove, and the number, species, and diameter of trees with which they are being replaced. The review shall evaluate the appropriateness of the Alternative Mitigation Plan by considering the individual development site, the development intensity along with the surrounding uses and other relevant site features. The plans shall be reviewed by Tree Board and recommendation made to the Planning Director, who makes the final decision. Approved Alternative Mitigation Plans shall be integrated into the associated site plan application unless otherwise approved as part of a Conditional Zoning Permit and may include one or more of the following:

- a. *In-Lieu-Fees* – Where the Planning Director in consultation with the Tree Board determines that on-site replanting is not feasible and/or appropriate, the Director may require that a payment not to exceed the cost of replanting

840.010. Canopy Tree Planting Requirements

replacement trees be made to a tree planting fund. Funds will be used for tree planting and maintenance of planted trees on public sites within the Town of Indian Trail such as parks, schools, municipal facilities, and similar locations. Replacement value shall be determined utilizing a professional source and by the Town. Fee Recovery as stated in Section (6), *Fee Recovery*, below may also apply.

- b. *Alternative Planting Plan* – The developer shall submit a heritage tree alternative mitigation plan.
 - (1) Such a plan must include a scope of work to be reviewed by the Planning Department.
 - (2) The scope of work shall include, at a minimum, the number, location and specifications of the trees to be removed as well as alternative mitigation or conservation measures through which trees or tree area will be saved or replace.
 - (3) Fee recovery stated in Section (6), *Fee Recovery*, below may also apply.
- c. *Off-site Planting* – An alternative site(s) may be identified for additional tree planting. Off-site plantings may include parks, schools or other public facilities located in the Town of Indian Trail to the satisfaction of the Planning Director.
- d. *Other method(s)* may be considered as deemed appropriate by Planning Director.

6. Fee Recovery

The Town may retain the services of a consultant to evaluate technical submittals by the applicant and seek an independent judgment on the appropriateness of the heritage tree alternative mitigation plan. The Planning Director shall be responsible for selecting the technical expert hired for the review of the proposed mitigation plan. The Town may seek financial reimbursement for the actual cost of any technical review undertaken.

The technical expert must make investigations consistent with all the terms and conditions of this ordinance. The fees charged for the technical expert's review will be customary fees for plan review and for the evaluation/preparation of a technical report. Charges for such consulting services will be fixed in advanced of the processing of applications and will be incorporated into the overall site plan/subdivision/conditional zoning application fee.

Chapter 840. Canopy Trees, Parking Lot Plantings, and Street Trees

840.010 Canopy Tree Planting Requirements

- A. All developments subject to the tree save area requirements of Section 830.040B that cannot save the required amount of canopy through the preservation of existing trees will be required to meet the canopy requirement through the planting of new canopy trees consistent with this Section. The area of newly planted canopy trees will be calculated on the basis of the estimated canopy at maturity as described in Section 830.040D. (i.e. 1600 sq. ft. for large

maturing trees; 900 sq. ft. for medium maturing trees; and 400 sq. ft. for small maturing trees)
The minimum canopy tree cover shall be provided as follows:

Land Use Classification	Zoning District	Minimum Tree Canopy
COMMERCIAL	NBD, Neighborhood Business District	10%
	GBD, General Business District	10%
	CBD, Central Business District	10%
	RBD, Regional Business District	10%
	Village Center Overlay District	10%
	Downtown Overlay District	10%
INDUSTRIAL	LI Light Industrial	10%
	HI Heavy Industrial	10%
CONDITIONAL ZONING DISTRICTS	MXD	10%
	TND Traditional Neighborhood Development	10%
	Cluster and Open Space Subdivision	10%
	PUD, Planned Unit District	10%
RESIDENTIAL	MFR	15%
	SF-5	15%
	SF-4	15%
	SF-3	15%
	SF-2	20%
	SF-1	20%
	RSF	20%

- B.** All tree canopy cover requirements may be met through the preservation of existing trees and/or the planting of trees. Existing trees that are suitable for use in compliance with the provisions of this ordinance must be used to meet the tree shade requirements. Refer to Section 860.020, Tree Protection Standards for a description of the fencing and other protections necessary in order to receive credit for saving *existing tree canopy*.

840.020 Parking Lot Tree Planting Requirements

All new or expanded parking areas must comply with the following tree planting requirements. In order to meet the parking lot planting requirements, required canopy tree areas shall be located within the parking lots and adjacent to parking spaces, inside medians at the end of parking bays, or tree islands and shall adhere to the following:

- 1.** All trees shall be a minimum of 2.5 inches in caliper and at least 8 feet in height above ground level at time of installation, and shall have an expected mature height of at least 30 feet.

840.030. Street Tree Planting Requirements

- 2.** All parking lots over 12 parking spaces must provide a minimum of 35% percent canopy cover or one tree per every 15 parking spaces whichever results in more trees. For example, a parking area of 12,000 square feet $\times .35 = 4200$ square feet. To achieve this 4200 square feet, the applicant will be given tree canopy credits in the following manner: a planted large maturing tree shall be counted as equivalent to 1,600 square feet of canopy; a medium maturing tree shall be counted as the equivalent of 900 square feet of canopy; and a small maturing tree shall be counted as the equivalent of 400 square feet of canopy.
- 3.** Parking lots containing over 250 parking spaces shall provide at least half of the required 35% percent canopy cover with large trees.
- 4.** All vehicular parking spaces must have at least one tree trunk within sixty feet of each parking space.
- 5.** A mix of tree species shall be provided for rows of parking spaces over 10 and provide a minimum of 3 types of tree species.
- 6.** A minimum size planting island shall be provided for different size trees:
 - a.** Small trees shall have a minimum planting island of 162 square feet with a minimum width of 9 feet.
 - b.** Medium maturing trees shall have a minimum planting island of 225 square feet with a minimum width of 9 feet.
 - c.** Large maturing trees shall have a minimum planting island of 288 square feet with a minimum width of 9 feet.
- 7.** Planting islands that serve to break up every 15 parking spaces shall be a minimum of 162 feet with a minimum width of 9 feet.
- 8.** Developers shall have the option of small, medium or large canopy trees so as long as 25% of the trees provided are large trees.

840.030 Street Tree Planting Requirements

- A.** All major subdivision and non-residential developments that have frontage on a public or private street must install tree plantings.
- B.** Where the landscape Section of the UDO or this tree planting and protection Chapter requires a landscape buffer or plantings within parking lots within similar locations as this Section then the requirements of this section will not apply.
- C.** The required perimeter planting strip must be comprised of a row of canopy or ornamental trees including a mix of tree species, planted an average of 30 feet on center and located between the street and sidewalk with a planting strip of no less than 9 feet in width.
- D.** The applicant will be required to secure all necessary permits from the North Carolina Department of Transportation

Chapter 850. Incentives for Exceeding Minimum Requirements

850.010 Credits for Additional Tree Save Area or Additional Tree Cover

A 20% or greater increase in the land area within tree save areas or a 20% or greater increase the percentage of land area devoted to canopy tree cover will result in the following allowances and credits:

A. Reduction in setbacks

The Planning Department may permit a maximum up to 15% reduction in the front and rear yard setbacks.

B. Reduction in parking

The Planning Department may permit a maximum up to 15% reduction in required parking.

850.020 Credits for Preserving Existing Trees

- A.** Where an applicant saves a stand of trees and that applicant is subject to the tree canopy requirements of Section 830.020 then 110% of the existing tree canopy area will be counted toward meeting the requirements of Chapter 840.
- B.** Where an applicant saves heritage trees and is subject to the canopy tree requirements of Section 840.010 then 125% of the heritage tree canopy will count toward meeting the requirements of Chapter 840.

Chapter 860. Maintenance, Tree Protection and Planting Standards

860.010 Maintenance of trees

- A.** All property owners shall be responsible for the maintenance of all existing trees to be preserved and new plantings.
- B.** All tree plantings required by or installed pursuant to the tree planting plan approved under this Section or other requirements shall be maintained in good condition so as to present a healthy, neat and orderly appearance.
- C.** All required tree plantings shall be kept free from refuse, debris, and dead, diseased or severely damaged plants or vegetation.
- D.** All dead or unhealthy trees shall be removed and replaced within one growing season.
- E.** All existing and proposed trees used to comply with this Section shall not be sheared, topped or disfigured by improper pruning. Trees shall be allowed to grow to their natural height and form (See Appendix 2: ANSI Pruning Standards).

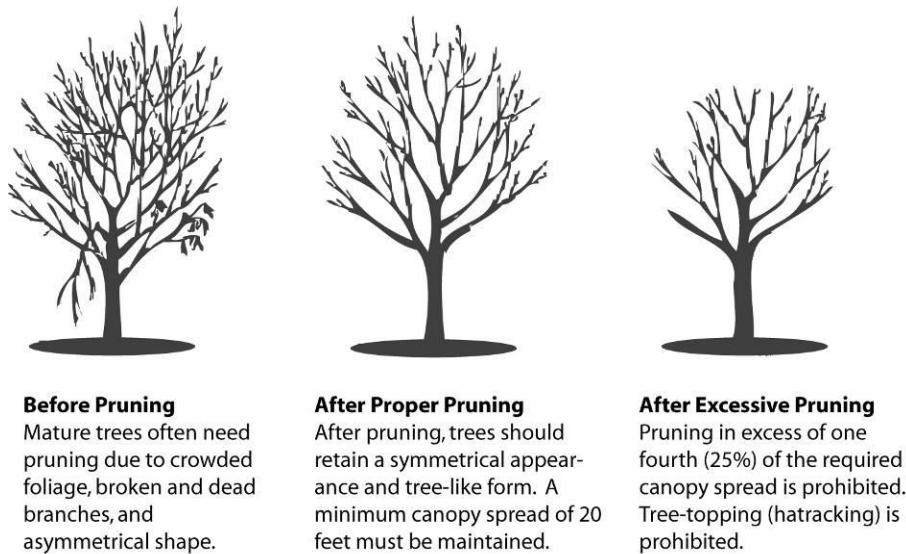
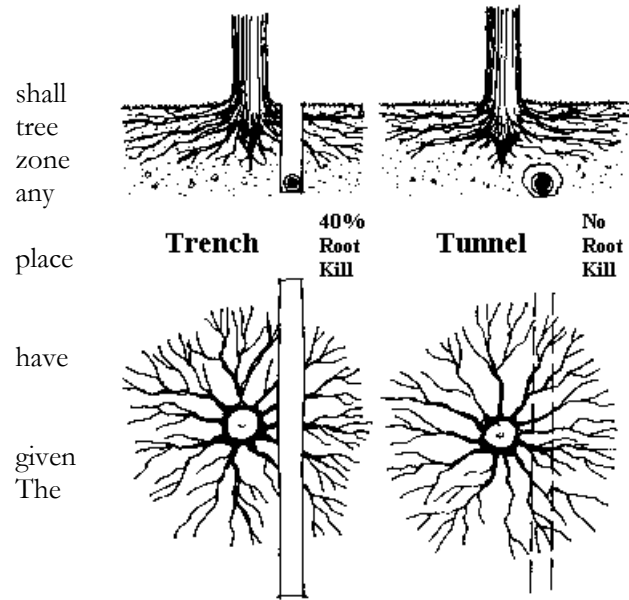


Figure 21: Proper Pruning Techniques

860.020 Tree Protection Standards

- A.** Existing trees must be protected during construction. To receive credit for the protection of existing trees, trees must be protected from direct or indirect root damage and trunk and crown disturbance. The following standards shall apply:
- 1.** The tree protection zones and tree save areas shall remain open and unpaved.
 - 2.** Construction site activities such as parking, material storage, dirt stockpiling, concrete washout and other similar activities shall be prohibited within the tree save area or tree protection zone.
 - 3.** Changes that significantly raise the grade of soil adjacent to tree save area or a tree protection zone are prohibited.
 - 4.** If an underground utility must cross the drip line area, the contractor must tunnel or auger underneath major roots of the tree without cutting them. Permission may be granted for auguring of 1/3 distance of the drip line to the trunk of the tree only if there no other feasible way. Depth of auguring shall be a minimum of 2 feet. The illustration below highlights both inappropriate and appropriate practice for auguring near saved trees.

Figure 22: Proper and Improper Auguring Techniques



5. Protective fencing be installed around the save area or tree protected of preserved trees prior to land disturbing activities. Fencing shall remain in until construction is complete and other planting requirements been installed, and the Zoning Administrator or Enforcement Officer has approval for removal. illustration below highlights appropriate fencing.

6. Figure 23:

Fencing should be placed to prevent trucks and equipment from damaging tree roots.

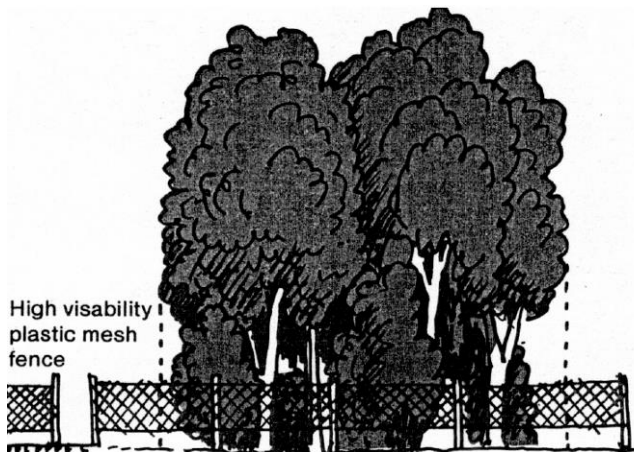
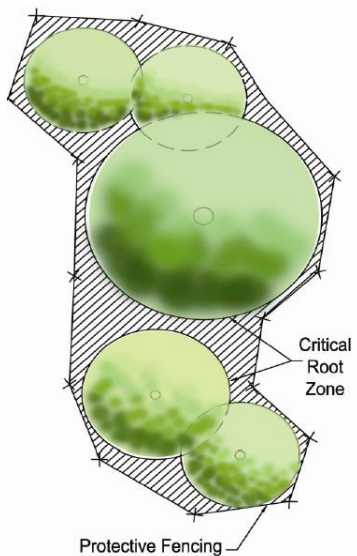


Figure 24: Protective fencing should be place at the outer limits of the tree protection/critical root zone.



- B.** All tree save areas shall be designated as such with “Tree Save Area” signs posted visibly on the outside of the fenced-in area. Signs may not be posted on the trees, within public right-of-ways or site triangles.

Chapter 870. Tree Planting Standards

All trees planted to meet the requirements of this ordinance shall be selected from the Approved Tree List (See Appendix 1: Tree List) and must adhere standards of Appendix 3 (Caliper to Height Ratios for Deciduous and Coniferous Trees) and the following requirements:

- 870.010** All trees planted to meet the provisions of this ordinance shall be at least 8 feet in height above ground level and at least 2.5 inches in caliper at the time of installation.
- 870.020** All prepared planting holes shall be a minimum of 18 inches in depth.
- 870.030** All planting strips or planting islands shall be a minimum of 9 feet in width measured from face of curb.
- 870.040** All new plant material shall be of good quality, installed in a manner to meet the standards set forth in the American Standard for Nursery Stock by the American Association of Nurserymen.
- 870.050** All tree plantings shall be required to provide a mix of species.
- 870.060** Installation and construction practices shall be utilized which preserve existing topsoil or amend the soil to reduce compaction (See Figure below for an illustration of proper planting techniques)

Figure 25: Proper Planting Method

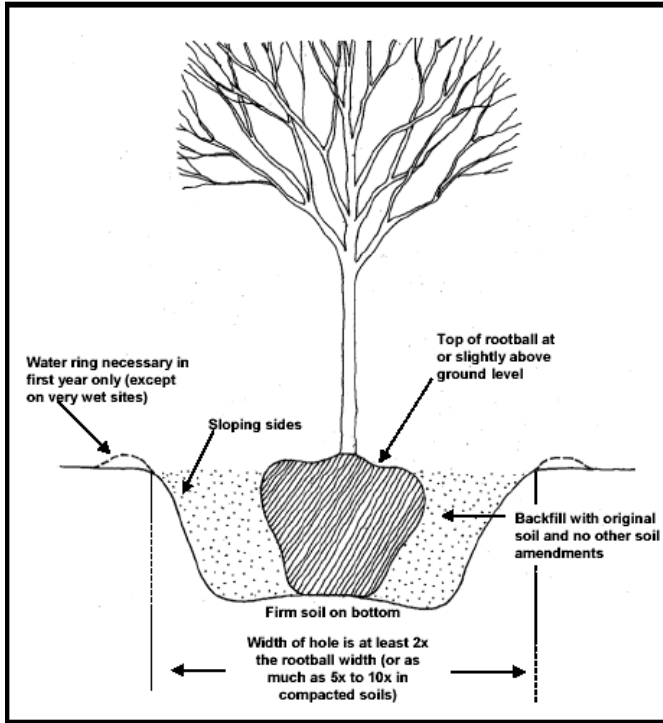


Figure 2. Recommended Tree Planting Method

870.070 All trees shall be properly guyed or staked (where required due to grade changes, steep slopes, creek embankments, or man made hazards), fertilized and mulched (3-4" layer) (See illustration below and the ANSI standards for fertilization and mulching).

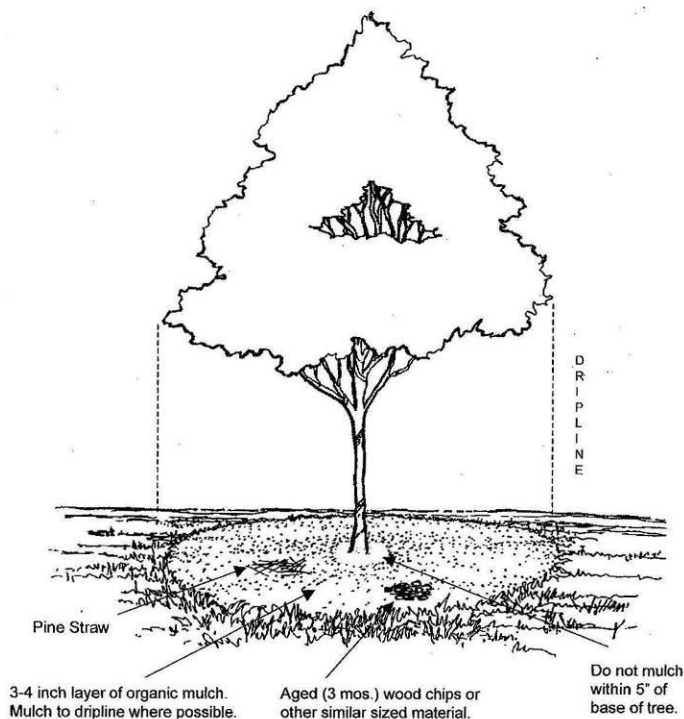


Figure 26: Proper Tree Mulching Technique

870.080 Where large canopy trees are required and overhead utility lines exist, 2 small canopy trees may be substituted and planted no closer than 25 feet of the overhead distribution lines.

870.090 No tree shall be planted directly within the sight triangle or right-of-way.

Chapter 880. Administration and Procedures

880.010 Responsibilities and Enforcement

- A.** The Planning Director or designee shall have the power and authority to administer and enforce this ordinance. The Planning Director or designee may serve notice to any person in violation of this ordinance and/or institute legal proceedings as may be required, and the Town Attorney is hereby authorized to institute appropriate proceedings to that end.
- B.** Tree Advisory Committee will have the power and authority to the following:
- 1.** Review and propose revisions to the tree preservation standards.
 - 2.** Review alternative methods of compliance with the tree planting and tree protection requirements and make recommendations to the Planning Department.
 - 3.** Provide community outreach and public education.
 - 4.** Participate in the Town's Arbor Day Event.

Chapter 890. Required Submittals for Tree Preservation Plan

A. Tree Inventory

A tree inventory shall serve as the foundation for all decisions concerning site planning and layout of new development. The inventory will provide the Town and applicant with a resource for planning landscaping and aesthetic improvements of the proposed development and a basis for encouraging preservation of existing forests, tree canopies and specimen trees. The tree inventory and tree preservation plan required by this Section must be reviewed and approved by the Planning Department.

B. Tree Inventory Review

A tree inventory shall accompany all preliminary plat and construction plan submissions for major subdivisions and all non-residential development prior to any land disturbing activities. Such tree inventory will accurately depict the current condition of the site and existing trees to the satisfaction of the Planning Director. The tree inventory shall identify the following:

- 1.** Description and location of all trees that are twelve inches in diameter at breast height (DBH) or greater. Include the condition, species and height of each tree.
- 2.** General description of stands of trees twelve inches or less DBH with the size, species and density of trees per acre.

C. Tree Preservation/Protection Plan Required

A tree preservation/protection plan shall accompany all preliminary plat and construction plan submissions for major subdivisions and all non-residential developments. Such plans must be reviewed and approved by the Planning Department prior to any land disturbing activities. All site development must adhere to the tree preservation/protection plan and all tree preservation/protection plans must include a description of the following:

1. Boundaries of the required tree save areas.
2. Protected trees and/or stands of trees within the tree save area, including type and size as well as a general assessment of the health of existing trees with special notice of the presence of any harmful insects or any indicators of health problems with the trees (e.g. canopy color or density).
3. A tree protection zone established and maintained on site for all trees that are to be preserved (See Figure19 for illustration of Tree Protection Zone and Critical Root Zone).
4. Designated future open space areas.
5. Future tree save areas and buffers.
6. Identification of where and how existing trees are to be protected during the clearing and construction of sites.
7. If the applicant is removing existing stands of trees and such removal means the project falls below the tree save requirement of Section 830.040B then the applicant must indicate within the tree preservation plan an explanation why it is impractical to save the existing trees.
8. If the applicant is removing an existing heritage tree(s) and such removal means the project falls below the tree save requirement of Section 830.040B then the applicant must provide within the tree preservation plan an explanation why it is impractical to save the existing heritage trees. See Section 830.040E for a description of the limited conditions in which heritage trees may be removed.

Chapter 8100. Required Submittals for Tree Planting Plan

A. Tree Planting Plan

A tree planting plan shall accompany all preliminary plat and construction plan submissions. Such plans must receive approval from the Planning Department. The tree planting plan shall adhere to the following:

1. The tree planting plan shall be drawn to scale, including dimensions and distances, and it will identify the location of building sites, utilities and clearly delineate all existing and proposed parking spaces or other vehicle areas, access aisles, and driveways.
2. The proposed location, size and species of mitigation or replacement trees shall be indicated on the tree planting plan.
3. Location of existing and proposed utilities.

B. Combining Plans

Applicants may combine the Tree Preservation/Protection Plan with the Tree Planting Plan when it would more clearly convey their vision for the site, aiding the Planning Department in the review process.

Chapter 8110. Modifications, Denials, Inspections and Emergencies

A. Modifications

Alternate tree protection/planting plans, plant materials, planting standards or reforestation may be used where it would be unreasonable or impractical to strictly apply the tree protection/planting requirements. Such situations may be the result of streams, natural rock formations, topography, or other physical conditions; utility easements, a unified development design, or unusual site conditions. An alternate plan may be approved as part of a Conditional Zoning or when:

1. The Tree Advisory Committee makes a recommendation to planning staff regarding all alternate tree protection/planting plans, plant materials, planting standards or reforestations.
2. The Planning Director approves an alternate plan that proposes different plant materials or methods provided that the quality, effectiveness, durability, and performance are equivalent to that required by this ordinance. This determination shall take into account the land use classification of adjacent property, number of plantings, species, arrangement, coverage, location of plantings on the lot, and the level of screening, height, spread and canopy of the plantings at maturity.

The Planning Director may not take final action approving an alternative plan until a recommendation from the committee is received or until forty-five (45) days have passed since the proposal was heard by the committee, whichever is first.

3. In order to allow planting to occur at the optimal time, the Planning Director may allow for a delay in the installation of the required plantings after the approval of a tree protection or planting plan provided the applicant provides an acceptable form of performance bond, letter of credit, or other type of surety that will insure future installation of the required trees.
4. The Planning Director may grant relief on the tree canopy cover requirements (Chapter 840) if enforcing the minimums would require planting new trees to a degree that would cause undue burden to the property owner counter to the purposes of this UDO. This applies to already existing land uses seeking to change or expand.
5. Any decision of the Planning Director regarding alternate methods of compliance may be appealed to the Board of Adjustment.

B. Denial of Zoning and Subdivision Approval

The Town may deny site plan or subdivision plan approval for a period of up to 3 years after completion of a land clearance, if the clearance results in the removal of all or substantially all of the trees that would be protected under this ordinance. The denial period may be extended to a period of up to 5 years if the Town has evidence that the timber harvest was a willful violation of this ordinance.

C. Inspections

Planning department staff and authorized representatives of the Town may periodically inspect sites subject to the provisions of this ordinance to determine compliance. The Town shall have the power to conduct such investigations as it may be necessary to carry out its duties as prescribed in this ordinance and for this purpose may enter at reasonable times upon the property, public or private, for the purpose of inspecting the site(s) subject to the provisions of this UDO.

D. Emergencies

During emergencies, such as windstorms, ice storms, fire, or other disasters, the requirements of this ordinance may be waived by the Planning Director for purpose of restoring order in the town. Requirements shall be waived during the emergency period only. This section shall not be used to circumvent the tree preservation protection requirements.

Chapter 8120. Penalties, Hearings and Appeals

A. Penalties

Any person who violates any of the provisions of this ordinance, or rules of orders adopted or issued pursuant of this ordinance shall be subject to any one or all of the combination of penalties authorized by this UDO. If a party continues to fail to comply with a particular provision, the party shall continue to remain subject to the penalties prescribed by this Section for the period of the continued violation of the particular provision. Penalties assessed under this Section are in addition to, and not in lieu of, compliance requirements of the UDO. The town may employ any of the remedies authorized for a municipality pursuant to G.S. 160A-175. Civil penalties for violation of this ordinance will be one or more of the following:

1. Destruction or removal of trees greater than 12 inches DBH without approval of the Town of Indian Trail will incur a civil penalty equal to the amount of the value of trees as listed in the “The Guide for Plant Appraisal 9th Edition” published by The Council of Trees and Landscape Appraisers. Appraisals shall be done at the violator’s cost and the appraiser shall be selected by the Town of Indian Trail.
2. For purposes of this Chapter, a separate offense shall be deemed to have occurred for each tree greater than 12 inches in DBH that have been destroyed or removed without the approval of the Town of Indian Trail.
3. If the Zoning Administrator or designee has determined that a violation of the requirements of this Chapter has occurred, no certificate of compliance shall be issued until compliance has been achieved.

B. Hearings and Appeals

1. Variances

A request for a variance from the Board of Adjustment shall be made by filing a copy of the completed application with the Planning Department. A variance may be granted by the Board of Adjustment after a public hearing has been held in a quasi-judicial manner and advertised in accordance with the UDO and only if it concludes that the strict enforcement of the ordinance would result in practical difficulties or unnecessary hardships for the applicant and that, by granting the variance, the spirit of the ordinance will be observed, public safety, and welfare secured, and substantial justice done.

2. Appeals

An appeal from any final order or decision by the Planning Director may be taken to the Board of Adjustment by any person aggrieved. An appeal is taken by filing with the Planning Director a written notice of appeal specifying the grounds therefore. An appeal must be taken within 30 days after the date of the decision or order appealed from.

DIVISION 900. SIGNS

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Chapter 910. General Sign Regulations

910.010 Authority and Purpose

Pursuant to the authority and provision conferred in Chapter 160A-174 of the North Carolina General Statutes, the Town Council hereby ordains and enacts into law these sections. The purpose of regulating signs within the Town of Indian Trail, North Carolina, is to accomplish the following goals:

- A.** establish standards for the erection, alteration and maintenance of signs that are appropriate to various zoning districts;
- B.** allow for adequate and effective signs for communicating identification and other messages while preventing signs from dominating the visual appearance of the area in which they are located;
- C.** protect and enhance the view of properties from public rights-of-way;
- D.** insure the safety of the local and visiting motorists on the roads in the Town by reducing the distracting influence of uncontrolled signs throughout the Town;
- E.** safety of utility workers on poles;
- F.** insure that permitted signs do not become a hazard or nuisance;
- G.** insure and advance the positive visual impact and image of the Town. These regulations are designed to provide flexibility for individual needs of business identification and for general communication opportunities.

910.020 Permit Required

- A.** Except as otherwise provided in this Ordinance, it shall be unlawful for any person to erect, construct, enlarge, move, or replace any permanent or temporary sign or cause the same to be done, without first having obtained a sign permit for such sign from the Zoning Administrator as required by this ordinance. A fee, in accordance with a fee schedule adopted by the Town Council, shall be charged for each sign permit issued.
- B.** Notwithstanding the above, changing or replacing the copy on an existing lawful sign shall not require a permit, provided the copy change does not change the nature of the sign such as to render the sign in violation of this Ordinance.

910.030 Content

Any sign allowed under this section may contain: any noncommercial message; a commercial message pertaining to goods, services or other commercial transactions available on the premises or that will be available on the premises when construction is complete; and/or a commercial message related to the sale, lease or rental of the premises on which the sign is located. Signs seeking employees for a business shall be considered to pertain to commercial transactions available on the premises and shall be allowed under this section.

910.040 Substitution of Message

Any sign allowed under this section or a predecessor ordinance, by sign permit, by conditional use permit, or by variance, may contain, in lieu of any other message or copy, any lawful noncommercial message that does not direct attention to a business operated for profit, or to a product, commodity, or service for sale

or lease, or to any other commercial interest or activity, so long as said sign complies with the size, height, area, and other requirements of this ordinance.

Chapter 920. Sign Area and Height

920.010 Sign surface area

The sign area will be measured by the following methods:

- A. A geometric shape enclosing any message, logo, symbol, name, photograph, or display face for all sign types excluding Channel Letter Signs; and
- B. The area of individually mounted or painted sign letters applied directly to the building face which are not further emphasized by an architectural or painted element of the building shall be calculated as the sum of the area within a series of rectangles which encompasses each individual letter.



Area A+B+C+D= Sign Area

920.020 Sign frame area

The frame area will be measured from the dimensions of a geometric shape formed by all supports, frames, braces, bordering, and embellishments, which extend beyond the sign surface area, and that enclose the sign surface area.

920.030 All area provisions in this Ordinance are calculated from the sign surface area dimensions defined above.

920.040 In case of signs mounted back-to-back, only one side of the sign is to be used for computation of the area. Back-to-back signs shall be defined as double-faced signs. Otherwise, the surface area of each sign is to be separately computed. In the case of cylindrical signs, signs in the shape of cubes, or other signs which are substantially three-dimensional with respect to their display surfaces, the entire display or surface is included in computations of area. If a sign is attached to an entrance wall or fence, only that portion of that wall or fence onto which the sign face or letters are placed shall be calculated in the sign area.

920.050 Sign Height

The height of a sign shall be measured from the highest point of a sign to the point of ground surface beneath it. Ornamentation such as caps and spires are not included in this measurement. The use of berms or raised landscape areas is only permitted to raise the base of the sign to the mean elevation of the fronting street.

Chapter 930. Exempt Signs

The following types of signs are exempt from the regulations herein:

- 930.010** Any official public notice or warning required by a valid and applicable federal, state, or local law, regulation of chapter, by a public utility company or by order of a court of competent jurisdiction.
- 930.020** Traffic and regulatory signs on both public and private property, such as Stop, Yield and similar signs which meet the Department of Transportation standards.
- 930.030** Any sign inside a building not attached to a window or door that is not visible from off the site on which is located.
- 930.040** Any sign inside an athletic field or other enclosed outdoor space where the sign is not legible from more than three feet beyond the lot line of the site on which it is located.
- 930.050** Works of art with no commercial message such as a mural.
- 930.060** Temporary signage erected as part of a Town-recognized event erected at Town approved locations provided that:
- A.** No such sign shall exceed thirty-two (32) square feet in area.
 - B.** In no case shall the sign impede the view or travel of any motorist or pedestrian.
 - C.** Banner shall be attached to building façade or secured to freestanding post. In no case may the banners be attached to utility poles, traffic control signs, tree or other surface located within the public right-of-way.
 - D.** All banner signs and components thereof, including supports, shall be kept in a good state of repair.
- 930.070** Permanent off-premise Town identification and wayfinding signs as authorized by the Indian Trail Town Council.

Chapter 940. Signs Not Requiring a Permit

The following types of signs are exempt from permit requirements of this Ordinance and may be placed in any zoning district subject to the provisions of this Ordinance. All such signs (except government signs) shall be located outside a street right-of-way.

- 940.010** Government signs and logo signs.
- 940.020** Memorial signs, plaques or grave markers that are noncommercial in nature.
- 940.030** Flags, insignia, or religious symbols or any government, non-profit organization when not displayed in connection with a commercial promotion or as an advertising device.
- 940.040** Integral decorative or architectural features of buildings; works of art; so long as such features or works do not contain letters, trademarks, moving parts or lights.
- 940.050** On-premise directional and instructional signs not exceeding 6 square feet in area and will be limited to 2 only per premises.

940.060 Incidental signs, however, in no case shall a drive-in service window menu board be oriented to a public right-of-way or greater than 32 square feet in area.

940.070 Campaign and election signs provided that::

- A.** Each sign shall not exceed 20 square feet in area.
- B.** All such signs may be erected no sooner than 45 days in advance of the election for which they were made.
- C.** All such signs shall be removed within 7 days after the election for which they were made.
- D.** No sign shall be placed on any curb, sidewalk, post, pole, hydrant, bridge, tree, or other surface located on, over, or across any public street or right-of-way.

940.080 Grand opening banners for businesses located in non-single-family residential zoning districts provided that:

- A.** 1 banner per-business
- B.** Banner size shall not exceed 32 sq. ft. in area
- C.** Banner shall be attached to the building façade for standalone businesses, above the business suite for multitenant commercial centers, or mounted within a Town approved banner display structure.
- D.** Banner shall be removed within 45-days of issuance of the Town zoning verification or building upfit permit associated with the opened business within existing buildings or issuance of a zoning compliance certificate for businesses opened in new buildings through a site plan permit.
- E.** Businesses that did not display a banner within the time period specified within UDO 940.080(D) may display a grand opening banner within the first three (3)-months of the business being open to public subject to obtaining a temporary sign permit and compliance with UDO Chapter 940.080(A) through (C).

Chapter 950. Incidental Signs

950.010 Bulletin boards and signs which contain information of a non-commercial nature. Such bulletin boards and signs may have a maximum area of 32 square feet.

950.020 Directory signs provided that:

- A.** No sign is located in a road right-of-way.
- B.** The maximum sign area shall be 32 square feet or one-half the area of the largest ground-mounted sign permitted for said use whichever is less.
- C.** Letters do not exceed 6 inches in height.
- D.** Height of sign does not exceed 6 feet.

950.030 Window Signs

- 950.040** “Warning”, “No Trespassing” and similar informational signs.
- 950.050** Signs located within a stadium or arena intended to be read only by person seated within the stadium.
- 950.060** Permanent municipal, schools, recreational and civic club sponsored signs, schedule of events, rules and regulations signs. Such signs shall not include identification signs.
- 950.070** Signs placed on newspaper boxes designed for placement of delivered newspaper to a particular location.
- 950.080** Historical plaques mounted in accordance with the United States Secretary of Interior’s Standards for Rehabilitation.
- 950.090** North Carolina vehicle inspection sign so long as such sign is not located in any right-of-way.
- 950.100** Signs advertising price of gasoline or designating self-service or full-service pumps, so long as such signs are attached to the pump island.
- 950.110** Flags for decorative purposes only, which are attached to a dwelling and contain no message, identification or advertisement.
- 950.120** Temporary displays, including lighting, erected in connection with the observance of holidays. Any signs associated with the display shall be removed within 3 days following the holidays.

Chapter 960. Prohibited Signs

- 960.010** A sign which the Zoning Administrator determines obstructs the view of bicyclists or motorists using any street, approach to any street intersection, or which interferes with the effectiveness of or obscures any traffic sign, device, or signal shall be prohibited.
- 960.020** Illuminated highly reflective signs or spotlights, which hamper or obstruct the vision of motorists or bicyclists.
- 960.030** Signs other than government signs which contain lights, rotating disks, words and other devices not erected by a public authority which may be erroneously construed as government signs or emergency warning signs. An example of this is a sign which contains a picture of a traffic sign plus the word “Stop”, “Yield”, etc.
- 960.040** Any sign which has been abandoned or advertises any product, business or activity which product is no longer sold, or such business or activity is no longer in existence, for at least 60 days, shall be removed with 30 days after notice from the Town.
- 960.050** Any sign located outdoors which interferes with free passage from or obstructs fire escape, downspout, window, door, stairway, ladder, or opening intended as a means of ingress or egress or providing light or air.
- 960.060** Any sign (other than government sign), banner or display placed on any curb, sidewalk, post, pole, hydrant, traffic control sign, bridge, tree, or other surface located on, over, or across any public street or right-of-way, or any banner, placed on stakes on a property, unless otherwise permitted.

- 960.070** Flashing signs, signs with flashing or reflective disks, signs with flashing lights or lights of changing degree of intensity or color (except government signs or signs used in connection with emergency or public announcements as exempted in Chapter 930 or 9160.040). If any LED sign alternates between messages, it shall continuously show one message a minimum of ten (10) minutes in time before switching to the other message.
- 960.080** Portable signs, except as permitted in Chapter 970.
- 960.090** Vehicular signs.
- 960.100** Off-premises advertising signs (i.e. Billboards) unless otherwise stated in this Ordinance except those sponsored by any government.
- 960.110** Rotating signs, other than on-premise rotating identification names which contain logo and/or business name on it.
- 960.120** Roof signs which extend above the highest point of a pitched roof, mansard roof, or parapet.
- 960.130** Signs placed on a piece of property without permission of its owners or agent.
- 960.140** Airborne signs including inflated balloons having a diameter of greater than 2 feet.
- 960.150** Any sign whose sign face was initially constructed and designed to be placed and /or transported on wheels, regardless if said sign face is removed from its base and placed on or in the ground so as to otherwise classify said as a “free-standing” sign as herein defined.
- 960.160** All signs, including the supports, frames, and embellishments thereto, located within any public right-of-way, or attached, affixed, or painted on any utility pole, light standard, telephone or telegraph pole, any tree, rock or other natural object.
- 960.170** Other signs not expressly permitted in this UDO.

Chapter 970. Temporary Sign Regulations

970.010 Temporary Sign Permit Required

A temporary sign permit, issued by the Planning Department shall be approved before the placement of a portable sign, special event sign, promotional temporary sign, or grand opening sign within any non-residential zoning districts as indicated in Section 990.040.

970.020 Number and Size Allowed

Temporary signs are allowed in addition to permanent signs allocations. The maximum number of Town approved portable or banner signs shall not exceed one per business. However, multi-tenant commercial centers shall be limited to a maximum of one promotional and one grand opening banner display at any given time.

970.030 Temporary Real-Estate Signs

Temporary real estate signs advertising a specific property for sale, lease, rent or development shall be located as follows:

- A.** One sign per street frontage advertising real estate (“For Sale”, “For Rent”, “For Lease”, or “For Development”) not greater than 10 square feet in area in a Residential District and 32 square feet in areas in nonresidential districts may be located on the property being advertised

Chapter 980. Temporary construction signs provided that:

970.030. Temporary Real-Estate Signs

so long as said sign is located behind the street right-of-way line. If the property so advertised lies on a corner lot or double frontage lot, then a second sign may be oriented along the second street so long as the two signs are at least 100 feet apart as measured by the shortest straight line.

- B.** In addition to the on-site real estate sign(s), a maximum of 2 directional signs, each not exceeding 4 square feet in area, shall be permitted off the subject premises. Such sign must be placed outside of existing right-of-ways. Such signs shall remain for a period not to exceed 1 year. The message of said signs shall be limited to the name of the property or development being advertised, an address, a telephone number, a directional arrow, mileage to the subject property, and the terms “Lot/Home For Sale”, “For Rent”, “For Lease”, “For Development”, etc.
- C.** No more than 3 temporary directional signs advertising a specific planned commercial or mixed-use development, subdivision, multi-family development, etc. may also be permitted off-site. Each sign may have a maximum area of 4 square feet and shall be placed outside all existing right-of-ways.
- D.** All such temporary signs shall be removed within 7 days after the property has been sold, rented, leased, etc.
- E.** No sign allowed under this section shall be lighted.

Chapter 980. Temporary construction signs provided that:

- A.** Signs in conjunction with any residential use shall not exceed 15 square feet each.
- B.** Signs in conjunction with all other uses shall have a maximum area of 32 square feet each.
- C.** Only 1 such sign oriented per street front per premises shall be erected.
- D.** Such signs shall not be illuminated.
- E.** Such signs shall only appear at the construction site.
- F.** No sign shall be located in the road right-of-way.
- G.** Such signs shall be removed within 7 days after a completion of the project.

Chapter 990. Temporary farm product signs advertising seasonal products produced on the site provided that:

- A.** One on-premises sign may be used. Said sign shall be located off the street right-of-way and at least 10 feet away from any side lot line. Such sign shall have a maximum area of 9 square feet and may not be illuminated.
- B.** Portable signs shall not be used except as permitted in Section Chapter 970.

990.020 Temporary special event or Temporary Use signs and banners for government, religious, charitable, civic, fraternal, or similar non-profit or not-for-profit organizations provided that:

990.030. Temporary Yard Sale Signs

- A.** Signs shall be erected no sooner than fourteen (14) days prior and removed no later than three (3) days after the event.
- B.** No such signs shall exceed thirty-two (32) square feet in area or be internally illuminated.
- C.** In no such case may any such sign impede the view or travel of any motorist or pedestrians.
- D.** Said banner may be attached to building façade or secured to freestanding post. In no case may the banners be attached to utility poles, traffic control sign, tree or other surface located within a public right-of-way.

990.030 Temporary Yard Sale Signs

One on-premise and 2 off-premise yard sale signs per yard sale.

- A.** All such signs shall be removed within twenty-four hours after the yard sale has been terminated. No such sign shall exceed 4 square feet. All such signs shall be located off the street right-of-way.

990.040 Size and Location Standards for Temporary Signs

A. Standards for Temporary Signs

Table below provides standards under which temporary signs may be displayed. The sign areas allowed are in addition to the sign area allowed for permanent signs.

B. Permitted Types of Storefront Portable Signs

Type	Illustration	Maximum Size/Height	Maximum Number	Location	Duration
A-Frame or Sandwich Board		2 feet by 3 feet	1 per business	1. Parallel and adjacent to front of storefront or suite where pedestrian sidewalk is less than 7-feet in width. 2. Not within landscaped areas. 3. On sidewalks located directly in front of the business or suite.	Unlimited
Swinger		2 feet by 3 feet	1 per business	Same as above.	Unlimited

Chapter 9100. Wall Signs

990.040. Size and Location Standards for Temporary Signs

Type	Illustration	Maximum Size/Height	Maximum Number	Location	Duration
Statue/Sidewalk Sign		5 feet in height or width	1 per business	Same as above.	Unlimited
Temporary  *See UDO Chapter 940.080 for Grand Opening Banners		32 square feet	1 per business	1. Attached to the building façade for standalone businesses. 2. Mounted within a Town approved banner display structure or on front façade directly above the business suite for multi-tenant commercial centers.	45 days Grand Opening 30 days Going out of Business
Promotional Banners “Sales”; “Special Events”		32 square feet for building façade or multi-tenant centers without structure; 18 square feet for placement in banner display monument sign.	1 per business but no more than one in a multi-tenant commercial center.	1. Attached to the building façade for standalone businesses. 2. Mounted on an existing monument sign within multi-tenant commercial centers.	14 days per event with no more than 6 events per year. *

*Applications for permits must be submitted within 45 calendar days from the date of application. Applications for events more than 45 calendar days in advance will not be accepted. New applications by the same applicant shall not be accepted until the expiration of any currently valid permit and removal of the expired sign.

Chapter 9100. Wall Signs

9100.010 The allowed wall sign area for a development shall comply with the provisions of Section 920.010 of this Ordinance.

9100.020 No wall sign shall project more than 18 inches from the building wall.

9100.030 Canopy and awning signs may be substituted for part or all of the allowable wall signage per development. Signs may be painted or printed onto a canopy or awning. In no case shall a canopy or awning extend into the street right-of-way.

Chapter 9110. Freestanding & Ground Mounted Signs

9110.010 Except as authorized by this Chapter, there may be no more than one freestanding sign on a single lot. Freestanding signs must be located a minimum of 50 linear feet from any other freestanding sign.

9110.020 All permitted signs on properties located within the Town of Indian Trail shall be ground mounted with the exception of properties located along Highway 74/Independence Boulevard unless otherwise specified in Chapter 790 of this Ordinance. No ground mounted sign may be higher than six (6) feet above finished grade for a single tenant sign, and ten (10) feet in height for a multi-tenant sign.

9110.030 Changeable Reader or Message Boards are authorized for properties located along the Highway 74/Independence Boulevard and shall be attached and calculate into the Freestanding Sign area subject to the following:

Type	Maximum Board Area
Manual Changing Board	50% of the total allowable freestanding area as provided above.
LED Static Message Board	50% of the total allowable freestanding sign area as provided above.
Manual or LED Message Board Signs for Movie Theatres	100% of Sign Area Wall or Freestanding Sign Area

9110.040 Freestanding signs shall be placed in raised landscaped planters whenever possible.

Figure 27: Freestanding sign in raised planter.



9110.050 No freestanding sign shall be located on an artificially created berm.

9110.060 Freestanding signs for single tenant parcels located adjacent to Highway 74/Independence Boulevard shall be calculated based on the following table:

Permitted Sign Area and Height-- Highway 74/Independence Boulevard		
Size of Property (acres)	Allowable Sign Area (sq feet)	Maximum Height of Sign (feet)
Less than 1	65	20
1.00 to 1.99	75	20

Permitted Sign Area and Height-- Highway 74/Independence Boulevard		
Size of Property (acres)	Allowable Sign Area (sq feet)	Maximum Height of Sign (feet)
2.00 to 2.99	75	20
3.00 to 3.99	80	20
4.00 to 4.99	90	25
5.00 to 5.99	100	25
6.00 to 6.99	100	25
More than 7	128	25
All signs defined by this table shall be located a minimum of 10 feet from the edge of Highway 74 right of way.		

9110.070 Freestanding signs for multi-tenant parcels located adjacent to Highway 74/Independence Boulevard shall be calculated based on one of the following tables. If a property meets criteria from both tables, it shall be allowed to apply the most permissive set of sign regulations as described in these tables.

A. Multi-Tenant Properties with a Single-User Greater than 40,000 Square Feet

Gross Floor Area of Single Largest Tenant	Allowable Sign Area (sq. ft.)	Maximum Height of Sign (feet)
40,000 to 74,999	150	25
75,000 to 99,999	200	25
100,000 and over	240	25
<i>All signs defined by this table must be located a minimum of 20 feet from the boundary of the Highway 74 right-of-way.</i>		

B. Multi-Tenant Properties

Size of Property in Acres	Allowable Sign Area (sq. ft.)	Maximum Height of Sign (feet)
Less than 1	75	20
1.00 to 2.99	100	20
3.00 to 4.99	125	25
5 to 7.49	150	25
7.5 to 14.99	200	25
15 or over	240	25

All signs defined by this table shall be located a minimum of 20 feet from the boundary of the Highway 74 right-of-way.

9110.080 All permitted signs on properties located within the Town of Indian Trail shall be ground mounted with the exception of properties located along Highway 74/Independence Boulevard unless otherwise specified in Chapter 790 of this Ordinance.

- A.** The additional signage allowed for a single tenant development on a corner lot shall not exceed twenty (20) square feet in area and five (5) feet in height and shall not be closer than 200 feet from the primary sign.
- B.** The additional signage allowed for a multi-tenant development on a corner lot shall not exceed fifty (50) square feet in area and six (6) feet in height and shall not be closer than 200 feet from the primary sign.

- C.** The additional signage allowed for a single tenant development located on a corner or through lot and on Hwy 74 shall not exceed:
- 1.** Fifty (50) square feet in area and six (6) feet in height of secondary street is classified as a Thoroughfare or Boulevard; or
 - 2.** Thirty-two (32) square feet in area and six (6) feet in height for all other roadway classifications.
- 9110.090** No portion of a freestanding, monument, or ground mounted sign shall extend into the street right-of-way or sight triangle.
- 9110.100** All freestanding, monument, or ground mounted signs shall observe and be located outside of all future right-of-way lines as identified in the Indian Trail Comprehensive Plan.
- 9110.110** An additional monument display structure may be permitted for multi-tenant commercial centers and shall be constructed of brick, stone, stucco or other high quality building material. The use of such monument signs must be limited to temporary signs announcing new stores, special events, and seasonal sales. Placement of said monument display shall be restricted to a landscape area located parallel and adjacent to the public right-of-way. Monument display structures shall be limited to a maximum of 4 feet in height and 8 feet in length. Monument banner displays shall obtain a zoning permit from the town planning department. All banners shall be secured to the display monument in such a manner to prevent flapping or other movement which may be distracting to motorist.
- 9110.120** The Planning and Development Director may grant an exception to the criteria in Section 9110.110 for the use of a banner display structure with an existing monument sign subject to the following:
- A.** The maximum banner sign area is limited to 18 square feet and shall be positioned no higher than four feet above finished grade.
 - B.** Banners are secured to the monument sign in such a manner to prevent flapping or other movement which may be distracting to motorist.
 - C.** Existing sign is constructed of brick, stone, stucco, or other high quality building material.
 - D.** Existing sign is not located within the existing or future sight triangle.
 - E.** The decision of the Planning Director may be appealed to the Board of Adjustment.
- 9110.130** Off-Premises Signage for entertainment venue, sports venue, motion picture theater, theatrical playhouse, or meeting and gathering hall such as a conference center shall be authorized by zoning permit when in compliance with the following:
- A.** The venue can accommodate a minimum of 2,000 people or has documented annual attendance of 150,000 people through hosting regional and local competitive sporting events; and
 - B.** A maximum of two freestanding signs per parcel is authorized when an off-premise sign is proposed; and

- C. No off-premises sign may be located within a 1,000 radius of any other pre-existing off-premise sign.
- D. Maximum height of off-premise sign shall be consistent with primary sign authorized on subject property as stated within this chapter; and
- E. Maximum sign area for off-premise sign shall be 120 square feet in area; and
- F. Off-premise sign is not located within the existing or future sight triangle, is a minimum of 10-feet from property line adjacent to right-of-way, and shall be a minimum of 50-feet from primary freestanding sign on the same property.

Chapter 9120. Sign Illumination

All lighted signs shall have their lighting directed in such a manner as to illuminate only the face of the sign. All lighted signs shall meet all applicable Electrical Codes.

9120.010 No sign (other than a ground mounted sign) within 100 linear feet of a preexisting residential structure may be illuminated between the hours of 12:00 midnight and 6:00 a.m. A residence shall be deemed “pre-existing” for purposes of this subsection if it had received a certificate of occupancy prior to the installation of such signage or on the effective date of this Ordinance had a valid building permit in place for its construction. Any residential structure constructed prior to the effective date of this Ordinance shall also be considered “pre-existing”.

Chapter 9130. Master Signage Plan

A master signage plan shall be submitted to the Town for developments containing more than one lot, tenant or principal structure. Within a development the coordination of styles and colors shall be utilized to insure continuity. A master signage plan shall include the following in booklet form:

- 9130.010** Detailed designs of all proposed signs including the size, height, copy, materials, and colors of such signs.
- 9130.020** Proposed number and location of signs.
- 9130.030** Sign illumination plans.
- 9130.040** Provisions for shared usage of freestanding sign(s).
- 9130.050** A master signage plan shall be part of any development plan; site plan or other plan required for development and shall be processed simultaneously with such plan(s). A master signage plan shall be approved prior to the issuance of sign permit(s).
- 9130.060** A master signage plan may be amended by filing a new plan, which complies with all the requirements of this Ordinance.
- 9130.070** After approval of a master signage plan, no sign shall be erected, affixed, placed, painted or otherwise established except in conformance with such plan and such plan may be enforced in the same way as any other provisions of this Ordinance. In case of any conflict between the provisions of such a plan and any other provisions of this Ordinance, the Ordinance shall control.

Chapter 9140. Nonconforming Signs

- 9140.010** Nonconforming signs shall be governed by the provisions of this Chapter.
- 9140.020** Subject to the remaining restrictions of this section, nonconforming signs, other than off-premises advertising signs, that were otherwise lawful on the effective date of this ordinance, may be continued.
- 9140.030** No person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered in such a manner as to increase the degree of nonconformity. Nor may illumination be added to any nonconforming sign.
- 9140.040** A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this ordinance.
- 9140.050** If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all the provisions of this ordinance, and the remnants of the former sign structure shall be cleared from the land. For purposes of this section, a nonconforming sign is "destroyed" if damaged to an extent that the cost of repairing the sign to its former stature or replacing it will an equivalent sign equals or exceeds the value listed for tax purposes of the sign so damaged.
- 9140.060** The message of a nonconforming sign may be changed so long as this does not create any new nonconformity (for example, by creating an off-premises sign under circumstances where such a sign would not be allowed).
- 9140.070** Subject to the other provisions of this section, nonconforming signs other than off-premises advertising signs may be repaired and renovated so long as the cost of such work does not exceed, within any twelve-month period, fifty percent of the value listed for tax purposes of such sign.
- 9140.080** If a nonconforming sign advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned and shall be removed within thirty days after such abandonment by the sign owner, owner of the property where the sign is located, or other party having control over such sign.
- 9140.090** All off-premises advertising signs (i.e. Billboards) erected and located in the Town's jurisdiction shall be removed within five years of the effective date of this Chapter.
- 9140.100** All off-premises advertising signs (i.e. Billboards) that are made nonconforming by extension of the Town's territorial or extraterritorial jurisdiction, shall be removed within five years of the effective date of the extension.
- 9140.110** Notwithstanding paragraphs 9140.090 and 9140.100 above, if an off-premises advertising sign (i.e. Billboard) remains blank for a continuous period of twelve months, that billboard shall be deemed abandoned and shall, within thirty days after such abandonment, be removed by the sign owner, owner of the property where the sign is located, or other person having control over such sign. For purposes of this section, a sign is "blank" if":
- A.** It advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted; or

- B. The advertising message it displays becomes illegible in whole or substantial part; or
- C. The advertising copy paid for by a party other than the sign owner or promoting an interest other than the rental of the sign has been removed.

Chapter 9150. Maintenance and Upkeep of Signs

- 9150.010** All signs and all components thereof, including supports, braces, anchors, etc., shall be kept in a good state of repair, in compliance with all building and electrical codes and in conformance with the requirements of this Ordinance.
- 9150.020** A sign which is determined by the Zoning Administrator as being insecure, in danger of falling or otherwise endangering the public safety shall be immediately removed by its owner unless it is repaired and made to otherwise comply with the requirements of this Ordinance.
- 9150.030** If the message portion of a sign is removed, leaving only the supporting “shell” of a sign or the supporting braces, anchors, or similar components, the owner of the sign or the owner of the property where the sign is located or other person having control over such sign shall, within thirty days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign.

Chapter 9160. Administration; Enforcement; Appeals; Penalties

9160.010 Administration

The Town Manager shall appoint an enforcement officer. The enforcement officer or his appointee shall administer and enforce all provisions of this Chapter. The sign enforcement officer shall also have the following authority:

- A. To issue a violation notice. A violation notice shall be delivered by certified mail, return receipt requested, or by such other method as allowed by law, to the owner of the sign in violation of the Chapter. Whenever the owner of the sign cannot be located and notified, such notice shall be delivered to the owner of record of the real property upon which the sign is located. The time period provided herein shall commence upon receipt of such violation notice. The violation notice shall identify the sign and shall describe the nature of the violation, refer to the section of the UDO violated, specify in detail what action must be taken to correct the violation, and specify a reasonable time limit of up to 15 calendar days within which the violation must be corrected.
- B. To issue a compliance order for any sign or sign structure not corrected within the time allotted under the violation notice or for a prohibited sign or any temporary portable sign not permitted as established by this Chapter. A compliance order shall be delivered to the sign owner and to the owner of record of the real property upon which the sign is located in the same manner as set out for a violation notice and shall not be effective until received. The compliance order recipient shall be allowed 30 calendar days to remove the subject sign at the owner’s expense. The compliance order shall identify the sign and refer to the section of the UDO violated. Any recurring temporary portable sign violation(s) that occur within a six-month time period shall be deemed, for purposes of assessing a penalty, a continued violation.
- C. To issue an unsafe sign notice. Should any sign or sign structure become imminently unstable or in danger of falling or otherwise unsafe, an unsafe sign notice shall be delivered to the sign owner or to the owner of record of the real property upon which the sign is located

in the same manner as set out for a violation notice, except that the recipient of the notice shall immediately, in the case of imminent danger, secure or remove the sign in a manner to be approved by the sign enforcement officer in conformity with the provisions of this Chapter. If the condition prompting the notice is not corrected within 24 hours after receipt of the notice, the sign enforcement officer shall have the authority to remove the sign at the recipient's expense.

9160.020 Appeals

Violation notices and compliance orders issued by the sign enforcement officer may be appealed to the Board of Adjustment within 30 working days of receipt of notice. Pending appeal, the time limits set out in the notice or order shall be suspended. If the Board of Adjustment finds that the action of the sign enforcement officer has been taken for good cause and in accordance with this Chapter, it shall so declare and the time period for compliance shall run from the issuance of that board's finding. If the Board of Adjustment sustains the appeal of the petitioner, no further action will be taken by the sign enforcement officer.

9160.030 Violations and Penalties

After due notice and order as provided above for any violation of the terms of this Chapter, the sign enforcement officer or the town attorney may issue a citation imposing a penalty of not more than \$100.00 on the owner of the sign in question or on the owner of the record of the real property upon which the sign is located whenever the owner of the sign cannot be located and notified of such citation. In the case of continuing violation, each twenty-four hour period in which the violation exists shall constitute a separate violation. In addition to the above-described penalty, the Town may enforce this Section by any one or more of the remedies authorized by Chapter 160A-1753 of the General Statutes, with the exception of 160A-175(b).

9160.040 Table of Sign Requirements

- A. The signs in the table are permitted with a permit as an accessory use to a principal permitted use in the respective districts.
- B. Uses not indicated shall be placed in the category having similar uses by action of the Board of Adjustment. At such time, sign requirements for such uses shall be established.

C. Permitted Sign Table—Residential Districts

Business or identification signs in Residential Districts are subject to the following limitations:

Use Classification	Maximum Number	Maximum Sign Face Area (Sq. Ft.)	Allowed Sign Type	Maximum Height of Free-Standing Sign (Feet)
Single-Family Home, Two-Unit Dwelling	1	1.5 sq. ft.	Wall	NA
Multi-Family	1 per frontage	18	Wall	NA
Residential Subdivision	1 per frontage	20	Ground	7
Manufactured Home Park	1 per frontage	18	Ground	6
Daycare Center* (Adult or Child Care)	1 per frontage	24 square feet	Wall or ground	6
Public Schools*		64 sq. ft. including bulletin board	Ground	6

9160.040. Table of Sign Requirements

Union County Public Schools see Chapter 540.010 (O)				
Churches, Synagogues or other places of Worship	1 per frontage	32 sq. ft. including bulletin board	Ground	6

*Institutional Uses may utilize manual changeable copy sign or LED Static Message Board

D. Permitted Sign Table—Institutional Uses/Districts

The following identification signs are permitted for Institutional Uses/Districts

Use Classification	Maximum Number	Maximum Sign Area (Sign Face)	Allowed Sign Type	Maximum Height of Free-Standing Sign (Feet)
Cemetery or Mausoleum College or University* Community Service Use or Center* Convalescent and Nursing Home	3 total which includes any freestanding sign	Wall -10% of the front building façade square footage area not to exceed 250 square feet Freestanding – 32 square feet	Wall, Free-standing	6
Convention Facilities*	3 total which includes any freestanding sign	Wall -10% of the front building façade square footage area Freestanding – 64 square feet	Wall, Free-standing	15
Day Care Facility* (Adult or Child Care Centers)	3 total which includes any freestanding sign	Wall -10% of the front building façade square footage area not to exceed 250 square feet Freestanding – 32 square feet	Wall, Free-standing	6
Hospital*	3 total which includes any freestanding sign	Wall -10% of the front building façade square footage area not to exceed 250 square feet Freestanding – 64 square feet	Wall, Free-standing	10
Laboratory Library* Medical Facilities Museums* Non-profit Agency/Office Offices Public Parks/Open Spaces* Public Utility, Major or Minor	1 per frontage	.5 sq. ft. per linear foot of frontage not to exceed 100 sq. ft.	Wall, Ground, Free-standing	6

Use Classification	Maximum Number	Maximum Sign Area (Sign Face)	Allowed Sign Type	Maximum Height of Free-Standing Sign (Feet)
Recreation Facilities*—private golf courses and country clubs	3 total which includes any freestanding sign	Wall -10% of the front building façade square footage area not to exceed 250 square feet Freestanding – 32 square feet	Wall, Free-standing	10
Religious Assembly* Schools, Public or Private* Social Service Agency Union County Public Schools see Chapter 540.010 (O)	3 total which includes any freestanding sign	Wall -10% of the front building façade square footage area not to exceed 250 square feet Freestanding 64 sq. ft.	Wall, Free-standing	6
Government Buildings*	3 total which includes any freestanding sign	Wall -10% of the front building façade square footage area not to exceed 250 square feet Freestanding 64 sq. ft.	Wall, Free-standing	10
Emergency Response Facilities (Fire Department, Law Enforcement, etc)	3 total which includes any freestanding sign	Wall -10% of the front building façade square footage area not to exceed 250 square feet Freestanding - 64 sq. ft	Wall and Freestanding	6 10 – in RBD

*These Institutional Uses may utilize manual changeable copy sign or LED Static Message Board.

E. Permitted Signs Business, Commercial, Overlay, and Industrial Districts

The following signs are permitted in Business, Commercial, Industrial, and Certain Overlay Zoning Districts:

Standard	NBD, CBD,* GBD Districts	Downtown Overlay, Village Overlay District*	RBD District*	LI, HI District*
Type of Signs	Freestanding, wall, or projecting signs			
Maximum Sign Area per business	Wall signs- 10% of front building or suite façade with primary building entrance for each business not to exceed 250 square feet in area for wall signs. Freestanding Signs- 32 square feet for freestanding signs or otherwise authorized in Chapter 990			
Institutional Uses	Refer to Permitted Signs- Institutional Use Table- 9140.040D			
Maximum number of signs per business	Wall Signs- unlimited (not to exceed 10% of wall area for any given wall) Freestanding Signs- One per lot unless otherwise authorized in Chapter 990.			

9160.040. Table of Sign Requirements

Maximum Freestanding Sign Height	10 multi-tenant centers 6 single tenant parcels	6 single tenant 10 multi-tenant center	6 ft., 20ft., or 25 ft. pursuant to Chapter 990	6; 10 multi-tenant	
Internal Illumination	Y		Y	Y	
		Sign Type			Illumination
		Monument/ Freestanding			Internally - Back lit channel letters, open face channel letters, routed and backed panel.
		Monument/ Freestanding			Externally - Lighting fixtures shall be directed towards the sign.
		Wall Signs and Projecting Signs			No - for buildings approved after June 9, 2009.
Commercial or Industrial Center Standards	Centers located outside of the RBD district are entitled to one multi-tenant center sign with a maximum of 100 sq. ft. One additional ground sign is permissible in accordance with Section 990.080B. Each business within a center is authorized unlimited wall signs not to exceed 10% of any given wall area as indicated in the table above and a place on a multi-tenant sign consistent therewith the approved Sign Program for said Center. Centers located along Hwy 74/Independence Boulevard shall comply with Chapter 990.				
Planned Industrial Parks or Office Parks	Two (2) freestanding Park Identification signs per entrance located behind right-of-way. Maximum height 7 feet. Maximum area of sign per monument 18 sq. ft.				

DIVISION 1000. OFF-STREET PARKING AND LOADING

Chapter 1010. General Requirements	10-1
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Chapter 1010. General Requirements

1010.010 Applicability and Basic Requirements

- A.** All developments shall provide a sufficient number of parking spaces to accommodate the number of vehicles likely to be attracted to the development. However, in an effort to minimize impervious surfaces that can cause stormwater quantity and quality problems, the number of parking spaces needed should not be based upon rare seasonal peak demands.
- B.** Each land use or activity within the Town shall provide and maintain off-street parking in compliance with these regulations for residents, employees, customers, visitors or others who use or occupy the homes, businesses, offices, or other types of establishments.
- C.** Off-street parking will be constructed and available to serve the use or business at the time the business or use is established. Parking must be available at the following times:
 - 1.** At the time a certificate of occupancy is issued for a building or structure to be occupied.
 - 2.** At the time any principal or ancillary use or building is enlarged or increased in capacity such as adding dwelling units, guest rooms, seats, floor area, employees or other features that increase parking requirements.
 - 3.** Before the conversion of a building or structure from one use to another where such conversion would trigger an additional parking requirement.
- D.** The Table of Parking Standards represents both the typical minimum number of parking spaces required and the maximum number of parking spaces allowed. For those developments desiring additional parking beyond that required by the parking standards, the total number of parking spaces provided may be increased by up to twenty-five percent above that recommended by the parking standards. If additional parking, above the twenty-five percent increase, is still desired, the additional parking shall be constructed of permeable pavement or shall be drained directly to a bioretention area or other approved water quality BMP as approved by the Town of Indian Trail.

1010.020 Exemptions, Reductions, and Special Area Standards

- A.** The number of parking spaces in lots of twenty or more spaces may be reduced by 2 if the developer provides a bicycle rack offering a secure parking area for at least ten bicycles.
- B.** When the use of a nonresidential property changes additional off-street parking and loading facilities must be provided to serve the new use or occupancy only when the number of parking and loading facilities required for the new nonresidential use exceeds the number of spaces required for the use that most recently occupied the building, based on the minimum parking standards of this Unified Development Ordinance. However, the Director of Planning and Development may permit a 25% reduction in the number of parking spaces required for the new use if the Director determines that such a reduction would not adversely affect traffic congestion in the area, would not lead to parking “spillover” to adjoining residential neighborhoods, and that the grant of a parking reduction would encourage the reuse and redevelopment of vacant storefronts and other properties.
- C.** The minimum parking ratios of Section 1020.010 are reduced by 25% within the Downtown Master Plan Overlay District and the Village Center Overlay District. Within the Downtown

and Village Center overlays the parking ratios of Section 1020.010 may be further reduced through a planned development application that demonstrates a plan or strategy for centralized, shared parking accessible to all patrons and employees of a mixed use development. All downtown parking reductions allowed by this section are subject to the approval of the Director of Planning and Development.

Chapter 1020. Off-Street Parking Requirements

1020.010 Parking Ratios

Except as otherwise expressly stated, off-street parking for motor vehicles must be provided in accordance with the following minimum ratios. The Town Council recognizes that the Table of Parking Requirements cannot cover every possible situation that may arise. Therefore, in cases not specifically covered, the permit-issuing authority is authorized to determine the parking requirements on the basis of the most similar use within this table.

Use Category	Specific Use	Requirement
Household Living	Single-Family Detached	2 spaces per unit, plus 1 space per room rented.
	Two-Family Dwelling	2 spaces for each unit, except that one-bedroom units require only 1 space.
	Townhouse (fee simple/ condominium)	2 spaces for each unit. Plus 1 visitor parking for every 4 parking spaces.
	Multifamily Dwelling including independent senior housing.	1 ½ spaces per one-bedroom unit; 2 spaces per two-bedroom unit; 2 ½ spaces per unit with three or more bedrooms. Plus 1 visitor parking for every 4 parking spaces.
	Manufactured Home	2 spaces per unit
	Modular Home	2 spaces per unit, plus 1 space per room rented
Group Living	Family Homes for Persons With Disabilities (Small and Large)	1 space per 3 residents
	Homes for the handicapped, aged, or infirm including nursing homes	2 spaces for every 5 beds, except for uses exclusively serving children under 16, in which case 1 space for every 3 beds
	Child care homes	1 space for every two employees on maximum shift
	Halfway houses	1 space per 3 bedrooms and 1space per employee
Community Service	Community Center	3.3 spaces per 1000 square feet of floor area
	Library, Museum, Art Gallery, Art Center	3.3 spaces per 1000 square feet of floor area
	Other	3.3 spaces per 1000 square feet of floor area
Day Care	Day Care Center	1 space per employee plus 4 spaces per 1000 square feet of floor area. Required parking may be reduced for day care centers with designated pick-up and drop-off area in an amount determined by the Director of Planning and Development.
Educational Facilities	Business Schools	1 space per 5 seats within classrooms or assembly spaces
	College/University	1 space per 5 seats within classrooms or assembly spaces

Chapter 1020. Off-Street Parking Requirements

1020.010. Parking Ratios

Use Category	Specific Use	Requirement
	Schools, Public/ Private	2 spaces per classroom or office in elementary schools; 5 spaces per classroom or office in high schools
	Trade/Vocational	1 space per 5 seats within classrooms or assembly spaces
Government Facilities	Ambulance Service, Rescue Squad, Police Station	5 spaces per 1000 square feet of floor area
	Prison or Jail	1 space per employee during the busiest shift plus 1 visitor space per 10 inmates
	Other	3.3 spaces per 1000 square feet of floor area
Health Care	Continuing Care Facility	3 spaces per 5 beds except government sponsored facilities for low income households or public/ private facilities for elderly populations which require 1 space per 5 beds.
	Hospital	2 spaces per bed
	Medical Clinic	6.6 spaces per 1000 feet of floor area
	Other	5 spaces per 1000 square feet of floor area
Institutions	Child Care Institutions	1 space per 3 beds
	Nursing Care Institutions and Intermediate Care Institutions	3 spaces for every 5 beds
	Mental Health Facility	1 space for every two employees on maximum shift
Parks and Open Space	Cemetery	1 space per 50 internment plots
	Public Park	5 spaces per 1000 square feet within an enclosed building plus 1 space per 3 person capacity for facilities where visitors watch participant sports
	Other	1 space per 5 seats in any facility with viewing stands or seating areas (permanent or temporary).
Passenger Terminal	Bus Passenger Terminal	5 spaces per 1000 square feet of floor area
	Taxicab or Limousine Operations or Facility	1 space per employee
Religious Institution		1 space for every 4 seats plus 5 spaces per 1000 square feet of non-assembly space
Utilities	Minor Utility	None
	Major Utility	1 space per employee plus 1 space per each fleet vehicle kept at the site.
	Telecommunication Facility	1 space for each service vehicle
Entertainment	Public Swimming Pool, Tennis Courts, Golf Course	5 spaces per 1000 square feet within an enclosed building plus 1 space per 3 person capacity for facilities like swimming pools where a maximum capacity has been established.
	Golf Course or Country Club, Private	5 spaces per 1000 square feet within an enclosed building plus 1 space per 3 person capacity for facilities like golf courses where a maximum capacity has been established.

Chapter 1020. Off-Street Parking Requirements**1020.010. Parking Ratios**

Use Category	Specific Use	Requirement
	Gym, Spa, Indoor Tennis Court or Pool, Private	5 spaces per 1000 square feet within an enclosed building plus 1 space per 3 person capacity for facilities where visitors watch participant sports
	Horse Stables	1 space per horse at maximum capacity
	Indoor entertainment facility including bowling alleys, skating rinks, squash courts, billiards and pool halls	5 spaces per 1000 square feet within an enclosed building plus 1 space per 3 person capacity for facilities with seating for visitors to watch participant sports
	Outdoor Athletic Facility, Private	5 spaces per 1000 square feet within an enclosed building plus 1 space per 3 person capacity for facilities with seating for visitors to watch participant sports
	Adult Use/Sexually Oriented Business	10 spaces per 1000 square feet of gross floor area plus 1 space for every 4 seats in any assembly area
	Theater	1 space for every four seats
	Theater, Drive-In	1 space per speaker outlet
	Water Slide, Miniature Golf, Skateboard Parks	5 spaces per 1000 square feet within an enclosed building plus 1 space per 3 person capacity for facilities with seating for visitors to watch participant sports
	Other	1 space for every 200 square feet of gross floor area
Office	Medical Office	4 spaces for every 1000 square feet of gross floor area
	All Other Offices	3.5 spaces for every 1000 square feet of gross floor area
Overnight Accommodations	Bed and Breakfast	1 space per rented room plus parking for any permanent residents consistent with the other requirements of this table.
	Extended Stay Facility	1 space per room plus 1 space for every 2 employees on the maximum shift
	Hotel/ Motel	1 space per room plus 1 space for every 2 employees on the maximum shift
Restaurants	Drive-Through Restaurant	10 spaces per 1000 square feet of floor area including any outdoor area used for dining.
	Sit-Down Restaurant	6 spaces per 1000 square feet including any outdoor area used for dining.
Retail Sales and Service	Bar, Nightclub, Taverns	10 spaces per 1000 square feet of gross floor area plus 1 space per four seats located outdoors
	Convenience Store	5 spaces per 1000 square feet of gross floor area
	Fuel Sales	5 spaces per 1000 square feet of gross floor area of building devoted primarily to gas sales operation, plus 1 parking space per pumping station
	Shopping Center	4 spaces per 1000 square feet of floor area; 4.5 per 1000 square feet of floor area for shopping centers over 100,000 square feet

Chapter 1020. Off-Street Parking Requirements

1020.010. Parking Ratios

Use Category	Specific Use	Requirement
	Other and Undetermined (Retail, Service or Mixed-Used projects where tenancy is not determined)	4 spaces per 1000 square feet of floor area
Animal Services	Veterinarian/Kennel, Indoor	5 spaces per 1000 square feet of floor area
	Veterinarian/Kennel, Outdoor	5 spaces per 1000 square feet of the floor area of building plus 1 space per 10 cages for outdoor facilities.
	Other	5 spaces per 1000 square feet of floor area
Self-Service Storage		1 space per employee during the busiest shift plus 1 space per 5,000 square feet of area devoted to storage
Vehicle Sales and Service	Car Wash	1 space for every 3 employees on the maximum shift for a manual or conveyor type car wash and in the case of a self-serve car wash 2 parking spaces per bay
	Vehicle Repair	1 space per employee during the busiest shift plus 2 spaces per service bay
	Vehicle Sales or Rental, Indoor	5 spaces per 1000 square feet of floor area plus 1space per employee during the busiest shift.
	Vehicle Sales or Rental, Outdoor	5 spaces per 1000 square feet plus 1 space for each 5000 square feet of outdoor storage area
	Other	5 spaces per 1000 square feet of floor area
Industrial	Aviation Service	1 space per employee, plus one visitor space per 200 square feet of office space
	Light Industrial Service	2 spaces per 1000 square feet of floor area
	Flex Space and Other	1 space per 2,000 square feet of warehouse space plus 2 spaces per 1000 square feet of office floor area plus 1 space per 1,000 square feet of outdoor work areas. When a proposed building would accommodate multiple tenants the parking requirements will be calculated on the basis of the floor area for each tenant.
	Manufacturing and Production	1 space per employee during the busiest shift
	Resource Extraction	1 space per employee on the busiest shift
	Warehouse and Freight Movement	1 space per employee on the busiest shift but not less than 1 parking space per 5,000 square feet of area devoted to warehousing or storage use (whether inside or outside)
	Truck Terminal	1 space per employee on maximum shift
Waste Related Service	Reclamation Landfill	1 space per employee on the busiest shift plus 1 space per vehicle used in facility operations
	Recyclable Materials Collection	1 space per 2 employees on maximum shift plus 1 space per vehicle used in facility operations
	Salvage Yard	1 space per 2 employees on the maximum shift but not less than 1 space per 5,000 square feet of area devoted to salvage yard use

Chapter 1030. Bicycle Parking**1030.010. Spaces Required**

Use Category	Specific Use	Requirement
	Sanitary Landfill	1 space per 2 employees on maximum shift plus 1 space per vehicle used in facility operations
	Other	1 space per 2 employees on maximum shift plus 1 space per vehicle used in the operation of the business.
Wholesale Sales		1 space for every 2 employees on maximum shift
Agribusinesses/ Greenhouses		1 space per 2 employees on maximum shift
Farmers Markets		1 space per 1,000 square feet of lot area used for product display or sales

Chapter 1030. Bicycle Parking**1030.010 Spaces Required**

- A.** No bicycle parking is required for residential uses except in the case of planned developments or cluster subdivisions with common recreation areas. Businesses and institutions providing the bicycle parking required by this section are eligible for a reduction in parking space requirements authorized by Section 1010.020A. The following table establishes the minimum bicycle parking requirements for use groups and specific uses that typically generate significant amounts of traffic including bicycle traffic:

Use Group	Specific Use Types	Minimum Bike Parking
Public/Institutional Uses	Libraries, Museums, Public Parks, Hospitals, Post Office	1 bike parking space per 15 parking spaces
Planned Developments/ Cluster Subdivisions (Residential)	Club houses, recreational buildings or facilities, and other amenity areas or facilities	1 bike parking space per 15 parking spaces
Assembly Uses	Churches, Public and Private Schools, Auditoriums, Stadiums	1 bike parking space per 15 parking spaces
Entertainment Uses	Skating Rinks, Golf Courses, Theaters, Health Clubs	1 bike parking space per 20 parking spaces
Retail and Business Services	Convenience stores, Shopping centers, Restaurants	1 bike parking space per 25 parking spaces
Employment Uses	Offices, Industrial Services, Manufacturing	1 bike parking space per 25 parking spaces

- B.** No use is required to provide more than 25 bicycle parking spaces.
- C.** The Planning Director is authorized to waive or modify the number of bicycle parking spaces required for a specific use when the applicant demonstrates to the satisfaction of the Director that the number of spaces required by this Section is not necessary because of the building's occupancy or the characteristics of the building's patrons or customers.

1030.020 Bike Parking Design and Location

- A.** Required short-term bicycle parking spaces must be provided in bicycle parking racks and each bike space must have minimum dimensions of 2 feet in width by 6 feet in length and a minimum overhead clearance of 7 feet. Racks must be affixed securely to the ground or building.

- B. Bicycle racks must be high-quality, inverted “U”-type construction. Alternative high-quality designs may be required by the Director of Planning and Development within the Downtown Master Plan Overlay area so that there is a consistent design and appearance of bicycle racks within the downtown.
- C. A use that is required to provide more than 10 bicycle parking spaces may use up to 2 required vehicle parking spaces for bicycle parking spaces.

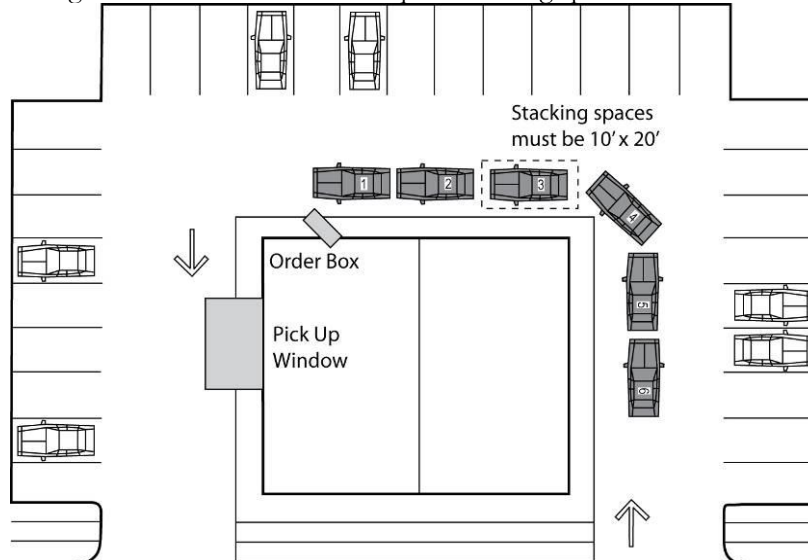
Chapter 1040. Stacking Spaces for Drive-Through Businesses

In addition to meeting the off-street parking requirements of this section, drive-through facilities (as-defined) shall comply with the minimum stacking space standards established by the table below. The design and layout of required queuing lanes and stacking spaces must not interfere with circulation and traffic flow on the site and may not interfere with access to parking spaces.

Type of Use	Minimum Stacking Spaces	Measured From
Bank, teller lane	4	Teller window
Bank, ATM	3	Teller machine
Restaurant, with drive through	6 plus 4 to pick-up window	Order box
Car Wash, automatic	6	Bay entrance
Car Wash, self-service	3	Bay entrance
Car Wash, full service	4	Bay entrance
Auto Service Station, gas pump island	30 feet from the end of each island	
Unlisted	**	

** Requirement for uses not specifically listed may be determined by the Director of Planning and Development based upon the requirement for comparable uses and upon the particular characteristics of the use. As an alternative the applicant may submit a study on the need for queuing spaces from a qualified traffic engineer.

Figure 28: Drive-through businesses must have adequate stacking spaces.



Chapter 1050. Accessible Parking

1050.010 Accessible Parking Spaces Required

- A.** Accessible parking spaces shall be provided in compliance with the following table and shall be identified with above-ground signs as specified in the U.S. Department of Transportation's Manual on Uniform Traffic Control Devices and the specifications of the North Carolina Department of Transportation.

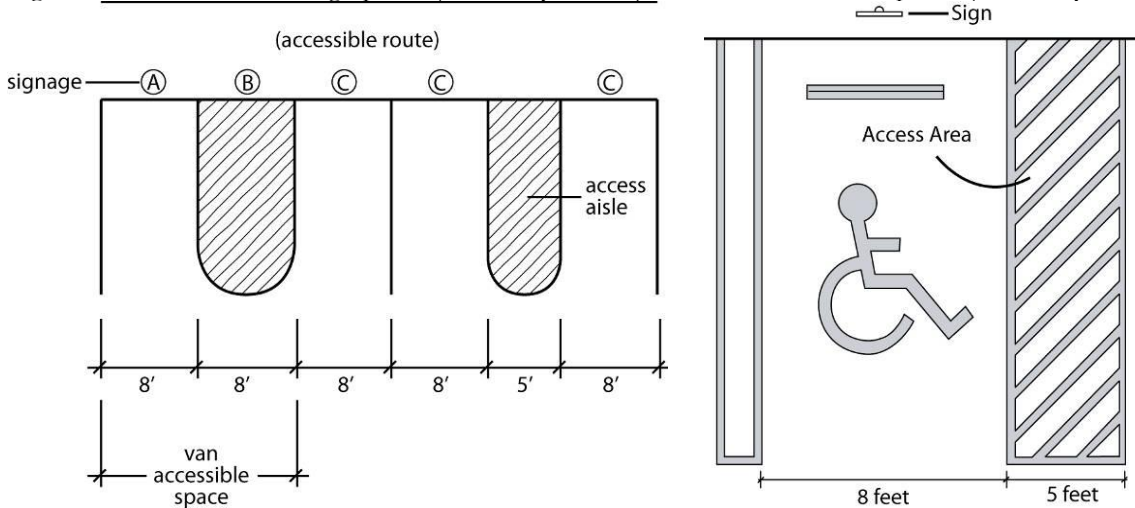
Total Parking Spaces Provided	Minimum Number of Accessible Spaces Required	Minimum Number Required By Type		
		Regular (8' + 5")	Van (8' +8')	Side Loaded Van
1 to 25	1	0	1	0
26 to 50	2	1	1	0
51 to 75	3	2	1	0
76 to 100	4	3	1	0
101 to 150	5	3	2	0
151 to 200	6	4	2	0
201 to 300	7	5	2	0
301 to 400	8	6	2	0
401 to 500	9	6	2	1
501 to 1000	2% of total	Required total less van spaces	1 in 4 total accessible spaces	1 for every 3 van spaces
1001 and Over	20 plus 1 for each 100 over 1000	Required total less van spaces	1 in 4 total accessible spaces	1 for every 3 van spaces

Refer to 4.1.2(5) of the Americans With Disabilities Act (ADA) and 4.1.2 (5) (d) for medical care facilities.

- B.** All accessible signs must conform to the Manual of Uniform Traffic Control Devices (MUTCD).
- C.** All 12" x 18" accessible signs must be mounted at 7 feet from grade to the bottom edge of the sign face. The mounting height may be reduced to 5 feet above grade if placed in an area between the sidewalk and the building face in which pedestrian are not expected to use.
- D.** Accessible parking spaces serving a particular building shall be located on the shortest route of travel which shall be accessible from adjacent parking to an accessible entrance.
- E.** In buildings with multiple accessible entrances with adjacent parking, the accessible parking spaces must be dispersed and located closest to the accessible entrances. In parking facilities that do not serve a particular building, accessible parking must be located on the shortest route of travel to an accessible pedestrian entrance of the parking facility.
- F.** Parking access aisles must be part of an accessible route to the building or facility entrance. Two accessible parking spaces may share a common access aisle.
- G.** Persons using the accessible spaces must not be required to cross a travel way or maneuver behind a backing vehicle to reach the access aisle or accessible route to the building entrance.

- H. Accessible parking spaces may not be located adjacent to storm drains or stormwater retention facilities.

Figure 29: Accessible Parking Spaces (13 feet by 18 feet) and Van Accessible Spaces (16 feet by 18 feet).



Chapter 1060. Off-Street Loading Requirements

1060.010 Loading and Unloading Areas

- A. Off-street loading and unloading area must be provided in accordance with this Section in order to accommodate the delivery or shipment operations of businesses and institutions in a safe and convenient manner.
- B. The Director of Planning and Development may reduce or eliminate the requirements for off-street loading facilities within the Downtown Master Plan Overlay District.
- C. The loading and unloading area must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use this area. The following table indicates the number and size of spaces that, presumptively, satisfy the standard set forth in this subsection. In recognition that inflexible application of the requirements in this Section may result in inadequate or excessive loading requirements, the Director of Planning and Development may require more or less loading or unloading space based on a determination of what is necessary to insure safe and convenient shipping and deliveries to the property.

Specific Land Use Type	Size: (Square feet of gross floor area)	Required Number and Size of Loading and Unloading Spaces	
		10 feet x 25 feet	10 feet x 50 feet
Office, Restaurant, Hotel or Motel	10,000—99,999	1	0
	100,000—149,999	0	1
	150,000 and over	0	2
Retail establishments, shopping centers, and industrial uses	0—4,999	1	0
	5,000-19,999	0	1
	20,000—49,999	0	2
	50,000-79,999	0	3
	80,000-99,999	0	4
	100,000-149,999	0	5
	150,000 and over	0	6

- D.** Required loading and unloading areas shall be so located and designed that the vehicles intended to use them:
- 1.** can maneuver safely and conveniently to and from a public right-of-way; and
 - 2.** complete the loading and unloading operations without obstructing or interfering with any public right-of-way or any parking lot driving aisle.
 - 3.** Complete the loading and unloading operations without the use or obstruction of any off-street parking required by this Unified Development Ordinance.
 - 4.** Loading areas within the lots of industrial subdivisions shall be self contained and each business must be capable of handling its own truck maneuvering and docking requirements. The use of public streets for commercial vehicle staging and/or maneuvering is prohibited. Loading areas shall be located either to the rear or the side of the industrial structures(s) to alleviate unsightly appearances often created by loading facilities. Where such locations are not feasible, loading docks and doors must be landscaped consistent with the requirements of this ordinance and, in addition, must be screened from the public right-of-way by walls, opaque fencing, and opaque entry gates.

Chapter 1070. Parking and Loading Area Design and Construction

1070.010 General Design Standards

Parking and loading areas must be designed so that:

- A.** Vehicles may exit such area without backing onto a public street. This requirement does not apply to driveways serving one or two dwelling units.
- B.** Vehicles cannot overhang property lines, public rights-of-way, or public sidewalks, or tend to bump against or damage any wall, vegetation or other obstruction.
- C.** Vehicles can move without posing a danger to pedestrians or other vehicles and without interfering with parking areas.
- D.** Each parking space and driving aisle will have the dimensions provided in Section 1070.020 and all accessible parking spaces will meet the requirements of Chapter 1050.
- E.** Angled parking spaces shall conform to the dimensions illustrated below. Alternative designs may be allowed by the Director of Planning and Development provided it is consistent with the recommended dimensions contained in the latest edition of the Traffic Engineering Handbook published by the Institute of Traffic Engineers.
- F.** The design of large parking areas (more than 250 parking spaces) at retail stores and shopping centers will be subject to site plan review and approval by the Director of Planning and Development. The site plans for large retail parking lots will be approved by the Director if the site plan:

1. segments the off-street parking area, visually and functionally, into smaller parking “pods” that reduce the visual and environmental impacts of the parking. Pods will be created by separating the field of parking into areas of no more than 50 parking spaces separated from each other by physical breaks consisting of:
 - a. landscape strips between parallel rows that are a minimum of 7 feet in width; or
 - b. pedestrian walkways a minimum of 5 feet in width that incorporate landscaping, lighting, and other pedestrian amenities; or
 - c. buildings including outbuildings designed and located in a manner that physically separates one field of parking from another.
 - d. Where the Director of Planning and Development determines that a site plan and landscape plan effectively reduces the visual impacts of a large field of parking then the size of any parking pod may be increased provided the parking lot design meets the overall objective of this Section.
2. incorporates safe access for pedestrians and bicyclists through the development site through the use of paths designated by special paving materials, separated pedestrian walkways, directional lighting for pedestrians.
3. incorporates traffic calming techniques designed to enhance pedestrian safety.

1070.020 Required Widths of Parking Spaces and Driving Aisles

Parking spaces and aisle widths shall conform to the following table, which relates aisle widths to parking angles.

Table 10-1: Geometric Design Standards Parking

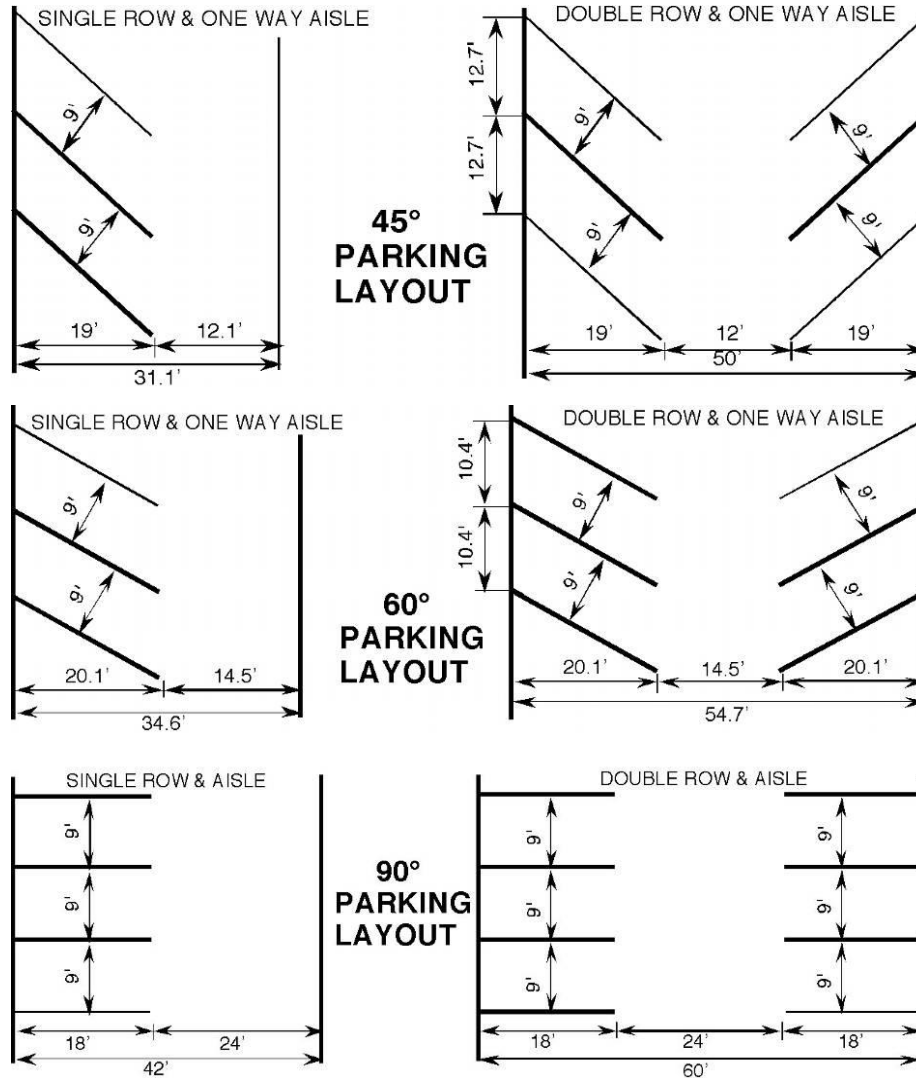
Parking Angle (degrees)	Stall Width (ft)	Stall to Curb (ft)	Aisle Width (ft)	Curb to Curb Width (ft)
0	8'-0"	22'-0"	Parallel Space	
45	9'-0"	18'-8"	12' (One-way)	50'-0"
60	9'-0"	20'-1"	14'-5" (One-way)	54'-7"
90	9'-0"	18'-0"	24'	60'

1070.030 Location of Parking and Access Design

- A. Except as otherwise expressly authorized in this development ordinance, required parking spaces must be located on the same lot as the use to be served by the parking.
- B. No parking lot serving a multi-family use may be located within any required front yard.
- C. Driveways shall be not less than ten feet in width for one-way traffic and 18 feet in width for two-way traffic, except that ten foot wide driveways are permissible for two-way traffic when:
 1. it provides access to not more than six spaces;
 2. sufficient turning space is provided so that vehicles need not back into a public street;

3. the use is a low traffic volume use and the public right-of-way has a low traffic volume.
- 4.

Figure 30: Illustration of Parking Layout and Access Standards.



1070.040 Parking and Loading Area Improvement Standards

- A. All parking lots and vehicular use areas (i.e. parking, maneuvering, circulation, and loading areas) must be graded and surfaced with asphalt or concrete that will protect against potholes, erosion, and dust. The Director of Planning and Development may authorize an exception to this requirement for temporary parking associated with a special event or short-term, seasonal activity.
- B. The perimeter of parking areas with 5 or more parking spaces shall be defined by curbs and gutter or similar improvements. .
- C. Except in the case of temporary parking lots or parking lots with fewer than 5 parking spaces, all parking spaces shall be clearly demarcated with painted lines or other markings.

- D.** Where parking facilities are paved with concrete or asphalt such facilities must provide a drainage system along the periphery of the parking lot except where it is determined by the Director of Planning and Development that such system is not practical for storm drainage purposes. This provision is not intended to prevent the use of low-impact design (LID) techniques such as breached curb drainage inlets or curb cuts that allow runoff to flow into bioretention cells or biofiltration swales.
- E.** All parking spaces on the interior of parking lots must be provided with wheel guards or curbs if they abut a sidewalk less than 7 feet in width or abut any landscape area less than 7 feet in width. Where wheel guards and curbs are required, such improvements must be located so that no part of a parked vehicle may encroach into a pedestrian walkway such that the width of the walkway is less than 5 feet.
- F.** Parking lots and vehicular use areas must be properly maintained. In particular, parking lot and vehicular use area surfaces shall be kept in good condition and parking space demarcations shall be kept clearly visible and distinct.

Chapter 1080. Flexibility in Administration Authorized

1080.010 Parking Determinations Based on Need

- A.** In recognition that inflexible application of the parking standards in Section 1020.010 above, may result inadequate or excessive parking requirements, the Director of Planning and Development may permit deviations from the presumptive requirements of Section 1020.010, and may require more parking or allow less parking whenever they find that such deviations are more likely to satisfy the basic purposes of these parking requirements.
- B.** Any allowed or required deviation from the presumptive parking requirements set forth in Chapter 1020 above shall be entered on the permit along with the reasons for allowing or requiring the deviation.
- C.** If the applicant does not wish to accept the Director of Planning and Development's decision and requirements, the applicant may appeal the determination of the Director to the Zoning Board of Adjustment.

Chapter 1090. Shared and Remote Parking

1090.010 Shared Parking

- A.** Shared parking represents an arrangement where two or more non-residential uses with different peak parking demands (hours of operation) can use the same off-street parking spaces to meet their off-street parking requirements.
- B.** The Director of Planning and Development is authorized to approve a shared parking arrangement for non-residential uses that operate at different hours or that operate at different days. The Director of Planning and Development may authorize shared parking after making a finding that there is no substantial conflict in the principal operating hours of the uses for which the shared parking is proposed.
- C.** For the purposes of this section, the following uses are considered daytime uses: office uses, industrial uses; retail uses;

- D.** For the purposes of this section, the following are considered nighttime or Sunday uses: school auditoriums; religious assembly facilities; theaters and similar entertainment uses; sit-down restaurants;
- E.** Any use applying for shared parking must be located within 500 feet walking distance of the parking lot as measured from the entrance of the use to the nearest parking space in the shared use lot.
- F.** An agreement providing for shared use of parking must be executed by the parties involved and be filed with the Director of Planning and Development and in a form approved by the Town Attorney. Shared parking facilities will continue in effect only as long as the agreement remains in force. If the agreement is no longer in force then the parking must be provided as otherwise required by this section.

1090.020 Remote Parking

- A.** If some or all of the required number of off-street parking spaces cannot reasonably be provided on the same lot as the use they are serving then spaces may be provided on nearby lots in accordance with the provisions of this Section. These off-site spaces are referred to as satellite parking spaces.
- B.** Satellite parking spaces (except spaces intended for employee use) must be located within 400 feet of the use to be served by such parking. Employee parking may be within 500 feet of the use to be served. These distances will be measured from the main entrance of the use to the nearest parking lot space following a reasonable and safe walking route.
- C.** Such land used for off-site parking must be located in a zoning district within which the use served would be a permitted or special use.
- D.** There must be a pedestrian walkway or sidewalk connecting the parking area to the use it is intended to serve.
- E.** There must be satisfactory written evidence of permission by the owner(s) of the area to be used for satellite parking spaces that it will be available to the users of the intended property. The developer must provide a contract or agreement acceptable to the Town's legal counsel and the developer must also sign an acknowledgment that the continuing validity of the zoning permit depends upon the developers continuing ability to provide the requisite number of parking spaces.
- F.** Satellite parking areas are required to satisfy the general design requirements of Chapter 1070.

DIVISION 1100. SUBDIVISION REGULATIONS

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Chapter 1110. General Provisions

1110.010 Authority

This Chapter is hereby adopted under the authority and provisions of the General Statutes of North Carolina (Chapter 160A, Article 19, Part 2, Subdivision Regulations). The purpose of this Chapter is to establish procedures and standards for the development and subdivision of real property within the corporate limits of the Town of Indian Trail in an effort to insure proper legal description, identification, monumentation, and recordation of real property boundaries.

1110.020 Purpose and Objectives

This Chapter is intended to promote the orderly layout and appropriate use of the land and to:

- A.** provide safe, convenient, and economic circulation of vehicular traffic;
- B.** provide suitable building sites which are readily accessible to emergency vehicles;
- C.** assure the proper installation of streets and utilities;
- D.** promote the eventual elimination of unsafe or unsanitary conditions arising from undue concentration of population;
- E.** conserve and protect the physical and economic resources of the Town of Indian Trail.

1110.030 Applicability

- A.** These regulations shall govern all subdivisions of land within the corporate limits of the Town of Indian Trail as now or hereafter established. Subdivision means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or any type of development whether development is immediate or in the future. The definition of subdivision includes residential and non-residential developments with multiple building sites and multi-site projects even if there is no division of the underlying land into separate parcels and also includes all division of land involving the dedication of a new street or a change in existing streets. All subdivisions, as defined, must be recorded with the Union County Register of Deeds.
- B.** After December 31, 2008, each individual subdivision of land within the Town of Indian Trail's corporate limits shall comply with the requirements specified in this ordinance before any plat can be recorded or lots sold.
- C.** All plats for the subdivision of land must conform to the requirements of this section and must be submitted in accordance with the procedures and specifications established in Chapter 350, Subdivision Approvals. Land or parcels described by metes and bounds in an instrument of transfer or other document used for selling or transferring land are not exempt from compliance with this chapter. No utility shall be extended nor any permit be issued by an administrative agent of the Town of Indian Trail or Union County for the construction of any building or other improvement upon any land for which a plat is required until the requirements of this chapter have been met and the final plat approved.

1110.040 Exemptions

The following will not be subject to the regulations of this Chapter:

- A. the combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the Town of Indian Trail as shown in its subdivision regulations;
- B. the division of land into parcels greater than 10 acres where no street right-of-way dedication is involved;
- C. the public acquisition by purchase of strips of land for the widening or opening of streets; and
- D. the division of a tract in single ownership whose entire area is not greater than 2 acres into not more than 3 lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the Town of Indian Trail as shown in this ordinance.

1110.050 Development Names

The subdivision name shall not duplicate or closely approximate the name of an existing subdivision within or within the general vicinity of Indian Trail. Proposed subdivisions or developments may have the same or similar name if they are an extension of an existing subdivision or development with the same or similar name.

1110.060 Applicable Policies

Subdivisions must be designed and laid out in accordance with:

A. Zoning and Other Laws

All subdivisions and lots created under this Ordinance must comply with all relevant sections of the Indian Trail Unified Development Ordinance and all other local, State and Federal laws.

B. Town of Indian Trail Comprehensive Plan

When a proposed subdivision embraces any part of a proposed thoroughfare, school, park, or recreation site, or other public facility that has been designated in the officially adopted plan of the Town, that planned facility will be platted and designated by the applicant in the location shown on the plan. All reservations or dedications of land consistent with the Comprehensive Plan must be recorded with the Union County Register of Deeds.

C. Town Design Standards

All site improvements shall be done in accordance with standards established by the Town of Indian Trail. All subdivisions will comply with the Town of Indian Trail Design Standards. Plans for all infrastructure improvements shall be approved prior to the commencement of any site work.

D. Traffic Movement and Pedestrian Circulation

1. Subdivisions should be designed to create an integrated system of lots, streets, trails, and infrastructure that provides for efficient movement of people, bicycles and automobiles within the subdivision and to and from adjacent development.
2. Subdivisions should provide for the efficient movement of through traffic by providing a completely interconnected hierarchy of streets and roads in order to avoid isolation of residential areas and over-reliance on federal, state and county roads.

3. All subdivisions should be designed to provide safe and attractive pedestrian routes to nearby commercial centers, as well as nearby public/civic, employment and recreation uses. Pedestrian improvements to publicly accessible buildings will comply with the requirements of the Americans with Disabilities Act (ADA).
4. Street layouts should be uncomplicated, so that emergency services, public services, and visitors can find their way to their intended destinations.

E. Appearance

1. Lot and street designs should be designed to avoid extended distances of back yard frontage on major roads. When that cannot be avoided, back yards abutting major streets should be buffered with uniform landscaping, fences and/or walls consistent with the perimeter landscaping requirements of Section 810.180.
2. Subdivision perimeter areas should include adequate landscaping and buffering to protect future residents of the subdivision and adjacent developments from adverse impacts caused by significant differences in use, development intensity, or building height consistent with the perimeter landscaping requirements of Section 810.180.

F. Open Space

1. Open spaces should be integrated into and throughout subdivisions, should be connected with one another and with open spaces in adjacent developments, and should include trails that connect to pedestrian routes in the subdivision and to regional trail systems.
2. Open spaces anticipated for use as active or developed parks should be accessible with at least minimum of 50 feet of frontage on a street and all active parks should be located on relatively flat, well-drained terrain.
3. Open spaces not anticipated for use as active or developed parks should be located on prominent high points with significant views, or along significant and interesting geological features or wooded areas or along significant drainages.
4. Open spaces that are anticipated to serve as trail corridors should be continuous with anticipated trail corridors on adjacent properties.
5. Open spaces that are intended for use as a trail or public park shall be consistent with all adopted Town Plans.

G. Natural Hazards

Lands subject to flooding, excessive erosion, and subsidence because of soil types or groups, water courses and other drainageways, steep slopes, or other natural hazards may not be platted for residential or other uses in such a way as to present a danger to life or property, or to the public health, safety, or general welfare.

H. Natural and Cultural Resources

1. Subdivisions should be designed in a manner that creates the least damage to the natural environment, avoids to the maximum extent feasible, significant natural resources such as woodlands, wetlands, water bodies, steep slopes, and rock outcroppings. Subdivisions should be designed to preserve trees and native vegetation, ponds, streams, rivers, lakes, hillsides and other natural resources that exist on a site.

2. Subdivisions should be designed to preserve cultural and historic resources.

I. Property Owners Associations

1. Property owner associations are required for all subdivisions that include land or improvements owned in common.
2. If a property owners association is assigned responsibility for the maintenance and control of streets, open space, recreational facilities, or other common areas and facilities within a subdivision, that association must have legal authority to maintain and exercise control over the common areas and facilities, including the power to compel contributions from residents or property owners to cover their proportionate share of the costs associated with the maintenance of the common areas and facilities.

1110.070 Installation of Permanent Reference Points

Monuments must be installed in accordance with *Standards of Practice for Land Surveying in North Carolina*, as adopted by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors and such monuments must be placed in all subdivisions.

1110.080 Lots

The size, shape, and orientation of lots must be appropriate for the location of the proposed subdivision and for the type of development contemplated. All lots must comply with the standards of this section, except as expressly provided in this Ordinance.

A. Compliance with Other Regulations

Every lot must have sufficient area, dimensions, and street access to permit the construction of a principal building in compliance with all applicable requirements of this Ordinance.

B. Minimum Building Area

Every lot must have a contiguous buildable area of a shape sufficient to hold a principal building that is at least 40% of the lot's total area or 3,000 square feet, whichever is less. This contiguous buildable area must lie at an elevation at least two feet above the 100-year flood elevation.

C. Lot Depth-to-Width Ratio

Lots may not have a depth greater than 4 times their width (at the required front setback).

D. Side Lot Line Configuration

Side lines of lots should be at or near right angles or radial to street lines.

E. Lot Lines and Drainage

Lot boundaries must coincide with existing (natural and constructed) drainageways to the extent practicable. This provision is intended to avoid the creation of lots that can be built upon only by altering drainageways.

F. Lots on Thoroughfares

Major subdivisions may not be approved that permit individual residential lots to access major thoroughfares or boulevards.

G. Access Requirements

All lots must have public street access and frontage meeting the requirements of the subject zoning district, except as expressly stated in this section. Lots and dwelling units located in cluster developments and planned developments with property owners' associations may have in which permanent access and frontage on approved private streets, private driveways

and/or private drives. The development as a whole must have public street access and frontage in accordance with the standards of the subject zoning district.

H. Flag Lots

- 1.** Flag lots are prohibited, provided that the Technical Review Committee may recommend the creation of flag lots when they determine that a flag lot is necessary to allow reasonable use and benefit of the subject parcel or to alleviate situations that would otherwise cause undue hardship. Flag lots may be allowed only in the following instances:
 - a.** when necessary to eliminate access onto thoroughfares;
 - b.** when necessary to make reasonable use of irregularly shaped parcels;
 - c.** when necessary to make reasonable use of parcels with severe topography or other physical constraints;
 - d.** when necessary to provide greater protection of natural resources areas (e.g., streams);
 - e.** when necessary to provide suitable land area and soil for location and operation of utilities.

1110.090 Street and Sidewalk Improvements

A. Basic Requirements

All internal streets within a subdivision and any street upon which any lot within a proposed subdivision abuts or has its required frontage (other than a street maintained by the Town or State) shall be graded and paved by the developer in accordance with NCDOT, Division of Highways' standards, or Town of Indian Trail Land Development Standard, for paved streets. Curb, gutter, and sidewalk are required on all existing and new road segments abutting the subdivision except as provided in Section 1110.090Q.3. All associated storm drainage is to be contained within the street right-of-way or easement and shall be in accordance with NCDOT standards or the Town of Indian Trail Storm Water Manual, whichever is most restrictive. Sidewalks shall be required on both sides of all streets and shall be in accordance with Indian Trail Land Development Standards and NCDOT standards.

B. Coordination and Continuation of Streets

The proposed street system shall be designed to provide a network of interconnected streets so as to facilitate the most advantageous development of the entire neighboring area. Access to adjacent properties may be gained by extending proposed streets to the property line, dedication to the boundary of such property and a temporary turnaround must be provided until streets on adjacent properties are built. The proposed street system must extend existing streets on their proper projections. Cul-de-sacs may not be used to avoid connection with an existing street or to avoid future extension. Cul-de-sacs and other permanently dead-end streets are permitted where one or more of the following conditions offer no practical alternative for connectivity:

- 1.** Significant topographical changes.
- 2.** Limiting environmental conditions.
- 3.** Restrictions or limitations on property accessibility.

4. Conflicts due to land use relationships.

C. Access to Subdivision Lots

Every major subdivision with more than 50 lots and/or building units must have at least two entrances, 200 lots or more shall have at least three, to the subdivision that afford reasonable means of ingress and egress for emergency vehicles as well as for all residents/visitors who need or desire access to the subdivision. These two entrances shall be on different roads wherever feasible. Regardless of the number of lots, entrances shall not be gated or otherwise restricted to public access.

D. Private Streets

1. Private streets may be platted subject to conditional zoning approval and only associated with the following development types in the following below:
 - a. Business and/or industrial parks
2. Private streets allowed pursuant to Section 1190.090 (D1) above may be platted in a subdivision with guarantees and/or surety as required by this section and only after the issuance of a Zoning Permit for the subdivision. A construction bond in the amount of the cost of construction plus twenty-five percent must be posted, and can be reduced to ten percent once construction is complete and the road has passed the inspections from the Town. The reduced surety will be held in the form of a maintenance surety for a period of three years to allow the infrastructure to go through several freeze-thaw cycles. In order to release the surety, the Town will conduct another inspection and request any repairs needed. The surety will be released once all repairs are made.

E. Marginal Access Streets

Where a tract of land to be subdivided adjoins a major thoroughfare, the applicant may be required to provide a marginal access street parallel to the major thoroughfare or reverse frontage on a local street for the lots to be developed adjacent to the major thoroughfare. Where reverse frontage is established, private driveways may not be designed to have direct access to the major or minor thoroughfare.

F. Street Names

Proposed streets that are in alignment (as determined by the Planning Director) with existing streets shall be given the same name. In assigning new names, duplication of existing names must be avoided and in no case can the proposed name be phonetically similar to existing names irrespective of the use of a suffix such as street, road, drive, place, court, etc. Street names shall be subject to the approval of the Town and Union County Emergency Services.

G. Right-of-Way Widths and Dedication

Minimum street right-of-way widths are based on roadway classification and the design and improvement of all streets must comply with the Town of Indian Trail Comprehensive Plan and Land Development Standards. Roadway dedication may be required to comply with said documents and shall be measured for dedication purposes based on distance from the official centerline of the existing right-of-way. Said dedication shall be clearly noted on preliminary and final plats.

H. Pavement Design

Pavement widths and thicknesses shall be in accordance with the standards of the North Carolina Department of Transportation and the Town of Indian Trail Land Development Standards, whichever is more restrictive, for the type of street. Alternatively, a licensed

geotechnical engineer may submit a recommended design to the Director of Planning and Development for consideration in the review of a particular project.

I. Grades

1. Street grades shall be not more than 8% or less than 0.5%.
2. Grades approaching intersections shall not exceed 5% for a distance of not less than 100 feet from the centerline of the intersection.
3. The mainline street cross-slope shall be carried out a distance of at least 10 feet into the side street. Low points with catch basins shall be at least 10 feet from the end of the radius. A vertical curve may be necessary to transition to side street grade.

J. Horizontal Alignment

The roadway alignment shall preserve the natural features such as woodlands, creeks, and floodplains to the maximum extent practicable. All horizontal curves shall have such length as necessary to provide safe sight distance as outlined in the AASHTO Policy on Geometric Design of Highways and Streets, current edition.

K. Vertical Curves

All vertical curves shall have such length as necessary to provide safe sight distance as outlined in the AASHTO Policy on Geometric Design of Highways and Streets, current edition.

L. Intersections

1. Streets must be laid out so as to intersect as nearly as possible at right angles, and under extreme circumstances at a minimum of 75 degrees. No proposed street may intersect any other street at an angle less than 75 degrees.
2. Property lines at street intersections shall be round with a minimum radius of 20 feet. Where a street intersects a highway, the design standards of the North Carolina Department of Transportation, Division of Highways will apply.
3. Offset intersections are to be avoided unless an exception is granted. Intersections that cannot be aligned should be separated by a minimum length of 200 feet between street center lines.
4. Intersections with collectors must be 500 feet from another intersection on the same side.
5. Intersections with major or minor thoroughfares should be at least 1,000 feet apart measured from centerline to centerline.
6. Intersections that are to be signalized shall be no closer than 2,500 feet or the location must comply with the standards of the North Carolina Department of Transportation, Division of Highways, whichever is more restrictive.

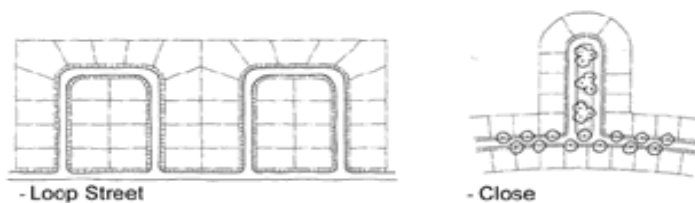
M. Dead-End Streets

1. Streets shall be designed to provide interconnectivity. Permanent dead-end streets must end in a cul-de-sac turnaround, and are allowed if the following conditions occur in a manner that prohibits connecting to an adjacent street:

- a. Significant topography limitations.
 - b. Limiting environmental conditions.
 - c. Odd parcel sizes or shapes .
 - d. Limited accessibility to the property.
 - e. Conflicting land use relationships.
2. Street designs such as loop streets or closes are preferred to the use of traditional cul-de-sac designs. These alternatives help support the turning movements of emergency and service vehicles.

Figure 31: Alternative to Cul-de-sac

Figure 3-3: Alternatives to Cul-de-sacs.



N. Temporary Turnarounds

1. The Technical Review Committee may recommend a temporary turnaround (either a standard bulb cul-de-sac or T-turnaround) to be provided at the end of any stub street over 150 feet length or serving more than 4 lots. Temporary turnarounds must comply with the following:
 - a. the turnaround must be constructed in a temporary easement, located either on-site or off-site;
 - b. the developer of the adjacent property making a road connection to the existing stub road is responsible for the removal of the turnaround and for the restoration of the area at the time that the road connection is made; and
 - c. the turnaround must comply with all applicable cul-de-sac standards, including the Town of Indian Trail Land Development Standards.
2. Any plat containing a stub street must include the following note: “The street system shown on this plat includes one or more stub streets that are intended to be connected to the adjacent property at such time that the property is developed. The interconnection of neighborhoods with a street network ensures the efficient flow and dispersal of traffic and provides for additional points of ingress and egress for emergency vehicles.”
3. In addition, a sign must be posted on the stub street right-of-way indicating that it is intended as a “Future Street Extension.”

O. Alleys

Alleys shall be allowed where approved as part of a subdivision or planned development. The standards of construction of alleys will be per the Indian Trail Land Development Standards and NCDOT requirements.

P. Street Design to Prevent Congestion and Promote Traffic Calming

1. The street design shall have multiple connections, (existing and future), to disperse traffic impacts and reduce speeding.
2. Modifications of street geometry, intersection design, and other traffic calming measures are acceptable when necessary to discourage high volume, high speed through traffic.
3. Where feasible, all new development shall provide more than one access for ingress and egress at the time of development.
4. Limitations or restrictions on cut-through traffic will not apply when a street is designated as a thoroughfare on the Town's Comprehensive Plan or is designated as the collector street on the adopted major collector street map.

Q. Curb, Gutter and Sidewalk

1. Street rights-of-way are designed and developed to carry motor vehicle traffic and allow some on-street parking; to provide a safe and convenient passageway for pedestrian and bicycle traffic; and to serve as an important link in the Town's drainage systems.
2. All streets within a new subdivision (residential or commercial) shall be constructed with curb and gutter in accordance with the Indian Trail Land Development Standards and NC DOT.
3. Concrete sidewalks shall be installed along both sides of the street within a new residential or commercial subdivision. A sidewalk may be allowed on only one side of the street if:
 - a. The street services fewer than five dwellings units, or
 - b. The street serves single-family detached residences where the lots (at least 90%) are four acres or more in size, or
 - c. The Town Council determines that, given the likely use of the sidewalk, its cost is utterly disproportionate to its value to the public as may be the case in low density developments or in environmentally sensitive areas such as the Goose Creek Overlay District.
4. The sidewalks required by this section shall be constructed according to the specifications set forth in the Indian Trail Land Development Standards and Comprehensive Plan. The Town Council may consider the installation of walkways constructed with other suitable materials when it concludes that such walkways would serve the residents of the development as adequately as concrete sidewalks; and where such walkways would be more environmentally desirable or more in keeping with the overall design of the development.

5. The Director of Planning and Development, Planning Board, or Town Council may require pedestrian crosswalk improvements when blocks exceed 600 feet in width or whenever deemed necessary to provide safe and adequate pedestrian circulation or access to schools, playgrounds, shopping areas, or community facilities.
6. Any development located along public or private streets must provide curb, gutter and sidewalks along its street frontage in accordance with the Town of Indian Trail Comprehensive Plan, Land Development Standards, and this section.
7. Development along the Highway 74 Corridor must provide sidewalk ten feet (10') in width and curb and gutter as required by the Indian Trail Comprehensive Plan and all other applicable ordinance.
8. Responsibility for maintenance of sidewalk must be documented and recorded prior to final plat approval, as per Section 1170.050A. In most cases responsibility would be that of the homeowners association (HOA) or developer.

R. Street Name Signs

Street name signs must be installed by the developer at each street intersection as appropriate to identify all street names and located as shown in the Indian Trail Land Development Standards. Street name signs, poles and brackets shall be of a type approved by NCDOT for installations on state maintained streets. All street name signs, poles, and brackets must be installed prior to the issuance of a certificate of occupancy permit for any home adjacent to the street.

S. Traffic Control Devices

Traffic control devices such as stop, yield and speed limit signs (but not including electric or electronic traffic signals) shall be installed on public streets by the developer at the appropriate locations as determined by NCDOT and the Manual of Uniform Traffic Control Devices (MUTCD). Installation standards and materials shall be in conformance with NCDOT standards for such devices.

T. Storm Drainage Not Contained in Street Rights-of-Way

All storm drainage facilities that are not situated in a street right-of-way shall be constructed for and maintained by the homeowners association (HOA) or developer in a manner consistent with the Town of Indian Trail stormwater management manual.

U. Street Lights

1. Street lights shall be provided in all new subdivisions. Lighting fixtures shall be of a common theme, decorative cutoff type, and shall comply with the lighting standards for public and private roadways as established in Lighting Standards (see Chapter 1310) of this Unified Development Ordinance. Fixtures shall be mounted on a free-standing non-wood pole, approved by the Town. The poles and fixtures shall be painted black unless otherwise approved by the Planning Board.
2. Lighting layout for the entire subdivision must be submitted to the Town for approval, even if the subdivision is being built in phases. The lighting layout shall be consistent with the Lighting Standards Section of this UDO and the standards provided in the "Roadway Lighting Handbook," U.S. Department of Transportation, Federal Highway Administration 1978, as revised.

- 3.** A layout plan shall be submitted to the Town for approval and must include a foot-candle grid with the average, minimum/maximum, and uniformity calculations and all planned light improvement must comply with the Lighting Standards of this Unified Development Ordinance.

Chapter 1120. Water, Sewer, Utilities and Easements

- 1120.010** Any subdivision which has either public water or public sewer system or both legally available or to be made available within 300 feet of its boundary shall have such available systems extended by the developer to provide service to each lot in the subdivision. Water and sewer installations shall be in accordance with the standards of the Union County Public Works Department.
- 1120.020** Where water and/or sewer is not made available to each lot a certificate shall appear on the final plat from the Union County Health Department indicating the appropriateness of the lots to support whatever alternate systems are to be permitted.
- 1120.030** Electrical, television, and telephone utility lines installed within subdivisions must be underground unless the Technical Review Committee determines that underground installation is unreasonable or infeasible.
- 1120.040** Utility easements with a width acceptable to public and private utility providers must be provided to accommodate electric, telephone, gas, and community antenna television services; conduits; and sewer or water lines. The location of such easements must be reviewed and approved by the Town, with advice from utility providers, before final plat approval.
- 1120.050** Utility easements must be kept free and clear of any buildings or other improvements that would interfere with the proper maintenance or replacement of utilities. The city is not liable for damages to any improvement located within the utility easement area.

Chapter 1130. Fire Protection

Fire hydrants shall be installed according to the fire code adopted by the Union County Fire Service and fire hydrant improvements and locations shall be installed consistent with the following:

- 1130.010** Every development (subdivided or unsubdivided) that is served by a public water system shall include a system of fire hydrants sufficient to provide adequate fire protection for the buildings located or intended to be located within such development.
- 1130.020** Fire hydrants must be located in accordance with the rules and regulations identified in North Carolina Fire Prevention Code. Appeals of these codes shall be filed with the North Carolina Building Code Council and the North Carolina Department of Insurance.
- 1130.030** The Planning Staff and Union County Fire Service shall review all fire hydrant locations and fire hydrant specifications. A letter shall be provided from the Union County Fire Marshal's Office to the Town stating the proposed development is in compliance with said Code. Final approval of locations and specifications shall be by the permit issuing authority.
- 1130.040** Water lines that serve hydrants shall be at least six inch lines, and, unless no other practicable alternative is available, no such lines shall be dead-end lines.

1130.050 The permit issuing authority may modify any previously issued permit to bring that project into compliance based on the Fire Marshal's certification that said project is in compliance with the North Carolina Fire Prevention Code.

Chapter 1140. Flood Damage Reduction and Stormwater Management

All subdivision shall comply with Chapter 1360 and Chapter 1370 of the Unified Development Ordinance.

Chapter 1150. Sedimentation Pollution Control

In order to prevent soil erosion and sedimentation pollution of waterways, the applicant shall comply with all requirements of the North Carolina Pollution Control Act. A plan shall be submitted and approved by North Carolina Department of Environmental and Natural Resources and a copy of the plan and DENR permit shall be provided to the Town prior to Zoning Certificate permit issuance.

Chapter 1160. Park, Recreation, and Open Space Dedication or Fees in Lieu

1160.010 Dedication of Land

- A.** Every applicant who proposes a subdivision of land for residential purposes shall dedicate a portion of land or pay a fee in lieu thereof, in accordance with this Chapter, for public park, greenway, recreation, and open space sites to serve the recreational needs of the residents of the subdivision or development. In the case of active recreation facilities (ball parks, soccer fields, bike paths) and passive facilities such as greenways and trails, the Director of Planning and Development will require that an easement be recorded assuring public access to these facilities in perpetuity.
- B.** At least 1/35 of an acre shall be dedicated for each dwelling unit planned or proposed in the subdivision plat or development. To the extent feasible, areas with environmentally limitations (e.g. designated flood plain areas, wetlands, and areas with a slope in excess of 15%) should be dedicated as open space and the Town may require these areas to be dedicated in excess of the minimum standard provided in this Section provided that reasonable economic use of the property is permitted. Designated wetland areas must be identified and reserved on the plat of subdivision and such areas must be posted with warning signs designed to prevent any future alteration or damage to these natural areas.
- C.** Except as otherwise required by the Town Council or Director of Planning and Development at the time of preliminary plat approval, all dedications of land shall meet the following criteria:

1. Unity

The dedicated land shall form a single parcel of land, except where the permit authorizing authority determines that two or more parcels would be in the best interest of the public, for example, two or more parcels may be acceptable where a subdivision covers a large area or where a site includes 2 or more environmentally sensitive areas. In such cases, the Town may require that such parcels be connected by a dedicated strip of land at least 30 feet in width for the purpose of connecting the parcels via trails, bikeways, and greenways.

2. Usability

Two-thirds of the dedicated land shall be useable for active recreation. Furthermore, only 50% of lakes and streams may be included in computing any of the dedicated land area

excluding stormwater detention facilities. Land dedicated only for greenways need not follow the requirements of this subsection for improved recreation space. In the case of a Planned Development, dedicated open space may be used for other public projects such as schools, libraries, and civic centers that serve the needs of the community.

3. Shape

The shape of the portion of the dedicated land which is deemed suitable for active recreation shall be sufficiently square or round to be usable for any or all recreational facilities and activities such as athletic fields and tennis courts, when a sufficient amount of land is required to be dedicated. Land dedicated only for greenways need not follow the requirements of this subsection.

4. Location

The dedicated land shall be centrally located so as to reasonably serve the recreation and open space needs of residents of the subdivision.

5. Access

Public access to the dedicated land will be provided either by adjoining public street frontage or by a dedicated public easement, at least 30 feet wide, which connects the dedicated land to a public street or right-of-way. Side-slope grades adjacent to existing and proposed streets will allow for reasonable access to the dedicated land. Where the dedicated land is located adjacent to a street, the developer or applicant will remain responsible for the installation of utilities, sidewalks, and other improvements required along that street segment. Public access or dedicated walkways to greenway dedications must be at least 20 feet wide. After the property is dedicated and improved consistent with the requirements of this Section, the Town of Indian Trail or a homeowners association (HOA) will assume responsibility for maintaining any sidewalks and other improvements adjacent to the street used for access to the open space.

6. Topography

The average slope of the portion of dedicated land deemed usable for active recreation will not exceed the average slope of the entire subdivision to be developed. In no case shall a slope on the usable portion of dedicated land exceed fifteen percent (15%).

7. Landscaping

Dedicated parks, recreation, and open space areas will have a sufficient natural or manmade buffer or screen to minimize any negative impacts on adjacent residents.

1160.020 Payments of Fees in Lieu of Land Dedication

- A.** The payment of fees, in lieu of the dedication of land under Section 1160.010 above, may occur at the request of the applicant or developer. However, the decision to require the dedication of land for recreational purposes, or a payment of a fee in lieu, will be made by the Town Council (for Conditional Zoning Districts) after having received a recommendation from the Planning Board and the Town's Parks, Arts, Recreating and Culture Advisory Committee and having evaluated the proposed dedication and the relationship such dedication would have with the Town's overall recreational needs.
- B.** The Planning Board may recommend approval, denial or approval with conditions of a preliminary plat based on the required open space dedication of this Section. Preference will be given to projects that provide open space on-site in the form of a land dedication. The final decision to either accept land for recreational purposes or to accept a fee in lieu of land will be the jurisdiction of the Town Council.

- C. The fees in lieu of dedication shall be paid prior to final plat approval.
 - D. The amount of the payment shall be the product of:
 - 1. the number of acres to be dedicated, as required by Section 1160.010B above;
 - 2. the assessed value for property tax purposes of the land being subdivided, adjusted to reflect its current fair market value at the time such payment is due to be paid.
- a. Procedures for determining the amount is as follows:**
- (1) An appraisal of the land in the development shall be performed by a professional land appraiser selected by the developer from an approved list maintained by the Town. The appraisal shall not be done prior to submission of the preliminary plat but must be completed prior to the final plat approval. The cost of the appraisal shall be borne by the developer.
 - (2) Professional land appraiser refers to a land appraiser who, in the opinion of the Town, has the expertise and/or certification to perform an adequate appraisal.

1160.030 Procedures

- A. At the time of filing a preliminary plat, the applicant shall designate thereon the area or areas to be dedicated pursuant to Section 1160.010A. If the applicant desires to make a payment in lieu of the dedication of land, a letter to that effect shall be submitted with the preliminary plat. All payments in lieu of dedication will be deposited in the Town's "Parkland Capital Improvements Account" to be used for park, greenway, trail, or other open space or recreational improvements in the vicinity of the development paying the fees. The Town Council reserves the right to refuse to accept dedication of parcels for a public park, recreation area, or open space but the Town Council must specify the basis for such refusal. In the case of a refusal, the applicant will have the opportunity to modify the proposed dedication or fee-in-lieu or seek review of the decision in a court of competent jurisdiction.
- B. Where a dedication of land is required, such dedication shall be shown on the final plat when submitted, and such plat shall be accompanied by an executed general warranty deed conveying the dedicated land to the Town. Where a payment in lieu of dedication is approved by the Town, such payment will be made before the final plat is signed and recorded.

1160.040 Authority to Sell

The Town Council shall have the authority to sell land dedicated pursuant to Section 1160.010. The proceeds of such sale shall be used for the acquisition and/or development of other recreation, park or open space sites, greenways, or for sidewalk development serving the subdivision or more than one subdivision in the immediate area.

1160.050 Provisions of Equivalent Facilities under Neighborhood or Community Home Owners Association

The Town encourages neighborhood or homeowner associations or management to construct, operate, and maintain private parks and recreation. The construction, operation, or maintenance of such private facilities shall not, however, diminish or eliminate the responsibility and obligations of the applicant under Section 1170.050A, et seq.

1160.060 Greenways

Greenways may be credited toward the requirements of Section 1160.010 provided that such greenways are part of the Town's Comprehensive Pedestrian Plan and dedicated to public use. An easement will be recorded for any greenway and such easement will provide for public access for pedestrians, bicyclists, and others expected to make use of this open space.

Chapter 1170. Improvements Guarantees

1170.010 Agreement and Security Required

- A.** In lieu of requiring the completion, installation and dedication of all improvements within the subdivision prior to plat approval, the Town of Indian Trail may enter into an agreement with the applicant whereby the applicant shall agree to complete all required improvements in the subdivision. Alternatively, such agreement can call for the completion of improvements for only a portion (i.e. phase) of the subdivision.
- B.** Once said agreement is signed by both parties and the security required herein is provided, the final plat, or portion thereof, may be approved, if all other requirements of this Ordinance are met. To secure this agreement, the applicant shall provide to the Town Council, either one, or a combination of the forms of guarantees described in Sections 1170.010C and 1170.030.
- C.** The following items shall be required to be included within the performance bond or surety calculation for both developed and undeveloped lots: curb, gutter, sidewalk, pavements, seeding, and stabilization, landscaping within the right-of-way, stormwater features for residential subdivisions, and community storm water features for commercial subdivisions, in accordance with other sections of this ordinance and the Post Construction Ordinance. Additionally, other required improvements within the subdivision will be required to be guaranteed in accordance with the Town ordinances. The applicant must provide an itemized cost estimate for the cost of the construction to the Town. The Town of Indian Trail's engineering staff and any consultants must validate the estimated costs. The owner shall provide information sufficient for the Town of Indian Trail's engineering staff and consultants to make a determination as to the appropriateness of the security amount. If less than 50% of the work is complete, a surety of 125% of the remaining construction improvements will be held by the Town in the form of a performance surety. If more than 50% of the work is complete, the Town will hold two (2) sureties: (1) A performance surety of 125% of the cost of the improvements which have not been completed at the time. (2) A maintenance surety for 1/3 of the cost of all of the improvements for the final plat. Sidewalk and right-of-way seeding may be placed in a separate surety in the amount of 125% of the construction cost estimate. This surety cannot be held for longer than two (2) years. If the surety/bond described herein is not provided, the Town of Indian Trail may not issue Zoning Permits to any affected properties within the subdivision.

1170.020 Surety Performance Bond(s)

The applicant shall obtain one or more performance bond(s) from a surety bonding company authorized to do business in North Carolina. The duration of the bond(s) shall be until such time as the improvements are accepted by the Town Council.

1170.030 Cash or Equivalent Security

The applicant shall deposit cash, an irrevocable letter of credit, or other instrument readily convertible into cash at face value, either with the Town or in escrow with a financial institution designated as an official depository of the Town of Indian Trail. Checks provided for security will only be accepted in the form of a certified check. If cash or other instrument is deposited in escrow with a financial institution as herein

provided, the applicant shall then file with the Town Council an agreement between and the financial institution and himself guaranteeing the following:

- A.** That said escrow account shall be held in trust until released by the Town Council and may not be used or pledged by the applicant in any other matter during the term of the escrow; and
- B.** That in case of a failure on the part of the applicant to complete said improvements, the financial institution shall, upon notification by the Town Council and submission of the Engineer's estimate of the amount needed to complete the improvements by the Town Council to the financial institution immediately either pay to the Town the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the Town any other instruments fully endorsed to pay for the full amount of the improvements.

1170.040 Default

Upon default, meaning failure on the part of the applicant to complete the required improvements in a timely manner as spelled out in the performance bond or escrow agreement, then the surety, or the financial institution, holding the escrow account, shall, if requested by the Town Council, pay all or any portion of the bond or escrow fund to the Town of Indian Trail up to the amount needed to complete the improvements based on the Engineer's estimate. Upon payment, the Town Council, in its discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements. The Town shall return to the bonding firm any funds not spent in completing the improvements. Should the amount of funds needed to complete the installation of all required improvements exceed the amount in the bond or escrow account, the applicant shall nonetheless be responsible for providing the funds to cover such costs. The applicant shall at all times bear the financial burden for the installation of all required improvements.

1170.050 Reduction and Release of Guarantee Security

The Permit issuing authority is authorized to release or reduce any security posted as the improvements are completed and approved consistent with this Section. The release of any security will be consistent with the following procedures:

- A.** For Public Roads including NCDOT and Town Roads the following must take place. For a surety reduction: (1) Public road sureties cannot be reduce until a 'built to standards' letter has been received from NCDOT or the Town. If a NCDOT road, the Town will hold an inspection at this time and provide a punch list of items to be repaired. (2) The applicant must then repair all items on this list. Once all repairs have been completed to the satisfaction of the Town, the performance surety can be reduced to a maintenance surety. This maintenance surety shall be for 1/3 the total cost of the improvements for the final plat. (3) At this time if the sidewalks are not complete, a two (2) year performance surety will be required at 125% of the cost of the sidewalk and the seeding cost.
- B.** For a surety release: (1) For the release of the maintenance sureties the Town must receive an official letter from NCDOT stating that the roads have been taken over for maintenance. Once this letter has been received the roads are again inspected and if they meet the inspection requirements the Town will release all maintenance sureties. For Town maintained roads, the applicant must follow the process as outlined in the adopted Street Acceptance Policy for the Town of Indian Trail.
- C.** For Private Roads, please see the following. For a reduction: (1) The Town will hold an inspection and provide a repair list as needed. (2) Once roads pass inspection, the sureties will be released in exchange for a new surety in the amount of 10% of the total cost of the

improvements. (3) This new surety will be in the form of a maintenance surety that will be held for three (3) years to allow the infrastructure to go through several freeze-thaw cycles.

- D.** For the release of a surety for a private road: (1) The Town will hold another inspection prior to the surety expiration and request any repairs needed. (2) The surety will be released when all repairs are made.
- E.** Other Improvements: In for the Town to release the bond for improvements other than streets the applicant must verify the construction is complete. In the case of a stormwater feature, the applicant must submit as-built calculations and an as-built survey. This must be completed in accordance with all other applicable Town regulations.

1170.060 Legal Provisions

A. Procedure for Plat Approval

- 1.** After the effective date of this Ordinance, no subdivision plat of land within the Town's jurisdiction shall be filed or recorded until it has been submitted to and approved by the appropriate agencies, and until this approval is entered in writing on the face of the plat by the Chairman or head of that agency.
- 2.** A plat shall not be filed or recorded by the Union County Register of Deeds of any subdivision located within the Town's jurisdiction that has not been approved in accordance with this Ordinance, nor shall the Clerk of Superior Court order or direct the recording of a plat if the recording would be in conflict with the requirements of this Ordinance.

B. Effect of Plat Approval on Dedications

Pursuant to General Statute 160A-374, the approval of a plat shall not be deemed to constitute or affect the acceptance by the Town of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. However, the Indian Trail Town Council may, by resolution, accept any dedication made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its corporate limits.

C. Penalties for Violation

After the effective date of this Ordinance, any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of this Ordinance, thereafter subdivides his land in violation of this Ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under the terms of this Ordinance and recorded in the Office of the Register of Deeds of Union County, shall be guilty of a misdemeanor. The descriptions by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The Town of Indian Trail, through its attorney or other official designated by the Town may enjoin illegal subdivision, transfer, or sale of land by action for injunction. Further, violators of this Ordinance shall be subject, upon conviction, to fine or imprisonment as provided by General Statute 14-4.

D. Variances

Where, because of severe topographical or other conditions peculiar to the site, strict adherence to the provisions of this Ordinance would cause an unnecessary hardship, the Board of Adjustment may authorize minor adjustments to the terms of this Ordinance only to the extent that is absolutely necessary and not to an extent which would violate the intent of the Ordinance.

E. Amendments

The Indian Trail Town Council may from time to time amend the terms of this Ordinance after a public hearing has been held. However, any proposed amendment shall be submitted to the Planning Board for review and recommendation. The Planning Board shall have 45 days within which to submit its report. If the Planning Board fails to submit a report within the specified time, it shall be deemed to have approved the amendment.

F. Abrogation

It is not intended that this Ordinance repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

DIVISION 1200. SPECIALIZED SUBDIVISIONS

Chapter 1210. Cluster and Open Space Subdivisions 12-1

Chapter 1220. Equestrian Oriented Subdivisions 12-5

Chapter 1210. Cluster and Open Space Subdivisions

1210.010 Purpose

The regulations of this section are intended to encourage subdivision design that is more efficient and provides greater protection of open space and natural resources than conventional subdivision designs. Cluster and Open Space Subdivisions shall be processed in accordance with Chapter 330 of this UDO. Cluster and open space subdivision designs allow more compact and less costly networks of roads and utilities. They also help reduce stormwater run-off and non-point source pollutant loading rates and may help to preserve an area's rural character. Cluster and open space subdivisions are intended to encourage the provision of needed open space and recreational amenities for residents, while also helping to retain an area's character and preserve natural, environmentally sensitive and historic resources. Any open space to be set aside pursuant to this section shall be above and beyond what is minimally required of a standard subdivision pursuant to Chapter 1160.

1210.020 General Description

The cluster and open space subdivision standards of this section require that a specified portion of each subdivision be set aside and permanently preserved as open space. The primary difference between cluster subdivisions and open space subdivisions is the amount of open space that must be preserved. Cluster subdivisions are required to set aside a modest amount of open space, while open space subdivisions are required to set aside a far greater amount. The required open space area within cluster or open space subdivisions can be used to provide recreational opportunities for the subdivision's residents, to conserve and protect significant natural resources, or to conserve productive farming and forestry uses.

1210.030 Minimum Subdivision Site Size

A. Cluster Subdivision

The minimum required land area for a cluster subdivision is 10 acres and that meets the density, lots size, and yard requirements of Sections 1210.050A and 1210.060.

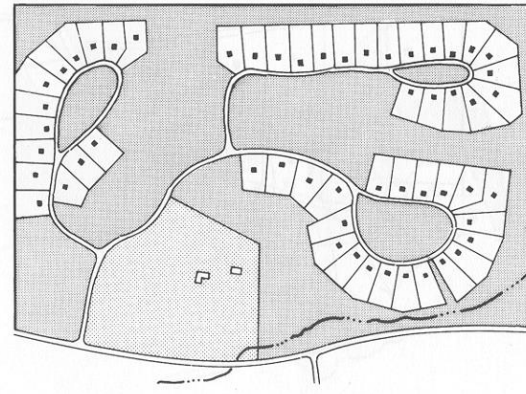
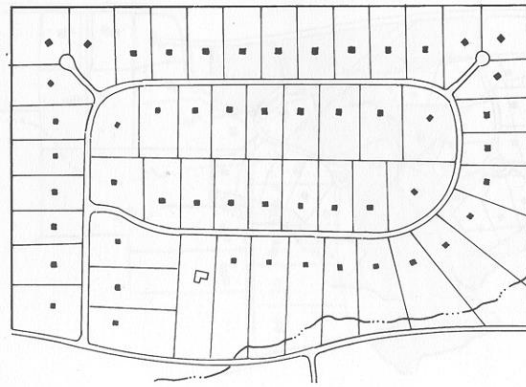
Figure 32: Flexibility with lot sizes and yards can allow for conservation of woodlands and protection of creeks and streams. Detention area not counted towards required open space.



B. Open Space Subdivision

The minimum required land area for an open space subdivision is 25 acres density and that meets the density, lots size, and yard requirements of Section 510.040B.

Figure 33: Open Space Subdivision Allow for Significant Preservation of Green Space
Standard Subdivision *Open Space Subdivision*



1210.040 Minimum Open Space

A. Cluster Subdivision

1. At least 15% of the net land area within a cluster subdivision must be set aside and permanently preserved as open space if the development is located within an area served by public water and sewer systems.
2. Cluster subdivisions located in an area that is not served by public water and sewer systems must set aside and permanently preserve at least 20% of the subdivision's net land area as open space.

B. Open Space Subdivisions

1. At least 25% of the net land area within an open space subdivisions must be set aside and permanently preserved as open space if the development is located within an area served by public water and sewer systems.
2. Open space subdivisions located in an area that is not served by public water and sewer systems must set aside and permanently preserve at least 30% of the subdivision's net land area as open space.

1210.050 Density, Lot Size and Setback Requirements

The density, lot size, and setback requirements for conventional, cluster, and open space developments must be consistent with the requirements of this Section.

A. Cluster Subdivisions

The following density and lot size standards apply to all cluster subdivisions.

Table 12-1: Flexible Lot Size; No Density Increase

Zoning District	Cluster Subdivision		
	Maximum Density (Units Per Acre)	Minimum Lot Size	Minimum Frontage
RSF	1	30,000	100
SF-1	2	15,000	80
SF-2	2.9	12,000	70
SF-3	3.6	10,000	60

B. Open Space Subdivisions

The following density and lot size standards apply to all open space subdivisions.

Table 12-2: Ten Percent Density Increase for Preserving Open Space

Zoning District	Open Space Subdivision		
	Maximum Density (Units Per Acre)	Minimum Lot Size	Minimum Frontage
RSF	1.1	20,000	100
SF-1	2.2	15,000	75
SF-2	3.2	12,000	60
SF-3	4.0	10,000	60

1210.060 Additional Lot and Building Standards

The following additional lot and building standards apply to cluster and open space subdivisions.

Table 12-3: Front, Side and Rear Yard Flexibility: Cluster and Open Space Subdivisions.

Minimum Setbacks	RSF	SF-1	SF-2	SF-3
Cluster Subdivisions				
Front	20	20	20	20
Corner	18	18	15	15
Side	12	12	12	12
Rear	20	20	20	20
Open Space Subdivisions				
Front	20	20	20	20
Corner	15	15	15	15
Side	12	12	6	6
Rear	20	20	20	20

1210.070 General Requirements

A. Maximum Density

1. The maximum number of dwelling units allowed within a cluster or open space subdivision will be consistent with the density provisions of Section 1210.050.
2. If the cluster or open space development site (subdivision) is located in more than one zoning district, the maximum number of dwelling units allowed must be determined separately for each portion of the site lying within a different zoning district. Density may be transferred from one portion of the site to another, provided that such transfers do not result in an increase in the number of dwelling units allowed on the overall site.

B. Lot Design

Each lot must be regularly shaped and meet or exceed the minimum lot area and lot width standards in this section. Side lot lines extending from a road must be approximately perpendicular or radial to the road's right-of-way boundary.

C. Open Space

- 1.** The amount of open space within a cluster or open space subdivision must be in addition to required open space of conventional subdivision as referenced in Section 1160.010 of this UDO. Open space provided to meet minimum open space requirements must be in one or more parcels dedicated or otherwise protected as permanent, active or passive open space. Open space must be at least 75 feet wide for all cluster and open space subdivisions, with houses facing towards the open space where possible and the open space being accessible to all residents of the subdivision.
- 2.** Use, Location, and Design: Open space must be dedicated or reserved for one or more of the following uses:
 - a.** conservation of, and avoidance of development in, any readily identifiable natural hazard areas, i.e., areas that potentially pose a significant hazard to people or property (e.g., designated floodways, other perennially wetlands, and lands whose slope and/or soils make them particularly susceptible to erosion when disturbed by development activities);
 - b.** conservation and protection of any identified significant natural areas (e.g., rare plant communities, important wildlife habitat) or other environmentally sensitive areas where development might threaten water quality or ecosystems (e.g., watershed buffers, groundwater recharge areas);
 - c.** conservation and protection of any identified important historic resources (e.g., homesteads, mills, barns, archeological sites);
 - d.** provision of active and/or passive outdoor recreation opportunities (e.g., ball fields, playgrounds, tennis courts, swimming pools, basketball courts, golf courses, bikeways, walking trails, nature trails, and picnic areas), either for the general public or for the subdivision's residents or employees and their guests; or
 - e.** retention of productive farmland or forestland for continued agricultural and/or forestry use.
- 3.** Highest priority for the location, design, and use of open space must be given to conserving, and avoiding development in, any open space that is set aside.
- 4.** Open space may contain only such buildings, structures, accessways, and parking facilities as are necessary and accessory to its principal uses (e.g., pedestrian path, utility lines, driveway, barns and other farm storage and processing facilities).
- 5.** Open space may contain individual water supply wells or subsurface sewage disposal fields serving dwelling units on adjacent lots, or community wells, provided they do not conflict with the principal uses of the open space.
- 6.** The location, size, character, and shape of required open space must be appropriate to its intended use(s). (e.g., open space proposed to be used for recreation, particularly active recreation, should be located and designed so that it can be accessed conveniently and safely by intended users, and open space to be used for ball fields, playing fields, or other active recreational facilities should be located on land that is relatively flat and dry.)

1210.080 Open Space Dedication or Reservation

- A.** Cluster and/or open space subdivision occupants must be ensured direct access to and use of the entirety of the subdivision's open space on the development site, by conveying that open space to a property owners association or similar legal entity meeting the provisions of Section 1110.060I for this UDO, or to a public agency or nonprofit organization that is organized for, capable of, and willing to accept responsibility for managing the open space for its intended purpose, and that will ensure subdivision occupants direct access to and use of the open space. Any other open space provided may be conveyed to such organizations as listed above or to any agency, organization, person, or other legal entity that is organized for, capable of, and willing to accept responsibility for managing the open space for its intended purpose, provided such conveyance is restricted to ensure continued maintenance and preservation of the open space and provided that the subdivision residents enjoy direct access and use of the open space.
- B.** Each dedicated or reserved open space parcel must be shown on all subdivision plans and on a record plat recorded with the Union County Register of Deeds, with a notation of its area and its intended open space use. The owner of an open space parcel may re-dedicate or re-reserve the parcel for another open space use allowed under this subsection by recording a record plat showing the parcel and its new intended open space use.

1210.090 Maintenance

- A.** The owner of the open space is responsible for maintaining the open space so that it continues to effectively function for its intended use, and any dedication or conveyance of an open space parcel must provide for such responsibility.
- B.** Where the cluster or open space subdivision is located within a RSF or the Goose Creek overlay district, retention of undeveloped open space in a vegetated or natural state must be ensured by maintenance provisions filed with the Union County Register of Deeds, either as part of recorded documentation providing for establishment of an appropriate legal entity (e.g. homeowners association, property owners association or land conservation organization) that is to be responsible for maintenance and control of open space or in a maintenance agreement recorded with the property deeds.

Chapter 1220. Equestrian Oriented Subdivisions

1220.010 Purpose

- A.** Equestrian Oriented Subdivisions are developments of a residential character that are designed with particular emphasis on equestrian activities and incorporate such facilities as community stables, riding rings, pastures, game fields, and riding trails.
- B.** Private stables may be located on individual residential lots subject to the provisions of Section 1220.020E and Section 1220.020F below.
- C.** Pastures, riding trails, community stables must be established, and these facilities must be accessible by a drive to allow easy ingress and egress. The access drive may be gravel in lieu of asphalt or concrete. Single stables may also be established on individual lots with equestrian oriented subdivisions.
- D.** Equestrian oriented subdivisions are permitted in the RSF, SF-1, and SF-1 Cluster Districts if the Director of Planning and Development determines that the applicant complies with the requirements of this Chapter. However, where an existing approved subdivision is proposed

to be converted to an equestrian subdivision then the applicant shall apply for special use permit approval from the Board of Adjustment subject to the following conditions.

1220.020 General Provisions

- A.** All buildings and structures related to the care of horses and to the operation of the riding facilities shall be located no nearer than 100 feet to any property line outside the development.
- B.** Corral or yard areas used for keeping horses shall be located no closer than 35 feet from any property line outside of the development.
- C.** All areas used for keeping horses shall be fenced. Chain link and electric fences as well as sharp fence materials such as barbed wire and razor wire are prohibited.
- D.** Generally, riding trails shall be located within the interior of the development and should not extend along adjoining property lines. Where a proposed trail is to be located along the exterior property line of the project, such trail shall be a minimum of 20 feet wide with adequate fencing provided to maintain all equestrian traffic within the project. Where buffer yards and landscape setbacks are provided along the exterior property lines these buffer yards and setbacks may be counted as part of the required 20 feet. However, any area improved and designated as a riding trail must have a minimum clear dimension of at least 20 feet in width.
- E.** Private stables for horses on residential lots shall be accessory to the residential structure and located on lots no smaller than 20,000 square feet. Only two horses on any 1 lot shall be allowed.
- F.** Private stables for horses on residential lots shall be located at the rear of the property behind the principal residential structure but no closer than 10 feet to any rear lot line; 20 feet from any side property line; and no closer than 35 feet from any corner yard property line.
- G.** Individual barns and community barns must be located so there is easy access to 3/4 acre of fenced pasture land per horse.
- H.** No minimum shall be placed on the number of horses boarded by the community stable. However, the site shall be of adequate size to handle the horses housed on-site and properly maintained to protect adjacent uses from adverse impacts.
- I.** Private stables, community stables, corrals, and other related facilities must be maintained in sanitary condition through the proper use of lime and pesticides.
- J.** All grain on the lot shall be stored in rodent-proof containers.

1220.030 Required Plans

A development for an Equestrian Oriented Subdivision shall delineate the following in addition to other subdivision requirements:

- A.** Lots to have private stables shall be designated and the general location for such stables shall be indicated.
- B.** All proposed community riding facilities, including community stables, riding rings, pastures, game fields, and riding trails. A written statement describing the proposed means of

ownership and proposed program for the maintenance of these facilities shall be included. The approved statement shall be recorded as a covenant at the Union County Register of Deeds.

- C.** The location and design of any walls, fencing, or screen planting proposed.
- D.** Plans shall include calculation table detailing the maximum amount of horses allowed as per the horse to pasture ratio found in Section 1220.020.

1220.040 Special Use Approval and Public Notice for Conversion

- A.** A subdivision of record shall file for a special use permit in compliance with Chapter 360 when considering converting to equestrian oriented status. The application shall be accompanied by a notarized petition signed by each property owner within the existing subdivision. The Board of Adjustment may grant the special use permit upon finding that the applicant complies with the requirements of this Chapter and Chapter 360.
- B.** Notice and proceeding for the public hearing shall be in compliance with Chapter 310.
- C.** If the special use permit is granted, standard site plan review pursuant to Chapter 370 of the Unified Development Ordinance is required.

DIVISION 1300. GENERAL DEVELOPMENT AND DESIGN STANDARDS

Chapter 1310. Integrity and Design Standards.....13-1

Chapter 1320. Nonresidential Design Standards 13-4

Chapter 1330. Lighting Standards 13-7

Chapter 1340. Transportation Infrastructure and Traffic Impacts 13-15

Chapter 1350. Intersection Visibility.....13-15

Chapter 1360. Flood Damage Reduction Ordinance.....13-17

Chapter 1310. Integrity and Design Standards

1310.010 Purpose

The regulations of this Chapter are intended to promote quality, aesthetically pleasing development throughout Indian Trail and to provide a wide range of nonresidential and residential structure types to accommodate the life-styles and economic levels of the projected population. The regulations are further intended to promote quality development that complies with all Town and state regulations and minimizes land use conflicts.

1310.020 Compliance

Plans demonstrating compliance with the design standards of this Chapter will be reviewed by the authorizing permit authority at the time of development's initial review and consideration for approval.

- A.** A. Any proposed changes to an approved Integrity and Design Permit such as a change in building design or building materials, shall require approval by the Planning and Development Director.
- B.** B. Any proposed changes to an approved Integrity and Design Permit associated with a Planned Development (PUD, PRD, PND, CZ) shall be bound by the conditions of approval, this Chapter, and the following:
 - i. Building materials and colors shall be similar to the materials already being used in the neighborhood, and/or if dissimilar materials are being proposed, other characteristics such as scale, proportion, form, architectural detailing, color, and texture shall be used to ensure that enough similarity exists for the buildings to relate to the rest of the neighborhood.
 - ii. Any proposed deviation from conditions of approval of a Planned Development approved by the Town Council or Board of Adjustment shall require an amendment of the approval permit authorized by the appropriate discretionary board.

1310.030 Articulation Standards for All Residential Buildings

All residential buildings on individual lots in R districts must include at least 5 of the following design features:

- A.** Bay or bow windows on the front façade (Note: the provision of one such window is sufficient);
- B.** Dormers (Note: the provision of one such roof feature is sufficient);
- C.** A roof pitch greater than or equal to a 6 to 12 (6:12) for primary roof;
- D.** Eaves with a minimum 10-inch projection on all sides of the building;
- E.** Decks or patios with a minimum size of 64 square feet per dwelling unit;
- F.** Front porch and entry facing the front lot line (Note: entryway can be located on the long or short axis of the dwelling);
- G.** Off-sets on building face with a minimum depth of 12 inches;

- H. Decorative pillars or posts.** Square post or columns shall not be less than six (6) nominal inches on any side and round columns shall not be smaller than eight (8) nominal inches in diameter from the bottom of the column unless consistent with a distinct architectural style. **(Note: requires at least one pair, decorative or plain, but finished in manner that is consistent with the dwelling exterior);**
- I. Distinct Architectural Style (2 point value).** The use of a distinct architectural style shall be determined by a qualified professional contracted by the Town at the cost of the applicant.

The following design features are required on all residential structures:

- J.** Openings including doors and/or windows on street facing building facades. Windows are required to have appropriate window trim per style of architecture. Blank walls are prohibited.
- K.** Masonry (preferably brick) perimeter enclosure at base but also including poured concrete so that each home has the appearance of a raised foundation (Note: wood products covered with a treatment to appear as masonry do not qualify). Poured concrete shall be treated with brick, stone, or color and textured material appropriate foundation style per style of architecture.
- L.** Changes in the use of wall facing materials should occur at wall setbacks or projections, or to articulate the transition between the building base middle and top. Material changes should return to inside corners of front façade. Those materials however, are not required to wrap the outermost front corner of the home.
- M.** Front loading garages shall not extend further than 4 feet past the predominant front façade of the house unless a front porch is used and then the garage shall not extend further than 4 feet past the porch excluding side loading garages. A maximum of ¼ of the front façade is allowed to be front facing garage door(s).

1310.040 Building Material Standards for All Site-Built & Modular Housing

All residential buildings constructed on-site must be improved with quality materials and these materials must be durable, safe, and require limited maintenance. Materials shall be selected for suitability to the type of building and design for which they are used. All facades visible from public or private streets must be constructed of the following materials: Such materials may include, but need not be limited to:

- A.** Brick, natural stone, wood, architectural cast stone, hardcoat stucco, cementitious siding, glass or EIFS – Exterior Insulation Finishing System (when applied according to manufacturer specifications and the North Carolina Building Code).
- B.** Vinyl siding (minimum of .44mm), galvanized, aluminum coated, or zinc-aluminum coated metal finishes provided such materials do not exceed 20% of those façades visible from public or private streets.

1310.050 Manufactured Housing Units on Individual Lots

Permitted Class A or B manufactured housing units may be placed on individual lots in R districts that permit detached houses only if they:

- A.** are constructed in accordance with the National Manufactured Housing Construction Safety Standards Act of 1974 as amended on August 22, 1981;

- B. are multi-sectional (double-wide or wider);
- C. enclose a floor area of not less than 1,000 square feet in any residential zoning districts (Note: single-wide manufactured dwellings, including expandable units, pop-outs and tilt-outs are allowed only in manufactured home parks);
- D. are placed on an excavated and/or backfilled foundation and the open portion under the home enclosed with pressure treated wood, masonry, or concrete walls, so that the top of the perimeter wall is not more than 8 inches above the finished ground level, except on a sloping lot where the top of the perimeter wall may be no more than 8 inches above the finished ground level at its highest point along the perimeter wall (Note: when pressure treated wood is used for the perimeter wall, a covering similar in appearance to the manufactured housing unit siding, or a finished concrete wall will be used to cover the wall);
- E. have exterior siding and roofing with the color, material and appearances similar to the exterior siding and roofing material used on residential dwellings within the neighborhood, or that is similar in appearance to the predominant materials typically used for construction of site-built detached houses;
- F. do not have bare metal siding or roofing;
- G. are not adjacent to any structure listed as a locally designated historic landmark or National Register property.

1310.060 Multi-Unit Houses: Two Unit Dwellings and Rooming Houses

A. General

Multi-unit houses are subject to the standards of Sec.510.040 (density, frontage and yard requirements) except as expressly modified or supplemented by the following standards.

B. Entrances

1. The street-facing façade of a multi-unit house may have only one visible entrance to the building. If the building is located on a corner lot, one building entrance may be visible from each street.
2. Patio-style doors, such as sliding glass doors, may not be used for main entrance doors.

C. Pedestrian Circulation

A pedestrian circulation system must be provided that connects residential entrances to adjacent public rights-of-way and to parking areas and other on-site facilities.

D. Parking Location/Orientation

Surface parking and parking within accessory structures must be located behind principal building or otherwise concealed from view of abutting streets. Parking areas may not be located directly between the principal building and the street or within any required interior side setback area. Any portion of a parking area that is not completely concealed from view of an abutting street must be screened in accordance with the parking lot landscaping requirements of DIVISION 800.

E. Site Plan Review

Site plan review, pursuant to Chapter 370, is required for all multi-unit houses containing more than 4 dwelling units.

1310.070 Multiplex and Apartment/Condo Buildings: Attached and Multifamily

A. General

Multiplex and apartment/condo buildings are subject to the standards of Sec.510.040 (density, frontage, and yard requirements) except as modified or supplemented by the standards of this Chapter.

B. Entrances

1. Entrance doors to dwelling units located above the ground floor must be provided from an enclosed lobby or corridor and stairwell. Unenclosed or partially enclosed stairs may not be used as the primary means of access to upper-floor dwellings units.
2. Patio-style doors, such as sliding glass doors, may not be used for main entrance doors.

C. Pedestrian Circulation

A pedestrian circulation system must be provided that connects residential entrances to adjacent public rights-of-way and to parking areas and other on-site facilities.

D. Parking Location/Orientation

Surface parking and parking within accessory structures must be located behind principal building or otherwise concealed from view of abutting streets. Parking areas may not be located directly between the principal building and the street or within any required interior side setback area. Any portion of a parking area that is not completely concealed from view of an abutting street must be screened in accordance with the parking lot landscaping requirements of DIVISION 800.

E. Site Plan Review

Site plan review, pursuant to Chapter 370, is required for all multiplex and apartment/condo buildings containing more than 4 dwelling units.

Chapter 1320. Nonresidential Design Standards

1320.010 Applicability

Unless otherwise expressly stated, the material and color standards of this section apply to all facades visible from a public or private street for non-residential development in all zoning districts that are subject to site plan review.

1320.020 Façade Materials

- A. All buildings and other structures must be constructed with brick, hard coat stucco, natural stone, architectural cast stone, EIFS (Exterior Insulation Finishing System), glass or other comparable, durable materials that are consistent with the purpose and intent of this chapter and approved during the plan review process.
- B. Concrete masonry units, architectural precast panels, and similar materials may be allowed in service areas and on exterior walls that are not generally visible to the public.

- C.** All façade material application shall be in compliance with manufacturer specifications and the North Carolina Building Code.

D. Façade Colors

Facade colors must be low-reflectance, subtle, neutral or earth tone colors. Building trim and accent areas may feature brighter colors, as approved during the plan review process. Traditional or standard franchise colors shall also comply with this section.

1320.030 Building Design

The following standards apply to all building facades and exterior walls that are visible from adjoining streets or properties.

- 1.** All building designs must express a “base”, “middle”, and “top” through the building’s architecture details and the use of building materials.
- 2.** Buildings visible from public streets must include at least 3 of the following features:
 - a.** variations in roof form and parapet heights;
 - b.** clearly pronounced recesses and projections at multiple locations for any building with a front façade exceeding 50 feet in width;
 - c.** wall plane off-sets (dimension established by building module) at multiple locations for any building with a front façade exceeding 50 feet in width;
 - d.** reveals and projections and changes in texture and color of wall surfaces;
 - e.** deep set windows with mullions;
 - f.** ground level arcades and second floor galleries/balconies; or
 - g.** other features that reduce the apparent mass of a building.
- 3.** Buildings must have architectural features that conceal rooftop equipment, such as HVAC units, from public view.
- 4.** Each building must have a clearly defined, highly visible customer entrance featuring at least 4 of the following elements (properties located in Industrial District or Industrial Park require a minimum of 2 elements):

- a. canopies or porticos;
 - b. overhangs;
 - c. recesses/projections;
 - d. arcades;
 - e. raised corniced parapets over the door;
 - f. peaked roof forms;
 - g. arches;
 - h. outdoor patios;
 - i. display windows;
 - j. architectural details such as tile work and moldings that are integrated into the building structure and design; or
 - k. integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
5. Building height may not exceed 35 feet for a one-story building or as otherwise authorized within the UDO.

1320.040 Large-stores and Shopping Centers

A. Applicability

In addition to the requirements listed above, the standards of this section apply to all retail uses and food and beverage retail sales uses on sites that include, in aggregate, more than 70,000 square feet of gross floor area.

B. Pedestrian Circulation

At least one continuous internal pedestrian connecting walkway must be provided from the public sidewalk or right-of-way and the principal customer entrance of all principal buildings on the site. Such pedestrian connections must be at least 6 feet in width. At a minimum, walkways must connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and feature items such as adjoining landscaped areas that includes trees, shrubs, benches, flower beds, planters, groundcover, or other such materials for no less than 30 percent of its length.

- 1. Walkways must be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such walkways must be located an average of 3-4 feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades, display windows, planters or entryways are part of the facade.
- 2. Customer entrances must have weather protection features, such as awnings, arcades, or vestibules.

3. All internal pedestrian walkways that cross parking aisles or driveways must be distinguished from driving surfaces through the use of durable, low-maintenance surface materials such as pavers, bricks, scored concrete or scored and painted asphalt or applied surface materials (e.g. bubbled runner mats) designed to enhance pedestrian safety and comfort. Raised walkways may be installed if elevated 6 inches with tapered side slopes and meet ADA standards.

Chapter 1330. Lighting Standards

1330.010 Purpose and Intent

- A. It is the purpose and intent of this Chapter to encourage the use of lighting design practices and systems that will: 1) minimize glare, light trespass and light pollution; 2) conserve energy and resources while maintaining nighttime safety, security and productivity; and 3) to curtail the degradation of the nighttime visual environment.
- B. It is the purpose and intent of this Chapter to establish clear and comprehensive outdoor lighting standards with an emphasis on reducing glare and light trespass by requiring, in most circumstances, the installation of both semi-cutoff (minimum required) and full cut-off (preferred) lighting fixtures.
- C. It is the purpose and intent of this Chapter to allow for outdoor lighting that is appropriate for the task and to establish light fixture height limits that will help prevent light trespass to adjacent properties.
- D. It is the purpose and intent of this Chapter to establish specific standards for certain land uses that typically have unique lighting requirements, such as (but not limited to) automotive dealerships, service stations, and outdoor sporting facilities.

1330.020 Applicability

This outdoor lighting standard applies to the development of all new multi-family housing, new major residential and non-residential subdivisions, non-residential construction, and the construction of parking lots where such developments include the installation of new outdoor lighting fixtures or the replacement of existing lighting fixtures. All new construction projects shall have enough exterior lighting to meet the minimum safety and security requirements of the Southern Building Code (SBC), National Electrical Code (NEC) and North Carolina Building Code (NCBC). The replacement of an existing lighting fixture is defined as a change of the type of fixture; a change in the mounting height of a fixture on a pole, building, or other structure; or a change in the location of a lighting fixture. All of these applications require compliance with this section. Routine lighting fixture maintenance such as replacement of lamps, ballast, starter, photo control, or similar components will not constitute the need to comply with this ordinance, and is permitted provided such changes do not result in a higher wattage or higher lumen output.

1330.030 General Exemptions

The following lighting is exempt from the requirements of this Section:

- A. Emergency lighting: Lighting required for public safety in the reasonable determination of public safety officials with authority.
- B. Decorative lighting: Low-wattage fixtures (comprised of incandescent bulbs of less than eight [8] watts each or other lamps of output less than one hundred [100] lumens each) used for holiday decoration.

- C. DOT lighting: Department of Transportation highway signage luminaires, which must comply with national D.O.T. standards.

1330.040 Light Measurement Technique

Measurements shall be made at finished grade (ground level), with the light registering portion of the meter held parallel to the ground, pointing up. The meter shall have an accuracy tolerance of no greater than plus or minus five (5) percent. Measurements shall be taken with a light meter that has been calibrated within one (1) year. Light levels are specified, calculated and measured in footcandles (FC), and should be taken after a one hundred (100) hour burn-in time, which will more accurately read “maintained” lighting levels.

1330.050 General Lighting Standards

All outdoor lighting (other than lighting for automotive dealerships and outdoor sporting facilities) shall comply with the following standards: All exterior lighting should be provided as to minimize the amount of light that is distributed towards an adjacent property, thereby limiting light trespass.

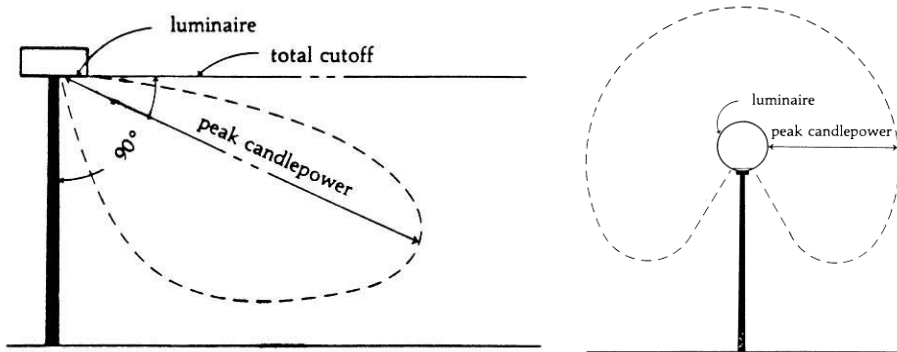
- A. All new lighting installations adjacent to a residential property (and renovations to existing lighting fixtures), shall show the intent to limit FC levels at property lines to a maximum amount of one (1) footcandle maintained. All new lighting installations adjacent to a commercial property (and renovations to existing lighting fixtures), shall show the intent to limit FC levels at property lines to a maximum amount of two (2) footcandles maintained.
- B. The maximum light level allowed at any point on a given parcel or property (with the exception of automobile dealerships and sporting facilities) shall not exceed twenty (20) footcandles maintained. The maximum light level allowed at any point on an automobile dealership (display or parking area) shall not exceed fifty (50) footcandles maintained. All outdoor sporting facilities shall be illuminated to *Illuminating Engineering Society North America* (IESNA) standards, with great care taken to minimize spill light at the property lines. Refer to section 1330.080, subsection B, for guidelines applying to outdoor sporting facilities.
- C. All lighting fixtures, (regular lamps and flood lamps) rated 150 watts or less may be used without restriction to light distribution (non-cutoff classification) except when the luminaire creates direct glare perceptible to persons on a public right of way, or into the window openings of a residential dwelling unit. Care should be taken to minimize light trespass across property lines. Internal louvers or “glare shields” should be provided where the emitted light becomes a hindrance.
- D. All lighting fixtures rated between 175 watts and 400 watts (inclusive) shall be at a minimum “semi-cutoff”, and preferably installed as a “full cutoff” type.
- E. All lighting fixtures (regular lamps and flood lamps) rated above 400 watts (exclusive) shall be listed as a “full cutoff” distribution only, and shall not emit any light above the horizontal plane of the fixture. With exception of sporting facilities, the light source should not be visible (within reason) from adjacent properties or the public street right-of-way.
- F. All building wall mounted lighting fixtures, or “wallpacks”, shall be of the full cutoff type.
- G. All lighting fixtures illuminating building facades, steeples, trees, billboards, signs, flags, etc. (vertical surfaces lighted from the bottom up) SHALL NOT exceed 175 watts, with the exception of Department of Transportation highway signage luminaires, which must comply with National D.O.T. standards. Lighting fixtures shall be selected, located, aimed and shielded so that direct illumination is focused exclusively on the item being illuminated, and away from adjacent properties and the public street right-of-way.

- H. All new lighting fixtures shall be mounted on metal poles with underground utilities for all new developments, redevelopments, and subdivisions except when:
1. New lights are proposed within existing subdivision where utility poles and overhead utilities exists; and
 2. New security lights are proposed on commercial property where utility poles and overhead utilities exist.

1330.060 General Standards for Lighting Fixtures

- A. Fully shielded (full cutoff) lighting fixtures and partially shielded (semi-cutoff) lighting fixtures are required for most applications, but are preferred for all outdoor lighting applications. All outdoor lighting fixtures rated above 150 watts shall utilize one of these two lighting fixture classifications. Fixtures rated 150 watts and below may fall into the “non-cutoff” classification.

Figure 34: Full cutoff style light fixture (left) versus non-cutoff style (right)



- B. The maximum fixture height (grade to top of fixture) for all ground mounted lighting fixtures, except those used for sports facilities, shall be as follows:

Commercial - 32 feet

Residential - 20 feet

Pedestrian Pathways/Sidewalks - 12 feet

1330.070 Prohibited Uses of Lighting

- A. Unshielded flood lights, except for residential flood lights rated 100 watts or less, that are permitted but must be aimed towards the ground and not towards adjacent properties.
- B. Unshielded lamps or fixtures, except for those used for swimming pools, hot tubs, semi-enclosed decks or porches and similar accessory structures.
- C. Searchlights used for advertising purposes.
- D. Laser sourced lighting fixtures used for advertising purposes.
- E. Other than architecturally aesthetic neon signs, all exposed neon “striping” on or around commercial buildings shall be prohibited.

1330.080 Standards for Specific Uses

A. Gas and Service Station Canopies

- 1. All lighting fixtures mounted on the underside of canopies must be “full-cutoff” classified, being either completely recessed/flush in the canopy, or having solid sides on a surface mounted fixture (canopy edges do not qualify as shielding).



Figure 35: Recessed (full cutoff) service station lighting on the left; surface mounted (non-cutoff) on the right.

- 2. The light source shall be metal halide, ceramic metal halide or LED.
- 3. Lighting levels under the canopy shall be no greater than thirty (30) footcandles. Areas outside the pump island canopy shall be illuminated as to provide proper safety to customers, but shall be limited and not exceed ten (10) footcandles maintained. General Outdoor Sporting Facility/Performance Area Lighting Standards

B. General Outdoor Sporting Facility/Performance Area Lighting Standards

- 1. The mounting height of outdoor sports field and outdoor performance area lighting fixtures shall not exceed eighty (80) feet from finished grade unless approved prior to construction by the Board of Adjustment or Town Council.
- 2. All outdoor sports field and outdoor performance area lighting fixtures shall be equipped with a glare control package (louvers, shields, visors or similar devices). The fixtures must be aimed so that their beams are directed and fall within the primary playing field or performance area.

3. The hours of operation for the FIELD lighting system for any game or event shall not exceed one (1) hour after the end of the event. The security and egress illumination lighting systems may remain turned on for any amount of time deemed necessary to remove people safely.
4. Light levels for sports field illumination shall comply with, but not exceed IESNA standards. Where new sporting facility lighting is installed adjacent to an existing residential property, the INTENT shall be made for all installations to limit property line light levels to a maximum of two (2) footcandles at grade level. When not installed adjacent to a residential property, light levels at the property line shall not exceed four (4) footcandles at grade level. ALL possible means of shielding must be applied if this level has not been met. Owner must prove to the appropriate permitting authority that these means have been exhausted, and the intent has been made to meet these goals.

C. Security and Display Lighting

1. Outdoor security lighting should be designed to provide safety to a building occupant, while effectively allowing proper surveillance, though not to exceed lighting levels described in Section 1330.050, subsections A and B.
2. The use of motion sensors, timers, photocells or other means to activate lighting during nighttime hours is required to conserve energy, provide safety, and promote compatibility between different land uses.
3. In order to direct light downward and minimize the amount of spill light, all security lighting fixtures shall be shielded and aimed so that the main beam is directed toward the ground or designated area where security lighting is needed.
4. Security Lighting for ATM's shall be consistent the *Illuminating Engineering Society North America* (IESNA) standards for that industry.

D. Architectural Accent Lighting

1. Lighting fixtures used to accent architectural features, materials, colors, style of buildings, landscaping or art shall be located, aimed and shielded so that light is directed only on those features. Such fixtures shall be aimed or shielded to minimize light spill from the source in conformance with the luminaire standards.
2. Accent lighting shall not generate excessive light levels, cause glare, or direct light beyond the façade onto neighboring properties, streets or night sky.
3. National flags may be illuminated from below provided such lighting is focused primarily on the individual flag or flags, and to limit light spill into the night sky. These fixtures must conform with Section 1330.050, subsection G of this document.

E. Temporary Outdoor Lighting

Any temporary outdoor lighting that conforms to the requirements of this Chapter shall be allowed. Any temporary lighting that does not conform to these outdoor lighting standards may be permitted after considering: (a) the public and/or private benefits that will arise from the temporary lighting; (b) any annoyance or safety problems that may result from the use of the temporary lighting, and (c) the duration of the temporary nonconforming lighting. The applicant shall provide a detailed description of the proposed temporary outdoor lighting to the Town Engineer for review and approval.

F. Public and Private Roadways

All streets and sidewalks shall be sufficiently illuminated to ensure the security of the street right-of-way and safety of pedestrians present in the area.

1. Street lighting must be included on all new residential and commercial streets. In addition, street lighting must be installed on the perimeter of the development along a thoroughfare or boulevard, as well as any collector road.
2. For a new subdivision, a lighting layout and overall design is required in the subdivision design submittal documents. Lighting submittals shall include the fixture, lamp, pole height and the method of shielding being used.
3. Subdivision developers are required to have the lighting design approved by the Planning Department, and shall then submit the approved design to the power company prior to installing the assemblies. An accurate scale reference must be included on all layout drawings.
4. In general, the layout of roadway lighting should conform to the RP-8-00 Roadway Lighting Manual and the following standards:
 - a. All light poles shall be placed approximately 200 feet apart. Due to geometric limitations, this distance between poles can be adjusted up to forty (40') feet. Light fixture assemblies shall be placed on the side of the street where the sidewalk is located. If both sides have a sidewalk, lights shall be alternated.
 - b. All corners shall have at least one light fixture assembly for a three-way intersection, and two light fixture assemblies for a four-way intersection.
 - c. All cul-de-sacs shall have a minimum of one light fixture assembly, located such that the entire cul-de-sac right-of-way has an ample amount of illumination.
 - d. Lights should be placed on the outside of the curve and the spacing should be lessened.
5. Photometric calculations shall be required by the Town of Indian Trail for outdoor lighting applications. Average footcandle values shall be taken from the table below:

Figure 36: "Roadway Lighting Handbook", U.S. Department of Transportation, Federal Highway Administration 1978, as revised.

Recommendations for Roadway Average Maintained Horizontal Illumination			
Vehicular Roadway Classification	Commercial	Urban Intermediate	Residential

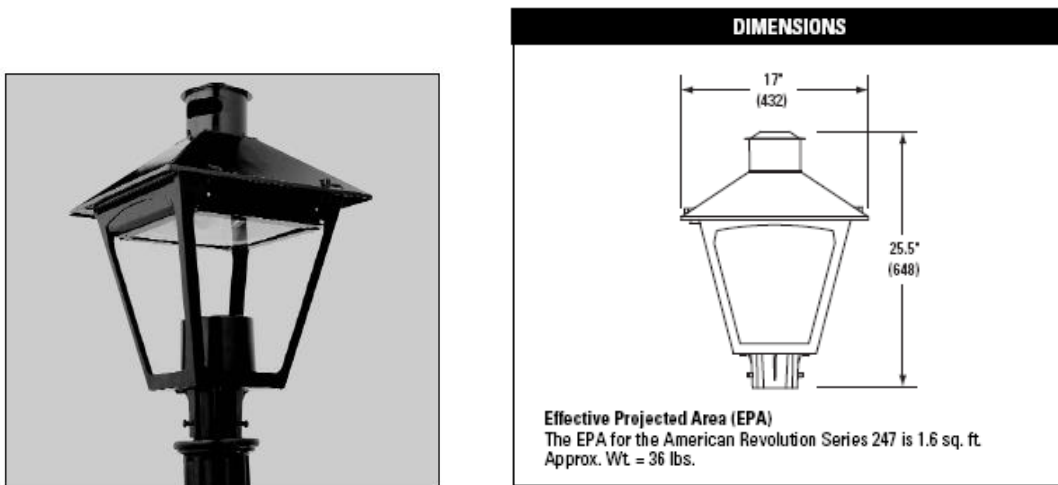
	Foot-candle	Lux	Foot-candle	Lux	Foot-candle	Lux
Freeway*	0.6	6	0.6	6	0.6	6
Expressway*	1.4	15	1.2	13	1.0	11
Major	2.0	22	1.4	15	1.0	11
Collector	1.2	13	0.9	10	0.6	6
Local	.9	10	0.6	6	0.4	4
Alleys	0.6	6	0.4	4	0.4	4

Note: The recommended illumination levels shown are only meaningful when designed in conjunction with other elements. The most critical elements as described in this practice are as follows: Illumination depreciation; b. Quality; c. Uniformity; d. Luminaire mounting heights; e. Spacing; f. Traverse location of luminaire; g. Luminaire selection; h. Traffic conflict areas; i. Border areas; j. Transition lighting; k. Alleys; l. Roadway lighting layouts.

* Both the mainline of freeways and expressways and the ramps.

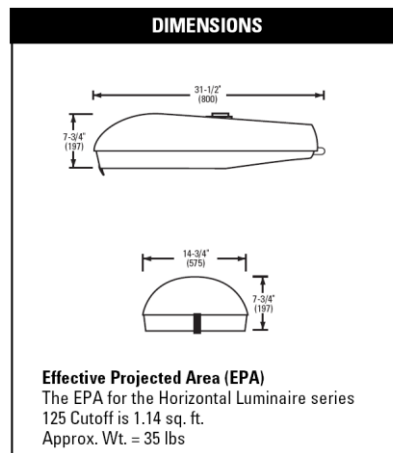
6. All new lighting fixtures must be installed on new metal poles. Wood poles shall not be permitted except when installing light fixtures within an existing residential subdivision where wood utility poles exist.
 - a. New residential subdivision street lights or street lights within the Downtown Overlay District shall be semi or full cutoff fixtures in compliance with Section 1330.050. Poles shall be free standing painted black. Refer to Section 1330.060 for allowable pole heights. No overhead service wires shall be allowed.

Figure 37: Decorative street lighting fixture (example) with semi-cutoff classification. Internal glare shielding preferred for residential applications.



- b. Collector and thoroughfare lighting shall be AEL 125 full cutoff style cobrahead, 400 watt high pressure sodium or metal halide, and shall conform to NC DOT standards. Sag lens shall not be allowed. Poles shall be free standing with an aluminum finish. No overhead service wires shall be allowed.

Figure 38: Collector or thoroughfare cobrahead lighting fixture (example) with full cutoff style.



1330.090 Compliance

- A.** A photometric site plan and lighting fixture cut sheets for all proposed exterior fixtures shall be included with the required application for a subdivision of land or a site plan. Depending on the size and type of the project, the Director of Planning and Development shall require that the photometric site plan include the following:
1. The location of lighting relative to the principal land uses and relative to the abutting streets.
 2. The zoning district classifications of all properties abutting the site.
 3. The location and site coverage of service station canopies and outdoor sales and display areas.
 4. The location and height of all lighting poles, building mounted lights, and ground mounted lighting fixtures.
 5. A photometric diagram showing the predicted levels of illumination from the proposed lighting fixtures.
 6. The manufacturer's product descriptions showing that the proposed lighting fixtures meet the requirements of this Code.
- B.** The Director of Planning and Development shall require the installation of full-cutoff shielding or directional shielding when a zoning applicant proposes repairing or replacement of any component of any luminaire where the Town has found that the existing lighting fixture has created a public hazard due to excessive glare or light trespass.

1330.100 Violations

- A.** Any person, firm or company, whether principal, agent, employee or otherwise, who violates any of the provisions of this Section shall be fined an amount not to exceed Three Hundred Dollars (\$300.00) for each such violation, such fine shall be paid to the Town of Indian Trail. Each day of the documented existence after written notification of any situation held to be in violation shall be deemed an equal and separate offense.

The Town may withhold certificates of occupancy or business license issuance or renewal, for any use that installs luminaries that do not comply with this Section.

Chapter 1340. Transportation Infrastructure and Traffic Impacts

1340.010 Consistency with Traffic Impact Study Policy

Consistent with the terms and conditions of the Town of Indian Trail's Traffic Impact Study Policy, new developments must demonstrate that they are served by roads with adequate traffic capacity and that any proposed development will not lead to conditions of excessive traffic congestion or dangerous driving conditions.

1340.020 Town to Require Traffic Impact Study

Consistent with the terms and conditions of the Town of Indian Trail's Traffic Impact Study Policy, the Town may require a traffic impact study as part of development approvals consistent with the terms and conditions of this Unified Development Ordinance. Said traffic impact study is subject to review and approval by the Town Engineer.

1340.030 Town to Require Traffic Impact Mitigation

Consistent with the terms and conditions of the Town of Indian Trail's Traffic Impact Analysis Policy, the Town may require a traffic impact mitigation and roadway improvements as part of development approvals consistent with the required Traffic Impact Study as approved by the Town Engineer and terms and conditions of this Unified Development Ordinance.

Chapter 1350. Intersection Visibility

1350.010 Scope and Purpose

The intersection visibility standards of this article establish triangular areas on corner lots, referred to as "intersection visibility triangles," within which the placement of buildings, fences, hedges, walls, and other structures is restricted in order to maintain clear lines of sight at street intersections for the purposes of traffic and pedestrian safety.

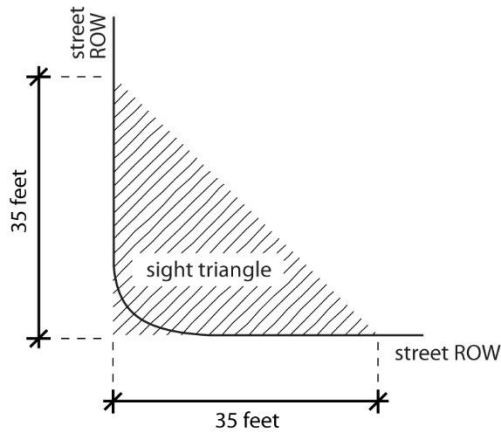
1350.020 Applicability

Lots located at the corner of any street intersection must comply with the requirements of this article.

1350.030 Intersection Visibility Triangles

- A.** At the intersection of 2 local streets, a local street and a collector street, or 2 collector streets, the legs of the intersection visibility triangle must be at least 35 feet in length, as measured along the curbline from the point where the curbs of the 2 streets intersect. In the absence of a curb, the legs of the triangle must be at least 35 feet in length, as measured along the edge of the street pavement from the point where the pavement of the 2 streets intersect..

Figure 39: Sight or Visibility Triangle



1350.040 Prohibited Obstructions

The following obstructions are prohibited within intersection visibility triangles:

- A. Hedges and walls higher than 2 feet above curb level.
- B. Fences higher than 2 feet above curb level. However, fences that are less than 20% solid, such as split rail, open weave, or wrought-iron are permitted within the intersection visibility triangle if they are kept free from plantings and other materials that are more than 2 feet in height. The “20% solid” threshold must be determined based on the proportion of the fence over a random area that is made up of solid, opaque material that does not allow light or air to pass through.
- C. Signs, except as expressly exempted.
- D. Structures of any type, including principal and accessory buildings, except as expressly exempted.
- E. Items of outdoor display or storage, including ornamental features, such as fountains, statues, garden structures and similar features.
- F. Parking and vehicular display areas.

1350.050 Exemptions

The following structures are exempt from the provisions of the intersection visibility standards of this section subject to review and approval by the Town Engineer.

- A. Structures including signs within the Downtown Overlay District.
- B. After review by the Town, buildings on lots at intersections where both streets are signalized. The Town may approve or deny a request to construct a building within the intersection visibility triangle based on such factors as street right-of-way width, speed and volume of traffic through the intersection, and the number of turning movements.
- C. Utility and street light poles.
- D. Traffic control equipment, including control boxes, traffic signs, and structures that support traffic signals.

- E. Signs attached to buildings that are exempt from the intersection visibility triangle requirements as specified in paragraphs “A” and “B,” above.
- F. A sign established in accordance with all applicable requirements of DIVISION 900 provided the bottom edge of the sign and any supporting structure is at least 9 feet above the adjacent curb level, so that visual clearance is maintained within the intersection visibility triangle. Poles and supporting structures for signs are prohibited within the intersection visibility triangle.

Chapter 1360. Flood Damage Reduction Ordinance

1360.010 Statutory Authorization

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare. Consistent with the requirements and standards of the North Carolina General Statutes the Town Council of Indian Trail, North Carolina has adopted the following standards in order to reduce property loss and damage associated with flooding. A complete Table of Contents for this Chapter is provided in Appendix 3 of this UDO.

1360.020 Purpose

- A. The Special Flood Hazard Area (SFHA) of the Town is subject to periodic inundation that could result in loss of life and property, hazards to public health and safety, disruption of commerce and governmental services, damage to and disruption of public utilities, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. These losses and hazards are caused by the cumulative effect of obstructions in SFHAs, which increase flood heights and velocities, and by the occupancy in flood-prone areas by uses that are vulnerable to floods, or hazardous to other properties, because they are inadequately elevated, flood proofed, or otherwise protected from flood damages. Therefore, the regulations set forth in this section are designed to:
 - 1. restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
 - 2. require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
 - 3. control the alteration of natural SFHAs, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
 - 4. prevent or control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
 - 5. prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.
- B. The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This section does not imply that land outside the SFHA will be free from flooding or

flood damages. Neither shall this section create liability on the part of the Town or by any officer or employee thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made hereunder.

1360.030 Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance it's most reasonable application.

1. *Accessory structure* (appurtenant structure) means a structure located on the same parcel of property as the principal Structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory Structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.
2. *Addition* (to an existing building) means an extension or increase in the floor area or height of a building or structure.
3. *Appeal* means a request for a review of the floodplain administrator's interpretation of any provision of this ordinance.
4. *Area of shallow flooding* means a designated Zone AO on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.
5. *Areas of Special Flood Hazard* see *special flood hazard area* (SFHA).
6. *Basement* means any area of the building having its floor subgrade (below ground level) on all sides.
7. *Base Flood* means the flood having a one (1) percent chance of being equaled or exceeded in any given year.
8. *Base Flood Elevation (BFE)* means a determination of the water surface elevations of the base flood as published in the *flood insurance study*. When the BFE has not been provided in a *SFHA*, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the *freeboard*, establishes the *regulatory flood protection elevation*.
9. *Buildings* see *structure*.
10. *Chemical storage facility* means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.
11. *Development* means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

12. *DFIRM* means digital flood insurance rate map
13. *Disposal* means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwater.
14. *Elevated building* means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.
15. *Encroachment* means the advance or infringement of uses, fill, excavation, buildings, Structures or development into a SFHA, which may impede or alter the flow capacity of a SFHA. Building renovations contained within the existing building footprint area are not considered an encroachment.
16. *Existing manufactured home park or manufactured home subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the initial effective date of the floodplain management regulations adopted by the community.
17. *Flood or flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. the overflow of inland or tidal waters; and/or
 - b. the unusual and rapid accumulation of runoff of surface waters from any source.
18. *Flood boundary and floodway map (FBFM)* means an official map of a community, issued by the Federal Emergency Management Agency, on which the SFHAs and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the *flood insurance rate map (FIRM)*.
19. *Flood hazard boundary map (FHBM)* means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the SFHAs have been defined as Zone A.
20. *Flood insurance* means the insurance coverage provided under the National Flood Insurance Program.
21. *Flood Insurance Rate Map (FIRM)* means an official map of a community, issued by the Federal Emergency Management Agency, on which both the SFHAs and the risk premium zones applicable to the community are delineated.
22. *Flood insurance study (FIS)* means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The flood insurance study report includes *flood insurance rate maps (FIRMs)* and *flood boundary and floodway maps (FBFMs)*, if published.

23. *Flood prone area* see *floodplain*.
24. *Floodplain* means any land area susceptible to being inundated by water from any source.
25. *Floodplain administrator* is the individual appointed to administer and enforce the floodplain management regulations. For the purposes of this ordinance, *floodplain administrator* is synonymous with *storm water administrator*.
26. *Floodplain development permit* means any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.
27. *Floodplain management* means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the SFHAs, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.
28. *Floodplain management regulations* means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes Federal, State or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.
29. *Floodproofing* means any combination of structural and nonstructural additions, changes, or adjustments to Structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.
30. *Floodway* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
31. *Flood zone* means a geographical area shown on a *flood hazard boundary map* or *flood insurance rate map* that reflects the severity or type of flooding in the area.
32. *Freeboard* means the height added to the *base flood elevation* (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and *floodway* conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed. The *base flood elevation* plus the *freeboard* establishes the *regulatory flood protection elevation*.
33. *Hazardous waste management facility* means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.
34. *Highest adjacent grade (HAG)* means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the *structure*.
35. *Historic structure* means any *structure* that is:

- a. listed individually in the National Register of Historic Places (a listing maintained by the US Department Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
 - b. certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c. individually listed on a local inventory of historic landmarks in communities with a “Certified Local Government (CLG) Program”; or
 - d. certified as contributing to the historical significance of a historic district designated by a community with a “Certified Local Government (CLG) Program”. Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.
36. *Lowest adjacent grade (LAG)* means the elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.
37. *Lowest floor* means lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's *lowest floor* provided that such an enclosure is not built so as to render the Structure in violation of the applicable non-elevation design requirements of this ordinance.
38. *Manufactured home* means a *structure*, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term *manufactured home* does not include a *recreational vehicle*.
39. *Manufactured Home Park or Subdivision* means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
40. *Market value* means the building value, not including the land value and that of any accessory Structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (actual cash value); or adjusted tax assessed values.
41. *Mean Sea Level* means, for purposes of this ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the SFHAs, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

- 42.** *New Construction* means *structures* for which the *start of construction* commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such *structures*.
- 43.** *Non-Encroachment Area* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.
- 44.** *Post-FIRM* means construction or other development for which the *start of construction* occurred on or after the effective date of the initial *flood insurance rate map*.
- 45.** *Pre-FIRM* means construction or other development for which the *start of construction* occurred before the effective date of the initial *flood insurance rate map*.
- 46.** *Principally Above Ground* means that at least 51% of the actual cash value of the *structure* is above ground.
- 47.** *Public safety and/or nuisance* means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.
- 48.** *Recreational vehicle (RV)* means a vehicle, which is:
- a.** built on a single chassis;
 - b.** 400 square feet or less when measured at the largest horizontal projection;
 - c.** designed to be self-propelled or permanently towable by a light duty truck; and
 - d.** designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.
- 49.** *Reference level* is the bottom of the lowest horizontal structural member of the *lowest floor* for *structures* within all *SFHAs*. Reference level also defined as the bottom of the lowest horizontal structural member of the lowest floor for structures within all *SFHAs*.
- 50.** *Regulatory flood protection elevation* means the *base flood elevation* plus the *freeboard*. In *SFHAs* where *base flood elevations* (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard. In *SFHAs* where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.
- 51.** *Remedy a violation* means to bring the *structure* or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the Structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the *structure* or other development.

52. *Riverine* means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
53. *Salvage yard* means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.
54. *Solid waste disposal facility* means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a) (35).
55. *Solid waste disposal site* means, as defined in NCGS 130A-290(a) (36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.
56. *Special flood hazard area (SFHA)* means the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Section 1360.040B of this ordinance. Riverine SFHAs are shown on new format FIRMs as Zones A, AE, AH, AO, AR, and A99. Older FIRMs may have numbered A Zones (A1-A30).
57. *Start of Construction* includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a Structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main Structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.
58. *Storm Water Administrator* is the individual appointed by the Town Manager to administer and enforce the floodplain management regulations and the Post-Construction Storm Water Ordinance in the Town of Indian Trail.
59. *Structure* means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.
60. *Substantial damage* means damage of any origin sustained by a *structure* during any one-year period whereby the cost of restoring the *structure* to it's before damaged condition would equal or exceed 50 percent of the market value of the Structure before the damage occurred. See definition of *substantial improvement*.

- 61.** *Substantial improvement* means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a Structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the *structure* before the *start of construction* of the improvement. This term includes *structures* which have incurred *substantial damage*, regardless of the actual repair work performed. The term does not, however, include either:
- a.** any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or
 - b.** any alteration of a *historic structure* provided that the alteration will not preclude the structure's continued designation as a *historic structure*.
- 62.** *Variance* is a grant of relief from the requirements of this ordinance.
- 63.** *Violation* means the failure of a Structure or other development to be fully compliant with the community's floodplain management regulations. A *structure* or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 1360.100 and Section 1360.120 is presumed to be in violation until such time as that documentation is provided.
- 64.** *Water surface elevation (WSE)* means the height, in relation to mean sea level, of floods of various magnitudes and frequencies in the SFHAs.
- 65.** *Watercourse* means a lake, river, creek, stream, wash, channel or other topographic feature on or over which water flows at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

1360.040 General Provisions

A. Lands to Which this Ordinance Applies

This ordinance shall apply to all SFHAs within the jurisdiction, including Extra-Territorial Jurisdictions (ETJs) if applicable, of the Town of Indian Trail and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.

B. Basis for Establishing the Special Flood Hazard Areas.

The SFHAs are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated February 19, for Union County and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this ordinance. Future revisions to the FIS and DFIRM panels that do not change flood hazard data within the jurisdictional authority of the Town of Indian Trail are also adopted by reference and declared a part of this ordinance dated October 16, 2008, which are adopted by reference and declared to be a part of this ordinance.

1360.050 Establishment of Floodplain Development Permit

A floodplain development permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within SFHAs determined in accordance with the provisions of Section 1360.040B of this ordinance.

1360.060 Compliance

No structure or land within a Special Flood Hazard Area shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations. It is the property owners' and/or developers' responsibility to ensure all other ordinances are met including but not limited to the Post-Construction Storm Water Ordinance, Erosion and Sedimentation requirements, and Federal Water Pollution Control Act of 1972 ("Clean Water Act").

1360.070 Abrogation and Greater Restrictions

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

1360.080 Interpretation

In the interpretation and application of this ordinance, all provisions shall be:

- A.** considered as minimum requirements;
- B.** liberally construed in favor of the governing body; and
- C.** deemed neither to limit nor repeal any other powers granted to the Town under State statutes.

1360.090 Penalties for Violation

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Indian Trail from taking such other lawful action as is necessary to prevent or remedy any violation.

1360.100 Administration

A. Designation of Storm Water Administrator

The Town Manager designates the Indian Trail Town Engineer as the Storm Water Administrator. The Storm Water Administrator, and his or her designees, is the person with the authority to administer, implement and enforce the provisions of this ordinance. The Storm Water Administrator, and his or her designees, administers the Flood Damage Reduction Ordinance as well as the Post Construction Ordinance.

B. Duties and Responsibilities of the Storm Water Administrator

The Storm Water Administrator shall perform, but not be limited to, the following duties:

- 1.** Review all floodplain development applications and issue permits for all proposed development within SFHAs to assure that the requirements of this ordinance have been satisfied.
- 2.** Review all proposed development within SFHAs to assure that all necessary local, state and federal permits have been received.

3. Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
4. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
5. Prevent encroachments into the SFHAs, floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Section 1360.120A, Section 1360.120A.18, and Section 1360.110D are met.
6. Obtain actual elevation (in relation to mean sea level) of the Reference Level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with Section 1360.110D.
7. Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved Structures and utilities have been floodproofed, in accordance with the provisions of Section 1360.110D.
8. Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of Section 1360.110D.
9. When floodproofing is utilized for a particular Structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Section 1360.110D and 1360.120B.2.
10. Where interpretation is needed as to the exact location of boundaries of the SFHAs, Floodways, or Non-Encroachment Areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
11. When Base Flood Elevation (BFE) data has not been provided, obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with Floodway data or Non-Encroachment Area data available from a Federal, State, or other source, including data developed pursuant to Section 1360.130B.2, in order to administer the provisions of this ordinance.
12. When Base Flood Elevation (BFE) data is provided but no Floodway or Non-Encroachment Area data has been provided in accordance with Section **Error! Reference source not found.**, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this ordinance.
13. When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a special flood hazard area is above the base flood elevation, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.

14. Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
15. Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Storm Water Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Storm Water Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
16. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Storm Water Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
17. Revoke floodplain development permits as required. The Storm Water Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
18. Make periodic inspections throughout the SFHAs within the jurisdiction of the community.
19. Follow through with corrective procedures of Section 1360.160.
20. Review, provide input, and make recommendations for variance requests.
21. Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with Section 1360.040B of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
22. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Change (LOMC), Letters of Map Revision Based on Fill (LOMR-F), and Letters of Map Revision (LOMR).

1360.110 Floodplain Development Application, Permit and Certification Requirements

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- A. Any development in a special flood hazard area is required to have a floodplain development permit prior to the actual start of construction.

- B.** Application for a floodplain development permit shall be made to the Storm Water Administrator prior to any development activities located within SFHAs. The following items shall be presented to Storm Water Administrator to apply for a floodplain development permit:
- 1.** A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - a.** the nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed Structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - b.** the boundary of the special flood hazard area as delineated on the FIRM or other flood map as determined in Section 1360.040B, or a statement that the entire lot is within the special flood hazard area;
 - c.** flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Section 1360.040B;
 - d.** the boundary of the Floodway(s) or Non-Encroachment Area(s) as determined in Section 1360.040B;
 - e.** the Base Flood Elevation (BFE) where provided as set forth in Section 1360.040B;
 - f.** the old and new location of any watercourse that will be altered or relocated as a result of proposed development.
 - g.** the certification of the plot plan by a registered land surveyor or professional engineer.
 - 2.** Proposed elevation, and method thereof, of all development within a special flood hazard area including but not limited to:
 - a.** elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
 - b.** elevation in relation to mean sea level to which any non-residential structure in Zone AE, A or AO will be flood-proofed; and
 - c.** elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed;
 - 3.** If floodproofing, a floodproofing certificate (FEMA Form 81-65) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures.
 - 4.** A foundation plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:

- a. The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls);
 - b. Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Section 1360.120B.4.c when solid foundation perimeter walls are used in Zones A, AO, and AE;
5. Usage details of any enclosed areas below the lowest floor.
 6. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;
 7. Certification that all other local, state and federal permits required prior to floodplain development permit issuance have been received.
 8. Documentation for placement of recreational vehicles and/or temporary structures, when applicable, to ensure that the provisions of Section 1360.120.B.6 and Section 1360.120B.7 of this ordinance are met.
 9. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report, on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation. The engineering report will include all applicable calculations, hydrologic and hydraulic models, and must be signed and sealed by a North Carolina registered professional engineer.

C. The Floodplain Development Permit shall include, but not be limited to:

1. A detailed narrative of the development to be permitted under the Floodplain Development Permit.
2. The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Section 1360.040B.
3. The regulatory flood protection elevation required for the reference level and all attendant utilities.
4. The regulatory flood protection elevation required for the protection of all public utilities.
5. All certification submittal requirements with timelines.
6. A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
7. The flood openings requirements, if in Zones A, AO, or AE.
8. Limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only).

D. Certification Requirements.

1. Elevation Certificates

- a.** A floor elevation or flood proofing certification must be submitted to the Storm Water Administrator within seven (7) calendar days of establishment of the lowest floor elevation, or flood proofing by whatever construction techniques. It shall be the duty of the permit holder to submit to the Storm Water Administrator a certification of the elevation of the lowest floor, flood proofed elevation, as built, in relation to mean sea level after construction is complete, prior to the issuance of a certificate of occupancy. Said certification shall be prepared by or under the direct supervision of a North Carolina registered land surveyor or professional engineer and certified by same. When flood proofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a North Carolina professional engineer and certified by same. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Storm Water Administrator shall, in a timely manner, review the floor elevation survey as submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project. Any work completed by the permit holder prior to Storm Water Administrator approval, shall be at the permit holder's own risk.
- b.** A final as-built Elevation Certificate (FEMA Form 81-31) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Storm Water Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Storm Water Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

2. Floodproofing Certificate

- a.** If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Storm Water Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Storm Water Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to

construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

3. If a manufactured home is placed within Zone A, AO, or AE, and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Section 1360.120B.3.
4. If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit
5. Certification Exemptions. The following Structures, if located within Zone A, AO, or AE, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:
 - a. Recreational vehicles meeting requirements of Section 1360.120B.6;
 - b. Temporary structures meeting requirements of Section 1360.120B.7; and
 - c. Accessory structures less than 150 square feet meeting requirements of Section 1360.120B.8.

E. Expiration of Floodplain Development Permit

Floodplain Development Permits issued pursuant to this ordinance expire two years after the date of issuance unless: 1) the work has commenced within two (2) years after the date of issuance, or 2) the issuance of the permit is legally challenged in which case the permit is valid for two (2) years after the challenge has been resolved.

1360.120 Provisions for Flood Hazard Reduction

A. General Standards

In all SFHAs, the following provisions are required:

1. The Town of Indian Trail has prohibited most development in all studied and non-studied SFHAs. No encroachments, including fill, new construction, stormwater detention, substantial improvements and other developments shall be permitted within any portion of SFHAs unless a variance is granted, with the following exceptions:
 - a. The development is for roads, greenway trails, boardwalks, pedestrian crossings, agricultural uses, forestry, parks, playground or other park related equipment, fences, min eighty (80) percent of the fence shall be open area, public utilities and facilities such as wastewater utility lines, storm drainage construction and repair with approval by the Storm Water Administrator, gas, electrical, water systems and similar uses that are located and constructed to minimize flood damage.
2. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the Structure.

- 3.** All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- 4.** All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- 5.** Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the regulatory flood protection elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.
- 6.** All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- 7.** New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
- 8.** On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- 9.** Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of new construction as contained in this ordinance.
- 10.** Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the SFHAs , provided there is no additional encroachment below the SFHAs , and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
- 11.** New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted.
- 12.** All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
- 13.** All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- 14.** All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- 15.** All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for 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.

16. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.
17. When a structure is located in multiple SFHAs or in a special flood hazard area with multiple base flood elevations, the provisions for the more restrictive special flood hazard area and the highest base flood elevation shall apply.
18. For projects granted a variance, a “No-Impact” certification is required from a North Carolina registered professional engineer. “No-Impact” means no increase in flood elevations greater than zero (0.00) feet, no decrease in flood elevations of more than one-tenth (0.10) of a foot, and no increase in floodway or non-encroachment area widths.

B. Specific Standards

The following specific standards apply to projects that have been granted a development variance or meet the criteria as identified in Section 1360.120A. In all SFHAs where base flood elevation (BFE) data has been provided, as set forth in Section 1360.040B, the following provisions, in addition to the provisions of Section 1360.120A, are required:

1. Residential Construction.

New construction and substantial improvement of any residential Structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Section 1360.03050 of this ordinance. The regulatory flood protection elevation being the base flood elevation plus two (2.0) feet of freeboard.

2. Non-Residential Construction.

New construction and substantial improvement of any commercial, industrial, or other non-residential Structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Section 1360.03050 of this ordinance. Structures located in A, AE, and AO, and Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the Structure, together with attendant utility and sanitary facilities, below the regulatory flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Storm Water Administrator along with the operational and maintenance plans.

3. Manufactured Homes.

- a. New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in Section 1360.03050 of this ordinance.
- b. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36)

inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.

- c. All enclosures or skirting below the lowest floor shall meet the requirements of Section 1360.120B.4.
- d. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Storm Water Administrator and the local Emergency Management coordinator.

4. Elevated Buildings.

Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

- a. shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;
- b. shall be constructed entirely of flood resistant materials at least to the regulatory flood protection elevation;
- c. shall include, in Zones A, AO, and AE, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
 - (1) a minimum of two flood openings on different sides of each enclosed area subject to flooding;
 - (2) the total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
 - (3) if a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
 - (4) the bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;
 - (5) flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
 - (6) enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry

or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

5. Additions/Improvements.

- a.** Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing Structure are:
 - (1)** Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.
 - (2)** A substantial improvement, the existing structure and the addition and/or improvements must comply with the standards for new construction.
- b.** Additions to post-FIRM structures with no modifications to the existing Structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.
- c.** Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - (1)** Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.
 - (2)** A substantial improvement, the existing Structure and the addition and/or improvements must comply with the standards for new construction.

6. Recreational Vehicles.

Recreational vehicles shall either:

- a.** Be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (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 has no permanently attached additions); or
- b.** Meet all the requirements for new construction.

7. Temporary Non-Residential Structures.

Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Storm Water Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Storm Water Administrator for review and written approval:

- a.** a specified time period for which the temporary use will be permitted. Time specified may not exceed three months, renewable up to one year;
- b.** the name, address, and phone number of the individual responsible for the removal of the temporary structure;

- c. the time frame prior to the event at which a Structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
- d. a copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
- e. designation, accompanied by documentation, of a location outside the special flood hazard area, to which the temporary structure will be moved.

8. Accessory Structures.

When accessory structures (sheds, detached garages, etc.) are to be placed within a special flood hazard area, the following criteria shall be met:

- a. accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
- b. accessory structures shall not be temperature-controlled;
- c. accessory structures shall be designed to have low flood damage potential;
- d. accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- e. accessory structures shall be firmly anchored in accordance with the provisions of Section 1360.120A.2;
- f. all service facilities such as electrical shall be installed in accordance with the provisions of Section 1360.120A.5; and
- g. flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with the provisions of Section 1360.120B.4.c.
- h. an accessory Structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory Structures in accordance with Section 1360.110D.

9. Parking Lots.

All parking areas for new or substantially improved non-single family habitable buildings must be at an elevation such that water depths would be less than six (6.0) inches deep in any parking space during the occurrence of a FEMA base flood.

1360.130 Standards for Floodplains without Established Base Flood Elevations

Within the SFHA designated as Approximate Zone A and established in Section 1360.040B, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of Section 1360.120A, shall apply:

- A. No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, or minimum stream buffer requirements,

whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

- B.** The BFE used in determining the regulatory flood protection elevation shall be determined based on the following criteria:
- 1.** When base flood elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Section 1360.120B.
 - 2.** When Floodway data is available from a Federal, State, or other source, all new construction and substantial improvements within Floodway and Non-Encroachment areas shall also comply with the requirements of Section 1360.120.A.18 and Section 1360.150.
 - 3.** All subdivision, manufactured home park and other development proposals shall provide base flood elevation (BFE) data if development is greater than one (1) acre or has more than ten (10) lots/manufactured home sites. Such base flood elevation (BFE) data shall be adopted by reference in accordance with Section 1360.040B and utilized in implementing this ordinance.
 - 4.** When base flood elevation (BFE) data is not available from a federal, state, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the regulatory flood protection elevation, as defined in Section 1360.03050. All other applicable provisions of Section 1360.120 shall also apply.

1360.140 Standards for Riverine Floodplains with BFE but without Established Floodways or Non-Encroachment Areas

Along rivers and streams where BFE data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a special flood hazard area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- A.** Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating 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 (1.0) foot at any point within the community. For projects granted a variance, a "No-Impact certification is required per Section 1360.120A.18

1360.150 Floodways and Non-Encroachment Areas

Areas designated as floodways or non-encroachment areas are located within the SFHAs established in Section 1360.040B. The Floodways and Non-Encroachment Areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions shall apply to all development within such areas:

- A. No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that such Encroachment would not result in any increase in the FEMA Base Flood Elevations during the occurrence of a FEMA Base Flood. Such analysis shall be performed and certified by a North Carolina registered professional engineer and reviewed by the Storm Water Administrator. Any encroachment that would cause a rise in the FEMA Base Flood Elevation or an increase in the FEMA Floodway width during the occurrence of the FEMA Base Flood will require notification of impacted property owners, and a Conditional Letter of Map Revision (CLOMR) from FEMA. If approved and constructed, as-built plans must be submitted by the property owner and approved by FEMA and a Letter of Map Revision (LOMR) issued before a Certificate of Occupancy will be issued.
- B. For projects granted a variance, a “No-Impact” certification is required per Section 1360.120A.18.
- C. If Section 1360.120 and, and Section 1360.150 is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
- D. No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:
 - 1. the anchoring and the elevation standards of Section 1360.120.B.3; and
 - 2. the no encroachment standard of Section **Error! Reference source not found.** 1360.120 and, Section **Error! Reference source not found.** 1360.150., and Section **Error! Reference source not found.**

1360.160 Corrective Procedures

- A. Violations to be corrected: When the Storm Water Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
- B. Actions in event of failure to take corrective action: If the owner of a building or property shall fail to take prompt corrective action, the Storm Water Administrator shall give the owner written notice, by certified or registered mail to the owner’s last known address or by personal service, stating:
 - 1. that the building or property is in violation of the floodplain management regulations;
 - 2. that a hearing will be held before the Storm Water Administrator at a designated place and time, not later than ten days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and
 - 3. that following the hearing, the Storm Water Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.
- C. Order to take corrective action: If, upon a hearing held pursuant to the notice prescribed above, the Storm Water Administrator shall find that the building or development is in

violation of the Flood Damage Reduction Ordinance, they shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than 60 calendar days, nor more than 180 calendar days. Where the Storm Water Administrator finds that there is imminent danger to life or other property, they may order that corrective action be taken in such lesser period as may be feasible.

- D. Appeal: Any owner who has received an order to take corrective action may appeal the order to the Board of Adjustment by giving notice of appeal in writing to the Storm Water Administrator and the clerk within 10 days following issuance of the final order. In the absence of an appeal, the order of the Storm Water Administrator shall be final. The Board of Adjustment shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
- E. Failure to comply with order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the Board of Adjustment following an appeal, the owner shall be guilty of a misdemeanor and subject to the penalties contained in Section 1360.090.

1360.170 Appeals and Variances

A. Authority of Board of Adjustment.

- 1. The Board of Adjustment shall hear and decide appeals from any order, decision, determination or interpretation made by the Storm Water Administrator pursuant to or regarding these regulations.
- 2. The Board of Adjustment shall hear and decide petitions for variances from the requirements of this ordinance.

B. Initiation and Filing of Appeal.

- 1. An appeal of an order, decision, determination or interpretation made by the Storm Water Administrator, may be initiated by any person aggrieved by any officer, department, board or bureau of the town.
- 2. A notice of appeal in the form prescribed by the Board of Adjustment must be filed with the Board's Clerk, with a copy to the Storm Water Administrator, within 20 days of the order, decision, determination or interpretation and must be accompanied by a nonrefundable filing fee as established by the Town Council. Failure to timely file such notice and fee will constitute a waiver of any rights to appeal under this section and the Board of Adjustment shall have no jurisdiction to hear the appeal.

C. Standards and Hearing Procedure.

- 1. The Board of Adjustment will conduct the hearing on an appeal of an order, decision, determination or interpretation of these regulations in accordance with its normal hearing procedures.
- 2. At the conclusion of the hearing, the Board of Adjustment may reverse or modify the order, decision, determination or interpretation under appeal upon finding an error in the application of these regulations on the part of the Storm Water Administrator who rendered the decision, determination or interpretation. In modifying the decision, determination or interpretation, the Board will have all the powers of the officer from whom the appeal is taken.

D. Initiation and Filing of Variance Petition.

1. A petition for Variance may be initiated only by the owner of the affected property, or an agent authorized in writing to act on the owner's behalf.
2. A petition for a Variance from these regulations in the form prescribed by the Board of Adjustment must be filed with the Board's Clerk, with a copy to the Storm Water Administrator, and be accompanied by a nonrefundable filing fee as established by the Town Council.

E. Factors for Consideration and Determination of Completeness

1. In passing upon variances, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and the:
 - a. danger that materials allowed to be placed in the special flood hazard area as a result of the variance may be swept onto other lands to the injury of others during a base flood;
 - b. danger to life and property due to flooding or erosion damage from a base flood;
 - c. susceptibility of the proposed facility and its contents to flood damage and the effect of such damage during the base flood;
 - d. importance of the services provided by the proposed facility to the community;
 - e. necessity to the facility of a waterfront location, where applicable;
 - f. availability of alternative locations, not subject to flooding or erosion damage during a base flood, for the proposed use;
 - g. compatibility of the proposed use with existing and anticipated development;
 - h. relationship of the proposed use to the Town of Indian Trail and Union County floodplain management guidance documents, Union County Flood Hazard Mitigation Plans, the Union County Greenway Plan, and any other adopted land use plans for that area;
 - i. safety of access to the property in times of a base flood for ordinary and emergency vehicles;
 - j. expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters during a base flood expected at the site; and
 - k. costs of providing governmental services during and after flood events, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical and water systems and streets and bridges.
2. A written report addressing each of the above factors shall be submitted with the application for a Variance.

3. Upon consideration of the factors listed above and the purposes of this ordinance, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
4. Variances may be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

F. Conditions for Variances.

1. Variances shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
2. Variances shall not be issued within any designated floodway or non-encroachment area if the Variance would result in any increase in flood levels during the FEMA base flood discharge unless the requirements of Section 1360.130 are met.
3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
4. Variances shall only be issued prior to approval of a floodplain development permit.

G. Standards for Granting Variance.

1. Variances shall only be issued upon:
 - a. a showing of good and sufficient cause;
 - b. a determination that failure to grant the variance would result in exceptional hardship; and
 - c. a determination that the granting of a variance will not result in a change of flood elevations and/or an increase in floodway and non-encroachment widths, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with other existing local laws or ordinances.
2. The fact that the property could be utilized more profitably or conveniently with the variance than without the variance shall not be considered as grounds for granting the variance.

H. Notification and Recordkeeping.

1. Any applicant to whom a Variance from the FEMA base flood elevation is granted shall be given written notice specifying the difference between the FEMA base flood elevation and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. Such notification shall be maintained with a record of all variance actions.
2. The Storm Water Administrator shall maintain the records of all appeal actions and report any variances regarding FEMA minimum standards to the Federal Emergency Management Agency and the State of North Carolina upon request.

I. Appeal from Board of Adjustment.

1. Any person aggrieved by the final decision of the Board of Adjustment to grant or deny a Floodplain Development Permit shall have 30 days to file an appeal to Union County Superior Court, as provided in N.C.G.S. 143-215.57 (c).
2. Any party aggrieved by the decision of the Board of Adjustment related to any other order, decision, determination or interpretation of these regulations, including the granting or denial of a variance, shall have 30 days from the receipt of the Board's decision to file a petition for review in the nature of certiorari in Union County Superior Court.

1360.180 Legal Status Provisions.

A. Effect on Rights and Liabilities Under the Existing Flood Damage Prevention Regulations.

This ordinance in part comes forward by re-enactment of some of the provisions of the Flood Damage Reduction Ordinance enacted March 21, 1980 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued there under are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Damage Reduction Ordinance of the Town of Indian Trail enacted on March 21, 1980, as amended, which are not re-enacted herein, are repealed.

B. Effect Upon Outstanding Floodplain Development Permits

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a Floodplain Development Permit has been granted by the Storm Water Administrator or his or her authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of 6 months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

C. Severability

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

1360.190 Effective Date

This Chapter shall become effective on February 19, 2014 and the Flood Insurance Rate Maps (FIRMs) as compiled and dated February 19, 2014 are hereby adopted and shall serve as the base information for the enforcement of this chapter.

1360.200 Adoption Certification

This Section of the Indian Trail Unified Development Ordinance represents and a true and correct copy of the Flood Damage Reduction Ordinance as adopted by the Town Council of Indian Trail, North Carolina, on the 8th day of April, 2014..

Chapter 1370. Storm Water Management Permits

All developments will be constructed and maintained so that adjacent properties are not unreasonably burdened with surface waters as a result of such developments. More specifically:

1370.010 Stormwater Detention

The purpose of flood control detention requirements is to protect downstream properties from increased flooding due to upstream development. Development or redevelopment creating a total of 20,000 square feet or more of impervious area shall be designed to control the peak discharges from the 2-, 10-, and 25-year, 24-hour storm events to pre-development levels. The emergency overflow and outlet works for any stormwater BMP shall be capable of safely passing a discharge with a minimum recurrence frequency as specified in the Town of Indian Trail Stormwater Design Manual.

Development or redevelopment that proposes to use existing detention facilities shall comply with the requirements of this Section 1370.

Detention facilities shall not be located within FEMA Special Flood Hazard Areas, drainage areas where the 100-year storm event is greater than 50 cfs, or within 10 feet of any property lines. Design of detention facilities shall be consistent with the Town of Indian Trail Stormwater Design Manual except as stated herein.

Stormwater detention design must be performed by a North Carolina Registered Professional Engineer.

1370.020 Downstream Impact Analysis

A. Hydrologic Analysis

The Owner shall cause a downstream hydrologic analysis to be performed to determine if there are any additional impacts in terms of peak discharge increase or downstream flooding due to the difference in the pre and post-development 50- and 100-year storm events. The analysis shall be performed at the outlet(s) of the site and downstream at each tributary junction to the point in the conveyance system where the area of the portion of the site draining into the system is 10% of the total drainage area above that point. Key detention structures in the study area must be modeled.

B. Hydraulic Analysis

If during the site plan review process the Town Engineer determines that as a result of an increase in peak discharge between the pre and post-development 50-year storm event, detrimental impacts at thoroughfare culvert crossings are probable, the Owner shall cause a hydraulic analysis to be performed to determine flood elevations for the areas impacted by increased flows. No existing or proposed thoroughfare culvert crossing shall be designed to have stormwater encroach upon the roadway pavement.

If during the site plan review process the Town Engineer determines that as a result of an increase in peak discharge between the pre and post-development 100-year storm event, detrimental impacts on building footprints are probable, the Owner shall cause a hydraulic analysis shall to be performed to determine flood elevations for the areas impacted by increased flows. No existing or proposed building or habitable structure shall be designed to be flooded or have water impounded against it.

Downstream Impact Analysis must be performed by a North Carolina Registered Professional Engineer and shall comply with the requirements in Appendix 7, "Downstream Impact Analysis".

1370.030 100 + 1 Flood Analysis

All streams in Indian Trail which drain more than one square mile (640 acres) are regulated by Section 1360, "Flood Damage Reduction Ordinance". Streams that drain less than one square mile will also experience flooding and require regulation as well. This regulation is known as the "100 + 1 Flood Analysis". For drainage systems which are expected to carry 50cfs of more in the 100-year storm event, both the 100-year + 1 Storm Water Elevation Line (SWEL) and the Storm Water Protection Elevation (SWPE) shall be shown on the site, grading plan, and recorded map.

Flood Analysis must be performed by a North Carolina Registered Professional Engineer.

1370.040 Ponds

- A. All plans that include a proposed natural pond, and all plans that include stormwater runoff to any existing natural ponds, shall be subject to the review of the State Dam Safety Engineer. An Evaluation of the pond dam shall be made by the designer, in accordance with the Dam Safety Law of 1967, and submitted to the Dam Safety Engineer for review.
- B. All existing natural ponds proposed to comply with Section **Error! Reference source not found.** shall be evaluated to verify the ponds will safely withstand the post-development 50-year storm event with a minimum of 0.50 feet of freeboard at the dam. Design calculations shall include the assumption of future build out of the drainage basin.
- C. Where ponds are proposed to be constructed, the owners, heirs, assigns or successors of the land will agree to perpetual maintenance of the pond and will release and hold harmless the Town of Indian Trail from any liability, claims, demands, attorney's fees, and costs or judgments arising from said pond. At a minimum, ponds will be inspected by a North Carolina Registered Professional Engineer on a yearly basis. The annual inspection report will be submitted to the Town Engineer for purposes of compliance.

1370.050 Embankments

All stormwater detention and water quality facilities with embankments that are designed to hold water shall comply with the requirements in Appendix 6, "Embankment Requirements".

1370.060 No certificate of occupancy or release of sureties will be issued for any development until:

- A. As-built drawings of all storm drainage, detention, and water quality features have been submitted by a professional land surveyor.
- B. Any required revised calculations have been submitted and approved by the Town. Said revised calculations must be sealed by a North Carolina Registered Professional Engineer.
- C. The facility has been stabilized consistent with the North Carolina Department of Environment and Natural Resources standards and specifications.
- D. The as-built survey, final calculations, and facility will be inspected and approved by the Town.

1370.070 When a detention facility serves more than one property, a permanent detention easement that encompasses the detention facility will be shown on a recorded plat. This easement will be described by metes and bounds.

- 1370.080** There will be a note placed on the recorded plat that clearly describes who is responsible for maintenance of the detention facilities, pipes and/or channels located within the permanent detention facility.
- 1370.090** Deviations from the Stormwater Manual may be necessary to accommodate soil types found in Union County and site constraints subject to approval by the Town Engineer.
- 1370.100** Additions to existing non-residential structures over 50% of the existing floor area (square footage) or demolition of existing structures for purposes of redevelopment will be subject to the requirements of this section.
- 1370.110** Minor residential subdivisions and individual single-family residences are exempt from said requirements.
- 1370.120** All non-conforming developments (existing impervious area > 20,000 sq. ft.) adding impervious area (structural or non-structural) shall provide detention for the newly added impervious area only in compliance with this section.

Chapter 1380. Post Construction

All developments shall comply with the Indian Trail Post Construction Ordinance dated September 11, 2007.

Chapter 1390. Sedimentation Pollution Control

In order to prevent soil erosion and sedimentation pollution of waterways, the applicant shall comply with all requirements of the North Carolina Pollution Control Act. A plan shall be submitted and approved by North Carolina Department of Environmental and Natural Resources and a copy of the plan and DENR permit shall be provided to the Town prior to Zoning Certificate permit issuance.

Chapter 13100. Water, Sewer, Utilities and Easements

- 13100.010** Any developments which has either public water or public sewer system or both legally available or to be made available within 300 feet of its boundary shall have such available systems extended by the developer to provide service to each lot in the subdivision. Water and sewer installations shall be in accordance with the standards of the Union County Public Works Department.
- 13100.020** Proof of public water/or sewer availability is required prior to issuance of a zoning permit to start construction. If public water/or sewer is not available proof of service by private system (well and/or septic, etc) authorized by the Union County Environmental Health Department or other authorizing agency shall be provided.
- 13100.030** Electrical, television, and telephone utility lines installed within subdivisions must be underground unless the Technical Review Committee determines that underground installation is unreasonable or infeasible.
- 13100.040** Utility easements with a width acceptable to public and private utility providers must be provided to accommodate electric, telephone, gas, and community antenna television services; conduits; and sewer or water lines. The location of such easements must be reviewed and approved by the Town, with advice from utility providers, before site plan approval.

13100.050 Utility easements must be kept free and clear of any buildings or other improvements that would interfere with the proper maintenance or replacement of utilities. The Town is not liable for damages to any improvement located within the utility easement area.

Chapter 13110. Fire Protection for Developments

Fire hydrants shall be installed according to the fire code adopted by the Union County Fire Service and fire hydrant improvements and locations shall be installed consistent with the following:

13110.010 Every development (subdivided or unsubdivided) that is served by a public water system shall include a system of fire hydrants sufficient to provide adequate fire protection for the buildings located or intended to be located within such development.

13110.020 Fire hydrants must be located in accordance with the rules and regulations identified in North Carolina Fire Prevention Code. Appeals of these codes shall be filed with the North Carolina Building Code Council and the North Carolina Department of Insurance.

13110.030 The Planning Staff and Union County Fire Service shall review all fire hydrant locations and fire hydrant specifications. A letter shall be provided from the Union County Fire Marshal's Office to the Town stating the proposed development is in compliance with said Code. Final approval of locations and specifications shall be by the permit issuing authority.

13110.040 Water lines that serve hydrants shall be at least six inch lines, and, unless no other practicable alternative is available, no such lines shall be dead-end lines.

13110.050 The permit issuing authority may modify any previously issued permit to bring that project into compliance based on the Fire Marshal's certification that said project is in compliance with the North Carolina Fire Prevention Code

Chapter 13120. Street and Sidewalks

13120.010 All new developments shall comply with the requirements of Section 1110.090 Street and Sidewalk Improvements of this UDO.

13120.020 Driveways and street access shall comply with following:

- A.** Any person desiring to construct a driveway or other connection within the right-of-way of a public street must secure a permit prior to construction. Connections from single family and duplex dwellings are excluded unless access is requested to a thoroughfare as identified on the Thoroughfare Plan. Failure to secure a permit prior to construction may result in the removal of the driveway(s) at the expense of the property owner and/or denial of access at that location. All driveways must conform to the design and construction standards established by the Town of Indian Trail Land Development Standards.
- B.** Any development located adjacent to public or private streets must provide curb, gutter, and sidewalks, along its street frontage in accordance with the Town of Indian Trail Comprehensive Plan, Land Development Standards, and this ordinance.
- C.** All lots or parcels are entitled to at least one (1) driveway connection per street frontage on any street except those which access is otherwise limited or controlled. Requests for two (2) driveways will only be accepted for lots with a street frontage of 350 feet or more. Request for three (3) driveways will be considered for tracts with 600 feet or more street frontage.

Artificial division of a single parcel or development to increase the number of access points is not permitted.

- D.** No driveway may be located within 50 feet of the corner of two intersecting thoroughfare streets. No driveway may be located within 10 feet of any non-residential property line or within 20 feet from an existing driveway.
- E.** Nothing in this section exempts any person from complying with any regulations or requirements of the North Carolina Department of Transportation regarding driveway connections to NCDOT maintained roads, nor does compliance with any or all NCDOT requirements exempt any person from the requirements of this ordinance. In the case where these regulations may overlap or conflict, the more restrictive provision will control. The granting of a driveway permit by the Town of Indian Trail does not insure the granting of the permit by NCDOT. The requirements in this section apply to all zoning districts.
- F.** Alteration/Maintenance of Existing Driveways: Existing driveways shall not be altered within the right-of-way without a permit and the maintenance of all driveways located on or within the public right-of-way shall be the responsibility of the property owner.
- G.** Changes in Land use: When the use of the property is to be changes or altered, a new driveway permit must be obtained prior to a land use change.
- H.** Any driveway or other connection for residential development with minimum of 20 residential lots, 20 residential units or 100 trips per peak hour requires a turn lane.
- I.** The driveways or other connection of any subdivision directly or indirectly intersecting with any state maintained road in the town limits that have more than 4000 ADT (Average Daily Traffic) require a turn lane.
- J.** Any commercial and industrial site with minimum of 1000 ADT (Average Daily Traffic) or 100 trips per peak hour having a driveway or other connection directly or indirectly intersecting with any state maintained road in the Town that has more than 4000 (Average Daily Trips) requires a turn lane.
- K.** The Town shall require a traffic study for applicants in accordance with the adopted Traffic Study Policy or from applicants seeking a variance on any proposed driveway or other connection to be designed to accommodate both current conditions and traffic projections for 10 years into the future. In any case, the location of the proposed driveway or other connection can not interfere with the daily function of the roads or intersections.
- L.** Intersection corner- A minimum 35'x35' sight triangle (measured along right-of-way lines) shall be provided at each intersection corner. An additional 10'x70' sight triangle shall be provided at each intersection corner. An additional 10'x70' sight triangle shall be provided at intersections connecting to NCDOT maintained roadways. Additional sight distance requirements may be required by the NCDOT or the Town Engineer. When designing a TND (Traditional Neighborhood Development) the sight distance standards may be approved by the Town Engineer on a case by case basis depending on the speed limit.
- M.** Applicants may apply for a variance to the Board of Adjustments.

Chapter 13130. Trash Enclosures and Grease Trap Facilities

13130.010 Every development with the exception of individual single-family residential dwellings will be required to provide one or more trash enclosures for solid waste collection. Said trash enclosure and/or grease trap facility shall be located so as to:

- A.** Facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties, or public rights-of-way; and
- B.** Constructed according to specifications established by the Town of Indian Trail Land development Standards and/or the Planning Director to allow for collection without damage to the development site or the collection vehicle. When not in use, the trash enclosure and/or grease trap facility must remain closed as to not unduly cause any vehicular traffic interference.

13130.020 When required, all trash enclosure and/or grease trap facility shall be screened pursuant to the following:

- A.** Trash enclosures and/or grease trap facilities constructed to serve new buildings or expansions greater than 50% of the existing building's gross floor area shall be fully enclosed with a wall to a minimum height of eight feet to block 100 percent of the view into the enclosed area. The trash enclosure and/or grease trap facility shall match the primary color and material of the building when viewed from the public or private right-of-way. Said trash enclosure and/or grease trap facility shall also include an opaque gate(s) constructed of either synthetic wood or painted metal affixed to a metal frame.
- B.** Trash enclosures and/or grease trap facilities constructed to serve existing buildings or building expansions constituting less than 50% of the existing building's gross floor area shall be fully enclosed with a wall to a minimum height of eight feet to block 100 percent of the view into the enclosed area. The trash enclosure and/or grease trap facility shall match the primary color and be constructed of a material consisting of brick, natural or synthetic masonry stone, architecturally finished block material, fiber cement (i.e. Hardie products) panels or siding, or EIFS, or painted metal panels when viewed from the public or private right-of-way. Said trash enclosure and/or grease trap facility shall also include an opaque gate(s) constructed of either synthetic wood or painted metal affixed to a metal frame.
- C.** The trash enclosure panels and gate may be constructed of vinyl on metal posts/supports if they are not visible from the right-of-way and are located within one of the business/industrial parks identified below. The minimum 8-foot tall gate shall include a self-latching mechanism.

- 1.** Indian Trail Business Park
- 2.** Indian Trail Industrial Park
- 3.** Industrial Venutres I & II
- 4.** Old Hickory Business Park
- 5.** 74 Industrial Park
- 6.** Sun Valley Industrial Park

7. Town industrial Park

Plant material shall supplement the trash enclosure. Planting material shall screen 25 percent of the trash enclosure wall area. Planting material shall consist of a minimum of six low branching evergreen shrubs a minimum of 3 feet in height at time of planting.

Chapter 13140. School Impact Study

13140.010 Requests for single-family and multifamily residential developments consisting of 50-lots/units or more shall include a school impact study estimating the number of students generated by the proposed development.

- A. *Minimum Study Requirements:*** School impact studies shall provide an estimate of the student generation by the proposed residential development over a minimum ten (10) year horizon between preschool and twelfth (12) grades

School impact studies shall be prepared by a professional demographer possessing at a minimum a master's degree in the subjects of demography, sociology, economics, urban planning, geography, and/or similar field. The demographer shall also have previous professional work experience in preparing population projections and other demography work products. A qualifications summary demonstrating the demographer's compliance with these requirements shall be included with each study. School impact studies shall be based on local, Union County specific population and student data and identify all data sources and assumptions used in the analysis.

- B. *Submittal:*** School impact studies shall be submitted with the conditional rezoning or planned development application corresponding to the proposed residential development. If the residential development is not associated with the conditional rezoning or planned development application, the study shall be submitted with the special use permit, site plan or major subdivision application corresponding to the proposed residential development.
- C. *Exceptions:*** Nursing care or skilled care facility uses are exempt from the requirements of UDO Chapter 13140.

DIVISION 1400. NONCONFORMITIES

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Chapter 1410. Nonconforming Uses, Buildings, Signs and Lots

The regulations of this Division govern nonconformities, which are lots, uses, developments or signs that were lawfully established but—because of the adoption of new or amended regulations—no longer comply with one or more requirements of this development ordinance.

1410.010 Purpose

Sometimes uses, buildings, structures and other development features that were lawfully established (i.e., in compliance with all regulations in effect at the time of their establishment) have been made nonconforming by zoning map changes (rezonings) or amendments to the text of this development ordinance. The regulations of this Chapter are intended to clarify the effect of such nonconforming status and avoid confusion with illegal buildings and uses (those established in violation of zoning and development regulations). The regulations of this Chapter are also intended to:

- A.** recognize the interests of landowners in continuing to use their property for uses and activities that were lawfully established;
- B.** promote maintenance, reuse and rehabilitation of existing buildings; and
- C.** place reasonable limits on nonconformities that have the potential to adversely affect surrounding properties or the community as a whole.

1410.020 Authority to Continue

Any nonconformity that existed on the effective date of this ordinance or any situation that becomes nonconforming upon adoption of any amendment to this development ordinance may be continued in accordance with the regulations of this Chapter.

1410.030 Determination of Nonconforming Status

- A.** The burden of proving that nonconformity exists (as opposed to a violation of this development ordinance) rests with the subject landowner. The owner may satisfy this burden by submitting documentary evidence establishing the initial date of the nonconforming situation and its continued use thereafter to the present.
- B.** Documentary evidence may include property tax records, income tax records, insurance records or other records that normally may be kept in the operation of such a nonconforming situation.
- C.** Once such documentary evidence has been provided, the burden shifts to the Town to demonstrate that the nonconforming situation is not lawful.

1410.040 Repairs and Maintenance

- A.** Nonconformities must be maintained to be safe and in good repair.
- B.** Incidental repairs and normal maintenance necessary to keep nonconformity in sound condition are permitted unless otherwise expressly prohibited by this development ordinance.

1410.050 Change in Tenancy or Ownership

Nonconforming status runs with the land and is not affected by changes of tenancy, ownership, or management.

Chapter 1420. Nonconforming Uses

1420.010 Change of Use

- A.** A nonconforming use may be changed to any other use that is allowed in the subject zoning district. Once changed to a conforming use, a nonconforming use may not be re-established.
- B.** The Board of Adjustment is authorized to approve a use substitution allowing one nonconforming use to be changed to another nonconforming use through the special use permit process of Chapter 360. In order to approve a use substitution, the Board of Adjustment must determine that the substituted use will have fewer adverse impacts on the surrounding area than the previous use. In making such a determination, the Board of Adjustment must consider all of the following factors:
 - 1.** hours of operation,
 - 2.** vehicular traffic;
 - 3.** the number of employees, customers and guests expected to be attracted to the use; and
 - 4.** other factors (e.g. light, noise, pedestrian traffic) likely to affect the neighborhood in which it is located.
- C.** A nonconforming use of open land (e.g. junk yard, storage or salvage yard, sales lot etc.) may not be changed to any other nonconforming use of open land.

1420.020 Expansion of Use

- A.** A nonconforming use may not be enlarged or expanded unless such expansion eliminates or reduces the nonconforming aspects of the situation, or the expansion is into a part of a building or other structure that was lawfully and manifestly designed or arranged for such use.
- B.** Expansion for the sole purpose of providing off-street parking will not be considered expansion of a nonconforming use. Any such parking lot expansion must meet all current Town standards for construction, landscaping, setbacks, parking for persons with disabilities, stormwater management and other applicable regulations.

1420.030 Loss of Nonconforming Status

A. Discontinuance

Once a nonconforming use is discontinued, its nonconforming status is lost and any subsequent use of the property must comply with the regulations of the zoning district in which it is located. When a nonconforming use of open land (e.g. junk yard, salvage yard, contractor's yard, material storage, sales lot) ceases for a period of 90 consecutive days or more, it will be considered discontinued. Other nonconforming uses will be considered discontinued when any of the following occurs:

- 1.** the property is not maintained and appears abandoned and the use discontinued for a period of 180 days or more;
- 2.** no use has been maintained in the structure for a period of 180 days or more;
- 3.** all equipment and furnishings have been removed from the premises and have not been replaced by similar or other equipment and furnishings within 180 days;

B. Change to a Conforming Use

If a nonconforming use is changed to a conforming use, no matter how short the period of time, all nonconforming use rights are lost and re-establishment of the nonconforming use is prohibited.

C. Accessory Uses and Structures

No use or structure that is accessory to a principal nonconforming use or structure may remain after the principal use has been discontinued, unless the accessory use or structure it complies with all applicable regulations of this development ordinance.

D. Rehabilitation of Structure Containing Nonconforming Residential Use

Any structure that is occupied by a nonconforming residential use may be remodeled or renovated, subject to compliance with all other provisions of this section. After such remodeling or renovation, such structure may not be used to accommodate a greater number of dwelling or lodging units than such structure accommodated before such work.

1420.040 Screening of Certain Nonconforming Uses

All nonconforming open storage yards, junk or salvage yards or other outdoor display or storage of merchandise in connection with an auction establishment, or a business specializing in secondhand merchandise, or any other open use of land that was lawfully operating in any R district as of December 31, 2008 may be continued. However, by December 31, 2009, such uses must comply with the following regulations:

- A.** All such uses are required to provide screening in the form of a uniform solid, opaque fence, wall, or landscape screening or combination thereof meeting the following requirements:
 - 1.** be at least one foot taller than the highest elevation of the material stored up to a maximum of 10 feet;
 - 2.** be maintained in good condition at all times.
- B.** No storage areas are permitted in the required front or side yards. No merchandise may be stored or stacked higher than the screening fence or wall.

1420.050 Nonconforming Use Certification

- A.** The Director of Planning and Development is authorized to grant a Nonconforming Use Certificate when it has been determined, upon review of all competent evidence, that a use was lawfully established.
- B.** The subject property owner may seek a Nonconforming Use Certificate in a manner consistent with this section. In granting such a Nonconforming Use Certificate, the Director of the Planning and Development is authorized to impose such conditions as deemed necessary to protect the health, safety and welfare of the surrounding area.
- C.** Every right or privilege authorized by a Nonconforming Use Certificate may continue so long as the conditions set forth in the permit and this development ordinance is met, provided that the certificate was not obtained by fraud or misrepresentation.
- D.** The Director of Planning and Development has continuing jurisdiction over all Nonconforming Use Certificates and may revoke, modify, or suspend the approved permit after a public hearing and notice given in the same manner as required for special use permits (see Chapter 360), under the following conditions:

1. the certificate was obtained by fraud or misrepresentation; or
2. the certificate has been exercised contrary to this section, or to other conditions of its approval.

Chapter 1430. Nonconforming Structures

1430.010 Use

A nonconforming structure may be used for any use allowed in the underlying zoning district.

1430.020 Enlargement or Expansion

A nonconforming structure may be enlarged or expanded if the expansion does not increase the extent of the nonconformity. In case of an enlargement or expansion, the standards of this development ordinance apply only to the enlargement or expansion, and not to the entire structure.

1430.030 Loss of Nonconforming Status

A. Intentional Acts

When a nonconforming structure is intentionally destroyed or damaged by causes within the control of the property owner or tenant, all nonconforming structure rights are lost and reconstruction of the nonconforming structure is prohibited.

B. Accidental Acts

1. When more than 50% of a nonconforming structure is accidentally destroyed or damaged by causes that are not within the control of the owner or tenant, the structure may not be restored except in conformity with the regulations of the zoning district in which it is located.
2. When 50% or less of a nonconforming structure is accidentally destroyed or damaged by causes that are not within the control of the property owner or tenant, the structure may be restored or repaired provided that no new nonconformities are created and the existing degree of nonconformity is not increased. A building permit to reconstruct a destroyed or damaged structure must be obtained within 6 months of the date of occurrence of such damage, and once issued, construction must be diligently pursued or the nonconformity will be considered to be discontinued.

Chapter 1440. Nonconforming Lots

This section applies only to undeveloped, vacant nonconforming lots.

1440.010 When a nonconforming lot can be used in conformity with all of the regulations applicable to the intended use, except that the lot is smaller than the required minimum lot area applicable to that zoning district, then the lot may be used as proposed just as it were conforming.

1440.020 When a use proposed for a nonconforming lot is one that is conforming in all respects, except the applicable setback standards cannot be met then property owners may seek approval of a zoning variance in accordance with Chapter 380.

Chapter 1450. Damage or Destruction

If a nonconforming use, a structure containing a nonconforming use, or a nonconforming structure is destroyed by any means, including, but not limited to neglect, to the extent of more than 50% of its market value, as determined by the Union County Assessment Department, immediately prior to damage,

the nonconforming use, structure containing a nonconforming use, or nonconforming structure may not be restored unless it is in full compliance with the provisions of this development ordinance. If a nonconforming use, structure containing a nonconforming use, or a nonconforming structure is destroyed by any means, including, but not limited to neglect, to the extent of less than 50% of its market value, as determined by the Union County Assessment Department, immediately prior to damage, the nonconforming use, structure containing a nonconforming use, or nonconforming structure may be re-established to the extent that existed before the time of damage, provided that such repairs, restoration or reconstruction is completed within 12 months of the date of such damage. Any litigation period will not be counted as part of the 12-month period allowed for restoration.

Chapter 1460. Nonconforming Signs

1460.010 Continuation of Nonconforming Signs

Nonconforming signs may remain in use, subject to the applicable regulations of this Chapter. Nonconforming signs must be maintained in good repair, and must comply with all other requirements of this development ordinance.

1460.020 Alterations

Change of copy or the substitution of panels or faces on nonconforming signs is permitted without affecting the legal status of a sign as a nonconforming sign (subject to requirements for building and electrical permits). No other alterations are allowed, except for routine maintenance and repair.

1460.030 Abandoned Nonconforming Signs

- A.** Any nonconforming on-premise sign that is located on property that has failed to maintain a valid business license or that becomes vacant and unoccupied for a period of 12 months or more, or any nonconforming on-premise sign that pertains to a time, event or purpose that is no longer imminent or pending will be deemed to have been abandoned.
- B.** Any nonconforming off-premise sign that is not used or for which a valid permit or license does not exist for a continuous period of 12 months or more will be deemed to have been abandoned.
- C.** Abandoned nonconforming signs, including all elements of the sign and supporting structure, are prohibited and must be removed by the owner of the sign or the owner of the property upon which the sign is located.
- D.** No permits or development approvals may be issued for property occupied by nonconforming abandoned signs until such signs are removed.
- E.** No business license may be issued for businesses with nonconforming abandoned signs after the date that such nonconforming signs are required to be removed or altered.

Chapter 1470. Nonconforming Site Aspects

1470.010 Purpose

The purpose of this section is to provide a means by which the city may require certain nonconforming site features to come into compliance with the standards of this Ordinance as part of remodeling, expansion of a building or structure, or the establishment of an allowed use into a site which had previously been used for a nonconforming uses. It is not the intent of this section to allow multiple incremental improvements to a nonconforming site without addressing the nonconformities as required in this section.

1470.020 Applicability

- A.** For purposes of this section, the term “nonconforming site features” includes the following:
 - 1.** Nonconforming off-street parking;
 - 2.** Nonconforming landscaping;
 - 3.** Nonconforming screening of mechanical equipment; and
 - 4.** Nonconforming screening and buffering.
- B.** In all cases, sites will be responsible for the full implementation of the requirements of:
 - a.** Chapter 1360 Flood Damage Reduction Ordinance, Chapter 1370 Storm Water Management Permits, Chapter 1380 Post Construction and Chapter 1390 Sedimentation Pollution Control of This Ordinance; and
 - b.** Americans with Disabilities Act (ADA) regulations of this and any other applicable ordinances
- C.** For the purposes of record keeping, the tracking of improvements to nonconforming structures or sites, will begin on the date of the adoption of this ordinance, November 9th, 2010.
- D.** If an application is filed for an zoning permit for the remodeling or expansion of a building or site that has one or more nonconforming site features identified in 1470.020 (A), Applicability, and the value of the proposed improvements over a five-year period exceeds at least 25 percent of the assessed value of the existing site over a five-year period, the applicant shall be required to address the nonconforming site features as provided in this section.
- E.** The Planning Director may develop administrative guidelines to assist in the implementation of this subsection, including guidelines for the resolution of conflicts when it may not be possible for one or more types of nonconforming site features to be brought into conformance with the requirements of this Ordinance because of particular site constraints or impacts upon adjacent properties.

1470.030 Exemptions

These standards shall not apply to the reconstruction of a nonconformity damaged by an act of God or other natural disaster.

1470.040 Structural Alteration

A. Determining Applicability

Structural alternations only include activities that do not result in the expansion of a building. For the purpose of determining when site features must be brought into partial or full compliance with the standards of this Ordinance, the costs that constitute the assessed value of the structural alteration of a building or structure shall be as shown on the zoning permit application, and shall include the cost of materials and labor.

B. General

- a.** 25 Percent or Less of Structure Value

Structural alteration of a building or structure during a five-year period whose assessed value is 25 percent or less of the current assessed value of the building or structure shall not require any correction to nonconforming site features.

b. More Than 25 Percent but Less Than 75 Percent of Structure Value

Structural alteration of a building or structure whose assessed value exceeds more than 25 percent but less than 75 percent of the current assessed value of the structure during a five-year period shall require that a corresponding percentage of the site features identified in, 1470.020 (A), Applicability, be brought into compliance incrementally, until the site achieves 100 percent compliance.

Example: a nonresidential site with nonconforming off-street parking (site feature) with an assessed value of \$100,000 is undergoing remodeling equaling \$40,000 (40 percent of the assessed value), the developer must add a corresponding number of additional required parking spaces until the site fully complies. The site at the time of remodel has 10 parking spaces, but the ordinance requires a minimum of 20 for the use that is proposed (10 more spaces are required for the site to be conforming), the applicant would be required to provide 40 percent of the 20 spaces - or 8 more parking spaces, bringing the total number of spaces on the site to 18 spaces.

c. 75 Percent or More of Structure Value

Structural alteration of a building or structure during a five-year period whose alteration is estimated to cost 75 percent or more of the current assessed value of the building or structure shall require 100 percent compliance with the site features identified in Section 1470.020 (A), Applicability.

d. Two or Fewer Additional Parking Spaces

When two or fewer additional off-street parking spaces are required under this subsection as a result of a redevelopment, such additional off-street parking is not required to be installed.

C. Physically Constrained Properties- Comply to Maximum Extent Practicable

Lands that are physically constrained (due to limited size, topography, or other environmental considerations) from complying with these provisions shall comply to the maximum extent practicable, as determined by the Planning Director.

1470.050 Expansions

Expansions to buildings or structures or use areas on sites with nonconforming site features identified in 1470.020 (A), Applicability, shall require compliance until the site achieves 100 percent compliance for site features in accordance with this section.

A. General

a. Expansions of 15 Percent or Less

Additions or expansions that increase a building or structure or use area's size by 15 percent or less over a five-year period shall not require any correction to nonconforming site features.

b. Expansion between 15 and 50 Percent of Gross Square Footage Over 5 Years

Expansion in any continuous five-year period, which results in an increase in the gross square footage of the existing building or structure or use area (measured at the

beginning of the five-year period) greater than 15 percent, but less than 50 percent, requires a corresponding percentage of the nonconforming site features identified in 1470.020 (A), Applicability, to be brought into compliance, incrementally until the site achieves 100 percent compliance.

Example: A 25 percent increase in square footage will necessitate a 25 percent increase in the total number of parking spaces provided (up to the minimum requirement). Existing landscaping on the site shall be retained or replaced but shall not count toward the required percentage of new landscaping.

C. Expansion of Greater Than 50 Percent of Gross Square Footage Over 5 Years

Expansions over any continuous five-year period, which results in a greater than 50 percent increase of the gross square footage of the existing building or structure or use area (measured at the beginning of the five-year period) that has a nonconforming site feature identified in 1470.020 (A), Applicability, shall require the building or site or use area to comply with all standards of this Ordinance for the new site features. Examples of these requirements include parking, landscaping, screening, installation of trash enclosures, lighting, etc.

B. Physically Constrained Properties- Comply to Maximum Extent Practicable

Lands that are physically constrained (due to limited size, topography, or other environmental considerations) from complying with these provisions shall comply to the maximum extent practicable as determined by the Planning Director.

C. Addition of Outdoor Storage Area Only

When only outdoor storage areas are being added or increased on a site, the percentage increase in outdoor operations area shall require a corresponding percentage increase in perimeter buffers and screening. Perimeter buffer and screening augmentation shall be located so as to achieve the performance objectives in Section 810.100, Screening of Open Storage.

1470.060 Establishment of Allowed Use on site with Nonconforming Site Aspects

A. Applicability

The purpose of this section is to establish regulations for when an allowed use obtains a zoning permit to operate on a site with nonconforming site aspects and where the previous use was nonconforming. The amount of improvements required will be related to the amount of investment placed into the property

B. General

a. 75 Percent or Less of Structure or Site Value

Items listed in 1470.020 (A)(1,3,4), Applicability, will be required to comply with the standards of this Ordinance. This will require that parking, and screening and buffering will be installed.

b. More than 75 Percent of Structure or Site Value

When more than 75 percent of the structure of a structure or site value is invested into a site, then the site will need to be brought into full compliance with the ordinance, including both on-site and off-site improvements.

C. Physically Constrained Properties- Comply to Maximum Extent Practicable

Lands that are physically constrained (due to limited size, topography, or other environmental considerations) from complying with these provisions shall comply to the maximum extent practicable as determined by the Planning Director.

**DIVISION 1500. VIOLATIONS, PENALTIES AND
ENFORCEMENT**

Chapter 1510. Responsibility for Enforcement 15-1

Chapter 1520. Remedies and Enforcement Powers.....15-2

Chapter 1510. Responsibility for Enforcement

It is the duty of the Director of Planning and Development, Zoning Administrator, or other authorized staff, to administer and enforce this development ordinance.

1510.010 Inspections

The Zoning Administrator is authorized to make inspections as necessary to enforce this Chapter and investigate any complaints of alleged violations.

1510.020 Authority to Issue Citations

The Zoning Administrator is authorized to investigate complaints and serve citations on persons charged with a violation of this development ordinance.

1510.030 Violations

All buildings and land used, and all buildings and structures erected, converted, enlarged, reconstructed, moved or structurally altered, must comply with all applicable provisions of this development ordinance. Failure to comply with applicable provisions constitutes a violation of this development ordinance.

Express violations include but are not limited to the following:

- A.** using land or buildings in any way not consistent with the requirements of this development ordinance;
- B.** erecting a building or other structure in any way not consistent with the requirements of this development ordinance;
- C.** engaging in the development of land in any way not consistent with the requirements of this development ordinance;
- D.** developing or subdividing land inconsistent with the standards and procedures of this development ordinance;
- E.** subdividing, transferring or selling land unless the subdivision has been approved and recorded, as provided in this development ordinance;
- F.** installing or using of a sign in any way not consistent with the requirements of this development ordinance;
- G.** failing to maintain any building, structure, landscape feature or natural resource area required to be maintained by this ordinance;
- H.** engaging in the use of a building or land, the use or installation of a sign, or any other activity requiring one or more permits or approvals under this development ordinance without obtaining all such permits or approvals;
- I.** failing to comply with any permit or approval granted under this development ordinance;
- J.** failing to comply with any condition imposed on a permit or approval, specifically including conditions of approval on a planned unit development, special use permit, site plan, administrative adjustment or variance;
- K.** obscuring, obstructing, removing or destroying any notice required to be posted or otherwise given under this development ordinance.

- L. otherwise undertaking any development or establishing any use in a manner that does not comply with this development ordinance.

1510.040 Enforcement Procedure

Upon determination that a violation exists written notice must be provided to the property owner and lessee. Such notice must include:

- A. a description of the property involved,
- B. applicable sections of the Town code upon which the violation is based,
- C. a statement of the nature of the violation; and
- D. the time allowed for correction of the violation shall be within 30 days of the notice of violation or within a longer time period as established by the Zoning Administrator based on an assessment of the nature/scale of the zoning violation.

1510.050 Liability

The property owner, tenant or occupant of any land or structure, or part thereof, or any , builder, contractor, , authorized agent or other person who participates in, assists, directs, creates or maintains any situation that is contrary to the requirements of this development ordinance is jointly and severally liable for the violation and subject to all available penalties and remedies.

Chapter 1520. Remedies and Enforcement Powers

1520.010 Applicability

The Town may use any lawful remedy or enforcement powers.

1520.020 Remedies Cumulative

The remedies and enforcement powers established in this development ordinance are cumulative. All remedies and penalties provided in this development ordinance are in addition to all other provisions of this code, and not in lieu or exclusive thereof.

1520.030 Withhold Permit

The Town may deny or withhold all permits, certificates or other forms of authorization on any parcel of land or structure or improvements thereon upon which there is an uncorrected violation of a provision of this development ordinance.

1520.040 Forfeiture and Confiscation of Signs

Any sign installed or placed on public property, except in compliance with the regulations of the Town of Indian Trail UDO, will be subject to forfeiture to the public and confiscation. In addition to other remedies and penalties of this section, the Town has the right to recover from the sign owner, or person who placed the sign, the full costs of sign removal and disposal.

1520.050 Penalties

- A. Any violation of this development ordinance is punishable as a misdemeanor with an associated fine of not less than \$100.00 for each and every day that the violation continues.
- B. If the violation appears deliberate, intentional, and with knowledge of the law or if violation is repeated on multiple occasions, then punishment upon conviction will be a fine of not less

than \$100.00 or more than \$500.00 for each and each and every day that the violation continues.

1520.060 Continuation of Previous Enforcement Actions

Nothing in this development ordinance will be interpreted to prohibit the continuation of previous enforcement actions, undertaken by the Town under previous, valid ordinances and laws.

DIVISION 1600. TERMINOLOGY AND MEASUREMENTS

Chapter 1610. Use Groups and Categories	16-1
Chapter 1620. General Definitions	16-15
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Chapter 1610. Use Groups and Categories

1610.010 Use Groups

This development ordinance classifies land uses into 5 major groupings: “residential,” “public and civic,” “commercial,” “industrial” and “other.” These are referred to as “use groups.”

1610.020 Use Categories

Each use group is further divided into more specific “use categories.” use categories classify land uses and activities based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions.

1610.030 Typical Uses

Typical uses cited in the description of use categories are not intended to be exclusive or restrictive.

1610.040 Determination of Most Similar Use Category

When a specific use type cannot be readily classified into a use category or appears to fit into two or more use categories, the Community Development Director is authorized to determine the most similar, thus most appropriate, use category based on the following considerations:

- A.** the actual or projected characteristics of the activity in relationship to the stated characteristics of each use type;
- B.** the relative amount of site area or floor space and equipment devoted to the activity;
- C.** relative amounts of sales from each activity;
- D.** the customer type for each activity;
- E.** the relative number of employees in each activity;
- F.** hours of operation;
- G.** building and site arrangement;
- H.** vehicles used with the activity;
- I.** the relative number of vehicle trips generated by the use;
- J.** signs;
- K.** how the use advertises itself; and
- L.** whether the activity is likely to be found independent of the other activities on the site.

1610.050 Residential Use Group

The residential use group includes uses that provide living accommodations to one or more persons. The group includes two use categories: group living and household living.

A. Group Living

Residential occupancy of a dwelling by other than a “household,” typically providing communal kitchen/dining facilities. Examples of group living uses include but are not limited to fraternities, sororities, convents, monasteries, nursing homes and the following specific use types:

1. Group Home

A single dwelling occupied on a permanent basis by a group of unrelated persons. Group homes may also be occupied by paid staff and caregivers.

a. Type 1: Family Home (Small)

Means a home with support and supervisory personnel that provide room and board, personal care and habilitation services in a family environment for no more than six resident persons with disabilities.

b. Type 2: Family Home (Large)

Means a home with support and supervisory personnel that provide room and board, personal care and habilitation services in a family environment for more than six resident persons with disabilities.

2. Nursing Home

A residence which provides lodging, meals, nursing and other personal services for those who are unable to care for themselves or otherwise requires assistance for certain essential functions.

3. Senior Housing

A residential complex containing multifamily dwelling designed for and principally occupied by senior citizens. Such facilities may or may not include a common dining area but such facilities do not include institutional care such typically associated with nursing homes or senior life-care centers.

1610.060 Household Living Category

Residential occupancy of a dwelling unit by a household with tenancy arranged on a monthly or longer basis. Household living occurs in the following types of residential buildings:

A. Detached House

A building containing one dwelling unit located on a single lot with private yards on all sides.

B. Zero Lot Line House

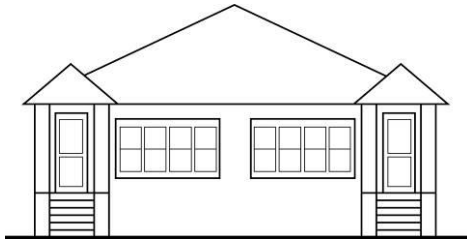
A building containing one dwelling unit located on a single lot. The building is shifted to one side of the lot so that there is a more usable side yard on one side of the house and very little or no private yard on the other side.

C. Attached House

A building containing multiple dwelling units, each located on its own lot with a common or abutting wall along shared lot lines. Each dwelling unit has its own external entrance.

D. Two-Unit House

A building containing 2 dwelling units, both of which are located on a single lot or parcel (also referred to as a “duplex” or “two-flat”). The dwelling units are attached and may be located on separate floors or side-by-side.



E. Multi-Unit House

A building containing 3 to 8 dwelling units located on a single lot. Multi-unit houses appear as large detached houses and have only one entrance visible from the street.

F. Multiplex

A building containing 3 to 8 dwelling units, each of which has its own external entrance.

G. Apartment/Condo

A building containing 3 or more dwelling units that share common walls and/or common floors/ceilings. Apartment/condo buildings are typically served by one or more common building entrances.

H. Manufactured Housing Unit

A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the “Manufactured Housing Construction and Safety Standards Act of 1974,” 42 U.S.C. §§ 5401, 5403 and that has a permanent label or tag affixed to it, as specified in 42 U.S.C. § 5415, certifying compliance with all applicable federal construction and safety standards.

I. Mobile Home

Any vehicle or portable structure having no foundation other than wheels, jacks, blocks and designed or constructed as a self-contained single-family dwelling unit. Structures that meet the definition of a “manufactured housing unit” are not considered mobile homes.

J. Mobile Home Park

Any plot of ground containing mobile home spaces, regardless of whether or not a charge is made for the occupation of such spaces.

K. Modular Home

A dwelling unit constructed in accordance with the standards set forth in the North Carolina State Building Code and is made of components substantially assembled in a manufacturing plant and transported to a lot location site for final assembly on a permanent foundation. This is to be done in addition with also meeting or exceeding federal HUD requirements for these types of homes.

1610.070 Public and Civic Use Group

The public and civic use group includes uses that provide public or quasi-public services. The public and civic use group includes the following use categories:

A. College/University

Colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree. They are certified by the state or by a recognized accrediting agency. Colleges tend to be in campus-like settings or on multiple blocks. Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, conservatories and seminaries.

B. Day Care

Uses providing care, protection and supervision for children or adults with physical or mental disabilities on a regular basis away from their primary residence for less than 24 hours per day. There are 3 types of day care:

1. Family Child Care Home

Day care, provided within a dwelling unit, where, at any one time, more than two children, but less than nine children, receive child care. Of the children present at any one time in a family child care home, no more than five children shall be preschool-aged, including the operator's own preschool-age children.

2. Child Care Center

A child care center is an arrangement where, at any one time, there are three or more preschool-age children or nine or more school-age children receiving child care.

3. Adult Day Care Home

A facility where an individual, agency or organization provides supervision or care in a home-like environment for a maximum of six (6) adults in need of care because of physical or mental disability in a place other than their usual place of abode.

4. Adult Day Care Center

A facility where an individual, agency or organization provides supervision or care during the day time for more than six adults in need of care because of physical or mental disability in a place other than their usual place of abode.

C. Detention and Correctional Facilities

Facilities for the judicially required detention or incarceration of people. Inmates and detainees are under 24-hour supervision by peace officers, except when on an approved leave. Examples include prisons, jails, probation centers and juvenile detention homes.

D. Hospital

Uses providing medical or surgical care to patients and offering inpatient (overnight) care.

E. Library/Cultural Exhibits

Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art, or library collection of books, manuscripts, etc., for study and reading.

F. Park/Recreation

Recreational, social, or multi-purpose uses associated with public parks, public open spaces, public community centers, public play fields, public or private golf courses, or other public recreation areas or buildings.

G. Religious Assembly

Religious services involving public assembly such as customarily occur in synagogues, temples, mosques and churches.

H. Safety Services

Public safety services that provide fire, police or life protection, together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations, police stations and ambulance services.

I. School

Public and private schools at the primary, elementary, junior high, or high school level that provide state-mandated basic education.

J. Utilities and Services

1. Minor, Basic

Infrastructure services that need to be located in area where the service is provided. Minor utilities and services generally do not have regular employees at the site and typically have few if any impacts on surrounding areas. Typical uses include water and sewer pump stations; small/minor water towers and reservoirs; small/minor electrical substations; water conveyance systems; stormwater facilities and conveyance systems; telephone switching equipment and emergency communication broadcast facilities.

2. Major

Infrastructure services that typically have substantial land-use impacts on surrounding areas and/or serve a larger regional or town-wide area. Typical uses include, but are not limited, to water and waste water treatment facilities, major water storage facilities and/or elevated tanks, and major electrical substations.

Commentary: Major utilities and services do not include "waste-related uses."

1610.080 Use Groups and Categories

The commercial use group includes uses that provide a business service or involve the selling, leasing or renting of merchandise to the general public. The commercial use group includes the following use categories.

A. ABC Stores

An establishment that specializes in the sale and distribution of alcoholic beverages as a retail use, provided that such establishments meet all of the requirements and standards of Chapter 18B of the North Carolina General Statutes, the State of North Carolina ABC Commission, any local ABC Board in the jurisdiction where such an establishment will be placed, and any other appropriate local and/or state regulations or ordinances.

B. Adult arcade

Any place or establishment operated for commercial gain that invites or permits the public to view adult material through coin-operated devices or electronically or mechanically controlled motion picture machines, projectors, video or disc players that show images to persons within a booth or small theater where the images so displayed are distinguished or characterized by the depiction or description of specified sexual activities or specified anatomical areas.

C. Adult bookstore or adult video store

An establishment that sells, offers for sale, or rents adult material for commercial gain and that meets one of the following two criteria:

1. More than 10 percent of the gross public floor area is devoted to adult material.
2. More than 10 percent of the stock in trade consists of adult material.

D. Adult entertainment

An adult club, adult juice bar, adult dancing establishment, adult theater or other commercial establishment where any employee, operator, or owner exposes his/her specified anatomical area for viewing by patrons. This may include massage establishments, salons, modeling studios, or lingerie studios where employees, operators, owners, or patrons expose his/her specified anatomical areas.

E. Adult material

Any one or more of the following, regardless of whether it is new or used:

1. books, magazines, periodicals, or other printed matter; photographs, films, motion pictures, video cassettes, slides, or other representations; recordings, other audio matter; and novelties or devices; any of which have, as their dominant theme, subject matter that depicts, exhibits, illustrates, or otherwise graphically describes specified sexual activities or specified anatomical areas; or
2. instruments, novelties, devices, or paraphernalia that are designed for use in connection with specified sexual activities.

F. Adult modeling studio

Any place where a person appears in a manner that displays specified anatomical areas in order that that person can be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons for any form of consideration. Adult modeling studio shall not include a proprietary school licensed by the State of North Carolina or a college, junior college, or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation or university supported entirely or partly by taxation; or a studio or establishment where there is no sign visible from any public street advertising or otherwise indicating the availability of nude or semi-nude persons who expose specified anatomical areas for viewing and where the participation in drawing, painting, sculpting, or photography activities is by students who enroll at least three days in advance of the class.

G. Adult motel

A hotel, motel, or similar commercial establishment that offers accommodations to the public, for any form of consideration, and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that depict or describe specified sexual activities and that has a sign visible from any public street that advertises the availability of this type of material to guest or patrons.

H. Adult motion picture theater

A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown as one of its principal business purposes that depict or describe specified sexual activities and/or specified anatomical areas.

I. Adult theater

A theater, concert hall, auditorium, or similar commercial establishment which regularly features, exhibits, or displays, as one of its principal business purposes, persons who expose specified anatomical areas or where live entertainment acts involve performances that expose or depict specified anatomical areas and/or specified sexual activities.

J. Sexual encounter center

A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration physical contact in the form of wrestling or tumbling between persons of the opposite sex, or activities between male and female persons and/or persons of the same sex when one or more of the persons exposes specified anatomical areas.

K. Animal Services

The following are animal services use types:

1. Sales and Grooming

Sales and grooming of dogs, cats and similar small animals. Typical uses include pet stores, dog bathing and clipping salons and pet grooming shops.

2. Shelter and Boarding Kennel

Animal shelters and kennel services for dogs, cats and small animals. Typical uses include boarding kennels, dog training centers and animal rescue shelters.

3. Veterinary

Typical uses include pet clinics, dog and cat hospitals and animal hospitals.

4. Stable

Stables and boarding facilities for horses and similar large animals.

5. Animal Foster Care

A residence in which the individual is caring with food, water and shelter for no more than 9 dogs or cats total until a permanent home can be found for the animals. More than 9 dogs and/or cats total in an allowed residential use shall constitute an Animal Shelter.

L. Artist Work or Sales Space

Floor space devoted to the production, showing, or sale of art. Typical uses include art galleries and artist studios, but not including art museums. Art museums are classified in the “Libraries and Cultural Exhibits” use category.

M. Building Maintenance Services

Provision of maintenance and custodial services to commercial and industrial establishments. Typical uses include janitorial, landscape maintenance and window cleaning services. Also includes exterminator services for residential, commercial or industrial applications.

N. Business Equipment Sales and Services

Sales, rental, or repair of office, professional and service equipment and supplies to companies rather than to individuals. Excludes automotive and heavy equipment sales or service. Typical uses include office equipment and supply firms, small business machine repair shops and hotel equipment and supply firms.

O. Business Support Services

Provision of clerical, employment, protective, or minor processing services to firms rather than individuals. Typical uses include employment agencies, telephone answering services, blueprint services, and business or trade schools. Business or trades schools that involve outdoor storage or manufacturing processes are not considered business support services but rather are to be classified in an Industrial use group category.

P. Communication Service Establishments

Broadcasting and other information relay services accomplished through use of electronic and telephonic mechanisms. Excludes services classified as “major utilities and services” and “Minor Utilities.” Typical uses include recording studios, television and radio studios, telecommunication service centers and telegraph service offices.

Q. Eating and Drinking Establishments

Provision of prepared food or beverages for on- or off-premises consumption. Typical uses include restaurants, restaurants with alcohol service, or private clubs.

R. Entertainment and Spectator Sports

Provision of cultural, entertainment, athletic and other events to spectators. The following are spectator sports and entertainment use types:

1. Small Venue

Entertainment and spectator sports establishments with a capacity of no more than 149 persons. Typical uses include small theaters and meeting or banquet halls.

2. Medium Venue

Entertainment and spectator sports establishments with a capacity of more than 149 and fewer than 500 persons. Typical uses include theaters and meeting or banquet halls.

3. Large Venue

Entertainment and spectator sports establishments with a capacity of 1,000 persons or more. Typical uses include large theaters, cinemas and meeting or banquet halls.

S. Financial Services

Financial or securities brokerage services. Typical uses include banks, savings and loans, credit unions, consumer investment businesses, pawn shops and short-term loan services.

1. Short-Term Loan Services

Businesses that loan money on a short-term basis to the general public as an element of their operation, including businesses offering title loans, payday loans, signature loans and small loans under North Carolina General Statutes, and other similar businesses, but not including banks, savings and loan associations or credit unions that are licensed by appropriate state and federal agencies, or retail credit financing institutions that are licensed North Carolina General Statutes, or pawn shops as governed by Chapter 91A-1 of the North Carolina General Statutes.

2. Pawn Shops

Businesses that lend money on the security of pledged goods or that is engaged in the business of purchasing tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time. Pawnshops and pawnbrokers are further governed by Chapter 91A-1 of the North Carolina General Statutes.

T. Food and Beverage Retail Sales

Retail sale of food and beverages for home consumption. Typical uses include groceries, specialty food stores and wine shops.

U. Funeral and Internment Services

Provision of services involving the care, preparation or disposition of human dead. The following are funeral and interment services use types:

1. Cemetery/Mausoleum/Columbarium

Land or facilities used for burial of the dead.

2. Cremating

Crematory services involving the purification and reduction of the human body by fire. Typical uses include crematories and crematoriums.

3. Undertaking

Undertaking services such as preparing the dead for burial and arranging and managing funerals. Typical uses include funeral homes and mortuaries.

V. Gasoline and Fuel Sales

A building or portion thereof used for offering for sale at retail to the public, fuels, oils and accessories for motor vehicles, where repair service and automobile washing is incidental,

where no storage or parking space is offered for rent and where no motor vehicles or boats are offered for sale or rent.

W. Lodging

Provision of lodging services on a temporary basis with incidental food, drink and other sales and services intended for the convenience of guests. The following are lodging use types:

1. Bed and Breakfast

An owner- or manager-occupied detached house that contains 6 or fewer guestrooms for short-term lodging and in which the only meal provided to guests is breakfast. For the purposes of this definition, a guest is a person who rents a room in a bed and breakfast establishment for no more than 30 consecutive days.

2. Hotel/Motel

An establishment, other than a detached house, in which short-term lodging is offered for compensation and that may or may not include the service of one or more meals to guests. Typical uses include hotels, motels and boarding houses.

X. Medical Service

Personal health services including prevention, diagnosis and treatment, rehabilitation services provided by physicians, dentists, nurses and other health personnel and medical testing and analysis services. Typical uses include medical and dental offices, medical/dental laboratories, health maintenance organizations and government-operated health centers. Excludes use types more specifically classified, such as hospitals.

Y. Office

Professional, governmental, executive, management or administrative offices of private organizations or government agencies. Typical uses include government offices, administrative offices, legal offices and architectural firms.

Z. Parking, Non-accessory

Parking that is not provided to comply with minimum off-street parking requirements and that is not provided exclusively to serve occupants of or a visitor to a particular use, but rather is available to the public at-large. A facility that provides both accessory parking and non-accessory parking is classified as non-accessory parking.

AA. Personal Improvement Service

Informational, instructional, personal improvement and similar services of a nonprofessional nature. Typical uses include hair salons, barber shops, beauty shops, nail salons, tattoo parlors, fortune telling studios, health clubs, yoga or dance studios, driving schools and martial arts studios.

1. Body Art Service

Provision of any of the following procedures: body piercing, tattooing, cosmetic tattooing, branding and scarification. This definition does not include practices that are considered medical procedures by the North Carolina State Medical Board, which services may not be performed in a body art service establishment.

2. Fortune Telling Service

An establishment engaged in or that professes to foretell future or past events or that is engaged in the practice of palmistry (the art or practice of reading a person's character or future from the lines on the palms of hands).

BB. Repair and Laundry Services, Consumer

Provision of repair, dry cleaning or laundry services to individuals and households, but not to firms. Excludes vehicle and equipment repair. Typical uses include laundry/dry cleaning

drop-off stations (with no dry cleaning on the premises), hand laundries, appliance repair shops, locksmiths, shoe and apparel repair and musical instrument repair.

CC. Retail Sales

Businesses involved in the sale, lease or rent of new or used products, merchandise to consumers. Typical uses include drug stores, grocery stores, department stores, apparel stores and a host of other stores and shops offering goods and merchandise for sale to the public. The following are specific retail sales use types.

1. Second Hand Thrift/Consignment Sales

The retail sale of mostly previously used merchandise to the general public such as clothing, furniture, small appliances, household goods, sporting goods, recreation equipment, or other similar merchandise not considered to be antique. Second Hand Thrift/Consignment Sales uses may operate as for-profit businesses or be associated with a nonprofit charitable organization and are commonly referred to as consignment stores, thrift stores, second hand stores, and vintage stores. This definition specifically excludes antique shops, pawnshops, flea markets, firearms shops, and other land uses that are more specifically identified within UDO Chapter 520.

2. Antique Shops

The retail sale of mostly previously used merchandise to the general public that is deemed to have collectible value and is at least 50 years of age. This definition specifically excludes Second Hand Thrift/Consignment Sales uses.

DD. Sports and Recreation, Participant

Provision of sports or recreation primarily by and for participants. (Spectators would be incidental and on a nonrecurring basis). Examples include bowling alleys, skating rinks, billiard parlors driving ranges and miniature golf courses.

EE. Vehicle Sales and Service

Sales of motor vehicles or services related to motor vehicles or the sale of automobile supplies such as vehicle parts. The following are vehicle sales and service use types:

1. Car Wash/Cleaning Service

A building or site containing facilities for washing automobiles. It may use automatic production line methods—a chain conveyor, blower, steam cleaning device, or other mechanical device—or it may provide space, water and equipment for hand washing, cleaning or detailing of automobiles, whether by the customer or the operator.

2. Heavy Equipment Sales/Rentals

- a.** Retail – Involves sales and /or rental directly from the premises of heavy construction equipment, trucks and aircraft, together with incidental maintenance. Typical uses include heavy construction equipment dealers and tractor trailer sales.
- b.** Wholesale – Involves sales and/or rental not conducted directly from the premises of heavy construction equipment, trucks or aircraft, involving no incidental on-site maintenance, outdoor display and/or storage involved with the use. Typical uses include business-to-business distributorships and other similar wholesaling uses.

3. Light Equipment Sales and Rentals

- a.** Retail – Involves sales and /or rental directly from the premises of autos, noncommercial trucks, motorcycles, trailers with less than 10,000 lbs. gross cargo weight, recreational vehicles and boat dealers, together with incidental maintenance. Typical uses include automobile and boat dealers, car rental agencies and recreational vehicle sales and rental agencies.
- b.** Wholesale – Involves sales and/or rental not conducted directly from the premises of autos, noncommercial trucks, motorcycles, trailers with less than 10,000 lbs. gross cargo weight, recreational vehicles and boat dealers, with no incidental on-site maintenance, outdoor display and/or storage involved with the use. Typical uses include business-to-business distributorships and other similar wholesaling uses.

4. Motor Vehicle Repair

An establishment primarily engaged in maintenance, repair, servicing, or painting of motor vehicles.

a. Limited Motor Vehicle Repair

Either of the following:

- (1)** A vehicle repair establishment that provides lubrication and/or checking, changing, or additions of those fluids and filters necessary to the maintenance of a vehicle. Customers generally wait in the car or at the establishment while the service is performed. Examples include quick lube services.
- (2)** A vehicle repair establishment that provides replacement of any passenger vehicle part or repair of any passenger vehicle part that does not involve body work or painting or require removal of the engine head or pan, engine transmission or differential. Examples include tire, muffler and transmission shops.

b. General Motor Vehicle Repair

Any vehicle repair activity other than “minor vehicle servicing” or “minor vehicle repair.” Examples include repair or servicing of commercial vehicles or heavy equipment or body work, painting, or major repairs to passenger vehicles.

5. Vehicle Storage and Towing

Storage of operating motor vehicles or vehicle towing services. Typical uses include towing services, private parking lots, tow-aways, impound yards and fleet storage yards. This category will include storage yards for boats of recreational vehicles.

1610.090 Industrial Use Group

The industrial use group includes uses that produce goods from extracted materials or from recyclable or previously prepared materials, including the design, storage and handling of these products and the materials from which they are produced. It also includes uses that store or distribute materials or goods in large quantities. The industrial use group includes the following use categories:

A. Junk/Salvage Yard

An open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals,

paper, rags, rubber tires and bottles. A junk or salvage yard includes an auto wrecking yard, but does not include waste-related uses or recycling facilities.

B. Manufacturing, Production, and Industrial Services

1. Artisan

On-site production of goods by hand manufacturing, involving the use of hand tools and small-scale, light mechanical equipment. Typical uses include woodworking and cabinet shops, ceramic studios, jewelry manufacturing and similar types of arts and crafts or very small-scale manufacturing uses that have no negative external impacts on surrounding properties.

2. Limited

Manufacturing of finished parts or products, primarily from previously prepared materials. Typical uses include: catering establishments, printing and related support activities; machinery manufacturing; food manufacturing; computer and electronic product manufacturing/assembly; electrical equipment, appliance, component manufacturing/assembly; furniture and related product manufacturing/assembly; and other manufacturing and production establishments that typically have very few, if any, negative external impacts on surrounding properties.

3. General

- a. Manufacturing of finished or unfinished products, primarily from extracted or raw materials, or recycled or secondary materials, or bulk storage and handling of such products and materials. Typical uses include: textile mills; textile product mills; apparel manufacturing; leather and allied product manufacturing; wood product manufacturing; paper manufacturing; chemical manufacturing; plastics and rubber products manufacturing; nonmetallic mineral product manufacturing; transportation equipment manufacturing; primary metal manufacturing; and fabricated metal product manufacturing.
- b. Industrial service firms engaged in the repair or servicing of industrial or commercial machinery, equipment, products or by-products. Typical uses include: welding shops; machine shops; industrial tool repair; fuel oil distributors; solid fuel yards; laundry, dry-cleaning and carpet cleaning plants; and photofinishing laboratories. Excludes uses classified as “repair or laundry services.”

4. Intensive

Manufacturing of acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins and radioactive materials. Also includes smelting, animal slaughtering and oil refining.

C. Mining/Excavation

Mining or extraction of mineral or aggregate resources from the ground for off-site use. Examples include quarrying or dredging for sand, gravel or other aggregate materials; mining; and oil and gas drilling.

D. Recycling Service

Any building, portion of building or area in which recyclable material is collected, stored, or processed for the purpose of marketing the material for use as raw material in the manufacturing process of new, reused or reconstituted products.

1. Limited, Indoors

A recycling facility in which recyclable materials are temporarily stored or collected, or processed by manual separation. (Note: consumer-oriented collection boxes for newspapers, cans and glass items are considered an accessory use and may be allowed in any zoning district.)

2. General

A recycling facility that, in addition to any activity permitted as part of a limited recycling service, engages in processing of recyclable materials such as cleaning, bundling, compacting or packing of recyclable materials. This category includes facilities that operate principally indoors but may have accessory outdoor operations.

E. Residential Storage Warehouses

Storage or warehousing service within a building for individuals to store personal effects and for businesses to store materials for operation of an industrial or commercial enterprise elsewhere. Incidental uses in a residential storage warehouse may include the repair and maintenance of stored materials by the tenant; but in no case may storage spaces in a residential storage warehouse facility function as an independent retail, wholesale, business, or service use. Spaces may not be used for workshops, hobby shops, manufacturing, or similar uses. Human occupancy is limited to that required to transport, arrange and maintain stored materials.

F. Warehousing, Wholesaling, and Freight Movement

Storage, wholesale sales and distribution of materials and equipment. Typical uses include storage warehouses, moving and storage firms, trucking or cartage operations, truck staging or storage areas, wholesale sales of materials and equipment to parties other than the general public.

G. Waste-Related Use

Uses that receive solid or liquid wastes or recyclable material from others for transfer to another location and uses that collect or compact sanitary wastes or recyclable material. This may include facilities that manufacture or produce goods or energy from waste materials. This category includes resource recovery facilities, waste transfer stations, and compacting and shipping facilities.

1610.100 Other Use Group

The “other” use group includes the following:

A. Agriculture, Crop

The use of land for the production of row crops, field crops, tree crops; timber, bees, apiary products, or fur-bearing animals.

B. Agriculture, Animal

The feeding, breeding, raising or holding of cattle, swine, poultry or other livestock, whether held in a confinement area or open pasture.

C. Breweries, Distilleries, and Wineries (including taproom and taste room)

a. Breweries (including micro breweries and cideries)

An establishment, whether as a principal or accessory use, which manufactures or produces beer regardless of alcohol content.

b. Distillery (including micro-distillery)

An establishment, whether as principal or accessory use, which manufactures or produces, distilled spirits.

c. Winery (including vineyard)

An establishment, whether as a principal or accessory use, which manufactures or produces wine or sparkling wine.

D. Outdoor Advertising

The use of a site for the placement of off-premise signs

E. Taproom or Taste Room

An area maintained predominately for the purpose of tasting, selling and consumption of the alcohol beverages manufactured on the premises or at a production facility of an associated use, including the sale of take home containers such as kegs, bottles and cans as may be allowed under Federal, State and County Law.

F. Wireless Communication Antenna and Tower

Facilities related to the use of the radio spectrum for the purposes of transmitting or receiving radio signals, and may include, but are not limited to radio towers, television towers, telephone exchanges, micro-wave relay towers, telephone transmission equipment buildings, and commercial mobile radio service facilities. The wireless communication antenna and tower category includes all associated equipment unless the written context clearly indicates otherwise. The term associated equipment may include, but is not limited to equipment shelter or platform, lighting, monopole tower, mounting hardware, and supporting electrical or mechanical equipment.

1. Co-located wireless facility

A wireless communication antenna that is attached to an existing tower or to an existing building or structure including, but not limited to a church, water tower, clock tower, sign, telephone pole or similar structure.

2. Free-standing facility

A new tower, monopole, or other unattached structure erected to support wireless communication antennas and connecting appurtenances.

3. Guyed tower

A communication tower or telecommunication tower that is supported in whole or part by guy wires or cables and ground anchors rather than by the superstructure of the tower itself.

Figure 40: Tower with guy wires



4. Lattice tower

A three or four sided structure with an open framework made of metal or similar material overlapped or overlaid in a regular, usually crisscross pattern.

Figure 41: Lattice Tower



5. Stealth wireless communication facility

A communication tower designed and installed in a manner such that the antenna, tower or pole, and associated equipment are disguised or hidden so as to eliminate the visual impact of the tower to the casual observer. Stealth towers and facilities must be built in an aesthetically and architecturally appropriate manner with regards to an existing structure or immediate environment in which the communication tower is located. Examples include, but are not limited to, church steeples, bell towers, clock towers, flag poles, fake trees, and chimneys.

Figure 42: Samples of Stealth Towers



Chapter 1620. General Definitions

1620.010 Accessory Apartment

A residential addition for living purposes, whether attached or detached, that is incidental and subordinate to a principal residential dwelling unit characterized by the presence of separate sleeping quarters, bathroom facilities, and a full kitchen or food preparation facility.

1620.020 Accessory Building

A building that is subordinate in area, extent and purpose to the principal use and building on the lot and that is customarily used or occupied in conjunction with a permitted accessory use.

1620.030 Accessory Structure

A structure that is subordinate in area, extent and purpose to the principal use and building on the lot and that is customary and incidental to a permitted accessory use.

1620.040 Accessory Use

A use that is subordinate in area, extent and purpose to the principal use on the zoning lot and that is customarily found in conjunction with a permitted principal use.

1620.050 Alley

A public right-of-way or private easement that affords a secondary means of access to abutting property.

1620.060 Alteration

Any addition, removal, extension, or change in the location of an exterior wall or roof of a principal building or accessory building.

1620.070 Arterial Street

A street, identified as an arterial street on the Indian Trail Comprehensive Plan, intended to move through traffic to and from the major traffic generators and to serve as a route for traffic between communities or large areas.

1620.080 Block

A tract of land bounded by streets or by any combination of streets, public parks, cemeteries, railroad rights-of-way, waterways, boundary lines of municipalities, or other natural or man-made features.

1620.090 Block Face

All lots abutting one side of a street between the two nearest intersecting streets.

1620.100 Bufferyard

A continuous area of land along the perimeter of a lot that is provided to satisfy the bufferyard requirements of Sec. 810.040.

1620.110 Building

An enclosed structure anchored to a permanent foundation and having exterior or party walls and a roof, designed for the shelter of persons, animals, or property. When divided by other than common or contiguous walls, each portion or section of such building is to be considered a separate building.

1620.120 Building Coverage

The proportion of the lot area expressed as a percent that is covered by the maximum horizontal cross-section of a building or buildings.

1620.130 Building Line

An imaginary line that coincides with the location of the exterior building wall of a building.

1620.140 Business Park

A defined area of land with multiple employment-generating establishments in fields such as manufacturing, processing and assembly, warehousing, distribution and service enterprises, office, and ancillary service establishments. Business parks are typically defined by common or shared development features that may include, but are not limited to architectural design, landscaping, signage, roadway access, stormwater management, and other features. A single, standalone building located outside a park environment would not be considered a business park.

1620.150 Caliper

A measurement of the size of a tree equal to the diameter of its trunk measured 6 inches above natural grade or 6 inches above the tree's root ball if the tree is unplanted.

1620.160 Canopy Trees

Those species of tree that reach a height of 30 feet to 70 feet or taller at maturity.

1620.170 Charitable Events

An event where proceeds, if any, will directly benefit a charitable organization that maintains a 501 (c) (3) charitable status.

1620.180 Commercial Message

Any sign, wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

1620.190 Cluster Plantings

A grouping of 3 or more plants installed in close proximity to one another.

1620.200 Collector Street

A street identified as a collector street on the Thoroughfare Plan, intended to move traffic from minor streets to arterial streets.

1620.210 Commercial Establishment

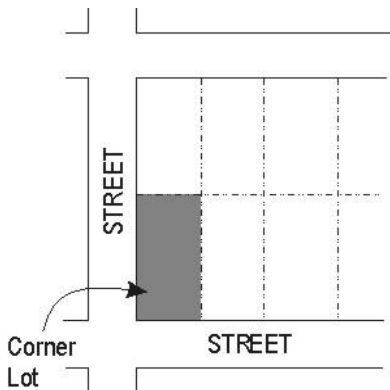
A business classified in the commercial use group, the ownership, management and physical location of which are separate and distinct from those of any other place of business located on the same lot, as partly evidenced by maintaining separate and distinct doors and access points.

1620.220 Comprehensive Plan

A document that links Town development policy, short- and long-range objectives and implementation strategies to a number of interdependent elements. The elements of the Comprehensive Plan are based on the present and future needs of the Town. The core elements of the Comprehensive Plan include Economic Development; Land Use; Transportation; Community Facilities; Utilities; Historic Preservation; Neighborhood Development; Parks and Recreation; and Environmental and Natural Resource Preservation. The elements of the Comprehensive Plan are to be adopted by the Planning Commission and Town Council, and are to be used as a guide for development.

1620.230 Corner Lot

A lot with frontage on 2 or more intersecting streets.



1620.240 Cul-de-sac

A local street with only one outlet and having an appropriate terminus at one end for the safe and convenient reversal of traffic movement.

1620.250 Deciduous Tree

Those trees which drop all of their leaves annually, such as Ash, Sycamore, Willow, Maple, etc.

1620.260 Developer

A person, firm or corporation undertaking development or building on a lot, tract or parcel of land. Includes subdividers, builders and property owners.

1620.270 Diameter at Breast Height (DBH)

A measurement of the size of a tree equal to the diameter of its trunk measured 4½ feet above natural grade.

1620.280 Disability, Person With

A person who has a condition of physical or mental disability that substantially limits one or more major life activities, as provided in Section 168-21 (2) of the North Carolina General Statutes.

1620.290 Dwelling

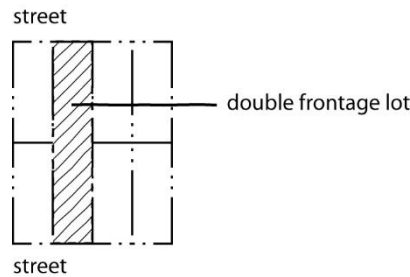
A building or portion of a building designed or used exclusively for residential occupancy.

1620.300 District

Zoning district.

1620.310 Double Frontage Lot

A parcel or property with frontage on 2 or more streets that do not intersect (also known as “through lot”).



1620.320 Drive-Through Facility

Any service window, automated device or other facility that provides goods or services to individuals in a motor vehicle. Includes drive-in and drive-thru type uses.

1620.330 Dwelling Unit

A building or portion thereof arranged, intended, or designed for occupancy by a single household for year-round habitation, containing self-sufficient bathroom and kitchen facilities, connected to all required utilities.

1620.340 Easement

A grant by the property owner to the public, a corporation, or persons of the use of that land for specific purposes.

1620.350 Electronic Gaming Device or Machine

A device or machine operated electrically, electronically or mechanically as a computer that is used for internet games. Machines may use software and/or require that payment be in the form of a credit card, prepaid card, debit card, money, token or any other method of payment that will activate a machine. The customer may receive a token, sweepstake ticket, card or another item which will enable them to enter a sweepstake. A customer may also enter a sweepstake by purchasing an item related to the sweepstakes. Also referred to as electronic gaming machine or virtual gaming machine.

1620.360 Electronic Gaming Operation

A business with electronic gaming device(s) or machine(s) where games of skill or dexterity are played for prizes. Electronic gaming operations may also be referred to as internet sweepstakes, electronic gaming

facilities, internet cafés or other similar terms. Lotteries approved by the State of North Carolina are not considered electronic gaming operations.

1620.370 Equestrian trails

Typically an un-paved path for horse riders that may be routed with and parallel to bike or pedestrian trails. On local streets (i.e. not arterials or thoroughfares) equestrian trails may share a road right-of-way with automobile traffic but in all circumstances such trails will be separated from the road by barriers such as fencing or landscaping. When horse trails are located away from the horse population then amenities such as hitching posts, water supply parking lots, and will be incorporated into the trail design.

1620.380 Equine

Any horse, pony, donkey, burro, or mule that is 12 months of age or older. Any animal that is under 12 months of age and is the off-spring of or is un-weaned and is being nursed by a female equine lawfully kept on the property will not be subject to any of the limitations of the equestrian subdivision ordinance.

1620.390 Evergreen Trees

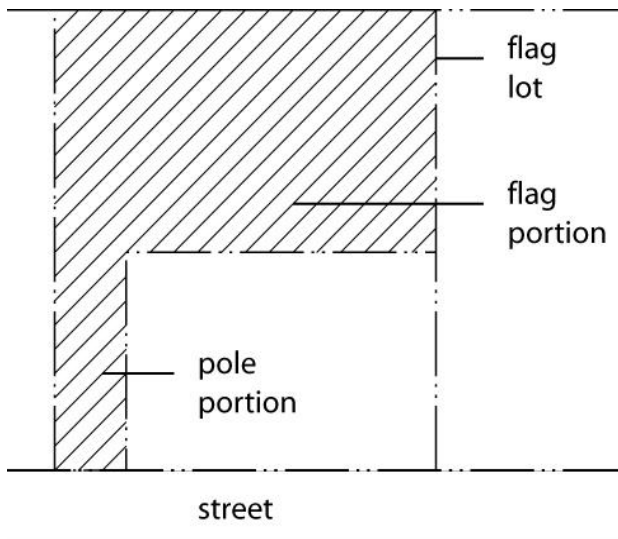
Those trees which retain their leaves during dormancy, such as Pine, Juniper, Yews, Fir, etc.

1620.400 Fence

A structure, other than a building, purposely designed for and used as a barrier to provide a boundary, means of confinement or protection, or visual screen for areas of land.

1620.410 Flag Lot

A lot having the required width at the building line, but having access to a dedicated street only by means of a corridor of less width. Sometimes referred to as “panhandle lots.”



1620.420 Floor Area

The gross floor space within the exterior walls of a building, not including space in cellars or basements.

1620.430 Food Trucks (or Mobile Food Vending Units)

The following definitions shall apply for Mobile Food Vendor Units and variations thereof.

A. Commissary

A location that the Union County Health Department has deemed to be an acceptable location to safely prepare food and utensils, dispose of grease and garbage and other food prep related activities. May also be referred to as a commercial kitchen. Mobile food vending units may be stored there when not in use.

B. Mobile Food Vendor

Any person selling food from a mobile vehicle.

C. Mobile Food Vending Unit

Any motorized or nonmotorized vehicle, trailer, food truck, or other device designed to be portable and not permanently attached to the ground from which food is vended, served or offered for sale. This unit, which leaves its point of sale location, returns daily to its base of operations and is used for either the preparation or sale of food products, or for both.

1620.440 Ground Cover

Low-growing plants or turf grass, installed to form a mostly continuous cover over the ground surface.

1620.450 Household

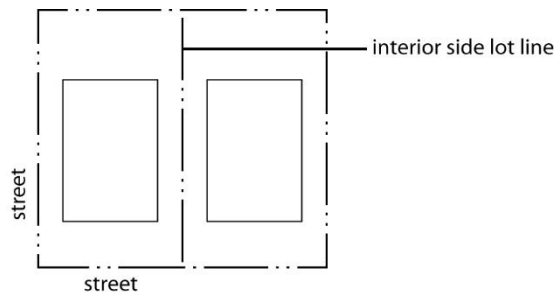
One or more persons related by blood, marriage, legal adoption or guardianship, plus not more than 4 additional persons, all of whom live together as single housekeeping unit.

1620.460 Impervious Surface (or Impervious Cover)

A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, lime rock, or clay, as well as most conventionally paved streets, roofs, sidewalks, parking lots, and other similar improvements.

1620.470 Interior Lot

A lot whose side lines do not abut upon any street.



1620.480 Interior Parking Lot Landscaping

Landscape located within a paved parking area planted with live plant material, such as trees, shrubs, groundcover, or turf grass.

1620.490 Intersection

The crossing of 2 or more streets at the same elevation.

1620.500 Landlocked

A lot that does not abut any street.

1620.510 Landmark

A property or structure designated as a “Landmark” by ordinance of the Town Council because it meets one or more of the national criteria for landmarks as established by the U.S. Department of Interior contained in 36 CFR 65.5 "Designation of National Historic Landmarks".

1620.520 Landscape Material

Living material as trees, shrubs, ground cover/vines, turf grasses; nonliving material such as rocks, pebbles, sand, bark, mulch, brick pavers, earthen mounds (excluding pavement); and/or other decorative items such as fountains, pools, walls, fencing, and sculpture.

1620.530 Landscaped Open Space

All land within the property lines not covered by building or pavement, except that paved outdoor areas used exclusively for pedestrian walkways, plazas, gathering or seating areas, or water features may be considered landscaped open space.

1620.540 Landscaping

The act of or the result of bringing the soil surface to a finished grade, or designing the soil surface with berms, installing trees, shrubs, ground cover, grass, and other acceptable materials to soften building lines, provide shade, and generally produce a pleasing visual effect on the premises.

1620.550 Level of Service (LOS)

Rating conditions or criteria measuring the capacity of public facilities or service providers.

1620.560 Lot

A tract, plot, portion of a subdivision or other unit of land that may be transferred in ownership or used for building development.

1620.570 Lot Lines

The lines bounding a lot.

1620.580 Lot Line, Exterior

A lot line abutting a street.

1620.590 Lot Line, Front

A lot line abutting a street on which the lot fronts. On corner lots it shall be the street side which is the smallest in length.

1620.600 Lot Line, Interior

A lot line that does not abut a street.

1620.610 Lot Line, Rear

A lot line that is opposite the front street line, except that in the case of uncertainty the Building Official will determine the rear lot line.

1620.620 Lot Line, Side

Any lot line that is not a front lot line or rear lot line. A side lot line may be an interior lot line or an exterior lot line such as on street side of a corner lot other than a front lot line.

1620.630 Lot, Depth

The average horizontal distance from the front lot line to the rear lot line.

1620.640 Lot of Record

A lot described by plat or deed and recorded in the office of the Recorder of Deeds of Union County, North Carolina.

1620.650 Major Street

A street classified on the Thoroughfare Plan of the Town of Indian Trail, North Carolina, as a Boulevard, Arterial Street or Collector Street.

1620.660 Major Subdivision

A division of a lot, tract or parcel of land into 4 or more units or other divisions of land.

1620.670 Minor Street

A street that is not a major street and that is intended to provide access to individual properties.

1620.680 Mitigation of Impacts

Steps taken to correct adverse effects of proposed development to the levels or requirements established in the policy.

1620.690 Mobile Home Space

A plot of ground designed for the accommodation of one mobile home within a mobile home park.

1620.700 Model Home

A dwelling unit used initially for display purposes that is representative of the type of dwelling units that will be constructed in the subject subdivision.

1620.710 Native Grasses

Those species of perennial grass other than those designated as noxious weeds by the State of North Carolina Department of Agriculture.

1620.720 Nonconforming Lot

A tract of land lawfully established on a duly recorded subdivision plat, or by a duly recorded deed, or by other lawful means that does not comply with the minimum lot area or lot width standards of the zoning district in which it is located. In order to be deemed “nonconforming,” a lot must have complied with all applicable lot area and width standards in effect at the time of the lot’s establishment.

1620.730 Nonconforming Sign

A sign that was lawfully established, in accordance with zoning and other sign regulations in effect at the time of its establishment but that is no longer allowed by the regulations of this development ordinance.

1620.740 Nonconforming Structure

A building or structure that was lawfully established in accordance with building setback, height, floor area and building coverage regulations in effect at the time of its establishment but that no longer complies with the building setback, height, floor area and coverage regulations of the zoning district in which it is now located.

1620.750 Nonconforming Use

A use that was lawfully established in accordance with zoning regulations and occupational licensing regulations in effect at the time of its establishment but that is no longer allowed by the use regulations of the zoning district in which it is now located.

1620.760 Nonconformity

Any nonconforming lot, nonconforming sign, nonconforming structure or nonconforming use.

1620.770 Not-For-Profit Event

A not-for-profit event is any event that is requested by, or held for, a recognized non-profit organization or other charitable organization, with at least 51 percent of the revenue derived from the event intended for a not-for-profit entity or for its programs.

1620.780 Non-Profit Events

Are sponsored by an organization that is incorporated or otherwise organized as a non-profit organization and where the proceeds, if any, will directly benefit either a charitable or non-profit organization.

1620.790 Ornamental Trees

Low-growing trees, including those species of trees that reach a height between 15 to 30 feet. Sometimes referred to as “understory” trees.

1620.800 Outdoor Vending Machine

Any self-contained or connected appliance, machine, and/or storage container located outside or in a non-enclosed space that dispenses or provides storage of a product or service. Newspaper racks, phones, and automatic teller machines are not considered or regulated as vending machines.

1620.810 Pad Site Development

Separate lots or parcels encompassed by, or contained within a shopping center, office park or business park that are physically separated from the main shopping center building or buildings, with their egress points located from within the shopping center, office park or business park, and having no direct access to adjoining public streets.

1620.820 Parcel

A lot, tract or other division of land.

1620.830 Parking Lot Perimeter

The planted area outside the perimeter of the paved area of a parking lot, measured from the edge of the parking lot outwards.

1620.840 Pasture

An enclosed area, typically fenced, with natural cover or planted with forage for horses or other permitted animals. This area will be distinct from any corral area, riding trail, or required residential yard.

1620.850 Plat

A map, plan, chart or drawing indicating the subdivision or re-subdivision of land filed or intended to be filed for record.

1620.860 P.M. Peak Hour

The hours between 4:00 p.m. and 6:00 p.m. during the weekdays, Monday through and including Friday, at which the average traffic volume is highest.

1620.870 Preliminary Consultations

A meeting with either the Planning Staff and/or the Town’s consulting engineer, prior to submittal of a subdivision plat or site plan, to determine preliminary requirements and development criteria required by the Town.

1620.880 Principal Building

A building or buildings in which the principal use or uses of the premises is contained, housed, or situated.

1620.890 Property Lines

The lines bounding a lot.

1620.900 Recreation Vehicle

A vehicle designed or used as temporary living quarters for recreation, camping or travel.

1620.910 Recreational Vehicle Space

An area of ground within a recreational vehicle park designated for the temporary accommodations of one recreational vehicle.

1620.920 Right-of-Way

Land opened, reserved or dedicated for a street, walk, drainage way or other public purposes.

1620.930 Screening (Visual)

A method by which a view of one site from another adjacent site is shielded, concealed, or hidden.

Screening techniques include fences, walls, hedges, tree rows, berms, or other features.

1620.940 Setback

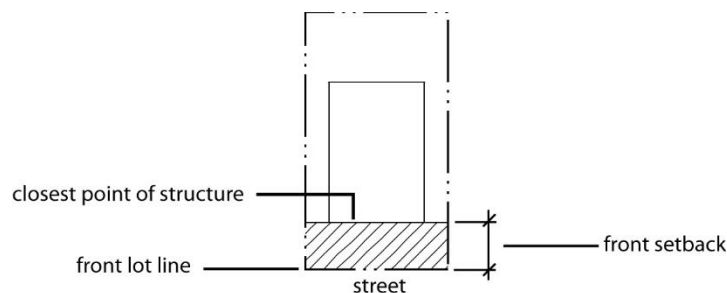
An open, unobstructed area that is required by this development ordinance to be provided from the furthestmost projection of a structure to the lot line of the lot on which the building is located. If the area to be set back is affronting or abutting a public and/or private street, then the area to be measured shall be from the ultimate right-of-way, except as may be otherwise indicated for the street in question in a recorded plat map, tract map, or a specific plan that has been adopted by the Town. Such measurement shall conform to the definition of ultimate right-of-way as indicated in this Section of this Ordinance.

1620.950 Setback, Exterior

A setback from a street which shall be measured, except where may be indicated by a specific recorded plat map, tract map, or a specific plan that has been adopted by the Town, from the ultimate right-of-way as indicated in this Section of this Ordinance.

1620.960 Setback, Front

A setback between a building and the front lot line of the lot on which the building is located, extending along the full length of the front lot line between the side lot lines. If the setback abuts or affronts a public and/or private street, then the setback shall be measured from the ultimate right-of-way of the street to the building itself. Such a measurement shall use the Definition of ultimate right-of-way as indicated in this Section of this Ordinance.



1620.970 Setback, Interior

A setback from an interior (non-street) lot line. Such setbacks need not utilize the ultimate right-of-way definition provided in this Section of this Ordinance unless the setback abuts a public and/or private street.

1620.980 Setback, Street Side

A setback from a street lot line on a corner lot. Such setbacks need not utilize the ultimate right-of-way definition in this Section of this Ordinance unless the setback abuts a public and/or private street.

1620.990 Shopping Center

A group of 2 or more commercial or office uses designed as one unified entity under single ownership or control consisting of one or several buildings either attached or detached.

1620.1000 Short-Term Loan Service

Any business that loans money on a short-term basis to members of the general public as an element of its operation, including businesses offering title loans, payday loans, signature loans and small loans under North Carolina General Statutes, and other similar businesses. This does not include banks, savings and loan associations or credit unions licensed by appropriate State and Federal agencies, or a retail credit financing institution that is licensed under North Carolina General Statutes, or pawn brokers governed by North Carolina General Statutes.

1620.1010 Shrubs

Any self-supporting, woody plant of a species which normally grows to an overall height of less than 15 feet in the region.

1620.1020 Site Plan

A drawing that shows all of the existing conditions of a specific area (the site) and all of the improvements and changes proposed to be made on the site. A site plan is the drawing required by the development ordinance for certain new developments and certain additions and must contain all applicable information as specified in this development ordinance.

1620.1030 Small Wind Energy System

A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics that has a maximum power of no more than 50kW and that is used primarily to reduce on-site consumption of utility power.

1620.1040 Specified anatomical areas

Less than completely and opaquely covered human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

1620.1050 Specified sexual activities

Any of the following:

1. human genitals in a state of sexual stimulation, arousal, or tumescence; or
2. the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
3. sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy; or
4. masturbation, actual or simulated; or
5. masochism, erotic or sexually oriented torture, beating or the infliction of pain; or

6. erotic or lewd touching, fondling, or other contact with an animal by a human being; or human excretion, urination, menstruation, vaginal or anal irrigation.

1620.1060 Stable, Private

A detached accessory building that has a roof and one or more sides that is used to house and shelter an equine or equines owned by the occupants of the premises or subdivision and not kept for remuneration, hire, or sale.

1620.1070 Stable, Public

A stable other than a private stable.

1620.1080 Street

A public right-of-way that affords the principal means of vehicular access to abutting property.

1620.1090 Street Link

The segment of street between intersecting streets that have traffic control devices that interrupt traffic flow.

1620.1100 Street Tree Planting

The planted area within the front setback adjacent to a public or private street.

1620.1110 Street Width

The measured width of a street from edge of usable pavement to edge of usable pavement.

1620.1120 Structural Adequacy

A determination by the Town that the pavement cross section (or bridge design) is of sufficient depth and design to carry the increased traffic volume generated by the proposed development, including the heavy construction vehicles which will be present, without causing undue failure of the infrastructure.

1620.1130 Structure

Anything constructed or erected that requires location on the ground or is attached to something having a location on the ground, including but not limited to signs, but not including excepting pavement, utility poles, fences, and retaining walls.

1620.1140 Subdivision Plat

The final map or drawing, described in this development ordinance, on which the developer's plan of subdivision is presented for approval and that, if approved, is to be submitted to the County Recorder of Deeds for filing.

1620.1150 Swale

A depression in the ground or a wide shallow ditch, usually grassed.

1620.1160 Temporary Portable Storage Container

A purpose-built, fully enclosed, box-like container that is designed for temporary storage of household goods and/or equipment. Such containers are uniquely designed for ease of loading to and from a transport vehicle.

1620.1170 Terminus Intersections

The intersection of the final connecting street, being evaluated for adequacy, with the street previously determined or considered adequate.

1620.1180 Threshold DVH (Design Hour Volume)

Maximum allowable design hourly volume (DHV) permitted of a given street link or intersection based on prevailing conditions.

1620.1190 Tow Lot

The use of a site for temporary storage of motor vehicles for a period of not more than 30 days, not including temporary storage facilities for vehicles that are to be sold, rented, salvaged, dismantled, or repaired.

1620.1200 Town Recognized Event

A Town-recognized event is one that is in part or wholly sponsored by the Town, recognized by the Town, or proclaimed as a Town-recognized event by the Town Council. Such events shall include only those events listed on the Town recognized Event List as maintained by the Town Clerk. The Town-recognized Event List may be amended as need by the Town Council.

1620.1210 Trees

Any self-supporting, woody plant of a species that normally grows to an overall minimum height of 15 feet in the region.

1620.1220 Trip Distribution

The method of assigning trips to street network based on projected travel origins and destinations.

1620.1230 Trip Generation

An analytical process that provides the relationship between land use and vehicle trip production. A one-way movement.

1620.1240 Turf Grass

A species of perennial grass grown as permanent lawns or for landscape purposes as distinguished from those species grown for agricultural or commercial seed purposes.

1620.1250 Recreational Vehicle Park

A single parcel of land used for the temporary accommodation of recreational vehicles used as living quarters.

1620.1260 Ultimate Right-of-Way

The right-of-way shown as ultimate on an adopted Thoroughfare Plan, Comprehensive Plan, or the street rights-of-way shown within the boundary of a recorded tract map or other recorded parcel map. The latest adopted or recorded document in the above cases shall take precedence. If none of these exist, the ultimate right-of-way shall be considered the right-of-way required by the highway classification as shown on the Indian Trail Comprehensive Plan, Thoroughfare Plan, or by NCDOT standards. In all other instances, the ultimate right-of-way shall be considered to be the existing right-of-way, in the case of a private street, and the existing right-of-way, in the case of a public street, unless otherwise dedicated to NCDOT as existing or future right-of-way. All setbacks are to be measured from this right-of-way, unless otherwise indicated by NCDOT, the Indian Trail Thoroughfare Plan, the Indian Trail Comprehensive Plan, or other adopted or recorded plans or plats.

1620.1270 Use

An activity carried on in a building, structure, or tract of land, including accessory uses that are subordinate in area, extent, and purpose to the principal use and that are customary adjuncts to the principal use.

1620.1280 Variance, Zoning

Relief from or variation of the zoning-related provisions of this development ordinance, other than use regulations.

1620.1290 Vertical Sight Distance

The length of street ahead of an object in the street, of specified height, visible to the driver while traversing a vertical curve.

1620.1300 Yard, Front

The actual yard that exists across the full width of the lot from the front lot line to the building line. See also “setback.”

1620.1310 Yard, Rear

The actual yard that exists across the full width of the lot between the rear lot line and the rear line of the principal building. See also “setback.”

1620.1320 Yard, Side

The actual yard that exists between the principal building and the adjacent side lot line extending entirely from the front lot line to the rear lot line. See also “setback.”

1620.1330 Zero-Lot Line Development

A development that complies with the zero lot line regulations of this development ordinance or the zero lot regulations in effect at the time the development was established.

Chapter 1630. Subdivision Definitions

1630.010 Alley

A public or private right-of-way primarily designed to serve as access to the side or rear of those properties whose principal frontage is on some other street.

1630.020 Building, Setback Line

A line establishing the minimum allowable distance between the nearest portion of any building and the street right-of-way line or any other lot line when measured perpendicularly.

1630.030 Cluster Subdivision

A type of subdivision that permits a reduction in lot area and lot frontage provided there is no increase in the overall density of the development and where the remaining land created by the smaller lots is devoted to permanent open space, active recreation space, or the preservation of environmentally sensitive areas.

1630.040 Collector Street

Similar to a minor thoroughfare but carrying less through traffic.

1630.050 Comprehensive Plan

Town of Indian Trail Comprehensive Plan.

1630.060 Condominium

A form of property ownership in which the buildings or portions of the buildings, whether residential or non-residential in use, are owned by individuals separate from the lands which surrounds the building, said lands held in common ownership by the owners of the individual buildings.

1630.070 Contiguous

Lots are contiguous when at least one boundary line of one lot touches a boundary line or lines of another lot.

1630.080 Corner Lot

A lot which occupies the interior angle at the intersection of two (2) street lines which make an angle of more than forty-five (45) degrees and less than one hundred thirty-five (135) degrees with each other. The street line forming the least frontage shall be deemed the front of the lot except where the two (2) street lines are equal, in which case, the owner shall be required to specify which is the front at the time the owner is requesting a building permit.

1630.090 County

Union County.

1630.100 Cul-de-Sac

A local street with only one outlet that terminates in a vehicular turnaround.

1630.110 Dedication

A gift, by the owner, or a right to use of land for a specified purpose or purposes. Because a transfer of property rights is entailed, dedication must be made by written instrument, and is completed with an acceptance.

1630.120 Department of Environmental Health

The Union County Department of Environmental Health.

1630.130 Department of Environment and Natural Resources

The North Carolina State Department of Environment and Natural Resources (DENR).

1630.140 Development Standards

The manual of construction standards and details jointly prepared by the Town Engineer which regulates and controls the provisions and construction of public and private improvements relating to streets, sidewalks, drainage and other facilities. Whenever, in this ordinance reference is made to "standards" or

1630.150 Easement

A grant by the property owner of a strip of land for a specified purpose and use by the public, a corporation, or persons.

1630.160 Floodplain:

Any land area susceptible to being inundated by water from the base flood. As used in this ordinance, the term refers to that area designated as subject to flooding from the base flood (one hundred year flood) on the "Flood Boundary and Floodway Map" prepared by the U.S. Department of Housing and Urban Development and dated July 18, 1983, a copy of which is on file in the administrator's office.

1630.170 Floodway

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. As used in this ordinance, the term refers to that area designated as a floodway on the "Flood Boundary and Floodway Map" prepared by the U.S. Department of Housing and Urban Development and dated July 18, 1983, a copy of which is on file in the administrator's office.

1630.180 Final Subdivision Plat, Final Plat, or Recorded Plat

The map of a subdivision to be recorded after approval by the Town Council or Director of Planning and Development.

1630.190 Frontage Road

A frontage road is a local street or road that is parallel to a full or partial access controlled facility and functions to provide access to adjacent land.

1630.200 Grade

The slope of a road, street, or other public way specified in percentage terms.

1630.210 Intermittent Stream

A stream or portion of a stream that flows only in direct response to precipitation. It receives little or no water from springs and only temporary supply from melting snows or other sources.

1630.220 Interior Lot

A lot other than a corner lot with only one frontage on a street.

1630.230 Lake or Watercourse

Any stream, river, brook, swamp, creek, run, branch, waterway, reservoir, lake, or pond, natural or impounded, in which sediment may be moved or carried in suspension and which could be damaged by accumulation of sediment and pollutants.

1630.240 Local Street

A local street is any link not a higher-order urban system and serves primarily as a direct access to abutting land and access to higher systems. It offers the lowest level of mobility and through-traffic is usually deliberately discouraged.

1630.250 Lot of Record

A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds of Union County prior to the adoption of this Ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this Ordinance.

1630.260 Major Thoroughfares (Boulevards)

Major thoroughfares consist of Interstate, other freeway and expressway links, and major streets that provide for the expeditious movement of volumes of traffic within and through urban areas. These major thoroughfares are identified as Boulevards within the Indian Trail Comprehensive Plan.

1630.270 Minor Thoroughfares

Minor thoroughfares are important streets in the Town system and perform the function of receiving traffic from collector and local access streets and carrying to the Major. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating a minor through-traffic movement and may also serve abutting property. These minor thoroughfares are referred to as thoroughfares within the Indian Trail Comprehensive Plan.

1630.280 Net Land Area

The total land area of the development site excluding any land required for street right-of-way, flood ways, stormwater detention ponds or ponds used for on-site, waste water treatment or the recycling or land area for any publicly dedicated improvements

1630.290 Open Space

An area of land or water which is open and unobstructed including areas maintained in a natural or undisturbed character or areas improved for active or passive recreation.

1630.300 Open Space, Common

A lot or parcel of open space within a development site (i.e., major/minor subdivisions) designed and intended for the use and enjoyment of residents of the development or for the general public, not including streets or off-street parking area.

1630.310 Open Space Subdivisions

A type of subdivision that permits a reduction in lot area and lot frontage where such reductions allow up to a 10% increase in the overall density of the development and where the remaining land created by the smaller lots is devoted to permanent open space, active recreation space, or the preservation of environmentally sensitive areas, farmlands or forestlands.

1630.320 Open Space, Usable

An area contained within common open space that is designed and accessible for outdoor recreation, pedestrian access, and landscaping but excluding any area occupied by any substantial structure; a street right-of-way, or a roadway, parking area, sidewalk, or waste disposal field. At most, one-third of the useable open space can be located in a hundred year flood plain or within the surface area of a lake, pond, or other body of water, and is only one-fourth of the open space that can be located within any utility easements. In addition, usable open space shall count as one-half (50%) of all set aside common open space and shall include sidewalks, bicycle trails and facilities, natural trails parking areas, and crosswalks across roadways that happen to go through the said usable open space (i.e., for ingress and egress.

1630.330 Plan

Any documented and approved program of recommended action, policy, intentions, etc., which sets forth goals and objectives along with criteria, standards, and implementing procedures necessary for effectively guiding and controlling decisions relative to facilitating development and growth management. The Plan is sometimes referred to as "The Land Development Plan".

1630.340 Plat

A map or plan of a parcel of land which is to be, or has been subdivided, and meeting the requirements of G.S. 47-30 as amended.

1630.350 Private Driveway

A roadway serving two (2) or fewer lots, building sites, or other division of land and not intended to be public ingress or egress.

1630.360 Public Sewer System

The Union County Sewer System.

1630.370 Public Street

Dedicated and accepted by North Carolina Department of Transportation or the Town of Indian Trail for future maintenance.

1630.380 Public Water System:

The Union County Water System.

1630.390 Reserve Strip

A strip of land (usually only a few feet wide) owned privately, and set aside around a subdivision in order to prevent access to adjacent property by way of subdivision streets.

1630.400 Subdivider

Any person, firm, or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

1630.410 Subdivision, Minor

Is a subdivision of land that does not involve any of the following:

- A. the creation of more than a total of five lots since 1978;
- B. the creation of any new public streets or street right-of-ways;
- C. the extension of water and sewer system facilities operated by the Union County Public Works Department;
- D. the installation of drainage improvements through one or more lots to serve one or more other lots.
- E. the installation of a private waste water plant or a private water supply system for more than one lot or building site.

1630.420 Technical Review Committee

A committee of the Planning Board including staff established to review technical aspects of subdivision proposals.

1630.430 Through Lot (double frontage)

A lot which fronts upon two parallel streets, and/or which fronts upon two streets which do not intersect at the boundaries of the lot.

1630.440 Total Land Area

The land area equal to the developable area plus any on-site, open space or area devoted to stormwater detention or waste water treatment, but excludes all floodways from its calculations. Floodways may not be included into the calculations for density or total land area under any circumstances.

Chapter 1640. Tree and Landscaping Definitions

1640.010 ANSI

American National Standards Institute (ANSI) is a private, non-profit organization (501©3) that administers and coordinates the U.S. voluntary standardization and conformity assessment system. This includes tree care operations for trees, shrubs and other woody plant maintenance. www.ansi.org.

1640.020 Alternative Methods of Compliance

Alternate tree planting plans, plant materials, planting methods, or reforestation may be used where unreasonable or impracticable situations would result from application of the tree planting and preservation requirements.

1640.030 Appeal

An action requesting reversal or modification of a decision made by the Planning Director based on his/her interpretations of the code. Appeals are made to the Town Board of Adjustment.

1640.040 Auguring

A practice to reduce the damage to and loss of individual trees where underground construction involves a tree's CRZ (Critical Root Zone).

1640.050 Berm

A man-made mound of earth designed and intended to shield or buffer properties from adjoining uses, highways, and streets.

1640.060 Board of Adjustment

A board appointed by the Town Council to hear, decide, or recommend on applications for variances, special use permits, and appeals from decisions of the Planning Director or Zoning Administrator.

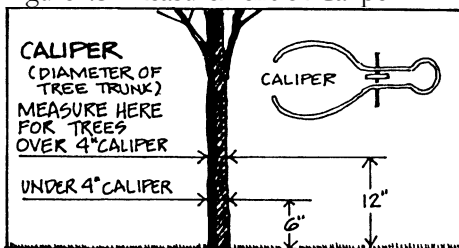
1640.070 Bufferyard

An area of land including landscaping, trees, walls, fences, berms and any combination thereof that is designed to physically and visually separate one use of property from another in order to mitigate the impacts of noise, light, or other nuisance.

1640.080 Caliper

Diameter measurement of tree-trunk taken at 6 inches above ground level for trees up to and including trees 4 inches in caliper. For larger trees, measurement of caliper shall be taken at 12 inches above ground level.

Figure 43: Measurement of Caliper



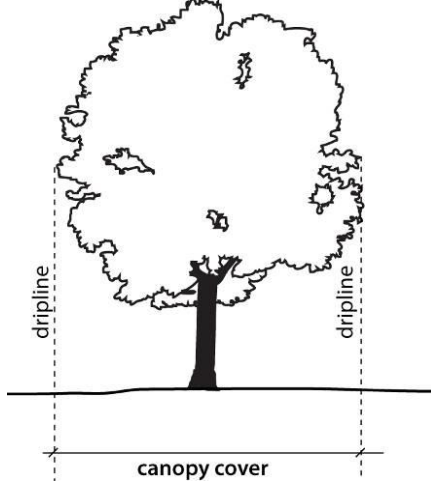
1640.090 Canopy

The uppermost spreading branchy layer of a tree.

1640.100 Canopy Cover

The area that a tree's canopy shades. This area should coincide with the drip line.

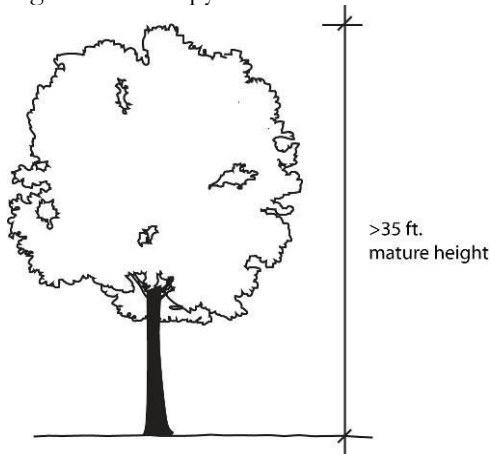
Figure 44: Canopy Cover



1640.110 Canopy Tree

A deciduous tree with height at maturity greater than 35 feet which produces significant shade due to the size and shape of its canopy.

Figure 45: Canopy Tree



1640.120 Certified Arborist

A person who is properly licensed through a combination of either a professional certification or ISA certification as a Certified Arborist. See Appendix 4 for a list of local certified Arborists.

1640.130 Clear Cut

Felling and removal of all trees from an area. Typically an indiscriminant removal of trees except in the case of silvicultural harvesting where tree removal is followed up with a forest replanting or regeneration effort to keep the land forested.

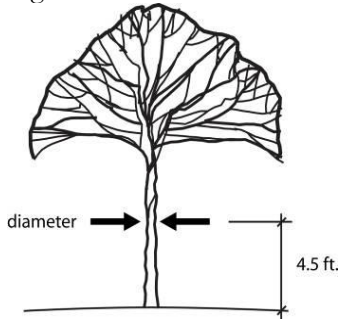
1640.140 Cluster of Trees

A group of trees gathered together in their natural state.

1640.150 DBH (Diameter Breast Height)

The diameter of a tree 4.5 feet above the average ground level.

Figure 46: Diameter at Breast Height



1640.160 Deciduous

Plants or trees that lose their leaves annually.

1640.170 Development

The act, process or state of erecting buildings or structures, or making improvements.

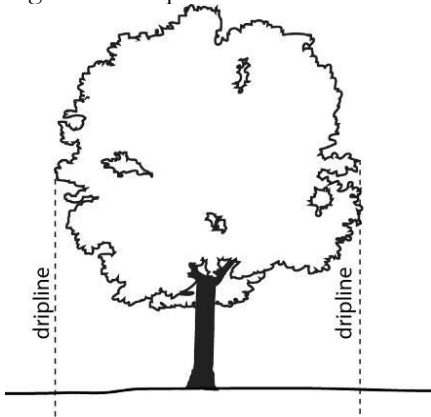
1640.180 Development permits

A permit issued by the administrator that authorizes the recipient to make use of property in accordance with the requirements of this ordinance.

1640.190 Drip Line

An imaginary vertical line extending from the outermost portion of the tree canopy to the ground.

Figure 47: Drip Line



1640.200 Evergreen

Plants or trees that retain their leaves throughout the year.

1640.210 Existing Tree Canopy

Tree canopy that existed for at least 2 years prior to development as evidenced by the Town or County aerial photography and/or satellite imagery.

1640.220 Exotic/Invasive Species

An alien species that becomes established in natural or semi-natural ecosystems or habitats and threatens native plants and when such species spread they threaten biological diversity. Invasive species include English Ivy-Hedera helix, Chinese Wisteria-Wisteria sinensis, Japanese Wisteria-Wisteria floribunda, Japanese Honeysuckle-Lonicera japonica, Kudzu-Pueraria Montana.

1640.230 Forest Management Plan

A document that defines a landowner's forest management objectives and describes specific measures to be taken to achieve those objectives.

1640.240 Frontage

That portion of a lot abutting a public or private street. On corner lots front yards requirements will be determined on the basis of the orientation of a building's main entrance to the street but, for the purposes of the landscaping requirements, street tree plantings and street front landscaping applies to all property lines abutting a street.

1640.250 Grading or Land Disturbing

Any use of land by any person that results in a change of the natural cover or topography and that may cause or contribute to sedimentation or soil compaction.

1640.260 Heritage Tree

- A.** A **deciduous** tree that is 14 inches in diameter or larger measured at 4.5 feet above grade (i.e., diameter at breast height). Deciduous trees include but are not limited to oak, hickory, elm, crepe myrtle, etc.
- B.** An evergreen tree that is 18 inches in diameter or larger measured at 4.5 feet above grade (i.e. diameter at breast height). Evergreen trees include but are not limited to pines, cedars, etc.
- C.** Specific tree species that shall not be considered Heritage Trees, regardless of the diameter size are as follows: Bradford Pear, Magnolia, Mimosa, Mulberry, Silver Maple and Sweet Gum.

1640.270 Land clearing

The large scale indiscriminant removal of trees, shrubs, and undergrowth with the intention of preparing real property for non-agricultural development.

1640.280 Landscaping

The preservation of natural vegetation and/or the installation of trees, shrubs, grass, and ground cover for the purpose of improving the visual appearance of property or enhancing the environment.

1640.290 Large Maturing Tree

A tree whose height is greater than 60 feet at maturity and meets the specification of "American Standards for Nursery Stock" published by the American Association of Nurserymen. See also Canopy Tree.

1640.300 Medium Maturing Tree

A tree whose height is 30-60 feet at maturity and meets the specification of "American Standards for Nursery Stock" published by the American Association of Nurserymen.

1640.310 Major Subdivision

Any subdivision that consist in the creation of more than 5 lots out of a single tract and requires the construction of new streets or street rights-of-way or improvements to existing roads; the extension of rights-of-way or easements for public water or sewer facilities; the installation of drainage improvements through one or more lots; or the installation of a private waste water treatment plant or a private water supply system for more than one lot or building site.

1640.320 Monoculture

A single, homogeneous culture without diversity or dissension.

1640.330 Open Space

A portion of a development site that is permanently set aside for public or private use and will not be developed. Open space may be used as community open space or preserved as green space.

1640.340 Open Storage

The keeping, in an unenclosed area, of any goods, materials, merchandise, or vehicles for a period of more than 24 hours.

1640.350 Native Species

Refers to a tree species whose geographic range during pre-colonial times included the Piedmont of North Carolina.

1640.360 Parks, Arts, Recreating, and Culture Advisory Committee

A council-appointed committee that consist of 9 members assisting in the planning, development and management of all future parks, recreation, greenway systems.

1640.370 Parking Lot

An unenclosed area for the use and storage of motor vehicles including parking spaces, parking lot driving aisles, vehicle storage and queuing areas, and off-street loading areas. For the purposes of the parking lot landscaping requirements of this UDO, the queuing areas of drive-through businesses and outdoor service areas of gasoline stations will be counted as part of the parking lot area.

1640.380 Parking Lot Plantings

Plantings areas within and adjacent to parking areas designed to shade and improve the attractiveness of large areas of pavement.

1640.390 Planting Strip

A ground surface located outside of any public right-of-way that is free of impervious cover and/or paved material and is reserved for landscaping purposes.

1640.400 Planting Yard

A planting yard is a strip of land (of various widths) provided along the perimeter of a site for the installation of plant material in a combination of canopy trees, and/or understory trees and shrubs.

1640.410 Protective Fencing

A physical and visual barrier installed around the critical root zone of a tree to prevent damage to the tree and its root system. At a minimum this would include 4 foot tall orange safety fencing.

1640.420 Pruning

The cutting off or removal of dead or living parts of a tree or shrub. See ANSI standards for recommended pruning practices.

1640.430 Screening

A method of visually shielding or obscuring one abutting use or structure from another through the use of fencing, walls, berms, or densely planted vegetation.

1640.440 Small Maturing Tree

A tree whose height is less than 30 feet at maturity and meets the specifications of “American Standards for Nursery Stock” published by the American Association of Nurserymen.

1640.450 Stand

A group of trees of sufficiently uniform and/or complimentary species composition, age, and condition that they may be considered homogenous unit for management purposes.

1640.460 Street Tree

A tree planted within or adjacent to a public right-of-way as required by the town.

1640.470 Sustainable

Capable of being continued with minimal negative long-term effects on the environment, the economy, and on residents' quality of life.

1640.480 Topping

The inappropriate removal or cutting back of major portions of a tree by any pruning practice resulting in more than 25% of the foliage and limbs being removed. This includes any pruning that leads to disfigurement of the normal shape of the tree. Topping is also referred to as “heading”, “stubbing” or “dehorning”.

1640.490 Tree Advisory Committee

A council-appointed committee that consist of 7 members from the Town of Indian Trail Planning Board assisting in the planning and management of the Indian Trail community forest and the administration of the Tree Preservation and Protection and Landscaping Ordinances.

1640.500 Tree Protection Zone or Critical Root Protection Zone

The critical root and tree protection zone is defined as the critical area above and below ground with a radius equivalent to the greater of the drip line, six feet, or a distance of 1.5 feet for every inch of trunk diameter as measured at breast height.

1640.510 Tree Save Area

One or more areas of a site which includes existing trees and their tree protection zone. The purpose of a tree save area is to encourage the preservation of healthy clusters of trees or heritage trees.

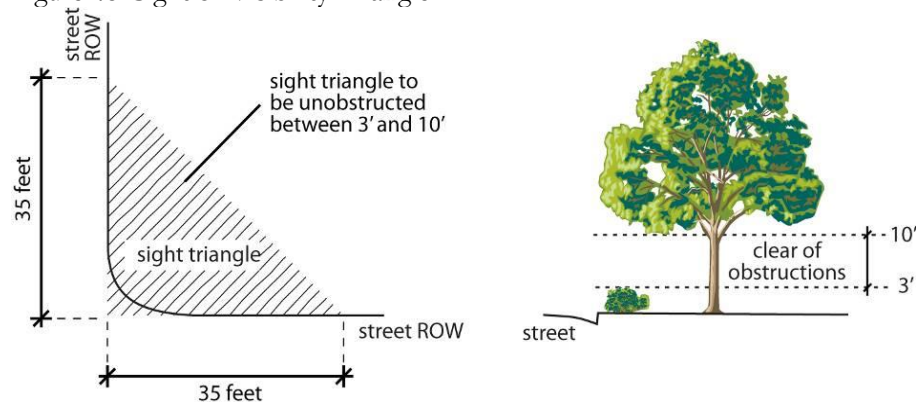
1640.520 Urban Forest

Trees or plants in the town.

1640.530 Visibility or Sight Triangle

A triangular-shaped portion of land established at street and driveway intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or exiting an intersection of streets or of a street and driveway. See figure below:

Figure 48: Sight or Visibility Triangle



Chapter 1650. Sign Definitions

1650.010 Commercial Message

Words, symbols, logos, pictures or any combination thereof that identify which directs attention to a business, commodity, service or entertainment sold or offered for sale or a fee.

1650.020 Monument Banner Display Structure

A monument sign structure constructed for the purpose of displaying banner signs in conjunction with a special event, grand opening or promotional event.

1650.030 Right-of-way

Street right-of-way shall mean any public right-of-way set aside for public travel which has been accepted for maintenance by the State of North Carolina or the Town of Indian Trail or Union County, if so authorized, or has been dedicated for public travel by the recording of a plat or a subdivision which has been approved or is subsequently approved by the Town of Indian Trail, or has otherwise been established as a public street prior to the adoption of this ordinance.

1650.040 Sight Triangle

The triangular area formed by a diagonal line connecting two points located on intersecting right-of-way lines, or a right-of-way line and the curb or edge of pavement or a private street or driveway, each point being 35 feet from the intersection, and the two intersecting right-of-way lines (or right-of-way line and curb cut).

1650.050 Sign

Any object, display, or structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. The term “sign” does not include the flag or emblem of any nation, organization of nations, state, political subdivision thereof, or any fraternal, religious or civic organization; works of art which in no way identify a product or business; scoreboards located on athletic fields; or religious symbols.

1650.060 Sign, Advertising

A sign, other than directional sign, which directs attention to or communicates information about a business, commodity, service, or event that exists or is conducted, sold, offered, maintained, or provided at a location other than the premises where the sign is located. Any advertising sign allowed under this Ordinance may display either a commercial or noncommercial copy.

1650.070 Sign, Animated

A sign with action, motion or color changes, including wind-activated devices, video screens, and including intermittent or sudden changes of light intensity, but not including signs defined as changeable copy signs or electronic message center signs.

1650.080 Sign, Airborne

Any sign, including any moored blimp, gas balloon, or other inflatable element, whether or not intended to move in the wind, which is designed to inform or attract the attention of persons not on the premises on which it is located.

1650.090 Sign, Banner

A sign made of non-rigid material, possessing some characters or ornamentation, intended to be hung either with or without an enclosing framework, but not a flag or pennant.

1650.100 Sign, Billboard

A permanently constructed sign structure composed of one or more large surfaces for permanent or changeable messages supported by one or more vertical posts and generally used for off-premises advertising.

1650.110 Sign, Bulletin Board

A sign used to announce meetings or programs to be held on the premises of a church, school, auditorium, library, museum, community recreation center or similar noncommercial place or public assembly.

1650.120 Sign, Campaign or Election, Political

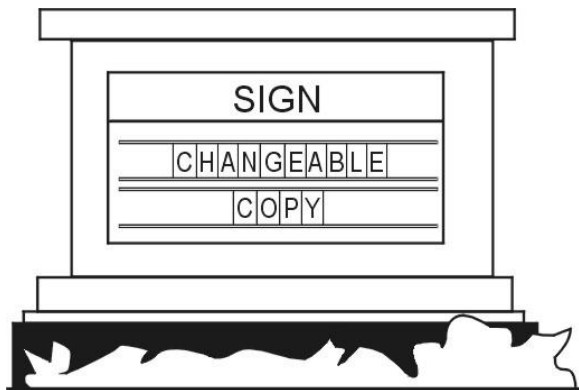
A sign that advertises a candidate or issue to be voted on a definite Election Day.

1650.130 Sign, Canopy or Awning

A sign attached to or painted or printed onto a canopy or awning. For the purposes of the Ordinance, the permitted size of a canopy or awning will be calculated on the basis of the size of the building wall to which the canopy is attached. It will, for measuring purposes, be considered a wall sign.

1650.140 Sign, Changeable Copy

A sign designed so the copy can be changed while the display surface remains unchanged; includes such signs as manually or electronically changed reader boards and fuel price displays. Electronically changed reader boards do not including rapid changes in light intensity or blinking features. Light Emitting Diodes (LED) changeable copy signs may only be a Static Message Board with change in message limited to ten (10) minute intervals.



1650.150 Sign, Construction

A sign placed at a construction site identifying or announcing the project or the name of the architect, engineer, financier, or others involved in the development of the project.

1650.160 Sign, Directional

Any sign that provides on-site directional assistance for the convenience of the public, an on-site sign indicating the location exits, entrances, or parking.

1650.170 Sign, Directory

A sign on which the names and locations of occupants or the use of a building or property is identified.

1650.180 Sign, Electronic Message Center

A sign or component of a sign that uses changing lights of a single color to form a message or series of messages that are electronically programmed or modified by electronic processes.

1650.190 Sign, Flashing

A sign that uses an intermittent or flashing light source or windblown and/or mechanical moved reflective material to attract attention.

1650.200 Sign, Free-Standing

Any sign that is not affixed to a building and is securely and permanently mounted in the ground. Such sign may include a ground, pole, or monument sign.

1650.210 Sign, Government

Any temporary or permanent sign erected and maintained for any government purposes other than signs placed on the premises of a publicly owned building, structure or other land use, designed to identify to the public such land use. Examples of government signs include speed limit signs, town limit signs, street name signs, and traffic signs. Conversely, a sign placed on a public building such as library, school, or public safety building which identifies said building, shall not be considered a government sign.

1650.220 Sign, Ground Mounted

Any sign not attached to a building which extends from the ground or which has supports which places the bottom of the sign permanently mounted less than 3 feet from the ground directed beneath the sign.

1650.230 Sign, Identification

A sign which displays only the name, address, and/or crest, or insignia, trademark, occupation or profession of an occupant or the name of any building on the premises.

1650.240 Sign, Incidental

A sign used in conjunction with equipment or functional elements for a use or operation. These shall include, but not limited to drive through window menu boards and signs on automatic teller machines, gas pumps, vending machines, or newspaper delivery boxes.

1650.250 Sign, Instructional

An on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance", "Exit", "Parking", "One-Way", or similar directional instruction, but not including any advertising message. The name or logo of the business or use to which the sign is giving direction may also be included on the sign.

1650.260 Sign, Lighted

A sign illuminated only by light cast upon the sign from an external light source.

1650.270 Sign, Logo

A sign used on limited access highways to direct motorists to nearby businesses and services.

1650.280 Sign, Luminous

A sign internally lighted through the use of phosphorescent or luminescent paint or materials.

1650.290 Sign, Monument

A nonmetallic sign in which the bottom of the sign is flush with the ground and the vertical dimension is greater than the horizontal dimension.

1650.300 Sign, Nonconforming

A sign that, on the effective date of this ordinance, does not conform to one or more of the regulations set forth in this ordinance, particularly those contained in this Chapter.

1650.310 Sign, Off-Premises

A sign that draws attention to or communicates information about a business, service, commodity, that exists or is conducted, sold, offered, maintained or provided at a location other than the premises where the sign is located.

1650.320 Sign, On-Premises

A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained or provided on the premises where the sign is located.

1650.330 Sign, Pennant

Any lightweight material, whether or not containing a message or any kind, suspended from a rope, wire, string, or pole, usually in a series designed to move in the wind.

1650.340 Sign, Pole

A sign whose face is suspended from a support arm at a right angle from a ground mounted pier, pillar, column, or pole. The face of such sign shall not be more than 3 feet from the ground.

1650.350 Sign, Portable

Any sign not permanently attached to the ground or other permanent structure, including those signs which may be transported to the site on wheels or a truck; signs constructed or as converted to an A-frame or sandwich board, T-frame sign; or umbrellas used for advertising purposes. Such sign, whether or not bolted to the ground, shall nonetheless be deemed to be a “portable sign”.

1650.360 Sign, Projecting

Any sign other than a wall, awning, canopy, or marquee sign, which is affixed to a building and is supported only by the wall on which the sign is mounted.

1650.370 Sign, Public Interest

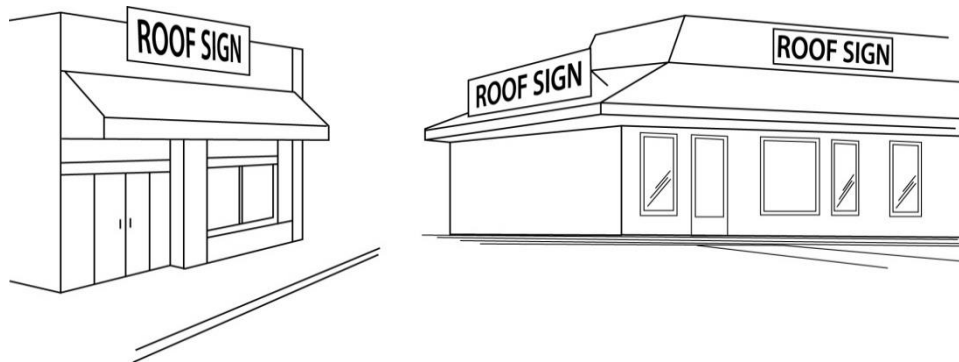
A sign on private property that displays information pertinent to the safety or legal responsibilities of the general public such as “Warning” and “No Trespassing” signs.

1650.380 Sign, Real Estate

Signs that are used to offer for sale, lease, or rent the premises upon which such sign is placed.

1650.390 Sign, Roof

A sign erected or maintained in whole or in part upon or over the roof or parapet of a building.



1650.400 Sign, Sandwich Board

A portable A-frame sign constructed with two faces, which rest at an angle less than 45 degrees to each other.

1650.410 Sign, Subdivision or Neighborhood Identification

A sign containing only the name of the subdivision or neighborhood in which the sign is located.

1650.420 Sign, Temporary

A sign that is not permanently installed in the ground or affixed to any structure or building, and that is designed for short-term use or is used in connection with a special event expected to take place or be completed within a period of time as permitted in this chapter.

1650.430 Sign, V-Shaped

Any sign which has two (2) faces that are not parallel, (not to include sandwich signs and "A" frame signs). A "V" shaped sign shall not have an included angle of not more than 45 degrees. Sign area shall be calculated by measuring a single face.

1650.440 Sign, Vehicle

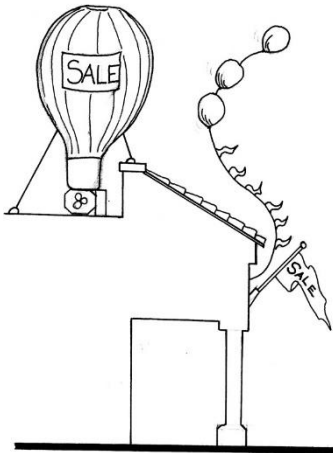
A motor vehicle or trailer containing a commercial message and regularly parked on the exterior side of any business and not customarily used in the operation of the business.

1650.450 Sign, Wall

Any sign directly attached to an exterior wall of a building or dependent upon a building for its support with its exposed face parallel or approximately parallel to the plane of the building or structure on which it is placed. Signs directly painted on walls shall be considered wall signs.

1650.460 Sign, Wind-Blown

A sign consisting of balloons, pennants or objects designed and fashioned in such a manner as to move when subjected to wind pressure.



Chapter 1660. Outdoor Lighting Definitions

1660.010 Cutoff fixture

A fixture that provides shielding in some form or fashion to limit the amount of light or glare that is produced. Fixture designation would be non-shielded, semi-cutoff and full cutoff.

1660.020 Display lighting

Lighting for uses such as auto dealerships, outdoor storage areas, retail establishments and outdoor displays.

1660.030 Direct glare

The effect causing visual discomfort resulting from insufficiently shielded light sources in the field of view.

1660.040 Emergency lighting

Lighting used by or for the purpose of Police Departments, Fire Departments, or other government entities for the purpose of public safety, and the lighting installed for safe occupant egress.

1660.050 Existing light fixture

A lighting fixture installed, or approved by the Town to be installed, pursuant to the effective date of this ordinance.

1660.060 Flood light (or spot light)

Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

1660.070 Footcandle (fc)

A quantitative unit measuring the amount of light cast onto a given point, measured as one lumen per square foot.

1660.080 Full Cutoff Fixture

An outdoor light fixture shielded or constructed in such a manner that it emits no light above the horizontal plane of the fixture.

1660.090 Illuminating Engineering Society of North America (or IESNA)

The Illuminating Engineering Society of North America, a non-profit professional organization of lighting specialists that has established recommended design standards for various lighting applications.

1660.100 Light pollution

Any artificial light that is emitted either directly or indirectly by reflection that alters the appearance of the night sky, interferes with astronomical observation, or interferes with the natural functioning of nocturnal native wildlife.

1660.110 Light trespass

Effects of light that stray from the intended purpose and becomes an annoyance, a nuisance, or a deterrent to visual performance. As such, light trespass should always be considered negative, unlike spill light, which can have positive or negative attributes. Light trespass is the encroachment of light causing annoyance, loss of privacy, or other nuisance.

1660.120 Luminaire

The complete lighting system, which includes the lamp (or lamps) and the fixture.

1660.130 Luminaire pole height

The total measurement from a paved or landscaped surface at ground level under the fixture to the further most point on top of the luminaire.

1660.140 Maintained footcandles

The level of illumination present after a typical one hundred (100) hour burn-in period. Typically less than the original “initial” footcandle level that is present at the time of the installation.

1660.150 Motion sensors

A mechanism for controlling illumination by turning lights on when activated by motion, remaining on during activity for a set amount of time (typically thirty [30] minutes) following the last detection of motion.

1660.160 Nonessential lighting

Means lighting that is not necessary for an intended purpose after the purpose has been served. For example, lighting for a business sign, architectural accent lighting and parking lot lighting, is considered essential during business or activity hours, but is considered nonessential once the hours of operation have ended.

1660.170 Outdoor lighting

Any outdoor artificial lighting device, fixture, lamp, or other similar device, whether permanently installed or portable, which is intended to provide illumination for either visibility or decorative effect. Such devices shall include, but not be limited to, area, search, spot, and flood lighting used for: buildings and structures, recreational facilities, parking lots, landscape lighting, business and advertising signs, roadways, walkways, etc.

1660.180 Photocells

Mean a mechanism that is activated by the non-presence of sunlight and has the effect of illuminating a property all night. Photocells are permitted only at primary entrances (unless mounted to a building wall) and where the light source is fully shielded by opaque material.

1660.190 Security lighting

Means a light used either commercially or residentially for protection of goods or property and is designed and used to discourage crime and undesirable activity.

1660.200 Semi cutoff fixture

An outdoor light fixture shielded or constructed in such a manner that it emits no more than five (5) percent of its light above the horizontal plane of the fixture, and no more than twenty (20) percent of its light ten (10) degrees below the horizontal plane of the fixture.

1660.210 Shielding

A design feature or a device that is applied to a luminaire to prevent its luminous output from being visible from selected locations or horizontal and/or vertical angles.

1660.220 Up-lighting

Lighting that is directed and aimed in such a manner as to shine light rays above the horizontal plane, such as the lighting of a building façade, church steeple, foliage, flagpole or sign.

1660.230 Wallpack fixture

A lighting unit typically surface mounted to a vertical exterior building wall.

Chapter 1670. Measurements and Exceptions

1670.010 Lot Size

The following rules apply when measuring compliance with and interpreting exceptions to applicable lot size standards.

A. Lot Area

Lot area refers to the total land area contained within the lot lines of a lot.

B. Lot Area per Unit

Lot area per unit is a measure of “net” residential density and refers to the amount of lot area required for each dwelling unit on the subject lot. For example, if a minimum lot-area-per-unit standard of 4,000 square feet is applied to 8,000 square foot lot, a maximum of 2 dwelling units would be allowed on the property.

Commentary: Lot area per unit represents a maximum density standard; it is not a guarantee of density. Other factors may affect the total achievable density of an individual property.

C. Lot Frontage

Lot frontage is measured between side lot lines along the front lot line abutting a street. Lot frontage requirements do not apply to lots abutting the bulb end of a cul-de-sac.

D. Lot Width

Lot width is measured between side lot lines along the front building line.

1670.020 Site

The following rules apply when measuring compliance with and interpreting exceptions to applicable site-related standards.

A. Site Area

Site area refers to the total gross land area of a development site.

B. Open Space

Open space refers to the total gross land area dedicated or otherwise set aside and protected as permanent open space. See Sec. 1110.060F

C. Site Area per Unit

Site area per unit is a measure of “gross” residential density and refers to the amount of site area required for each dwelling unit on the subject lot. For example, if a minimum site-area-per-unit standard of 10,000 square feet is applied to a site with a gross area of one acre (43,560 square feet), a maximum of 4 dwelling units would be allowed on the property.

Commentary: Site area per unit represents a maximum density standard; it is not a guarantee of density. Other factors may affect the total achievable density or “yield” on an individual site.

1670.030 Setbacks

A. Generally

Required setbacks must be unobstructed and unoccupied from the ground to the sky except as expressly allowed for minor encroachments provided in this section.

B. Exterior Setbacks

1. Measurement

a. From Collector and Arterial Streets

When a lot abuts a street that is designated as a collector or arterial street on the Thoroughfare Plan, all setbacks abutting the collector or arterial street must be measured from a line one-half the proposed right-of-way width from the center line, or from the right-of-way line, whichever provides the greater setback.

b. Local Streets

For lots abutting local streets, setbacks abutting the street must be measured as the horizontal distance between (1) the exterior lot line and the furthestmost

projection of a building or structure located on the subject lot or (2) a line 25 feet from the street center line and the furthestmost projection of a building or structure located on the subject lot, whichever method provides the greater setback.

C. Interior Rear Setbacks

1. Measurement

Interior rear setbacks refer to the required horizontal distance between the rear lot line and the furthestmost projection of a building or structure located on the subject lot.

2. Through Lots

On through lots, both (opposing) street lines are considered front lot lines and exterior setback standards apply. Interior rear setback standards do not apply.

D. Interior Side Setbacks

1. Measurement

Interior side setbacks refer the required horizontal distance between an interior (non-street) side property and the furthestmost projection of a building or structure located on the subject lot.

E. Features Allowed to Encroach In Setbacks

Required setbacks must be unobstructed and unoccupied from the ground to the sky except that certain building features and structures are allowed to encroach into required setbacks to the extent expressly indicated in this section or in other sections of this development ordinance. Encroachments may include uncovered walks, chimneys, bay windows, and other minor structures as determined by the Zoning Administrator.

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Chapter 1710. Appendix 1: Trees and Shrubs

****This is not an inclusive list. Other species that can grow in cold hardiness zone 7b and/or are otherwise not listed on NCDOT's or the USDA'S invasive species list are permitted upon review and approval of Staff.**

Recommended Trees and Shrubs and List of Invasive Species

Common Name	Latin Name	Mature Height And Spread (feet)
LARGE MATURING DECIDUOUS TREES		
<u>Ash, Green¹</u>	Fraxinus* pennsylvanica	50-60; 25-30
<u>Baldcypress</u>	Taxodium distichum	50-70; 20-30
<u>Birch, River</u>	Betula nigra	40-70; 40-60
<u>Hackberry, Common</u>	Celtis occidentalis	40-60; 40-60
<u>Hackberry, Sugar</u>	Celtis laevigata	60-80; 60-80
<u>Ginkgo</u>	Ginkgo biloba	50-80; 50-80
<u>Maple, Red</u>	Acer rubrum	40-60; 25-40
<u>Maple, Sugar</u>	Acer saccharum	60-75; 40-50
<u>Oak, Laurel</u>	Quercus hemisphaerica (laurifolia)	50-75; 40
<u>Oak, Northern Red</u>	Quercus rubra	60-70; 45-60
<u>Oak, Pin</u>	Quercus palustris	50-70; 40
<u>Oak, Sawtooth²</u>	Quercus acutissima	40-60; 40-60
<u>Oak, Shumard</u>	Quercus shumardii	50-75; 40
<u>Oak, Southern Red</u>	Quercus falcata	70-80; 50-60
<u>Oak, Water</u>	Quercus nigra	50-80; 50-80
<u>Oak, White</u>	Quercus alba	50-80; 50-80
<u>Oak, Willow</u>	Quercus phellos	40-80; 40
<u>Pagoda Tree, Japanese</u>	Sophora japonica	50-60; 40-60
<u>Poplar, Tulip</u>	Liriodendron tulipifera	70-90; 30-50
<u>Sycamore, American</u>	Platanus occidentalis	75-100; 75-100
<u>Willow, White</u>	Salix alba	75-90; 50-70
<u>Zelkova, Japanese²</u>	Zelkova serrata	50-80; 50-75
MEDIUM MATURING DECIDUOUS TREES		
<u>Black Gum/Tupelo</u>	Nyssa sylvatica	30-50; 20-30
<u>Carolina Silverbell</u>	Halesia tetraptera	30-40; 20-35
<u>Dogwood, Flowering</u>	Cornus florida	15-35; 20-35
<u>Dogwood, Kousa</u>	Cornus kousa	20-35; 15-25
<u>Redbud, Eastern</u>	Cercis canadensis	20-30; 15-30
<u>Hornbeam, European</u>	Carpinus betulus 'fastigiata'	40; 25-35
<u>Katsura Tree</u>	Cercidiphyllum japonicum	40-60; 25-30
<u>Magnolia, Saucer</u>	Magnolia soulangiana	20-30; 20-25

¹ Species with many varieties.

² Species may become invasive and should be planted with care.

Common Name	Latin Name	Mature Height And Spread (feet)
SMALL MATURING DECIDUOUS TREES		
<u>Chastetree</u>	Vitex negundo	15-20; 15
<u>Cherry, Japanese</u>	Prunus serrulata	15-25; 15-25
<u>Cherry, Yoshino</u>	Prunus x yedoensis	30-45; 25-40
<u>Cherry-Laurel, Carolina</u>	Prunus caroliniana	20-40; 15-25
<u>Crabapple, Flowering</u>	Malus spp.	7-25; 15
<u>Higan Cherry, Japanese Weeping</u>	Prunus subhirtella	20-30; 15-25
<u>Crape Myrtle</u>	Lagerstoemia indica	15-25; 15
<u>Hawthorn</u>	Crataegus sp.	15-30; 25
<u>Magnolia, Sweetbay</u>	Magnolia virginiana	10-20, some var. larger; 10-20
<u>Magnolia, Star</u>	Magnolia stellata	15-20; 10-15
<u>Maple, Amur</u>	Acer ginnala	15-20; 20
<u>Maple, Hedge</u>	Acer campestre	20-30; 20-30
<u>Maple, Japanese</u>	Acer palmatum	15-25; 20
<u>Serviceberry</u>	Amelanchier sp.	10-20; 8-15
<u>Smoketree</u>	Cotinus coggyria	10-15; 10-15
LARGE MATURING DECIDUOUS SHRUBS		
<u>Althea</u>	Hibiscus syriacus	8-12; 6-10
<u>Burkwood Viburnum</u>	Viburnum X burkwoodii	8-10; 6-8
<u>Common Fig Tree</u>	Ficus Carica	10-20; 10-20
<u>Common/Fragrant Lilac</u>	Syringa vulgaris	10-12; 6-8
<u>Common Witch-hazel</u>	Hamamelis virginiana	15-30; 15-20
<u>Doublefile Viburnum</u>	Viburnum plicatum	8-10; 10
<u>Fringetree</u>	Chinonanthus virginicus	12-20; 8-12
<u>Possumhaw</u>	Ilex decidua	10-15; 3-10
<u>Silverberry</u>	Eleagnus commutata	10-12; 10
EVERGREENS		
<u>Cherry-Laurel, Carolina</u>	Prunus caroliniana	40; 15-25
<u>Eastern Red Cedar</u>	Juniperus virginiana	40-50; 8-20
<u>Holly, American</u>	Ilex opaca	30-50; 15-25
<u>Holly, Chinese (Tree Form)</u>	Ilex cornuta	15-25; 15-25
<u>Holly, Foster</u>	Ilex X attenuata 'fosteri'	20-30; 8-12
<u>Holly, Hume</u>	Ilex opaca 'Hume #2'	30-50; 15-20
<u>Holly, Nellie R. Stevens</u>	Ilex X 'Nellie R Stevens'	15-25; 10-15
<u>Holly, Savannah</u>	Ilex X attenuate 'Savannah'	25-35; 6-10
<u>Holly, Yaupon</u>	Ilex vomitoria	15-20; 15-20
<u>Loquat</u>	Eriobotrya japonica	10-30; 15
<u>Magnolia, Southern</u>	Magnolia grandiflora	60-80; 30-40
<u>Myrtle, Wax</u>	Myrica cerifera	15-25; 15-25
<u>Pine, Loblolly</u>	Pinus taeda	60-90; 25-35
<u>Pine, Shortleaf</u>	Pinus echinata	80-100; 30-50

1. This is a species with many varieties.
2. Species may become invasive and should be planted with care.

RECOMMENDED TREES FOR PARKING LOTS AND PAVED AREAS

Common Name	Latin Name	Mature Height and Spread(feet)
Maple, Hedge	Acer campestre	20-30; 20-30
Maple, Amur¹	Acer ginnala	15-20; 20
European Hornbeam	Carpinus betulus 'fastigiata'	40-60; 15-30
Katsuratree	Cercidiphyllum japonicum	40-60; 30
Cornelian Cherry	Cornus mas	20-25; 15-20
Cockspur Hawthorne	Crataegus crusgalli	25; 25
Cypress, Arizona	Cupressus glabra	40-50; 25-30
Ash, Green²	Fraxinus pennsylvanica	50-60; 25
Ginkgo	Ginkgo biloba	50-80; 25-40
Honeylocust	Gleditsia triacanthos	40-80; 30-40
Holly, Foster	Ilex X attenuate 'fosteri'	20-30; 8-12
Holly, Savannah	Ilex X attenuate	30-45; 6-10
Juniper, Chinese	Juniperus chinensis	Many varieties, variable heights and spreads
Juniper, Rocky Mountain	Juniperus scopulorum	30-40; 10-15
Eastern Red Cedar	Juniperus virginiana	40-50; 8-20
Goldenraintree	Koelreuteria paniculata	30-40; 30-40
Japanese Crape Myrtle	Lagerstroemia fauriei	30; 30
Magnolia, Southern	Magnolia grandiflora	60-80; 30-40
Magnolia, Sweetbay	Magnolia virginiana	10-20; 10-20
Crabapple, Siberian	Malus baccata	25-35; 15-25
Crabapple, Japanese Flowering	Malus floribunda	18-25; 15-25
Hophornbeam, American	Ostrya virginiana	25-40; 20-30
Persian, Parrotia	Parrotia persica	25-40; 15-30
Pistache, Chinese	Pistacia chinensis	25-40; 25-35
Oak, Sawtooth²	Quercus acutissima	40-60; 40-60
Oak, Scarlet	Quercus coccinea	60-80; 40-60
Oak, Overcup	Quercus lyrata	45-70; 30-50
Oak, Swamp Chestnut	Quercus michauxii	60-80; 45
Oak, Chinese Evergreen	Quercus myrsinifolia	20-40; 30-40
Oak, English	Quercus robur	50-70; 40-60
Oak, Pin	Quercus palustris	50-70; 40

¹ Species may become invasive and should be planted with care.

² Native species.

<u>Common Name</u>	<u>Latin Name</u>	<u>Mature Height And Spread (feet)</u>
<u>Japanese Pagodatree</u>	Sophora japonica	50; 40-60
<u>Pondcypress</u>	Taxodium ascendens	50-60; 10-15
<u>Arborvitae, Eastern</u>	Thuja-orientalis	40-60; 10-20
<u>Arborvitae/Red Cedar, Western</u>	Thuja plicata	50-60; 15-20
<u>Elm, Lacebark</u>	Ulmus parvifolia	25-40; 40-50
<u>Chaste Tree</u>	Vitex agnu-castus	20; 20
<u>Japanese Zelkova¹</u>	Zelkova serrata	50-80; 50-75

1. Species may become invasive and should be planted with care.

2. Indicates native species.

STREET TREES

Common Name	Latin Name	Mature Height and Spread (Feet)

LARGE MATURING DECIDUOUS TREES OVER 40 FEET TALL

Minimum 8 feet planting strip required (As measured inside of the curb/natural space)

DECIDUOUS TREES

<u>Ash, Green¹</u>	Fraxinus* pennsylvanica	50-60; 25
<u>Baldcypress</u>	Taxodium distichum	50-70; 20-30
<u>Birch, River</u>	Betula nigra	40-70; 40-60
<u>Eastern Red Cedar¹</u>	Juniperus virginiana	40-50; 8-20
<u>Ginkgo, 'Princeton Sentry'</u>	Ginkgo, biloba 'Princeton sentry'	45; 15-35
<u>Hackberry, Sugar</u>	Celtis laevigata	60-75; 50-65
<u>Honeylocust</u>	Gleditsia triacanthos	40-80; 30-40
<u>Japanese Pagodatree</u>	Sophora japonica	50-80; 50-80
<u>Japanese Zelkova²</u>	Zelkova serrata	50-60; 45-50
<u>Maple, Red</u>	Acer rubrum	70-80; 30-40
<u>Maple, Sugar</u>	Acer saccharum	60-75; 40-50
<u>Oak, Southern Red</u>	Quercus falcata	60-80; 60-70
<u>Oak, Willow¹</u>	Quercus phellos	40-60; 30-40
<u>Poplar, Tulip</u>	Liriodendron tulipefera	70-80; 30-40
<u>Redwood, Dawn</u>	Metasequoia glyptostroboides	70-100; 15-25

MEDIUM MATURING DECIDUOUS TREES UP TO 40 FEET TALL

Minimum 6 feet planting strip required (As measured from the inside of the curb/natural space)

<u>Black Gum/Tupelo¹</u>	Nyssa sylvatica	30-50; 20-30
<u>Carolina Silverbell¹</u>	Halesia tetraptera	30-40; 20-35
<u>Chinese Pistache</u>	Pistacia chinensis	25-40; 25-35
<u>Elm, Lacebark</u>	Ulmus parvifolia	25-40; 40-50
<u>Dogwood, Kousa</u>	Cornus kousa	20-35; 15-25
<u>Hawthorn, Green</u>	Crataegus viridis 'Winter King'	25-35; 25-35

¹ Native species.

² Species may become invasive and should be planted with care.

<u>Holly, Nellie R. Stevens</u>	Ilex X 'Nellie R. Stevens'	15-25; 10-15
<u>Holly, Savannah</u>	Ilex X attenuate 'Savannah'	25-35; 6-10
<u>Hornbeam, European</u>	Carpinus betulus 'fastigiata'	35-40; 15-30 (This is an upright, semi-maturing variety ideal
<u>Oak, Chinese Evergreen</u>	Quercus myrsinifolia	20-30; 20-30
Common Name	Latin Name	Mature Height and Spread (Feet)
SMALL MATURING DECIDUOUS TREES UNDER 30 FEET TALL		
Minimum 4 feet or more planting strip required (As measured from the inside of the curb/natural space)		
<u>Common/Fragrant Lilac</u>	Syringa vulgaris, also reticulata	10-12-15; 8-12
<u>Crabapple, Japanese Flowering</u>	Malus floribunda	7-25; 15
<u>Crapemyrtle, Common</u>	Lagerstroemia indica and potentially others upon prior approval	15-30; 15
<u>Dogwood, Pagoda</u>	Cornus alterniflora	20-30; 20-30
<u>Fringtree¹</u>	Chionanthus virginicus	12-20; 8-12
<u>Fringetree, Chinese</u>	Chionanthus retusus	15-25; 10-20
<u>Hornbeam, American</u>	Carpinus caroliniana	20-30; 15-20
<u>Magnolia, Little Gem</u>	Magnolia grandiflora 'Little Gem'	20-30; 10
<u>Magnolia, Saucer</u>	Magnolia X soulangiana	20-25; 20-25
<u>Maple, Amur</u>	Acer ginnala	15-20; 20
<u>Maple, Hedge</u>	Acer campestre	20-30; 20-30
<u>Maple, Trident</u>	Acer buergerianum	20-30; 20-30
<u>Redbud, Chinese</u>	Cercis chinesis	10-30; 10-30
<u>Redbud, Eastern¹</u>	Cercis canadensis	20-30; 15-30
<u>Serviceberry¹</u>	Amelanchier spp.	10-20; 8-15
<u>Wax Myrtle</u>	Myrica cerifera	15-25; 20-25

1. Indicates native species.
2. Species may become invasive and should be planted with care.
3. Additional tree species may be proposed for consideration by Town staff with a recommendation by a licensed arborist, landscape architect, or other qualified tree expert documenting why the species is appropriate within the planted space.
Street tree planting spaces of less than 4-ft in width may generally be appropriate for use as a grass strip, shrub area, and/or the planting of appropriate small understory/flowering trees.

INVASIVE OR EXOTIC SPECIES IN NORTH CAROLINA: SEVERE THREAT (SHOULD NOT BE PLANTED)

COMMON NAME	LATIN NAME
Tree of Heaven	<i>Ailanthus altissima</i>
Mimosa, Silktree	<i>Albizia julibrissin</i>
Oriental Bittersweet	<i>Calatrust orbiculatus</i>
Pampas Grass	<i>Cortaderia selloana</i>
Russian Olive	<i>Eleagnus angustifolia</i>
Autumn Olive	<i>Eleagnus umbellata</i>
Sericea, bushclover	<i>Lespedeza cuneata</i>
Chinese Privet	<i>Ligustrum sinense</i>
Japanese Honeysuckle	<i>Lonicera japonica</i>
Leatherleaf Mahonia	<i>Mahonia bealei</i>
Chinese Silvergrass	<i>Miscanthus sinensis</i>
Japanese Stillgrass	<i>Microstegium</i>
Sacred bamboo	<i>Nandina domestica</i>
Princess Tree	<i>Paulownia tomentosa</i>
Multiflora rose	<i>Rosa multiflora</i>
Japanese Spiraea	<i>Spiraea japonica</i>
Periwinkle, Vinca	<i>Vinca</i> spp.

SIGNIFICANT THREAT (SHOULD NOT BE PLANTED ADJACENT TO NATIVE FOREST)

COMMON NAME	LATIN NAME
Burning Bush	<i>Euonymus alata</i>
Winter Creeper	<i>Euonymus fortunei</i>
English Ivy	<i>Hedera helix</i>
Japanese Privet	<i>Ligustrum japonicum</i>
Common Privet	<i>Ligustrum vulgare</i>
White Mulberry	<i>Morus alba</i>
Bradford Pear	<i>Pyrus calleryana</i>
Chanticleer Pear	<i>Pyrus calleryana</i>
Chinese Wisteria	<i>Wisteria sinensis</i>
Japanese Wisteria	<i>Wisteria floribunda</i>

Pruning Standards

Pruning Standards: The ANSI pruning standards have been drafted to address pruning specifications across all geographic areas. Knowledge of the growth of tree species within a given environment may alter how the recommendations are interpreted. The following information is designed to help readers understand exactly what will be accomplished in a pruning operation.

Branch Specifications	Branch Size	Minimum or maximum diameter size of branches to be removed should be specified
Pruning Objectives	Hazard Reduction Pruning	Recommended when the objective is to reduce the danger caused by visibly defined hazards. E.g. Removing dead limbs hanging over a park bench.
	Maintenance Pruning	Recommended when the primary objective is to maintain or improve tree health.

Pruning Types	Crown Clearing	Selective removal of dead, dying or diseased branches, weak branches or water sprouts.
	Crown Thinning	Selective removal to increase light penetration, air movement, and to reduce weight.
	Crown raising	Removal of lower branches to provide clearance.
	Crown reduction or shaping	Pruning to decrease height and/or spread of a tree. Amount dependent on tree species.
	Vista Pruning	Selective thinning of framework limbs or specific areas of crown to allow views from specific spots.
	Crown restoration	Designed to improve structure, form, and appearance of trees that have been severely headed, vandalized, or storm damaged.

Caliper to Height Ratios for Deciduous Trees

Caliper in inches	Standard Shade Trees	Slow Growing Trees		Small Upright
	Average Range	Maximum	Minimum	Average Range
				2 to 3
5/16				3 to 4
7/16				4 to 5
9/16				5 to 6
11/16				6 to 8
7/8				
½ to ¾	5 to 6	8	3.5	
¾ to 1	6 to 8	10	4	
1 to 1 ¼	8 to 10	11	5.5	
1 ¼ to 1 ½	8 to 10	12	5.5	
1 ½ to 1 ¾	10 to 12	14	6.5	
1 ¾ to 2	10 to 12	14	6.5	
2 to 2 ½	12 to 14	16	8	
2 ½ to 3	12 to 14	16	8	
3 to 3 ½	14 to 16	18	9.5	
3 ½ to 4	14 to 16	18	9.5	
4 to 5	16 to 18	22	10.5	

Caliper in inches	Standard Shade Trees	Slow Growing Trees		Small Upright
	Average Range	Maximum	Minimum	Average Range
5 to 6	18 and up	26	12	

Height to Spread Ratios for Coniferous Nursery Trees

Height in Inches	Spread Range in Inches
12 to 15	8 to 12
15 to 18	9 to 15
18 to 24	12 to 18
24 to 30	15 to 21
30 to 36	18 to 24
36 to 48	21 to 30
48 to 60	30 to 36

60 to 77

36 to 48

Equation 1: Height to Spread ratio should be no less than 2:1.

Chapter 1720. Appendix 2: O-PED, Pre-existing Development Overlay

REGULATIONS GOVERNING PLANNED DEVELOPMENT AND CONDITIONAL USE DISTRICTS APPROVED PRIOR TO DECEMBER 30, 2008. ALL SUCH PLANNED DEVELOPMENTS SHALL BE IDENTIFIED ON THE OFFICIAL ZONING MAP WITH THE PRE-EXISTING DEVELOPMENT OVERLAY.

O-PED -1-Planned Unit Developments

A. Planned Unit Development Districts Established.

The purpose of the P.U.D. district is to allow creative and harmonious mixtures of land uses, which are well planned and complimentary to each other. A mixed-use development taking place within a P.U.D. zoning district would eliminate the necessity of rezoning the underlying parcels to the various districts allowing such uses. Given that a variety of uses may be developed with a P.U.D. and to ensure that such uses are developed harmoniously with each other and with surrounding land uses, the initial approval of a development within a P.U.D. shall require a special use permit. The minimum gross area for a P.U.D. development containing solely residential uses shall be twenty-five acres; for developments containing residential and non-residential uses, a minimum of a hundred contiguous acres shall be required outside of the Downtown Overlay. Development within a P.U.D. district shall require the use of stormwater detention as noted in Chapter 7 of the Indian Trail Storm Water Manual, to control the runoff to downstream properties. To encourage sustainable high quality development with conservation of natural and cultural features exception of setbacks as provided for in Section 141 may be approved by the Town Council on a case by case basis in conjunction with a Special Use Permit for a Planned Unit Development.

1. There are hereby established twenty different planned unit development (P.U.D.) districts as described in this section. Each P.U.D. district is designed to combine the characteristics of at least three up to four zoning districts.
2. One element of each P.U.D. district, excluding the Downtown Overlay District, shall be the medium density residential element. Here there are two possibilities, each one corresponding either to the R-20 or R-20 cluster residential districts. Within that portion of the P.U.D. zone that is developed for medium density residential purposes, all development must be in accordance with the regulations applicable to the medium density residential district to which the particular P.U.D. zoning district corresponds (except that planned residential developments shall not be permissible).
3. A second element of each P.U.D. district shall be the higher density residential element. Here there are two possibilities, each one corresponding either to the R-8 or R-6 zoning districts described in Section 116 and Section 144. Within that portion of the P.U.D. district that is developed for higher density residential purposes, all development must be in accordance with the regulations applicable to the higher density residential district to which the P.U.D. district corresponds. Except as to lot size provided in clusters as described in Section 144.
4. A third element of each P.U.D. district shall be the commercial element. Here there are three possibilities, each one corresponding either to the B-2, B-3 or Office district identified in Section 98. Within that portion of a P.U.D. district that is developed for purposes permissible in a commercial district, all development must be in accordance with the regulations applicable to the commercial district to which the P.U.D. district corresponds.

5. A manufacturing/processing element may be a fourth element of any P.U.D. district. Here there are two alternatives. The first is that uses permitted within the L-I district would be permitted within the P.U.D. district. The second alternative is that uses permitted only within the H-C zoning districts would not be permitted. If an L-I element is included, then within that portion of the P.U.D district that is developed for purposes permissible in an L-I district, all development must be in accordance with the regulations applicable to the L-I district.

B. P.U.D. Designations

In accordance with the description set forth in subsection (a), the twenty P.U.D. districts shall carry the following designations to indicate their component elements:

1. R-20 / R-8 / B-2 / LI
2. R-20 / R-8 / B-2
3. R-20 / R-8 / Office / LI
4. R-20 / R-8 / Office
5. R-20 / R-6 / B-2 / LI
6. R-20 / R-6 / B-2
7. R-20 / R-6 / Office / LI
8. R-20 / R-6 / Office
9. R-20 (Cluster) / R-8 / B-2 / LI
10. R-20 (Cluster) / R-8 / B-2
11. R-20 (Cluster) / R-8 / Office / LI
12. R-20 (Cluster) / R-8 / Office
13. R-20 (Cluster) / R-6 / R-8 / Office / B-2 / B-3
14. R-20 (Cluster) / R-6 / B-2
15. R-20 (Cluster) / R-6 / Office / LI
16. R-20 (Cluster) / R-6 / Office
17. R-20 (Cluster) / R-8 / R-6
18. R-20 (Cluster) / R-6 (Cluster) / R-8 (Cluster) / Office / B-2 / B-3 / B-4
19. R-6 (Cluster), R-6, B-2 only in association with Section 137E
20. Downtown Overlay District- Mixed Use

1. No area of less than twenty-five contiguous acres may be zoned as a P.U.D. district, and then only upon the request of the owner or owners of all the property intended to be covered by such zone.
2. As indicated in the Table of Permissible Uses (Section 106 and 103.5), a planned unit development is the only permissible use of a P.U.D. zone and planned unit developments are permissible only in such zones.
3. Planned unit developments are subject to the requirements set forth in Section 116.

C. Planned Unit Developments.

1. In a planned unit development, the developer may make use of the land for any purpose authorized in a particular P.U.D. zoning district in which the land is located, subject to the provisions of this ordinance. Section 100 describes the various types of P.U.D. zoning districts.
2. Within any lot developed as a planned unit development (excluding within the Downtown Overlay District), not more than thirty-five percent of the total lot area may be developed for higher density residential purposes (R-8 or R-6, or cluster as applicable), not more than ten percent of the total lot area may be developed for purposes that are permissible only in a B-2 or H-C zoning district (whichever corresponds to the P.U.D. zoning district in question), and not more than five percent of the total lot area may be developed for uses permissible only in the LI zoning district (assuming the P.U.D. zoning district allows such uses at all).
3. The plans for the proposed planned unit development shall indicate the particular portions of the lot that the developer intends to develop for higher density residential purposes, lower density residential purposes, purposes permissible in a commercial district (as applicable), and purposes permissible only in an LI district (as applicable). For purposes of determining the substantive regulations that apply to the planned unit development, each portion of the lot so designated shall then be treated as if it were a separate district, zoned to permit, respectively, higher density residential (R-8 or /R-6), lower density residential (R-20), commercial office or LI uses. However, only one permit--a planned unit development permit--shall be issued for the entire development.
4. A planned unit development permit may be approved showing one or more portions of the tract as reserved for future development of a specified type (e.g. residential, commercial, or manufacturing). In such a case, no construction of any land may take place within such areas until the development permit is amended to approve specific plans for such areas. Such an amendment shall be regarded as a major amendment and processed as provided in Subsection 64(c).

5. The nonresidential portions of any planned unit development may be occupied only in accordance with a schedule approved by the planning board that relates occupancy of such non-residential portions of the PUD to the completion of a specified percentage or specified number of phases or sections of the residential portions of the development. The purpose and intent of this provision is to ensure that the planned unit development procedure is not used, intentionally or unintentionally, to create nonresidential uses in areas generally zoned for residential uses except as part of an integrated and well-planned, primarily residential development. In approving a proposed schedule, the planning board may consider, among other factors, the number of dwelling units proposed for the residential portion of the PUD, the nature and scope of the nonresidential portions of the PUD, the physical relationship of the nonresidential components of the PUD to neighboring properties not within the PUD, and whether the nonresidential uses are to be located within pre-existing buildings or new construction.
6. All of the common open space required under this Section shall be either conveyed to the Town of Indian Trail, if the Town agrees to accept ownership of and to maintain the space, or conveyed to one or more homeowner associations created for the development, or with respect to outdoor recreation facilities to the owner or operator, thereof; and
7. Any conveyance to a homeowners association shall be subject to restrictive covenants and easements reviewed by the Planning and Development Director and recorded and filed at the time the subdivision plat for the project area is recorded. The covenants and easements shall provide for the establishment of a homeowner's association before recording of the Final Plat by the Planning and Development Director, where membership is mandatory for each home buyer and any successive buyer, the association is responsible for liability insurance and local, taxes on common open space and recreational facilities owned by it, and any fees levied by the association that remain unpaid will become a lien on the individual property in accordance with procedures established under the dedication or organization document. The covenants and easements shall also prohibit future development of any common open space, for other than open space or recreational purposes, and shall provide for continued maintenance of any common open space and recreational facilities.
8. Associated with the selection of a Planned Unit Development is the requirement for stormwater detention. The use of high density residential and mixed uses increases the stormwater runoff to a degree that necessitates controls to prevent release of stormwater at a rate greater than the runoff of the tract prior to development.

0-PED-2 -Planned Residential Developments.

- A. Planned residential developments (P.R.D.'s) are permissible only on tracts of at least five acres located within the R-20, R-8 and R-6 zoning districts. The minimum average lot sized allowed for a PRD is:
 9. The R-20 minimum average standard lot size is 15,000 square feet with no reduction to less than 7,500 square feet.
 10. The R-8 minimum average standard lot size is 7000 square feet with no reduction to less than 6,000.

- 11.** The R-6 minimum average standard lot size is 5,000 square feet with no reduction less than 4,500.
- D.** For the development to remain harmonious with surrounding development exterior lots must be at least 15,000 square feet in the R-20 and 7,000 in the R-8, and 5,000 square feet in the R-6 with standard exterior lot line. There shall not be less than twenty-five (25) feet of common open space between an interior lot line within the subdivision and an exterior lot line located outside the subdivision. The purpose of this district is to allow flexible development with denser lots interior to the development itself.
- E.** A R-8 or R-6 P.R.D. shall only be permitted to be located:
 - 1.** within the Downtown Overlay District; or
 - 2.** within a half-mile radius of a commercial center defined as: A group of commercial establishments, planned, developed, and managed as a unit, with off-street parking provided on the property, and having at least one anchor tenant with a minimum of 30,000 square feet of space.
 - 3.** A minimum of 75% of the property's lot area shall be located within the said ½ mile radius area to qualify for a PRD Development.
- F.** The overall density of a tract developed as a P.R.D. shall be determined as provided in Section 139.

Zoning District	Maximum Density (Units/Acre)
R-20	2.2
R-8	5.4
R-6	7.2

- G.** Permissible types of residential uses within a P.R.D. include single-family detached dwellings (use classification 1.111) in all district, two-family residences (1.200) and multi-family residences (1.300) only in the R-20 district. At least fifty percent of the total number of dwelling units must be single-family detached within the R-20.
- H.** To the extent practicable, the two-family and multi-family portions of a P.R.D. shall be developed more toward the interior rather than the periphery of the tract so that the single-family detached residences border adjacent properties.
- I.** In a planned residential development, the screening requirements that would normally apply where two-family or multi-family development adjoins a single-family development shall not apply within the tract developed as a planned residential development, but all screening requirements shall apply between the tract so developed and adjacent lots.
- J.** Planned residential development, as a minimum, shall meet each of the following criteria:
 - 1.** Curb and gutter on all interior streets shall be provided.

2. Each dwelling unit shall have a minimum parking pad width of sixteen (16) feet by thirty-two (32) feet to accommodate two automobiles parked side-by-side.
3. Usable common open space or recreational areas shall be provided within the PRD. Any common open space area shall have a minimum area of ten-thousand (10,000) square feet. All common open space areas shall be accessible by sidewalk from the residential developed portions of the PRD.
4. Irrespective of other provisions contained in this Ordinance, sidewalks shall be provided on at least one side of each street within the PRD. Furthermore, sidewalks and curb & gutter shall be required along the street frontage of which said property is located off of. If said property is located off more than one street, sidewalks and curb & gutter shall be required along all street frontages.
5. All of the common open space required under this Section shall be either conveyed to the Town of Indian Trail, if the Town agrees to accept ownership of and to maintain the space, or conveyed to one or more homeowner associations created for the development, or with respect to outdoor recreation facilities to the owner or operator, thereof; and
6. Any conveyance to a homeowners association shall be subject to restrictive covenants and easements reviewed by the Planning and Development Director and recorded and filed at the time the subdivision plat for the project area is recorded. The covenants and easements shall provide for the establishment of a homeowner's association before recording of the Final Plat by the Planning and Development Director, where membership is mandatory for each home buyer and any successive buyer, the association is responsible for liability insurance and local, taxes on common open space and recreational facilities owned by it, and any fees levied by the association that remain unpaid will become a lien on the individual property in accordance with procedures established under the dedication or organization document. The covenants and easements shall also prohibit future development of any common open space, for other than open space or recreational purposes, and shall provide for continued maintenance of any common open space and recreational facilities.

K. Yard and setback requirements for a PRD shall be as follows:

Zoning District	Yard Requirements
R-20	Front Yard (Interior)-Twenty-five (25) feet Side Yard (Interior)-Eight (8) feet, eighteen (18) on corner lots. Rear Yard-Twenty-five (25)
R-8	Front Yard (Interior)-Twenty (20) feet Side Yard (Interior)-Five (5) feet Rear Yard-Twelve and one-half (12.5) feet
R-6	Front Yard (Interior) – Twenty (20) feet Side Yard (Interior) – Five (5) feet Rear Yard – Twelve and one-half (12.5) feet

- L.** A minimum forty (40) foot yard shall be required, around the exterior of any multi-family portion of the PRD which abuts a R-20 Residential (R) zoning district.

O-PED-3- Planned Neighborhood Development

A. Intent:

The Planned Neighborhood (PND) is coded to allow more flexible development that promotes a traditional neighborhood character. This code is established so that streams, floodplains, farmlands, and forests may be preserved while adding to the quality of the community. The architectural guidelines stated in this section are established to promote pedestrian friendly streetscape with higher quality housing standards, and to encourage a variety of housing types that will add character to the community. In evaluating a proposed PND it is the intent of this type of development to be an upgrade to the surrounding area.

- M.** Town Council shall determine the density by the approval of the Special Use Permit on a case by case basis but in no event shall density exceed more than 2.2 units to the acre. The developer may use the land for any authorized residential use in a PND classification. Portions of a development which abut other properties will be similar in character. Active and/or passive recreation must be detailed in the open space design submitted with the Special Use Permit Application.

- N.** Uses permitted: Permissible types of Residential uses with a PND include single-family detached dwellings (use classifications 1.111) as follows:

- 1.** The low density element of the PND shall be made up of R-20(cluster) lots from 20,000 to 15,000 square feet (at least 70%), and R-20 (cluster) lots from 15,000 to 10,000 square feet (no more than 30%). The lots abutting the entrance road frontage (including all entrances and accesses into the development) will be required to be 20,000 square foot lots which are not included in the percentages. The exterior lots of the development will be a minimum of 10,000 square foot with R-20 (20,000 square foot lots) as the largest lot standard required. Open space can not be used as a method of making exterior lots into interior lots or altering larger lot required along road frontage.
- 2.** The medium density residential element of the PND shall be made up of R-20(cluster)lots from 20,000 to 15,000 square feet (at least 60%)and R-20 (cluster) lots from 15,000 to 10,000 square feet(no more than 30%) and R-8 lots (no more than 20%). The lots abutting the entrance road frontage (including all entrances and accesses into the development) will be required to be 20,000 square foot lots which are not included in the percentages. The exterior lots of the development will be a minimum of 10,000 square foot required to be the same size as abutting lots with R-20 (20,000 square foot lots) as the largest lot standard required. Open space can not be used as a method of making exterior lots into interior lots.
- 3.** Yard and setback requirements for a PND shall be as follows: Front Yard(interior lots)- twenty feet, Side yard (interior lots)- five feet (exterior and corner lots)- 12 feet, Rear Yard (interior lots)- 20 feet (exterior lots)-25 feet.

O. General Provisions:

In a planned neighborhood district, the screening requirements that would normally apply where two-family or multi-family development shall not apply within the tract developed as a planned neighborhood development, but all screening requirements shall apply between the tract developed and the adjacent lots. A planned neighborhood development, as a minimum, shall meet each of the following criteria:

- 1.** Curb and gutter on all interior streets shall be provided.

2. A planted strip of at least 24 inches shall be placed between the street curb and sidewalk. Trees or planting shall be behind the sidewalk.
3. Each single-family dwelling unit shall have a minimum parking pad width of sixteen feet by thirty-two feet. To accommodate two automobiles parked side by side.
4. Usable common open space or recreational areas shall be provided within the PND. Any common open space area shall have a minimum area of ten thousand square feet. All common open space areas shall be accessible by sidewalk from the residential developed portions of the PND.
5. Irrespective of other provisions contained in this ordinance, sidewalks shall be provided on at least one side of each street within the PND.
6. All of the common open space required under this section shall be either conveyed to the Town of Indian Trail, if the Town agrees to accept ownership of and to maintain the space, or conveyed to one or more homeowner associations created for the development, or with respect to outdoor recreation facilities to the owner or operator thereof; and
7. any conveyance to a homeowners association shall be subject to restrictive covenants and easements reviewed by the Planning and Development Director and recorded and filed at the time the subdivision plat for the project area is recorded. The covenants and easements shall provide for the establishment of a homeowner's association before recording of the Final Plat by the Planning and Development Director, where membership is mandatory for each home buyer and any successive buyer, the association is responsible for liability insurance and local taxes on common open space and recreational facilities owned by it, and any fees levied by the association that remain unpaid will become a lien on the individual property in accordance with procedures established under the dedication or organization document. The covenants and easements shall also prohibit future development of any common open space, for other than open space or recreational purposes, and shall provide for continuous maintenance of any common open space and recreational facilities.

O-PED 4-Conditional Use Districts : Parallel Conditional Use Districts

A. Purpose:

The conditional rezoning process allows particular uses to be established, but only in accordance with specific development projects. Some land uses are of such a nature or scale that they have significant impacts on both the immediate surrounding area and/or on the entire community which cannot be predetermined and controlled by general zoning district standards. There are also circumstances in which a general district designation allowing such a use by right would not be appropriate for a particular property even though the use itself could, if properly planned, be appropriate for the property and be consistent with the objectives of these regulations and other plans for the physical development of the Town as adopted by the Town Council. The review process established herein provides for the accommodation of such uses by a re-classification of property into a "parallel conditional use" district.

The "parallel conditional use" district (CUD) approval process is established to address those situations when a particular use may be acceptable but the general zoning districts which

would allow that use would not be acceptable. Such zones may be approved or changed only by the Town Council in accordance with the regulations contained herein.

P. Process:

In order for a property owner to secure privileges for developing property under the parallel special use process, a two-step process must be followed. The property must first be rezoned by the Town Council to a parallel conditional use district. The Town Council must then approve a conditional use permit which may contain fair and reasonable conditions to assure conformance with this Ordinance, other plans adopted by the Town Council and compatibility with surrounding properties. Any use permitted under this process must also, as a minimum, conform to the development regulations for the corresponding general zoning district. Thus, if a property were rezoned to a "CUD B-4" Conditional use district, and a conditional use permit approved authorizing the development of a particular use, that use must (1) be a use allowed in the B-4 district, (2) meet all dimensional, screening and related requirements of the B-4 district, (3) meet any listed supplemental requirements for that particular use in the B-4 zoning district, and (4) meet any additional requirements placed by the Town Council on the conditional use permit.

1. Rezoning of property to any CUD parallel conditional use district is a voluntary procedure on the part of the property owner and is intended for firm development proposals. It is not intended or suited for securing early zoning for a tentative proposal which may be undertaken at some unknown time in the future.
2. In order for a property owner to secure development privileges in accordance with these regulations, the Town Council must first rezone said property to a particular CUD district and then must issue a conditional use permit allowing the particular development to take place.
3. Unlike requests for rezoning to a general zoning district, applications for CUD zoning (and associated approval for a conditional use permit) may only be filed by the owner of the property (ies) in question or the owner's authorized agent.

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Chapter 1750. Appendix 5: Policy on Retaining Wall Design and Construction

Introduction

The 2009 North Carolina Building Code includes requirements for the design and construction of retaining walls. Specifically, Section 1806.2 states:

Retaining systems providing a cumulative vertical relief greater than 5 feet in height within a horizontal distance of 50 feet or less, including retaining walls or mechanically stabilized earth walls, shall be designed under the responsible charge of the registered design professional. Retaining systems shall meet the requirements of Section 1610. Testing and inspection reports shall comply with Section 1704.1.2 and shall verify:

1. Foundation support system is adequate for the intended site conditions;
2. Measurement of the quantity of construction materials for conformance with specifications;
3. Determination of similarity of actual soil conditions to those anticipated in design; and
4. Examination of backfill materials and any drainage systems for compliance with plans and specifications.

Scope of Requirements

These requirements will apply to all commercial construction, which include retaining walls and grades falling within the criteria described in Section 1806.2. In addition, the Town will apply the criteria to residential projects where retaining walls impact public use or access areas.

Design and submittal requirements:

Option 1:

Submit, as part of the site plan review drawing set, retaining wall drawings, fully designed and detailed, and sealed by a North Carolina Licensed Professional Engineer.

Option 2:

Site plan review drawing set to include location and design criteria (wall height and schematic wall cross section) for retaining walls only, along with the following statements:

- “Design of all retaining walls is to be per North Carolina Building Code Section 1806.”
- “Detailed retaining wall design drawings, sealed by a North Carolina Licensed Professional Engineer, will be submitted to the Town prior to construction.”
- “A North Carolina Licensed Professional Engineer must perform construction observation, verifying in a sealed letter to the Town that retaining walls are constructed per the engineered drawings.”

Construction Requirements

Construction of retaining walls may proceed only after detailed retaining wall design drawings, sealed by a North Carolina Licensed Professional Engineer, are submitted to the Town. The Owner's North Carolina Licensed Professional Engineer will perform construction observation.

Upon completion of retaining wall construction, the Engineer will submit 1) a sealed letter to the Town, verifying the retaining walls are constructed per the engineered drawings, in compliance with Section 1806 of the NC Building Code, and 2) a copy of all special inspections reports in accordance with Section 1704.1.3 of the NC Building Code.

Certificates of Occupancy will only be issued after receipt of the Engineer's sealed letter and copy of the special inspections reports.

Chapter 1760. Appendix 6: Embankment Requirements

The following embankment specifications apply to all stormwater and water quality facilities with embankments that are designed to hold water, even if the embankment is designed to hold water only during a storm event:

Fill Materials

The following parameters apply to materials used to construct earthen embankments:

Borrow material shall be classified as ML, MH, SC, SM, CL or CH soils according to the Unified Soil Classification System (ASTM D2487) or any mixture of these soils.

Borrow materials shall have a liquid limit (LL) between 40 and 60 and a plasticity index (PI) between 15 and 30 (ASTM D4318).

Materials shall be free of topsoil, organic or frozen material, roots, stumps, brush, rocks larger than 3.0", subsoil, debris, vegetation, and other foreign matter.

All material clods will be broken down with tillers and/or discs to provide a homogeneous soil that is free of clay clods greater than 3.0" in diameter.

Construction

The following steps apply to construction of an earthen embankment:

1. Foundation Preparation

- a. Compact foundation to density requirements for subsequent fill materials.
- b. Cut out soft areas of foundation not capable of compaction in place.
- c. Scarify foundation surface to depth of 6.0".
- d. Proof roll foundation to identify soft spots; fill and compact to density equal to or greater than requirements for subsequent fill material.

2. Seepage Key Placement

- a. Seepage key trench will be located between embankment abutments.
- b. Seepage key shall extend to a minimum depth of 4.0' or as required through geotechnical seepage analysis. A minimum bottom trench width shall be 10.0' and the trench sidewalls shall be sloped or benched to promote stability and bonding between the sidewall soils and seepage key fill.

3. Fill Placement

- a. Earthen embankment fill shall be constructed at 3:1 slopes or as shown on the drawings. Demonstration of appropriate safety factors against failure through geotechnical analysis shall be required for slopes steeper than 3:1.

- b. Fill soils shall be placed in loose lifts not to exceed 8.0" in thickness and be compacted to a minimum of 95% maximum dry density (Standard Proctor ASTM D698) with a moisture content within $\pm 3\%$ of the optimum, unless otherwise specified by the engineer.
- c. Fill soils should be placed in continuous, horizontal layers from abutment to abutment. Existing slopes greater than 4:1 shall be benched to promote bonding of newly placed fill with existing soils. Benching shall be performed at maximum of 2.0' vertical intervals and shall extend a minimum of 4.0' horizontally or as specified on Drawings.
- d. Within the upper 12.0" of earthen embankment, fill soils should be compacted to 100% of its Standard Proctor (ASTM D698) maximum dry density.
- e. Fill against supported structures. Do not fill against unsupported structures.
- f. Place fill simultaneously on each side of unsupported structures until supports are in place.
- g. Place a minimum of 6.0" of Planting Mix (Ref City of Charlotte Landscape Construction Standards) across dam embankment to promote vegetative growth.

4. Outfall Pipe Fill Placement

- a. Fill of the culverts shall be placed and compacted in 6.0" thick loose lifts around the drop inlets and up to 2.0' above the culverts.
- b. Compaction shall be performed by hand tampers or small hand operated compactors.
- c. Compaction shall be a minimum of 95% maximum dry density (Standard Proctor ASTM D698) with a moisture content within $\pm 3\%$ of the optimum, unless otherwise specified by the engineer.
- d. Additional compaction of lifts 2.0' or greater above culverts shall conform to the Fill Placement section of this specification.

5. Field Quality Control

- a. Laboratory Testing
 - i. Perform laboratory material tests in accordance with ASTM D422, ASTM D698, ASTM D2216, and ASTM D4318.
 - ii. Test at a frequency of every 500cy of earthen embankment fill material placed, when materials used for embankment fill change, and/or as directed by the Engineer.
 - iii. Sample size shall be 50-lb.
- b. In-Place Compaction and Natural Moisture Content Tests
 - i. Perform in place compaction tests in accordance with ASTM D1556, ASTM D2922, or ASTM D2937 and natural moisture content test in accordance with ASTM D2216.

- ii. Frequency of compaction/natural moisture content tests:

Embankment Fill: Each lift at a minimum frequency of 1 per 2,500 sq. ft.

Pipe Installation: Each lift at a minimum frequency of 1 per 30 lf of pipe.
- iii. When tests indicate work does not meet specified requirements, remove work, replace, rework, recompact, and retest.

Allowable Variances

Earthen embankment specifications may be modified based on site-specific geotechnical investigation and engineering design.

References

Charlotte-Mecklenburg BMP Design Manual

City of Charlotte Landscape Construction Standards

ASTM D422 - Standard test Method for Particle-Size Analysis of Soils (Grain Size with Hydrometer)

ASTM D698 - Standard Test Methods for Laboratory Compaction Characteristics of Soil Using Standard Effort (12,400 ft-lbf/ft³).

ASTM D1556 – Standard Test Method for Density of Soil In-Place by the Sand-Cone Method.

ASTM D2216 - Standard Test Method for Laboratory Determination of Water (Moisture) Content of Soil and Rock by Mass.

ASTM D2487 – Standard Practices for Classification of Soil for Engineering Purposes (Unified Soil Classification System)

ASTM D2922 - Standard Test Method for Density of Soil and Soil-Aggregate In-Place by Nuclear Methods (Shallow Depth).

ASTM D2937 - Standard Test Method for Density of Soil In-Place by the Drive-Cylinder Method Test.

ASTM D4318 - Standard Test Methods for Liquid Limit, Plastic Limit, and Plasticity Index of Soils.

Chapter 1770. Appendix 7: Downstream Impact Analysis

(the Ten Percent Rule)

Introduction

The ten-percent rule recognizes the fact that a structural control providing detention has a “zone of influence” downstream where its effectiveness can be observed. Beyond this zone of influence the structural control becomes relatively small and insignificant compared to the runoff from the total drainage area at that point. Based on studies and master planning results for a large number of sites, that zone of influence is considered to be the point where the drainage area controlled by the detention facility comprises 10% of the total drainage area. For example, if the structural control drains 10 acres, the zone of influence ends at the point where the total drainage area is 100 acres or greater.

Prior to initiating a downstream impact analysis, a scoping meeting must be coordinated with the Engineering Department to develop an understanding regarding the modeling software, design criteria, limits of the study, acceptable assumptions, report format, and required deliverables. These studies are intended to be used to determine the impacts that the increase of stormwater runoff creates from the site through the zone of influence.

General Requirements

A. Hydrologic Analysis

1. Using a topographic map, identify the point at which the drainage area of the development or redevelopment becomes less than ten-percent of the total watershed area (10% point).
2. Using a hydrologic model (e.g. HEC-HMS) determine the pre-development peak discharges for the 50- and 100-year storm events and the timing of those peaks at each tributary junction beginning at the detention facility outlet and ending at the next tributary junction beyond the 10% point. Key detention structures in the zone of influence must be modeled. An approximate curve number should be used since the actual peak flow is not critical for initial analysis, only the change in flows is important. However, an accurate estimate of the time of concentration is essential.
3. Change the site land use to post-development conditions and determine the peak discharges for the 50- and 100-year storm events.
4. On a topographic map, show the pre and post development flows, the change in flows in cfs and in percentage at all hydrologic modeling locations.
5. Provide a written assessment of flow increases.

B. Hydraulic Analysis

1. If the hydrologic analysis indicates probable detrimental impacts to existing buildings, habitable structures, or culverts, a detailed hydraulic study must be provided. The study shall include hydraulic grade lines for open channel flow areas for the post-development 50- and 100-yr storm events using a standard step backwater hydraulic model (e.g. HEC-RAS).
2. Using topographic maps provide a flood inundation map for the critical structures within the study area.
3. Stream cross-sections, impacted buildings, habitable structures, and culvert crossings must be field surveyed.
4. Provide a written assessment of flood elevation increases.

Chapter 1780. Appendix 8: Unified Development Ordinance Text Amendments

ZT #	Ordinance #	Date	UDO Section	Description of Amendment

2009-001	0090811-89	8/11/09	1210.040(B) (2); 230.060; 810.040(E)	1. Allows for addition of at least a 30% baseline for open space subdivisions that are not serviced by public water and sewer. 2. Allows for the Planning Director the discretion to “bump up” a particular nonresidential use or a nonconforming use in a residential zone to a Special Use Permit (SUP). 3. Allows for the flexibility to move the required 10 foot vegetative buffer between shared driveways to either side of the lot or the front lot line in non-residential areas.
2009-002	0090609-83	6/9/09	Division 900; 1650.130	1. Changes the definition of “changeable copy” sign. 2. Changes criteria for temporary signs. 3. Modifies the sign area allocation for the commercial and institutional sign tables.
2009-003	0090714-84	7/14/09	530.020(G); 7170	1. Includes indoor firearms shooting ranges in the Industrial Use Table. 2. Established a section for Indoor Firearm Shooting Ranges.
2009-004	0090811-88	8/11/09	1070.020	Corrects parking space dimensions for parallel parking.
2009-005	0090811-86	8/11/09	Division Title 400; 310.080(D); 230.040(A); 320.020(E)	1. Amends UDO Division Title 400 from “Administrative Permits” to read “Administrative and General Permit Requirements”. 2. Allows for appeals of final decisions of quasi-judicial bodies to the Superior Court. 3. Amended to state that a four-fifths vote of the members sitting on the Board of Adjustment is required of all decisions made by the Board in all matters. 4. Allows for actual notice on the part of the applicant to be provided by said applicant of zoning map amendment to be certified by the Town Council, along with a copy of the public hearing notice.
2009-006	0090908-91; 0091209-99	9/9/09	360.010; 360.030; 7180; 830.040(A); 13130	1. Exempts temporary event uses from the requirement that a written consulting report detailing appraisal values of the subject property. 2. Amends the ordinance to have the findings for an SUP to read in the affirmative. 3. Adds Chapter 7180 dealing with outdoor storage and sales uses. 4. Requires that any tree inventory/survey for any development review by

				performed by a certified arborist and/or licensed surveyor. 5. Adds regulations regarding trash enclosures and grease trap facilities.
2009-007	0091110-94; 0091208-100	11/10/09	Division 900, various sections	1. Includes an “exempt sign” chapter and removed signs from the “signs note requiring a permit” chapter. 2. Amends 960.070, exempting emergency and public announcement signs. 3. Amends 1040.040(D) (E) amending wall façade areas and adding emergency response facilities.
2009-008	0091013-93	10/13/09	1610.070(B)(1); 1610.080(K)(5) ; 510.020(G); 440.010(F); 520.020(G); 440.020(D); 520.020(G),	1. Amends home-based day care occupancy requirements. 2. Defines animal foster care. 3. Includes animal foster care in the residential use table. 4. Removed the provision regarding off-site or detached signage as a part of the temporary use permit process. 5. Allows as permissible by-right dental and medical labs and similar uses to be a part of the Downtown Overlay District up to 1,500 sq. ft. Uses over 1,500 sq. ft. require SUP. 6. Allows for tent sales as temporary uses that are located at auto dealerships for up to 32 days in length, and allows such sales up to three times per calendar year. 7. Includes additions for any other high-volume and low-volume traffic generating uses to the use categories of Personal Service, Repair Service (Consumer), and Retail Sales (General).
2009-009	0090908-92	9/8/09	520.020(G)	Adds Religious Assembly as a use allowed by right within a multitenant structure within the commercial use table. Storefront location only.
2009-010		Pending		Inclusion of electronic gaming into the Permitted Uses Table.
2009-011	0100112-102	1/12/10	520.020(G); 7190; 1610.080	1. Adds ABC stores as an allowed use within the commercial use table. 2. Adds Chapter 7190, outlining ABC store requirements. 3. Adds section 1610.080 defining ABC Stores
2010-001	0100209-104	2/9/10	350.030(C); 350.070	1. Amends final plat size requirements for recording. Amends mapping requirements to be consistent with N.C.G.S. 47-30.

2010-002	0100223-105	2/23/10	9140.040(E)	Allows for internally illuminated, routed-back style signs within the Village Center Overlay Districts.
2010-003	0100413-107	4/13/10	7160	Amends Chapter 7160 regarding construction and design of Freestanding Facilities
2010-004	0100511-110	5/11/10	Division 900; 1650	1. Amends sign regulations for Hwy 74. 2. Establishes method for calculating the sign area for Channel Letter signs. 3. Consolidates and modifies existing sign definitions. 4. Establishes definitions for V-shaped signs.
2010-005	0100608-112	6/8/10	Addition of Appendix 4	Revision of Post-Construction ordinance and addition as Appendix 4.
2010-006	0100713-116	7/13/10	520.020(G)	Adds Wholesale Distribution as a use allowed by special use permit in the RBD district.
2010-007	0100810-117	8/10/10	1620.320	Further defines the term “dwelling unit”.
2010-008		Processed as ZT2012-002		Revision of childcare definitions.
2010-009		Withdrawn		Proposed inclusion of Downtown Overlay District into the Industrial Use Table.
2010-010	0110222-129	2/22/11	Chapter 1310; 1320	1. Provides additional protection for planned developments that do not have architectural requirements within associated approval documents for the development. 2. Clarifies the applicability of the requirements as it pertains to planned developments. 3. Clarifies and expands general requirements. 4. Restructures the non-residential architectural standards section.
2010-011	0101109-120	11/9/10	810.090; 880.040	Establishes a 45-day period in which the Parks, Trees and Greenway Committee has to review and make a recommendation for an alternative planting plan the Planning Director.
2010-012	0101214-124	11/9/10	51 0.020(G); 710.070; 1610.020	1. Amends residential permissible use table to allow accessory apartments by right. 2. Establishes usage standards for accessory apartments. 3. Defines the term accessory apartment.
2010-013	0101109-121	10/19/10	520.020(G); 520.030	1. Amends the permissible use table for commercial districts to add motion picture theatre and theatrical playhouse. 2. Amends building height requirements.

2010-014	0101109-122	11/9/10	630.010; 630.040	Amends requirements for development within Village Centers or for development permitted before the adoption of the UDO.
2010-015	0101109-123	11/9/10	1410.050; 1410.060	Amends Division 1400 to allow incremental improvements on nonconforming sites.
2010-016	0110222-128	2/22/11	510.020(G); 1610.030(K)	Modifies manufactured and modular home requirements and definitions.
2010-017	0110222-127	2/22/11	310.030(G)	Modifies public posting requirements.
2011-001	0110510-132	5/10/11	Chapter 1330; 1660	Revised lighting ordinance and lighting definitions.
2011-002	0110426-131	4/26/11	Chapter 440	Adds provisions for temporary sales and construction trailers.
2011-003	0111109-139	11/9/11	Chapter 7150; 1610.080; 520.020G	Requirements for the use-specific regulations regarding vehicles sales uses amended.
2011-004		Pending		Tree ordinance fees in lieu for heritage tree mitigation.
2011-005	0110510-133	5/10/11	Chapter 790; 990	Authorizes placement of off-site signs located adjacent to Hwy 74 for use of advertising specific venues.
2011-006	0110614-137	6/14/11	520.020(G)	Allows wholesale distribution by right for office/warehouse facilities built prior to adoption of UDO.
2011-007	0111129-141	11/29/11	1310.040; 1320.020; 1320.030	1. Requires EFIS to be applied according to NC Building Code. 2. Removes limitations of EFIS application on commercial buildings and requires EFIS to be applied according to NC Building Code. 3. Adds term “Industrial Park” as development subject to building design requirements.
2011-008		Pending		Amends Guarantee regulations
2011-009	0111129-140	11/29/11	1360; 1370	1. Amends Flood Damage Reduction Ordinance. 2. Amends Storm Water Management Ordinance.
2011-010	0111129-142	11/29/11	Establishes Appendix 5, 6, and 7	1. Establishes Appendix 5- Policy on Retaining Wall Design and Construction. 2. Establishes Appendix 6- Embankment Requirements. 3. Established Appendix 7- Downstream Impact Analysis.
2011-011	0120214-143	2/14/12	530.010; 530.020; 530.040; 1620	1. Permits ancillary service-type uses within business parks in Light Industrial District. 2. Adds Business Park within definitions section.

2012-001	0120313-145	3/13/12	960.070; 990.070; 9140.040; 5140.010 (O)	1. Requires a minimum of 10 minutes display time between messages on an LED sign. 2. Adds additional lot size criteria to the multi-tenant property allowable signage table 3. Amends the table of sign requirements. 4. Permits changeable copy signs within freestanding signs for Union County Public Schools.
2012-002	0120313-146	3/13/12	1610.070 (B); 520.020 (G)	1. Amends definitions for daycare. 2. Amends use tables to reflect new day care categories.
2012-004	0121009-155	10/9/12	310.030	1. Establishes a minimum 400 ft notification area for all applications other than the ones below. 2. Rezone applications that change the existing zoning from one land use category to another must use a 500 ft notification area and hold a community meeting prior to the Planning Board meeting.
2012-005	0120911-153	9/11/12	520.020 (G)	Allows for Building Contracting/Construction Office uses with a base zoning of General Business District or Regional Business District to be permitted to have outdoor operations within the Downtown Overlay District subject to Special Use Permit approval.
2012-006	0120911-154	9/11/12	520.020 (G); 530.020(G)	Amends Chapters 520 and 530-Business and Commercial and Industrial Zoning Districts to allow Wholesale Heavy and Light Equipment Sales/Rental uses in all commercial zoning districts and provides the correct use standard reference in the industrial districts.
2012-007	0130326-168	3/26/13	710.080	Amends sections of Chapter 710 Accessory Uses and Structures of the UDO to allow accessory residential uses in non-residential zoning districts within the Downtown Overlay District and to allow accessory residential uses for onsite caretakers in all non-residential zoning districts

2012-008	O130611-173	6/11/13	1360	Amends Flood Damage Reduction of the UDO to correct the cross referencing within chapter
2013-001	O130326-164	3/26/2013	520.020 (G)	Amends Business and Commercial districts for the purpose of correcting a discrepancy in the allowed use of an Automotive Repair Shop, not including body work, parking and commercial repair, within the General Business Zoning Districts of the Town
2013-002	WITHDRAWN			
2013-003	O131210-189	12/10/13	1360	Amend Chapter 1360 – Flood Damage Reduction Ordinance for the purpose referencing an updated Flood Insurance Study (FIS) and Digital Flood Insurance Rate Maps (DFIRM) dated February 19, 2014 within the Chapter.
2013-004	O131210-188	12/10/13	Chapters 230,310,380, 390	Amend Chapter 230 Participating and Voting, Chapter 310 Required Findings, Chapter 380 Hearings on Appeals, and Chapter 390 Interpretations to be in compliance with Session Law 2013-126; as passed by the General Assembly to update procedures for the Board of Adjustment.
2013-005	O140114-190	1/14/2014	Chapters 220,810,880, 1160,1640	Amend several sections of the Unified Development Ordinance (UDO) to help implement recent Town committee reorganizations.
2014-001	O140408-194	4/8/2014	Chapter 1360	Amends Chapter 1360 –Flood Damage Reduction Ordinance per the request of the State based on their review of recent amendments.
2014-002	O140513-199	5/13/2014	Chapters 520, 1610,7200	Amends Chapters 520 Business and Commercial Zoning Districts, 7200 Supplementary Use Regulations, and 1610 Use Groups and Categories to permit second hand thrift and consignment sale businesses within certain business and commercial districts and subject to certain standards.
2014-003	O140610-203	6/10/2014	520.020 (G)	To permit Sporting Goods Store within the Neighborhood Business District (NBD) and Central Business District (CBD) zoning classifications as well as the Downtown and Village Center Overlay Districts. The amendment also includes minor

				housekeeping modification to ensure consistency within the adopted land use table.
2014-004	O150127-027	1/27/2015	Chapter 1710	Amendments related to uses and types of permitted trees and shrubs in residential and commercial uses within Indian Trail.
2015-001	O150414-210	4/14/2015	Chapters 520, 530, 7210 and 1610	Amendments related to breweries, distilleries and wineries requirements in Indian Trail.
2015-002	O150609	6/9/2015	Chapters 520 and 1610	Amendments to enable the development and expansion of critical utilities with the Business and Commercial Districts to serve Indian Trail and; enable infrastructure investment in the commercial area of Indian Trail that will help foster economic development initiatives that ensure a more balanced tax base within our community.
2015-003	O6160112-231	1/12/2016	Chapters 830, 880, and 1640	Amendment to update the Heritage Tree Protection provisions: definitions and mitigation standards
2016-002	O160210-239	5/10/2016	Chapters 530 and 630	Industrial Uses within the Village Overlay Districts
2016-003	O160412-235	4/12/2016	Chapters 940 and 970	Amendment related to Temporary Grand Opening Banners
2016-004	O161011-247	10/11/16	Chapter 1100	Related to Private Streets
2016-005	O160613-242	6/28/2016	Chapter 520	Amendment related to exempting the Union County Crooked Creek Wastewater Treatment Plant from UDO requirements
2016-006	O160613-243	6/13/2016	Chapter 13130	Amendment related to the design of dumpster enclosures and grease trap facilities for existing buildings
2016-008	O161115-252	12/13/16	Chapter 440	Amendment related to Food Vendors
2016-010	O161213-255	12/13/16	Chapters 13140, 330, 350, 360 and 370	Amendment related to School Impact Studies

