

MAYOR
Michael L. Alvarez

MAYOR PRO TEM
David L. Cohn



TOWN COUNCIL
Robert W. Allen
Christopher M. King
Darlene T. Luther
David K. Waddell

Indian Trail Town Council Meeting
June 11, 2013
Civic Building
6:30 p.m.

1. CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE

2. ADDITIONS AND DELETIONS

3. MOTION TO APPROVE AGENDA

4. PRESENTATIONS

5. BOARD INTERVIEWS 6:30 – 7:20

A. PLANNING BOARD:

- | | |
|-----------------|-------------|
| 1) KURT KENNEL | 6:30 – 6:40 |
| 2) DOUGLAS GIGI | 6:40 – 6:50 |
| 3) JACK JAMES | 6:50 – 7:00 |

B. BOARD OF ADJUSTMENT:

- | | |
|-------------------|-------------|
| 1) ROBERT THURBON | 7:00 – 7:10 |
| 2) SHIRLEY HOWE | 7:10 – 7:20 |

C. COUNCIL BOARD APPOINTMENTS

6. PUBLIC COMMENTS

7. CONSENT AGENDA

- a. [Approval of draft minutes for May 28, 2013](#)
- b. [Budget Amendments](#)
- c. [Removal of Committee Member](#)

8. PUBLIC HEARINGS

action

- a. [Annexation 136](#)
- b. [ZM-2013-001: Hasty Property Rezone](#)
- c. [ZT2012-008: Amendment of Flood Damage Reduction Ordinance](#)

9. BUSINESS ITEMS

- a. [Adoption of the Fiscal Year 2013-2014 Annual Budget](#)
- b. [Official naming of \(Chestnut\) Park](#)

10. DISCUSSION ITEMS

- a. Discussion and presentation from Chris Plate from Monroe-Union County Economic Development
- b. Transparency and disclosure – *This item was requested by Council Member Luther*
- c. Videotaping of Council Meetings – *This item was requested by Council Member Luther*

11. MANAGERS REPORT

12. COUNCIL COMMENTS

13. CLOSED SESSION

action

14. ADJOURN

action

**To speak concerning an item on the Agenda, please print your name and address on the sign up sheet on the table prior to the meeting. Each speaker will be limited to 3 minutes.
AS A COURTESY, PLEASE TURN CELL PHONES OFF WHILE MEETING IS IN PROGRESS**

The Town of Indian Trail is committed to providing all citizens with the opportunity to participate fully in the public meeting process. Any person with a disability who needs an auxiliary aid or service in order to participate in this meeting may contact the Town Clerk at least 48 hours prior to the meeting. The e-mail address is townclerk@admin.indiantrail.org; the phone number is 704-821-2541



Town of Indian Trail
Minutes of Town Council
May 28, 2013
Civic Building
6:30 P.M.

The following members of the governing body were present:

Mayor: Michael L. Alvarez

Council Members: David Cohn, Christopher King and David Waddell.

Absent Members: Robert Allen and Darlene Luther.

Staff Members: Town Manager Joe Fivas, Town Clerk Peggy Piontek, Town Attorney Keith Merritt, Director of Community & Economic Development Kelly Barnhardt, Planning Director Shelley DeHart, Finance Director Marsha Sutton, Tax Collector Janice Cook, Director of Engineering and Public Works Scott Kaufhold, Director of Human Resources Miriam Lowery, Senior Planner Rox Burhans, and Public Information Officer/Events

Coordinator Rebecca Carter.

CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE

Mayor Alvarez called the meeting to order and led in the Pledge of Allegiance.

ADDITIONS AND DELETIONS

Christopher King made a motion to approve adding Certificate of Recognition at item 2b

Council voted unanimously in favor of the motion.

Mayor Alvarez announced that Council Members Allen and Luther would not be in attendance.

Christopher King made a motion to approve Update from Woolpert on Crooked Creek Park at Indian Trail at item 8a

Council voted unanimously in favor of the motion.

MOTION TO APPROVE AGENDA

Christopher King made a motion to approve the agenda.

Council voted unanimously in favor of the motion.

PRESENTATIONS

a. Public Safety Committee Annual Report

Mr. Fivas introduced representatives of the Public Safety Committee Frances Knight and Sherry Waddell

Frances Knight, the Chair of the Public Safety Committee presented their annual report which included 2012-2013 accomplishments and the 2013-2014 goals.

b. Certificate of Achievement for J. Parker Garrison

Mayor Alvarez read the Certificate and presented it to J. Parker Garrison. J. Parker Garrison explained the contest and his task. **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**

PUBLIC COMMENTS

Art Spur, 4100 Woodcreek Court, Indian Trail, NC expressed his concern about the map on website showing all the subdivisions and other issues. He stated that the Comprehensive Plan shows inaccurate information. Mr. Spurr explained there are blind spots coming out of his subdivision Ashcroft and now there is another subdivision which will create more traffic issues and dangers. He recommends that the zoning and high density zoning not be approved.

Shirley Howe advised the Council that her neighborhood had a meeting that was well attended by residents, staff and officials. Ms. Howe explained the purpose was to have the neighbors inform Code Enforcement if there is a problem before that problem becomes out of control. She complimented staff on their attendance and assistance with information. She feels there needs to be more staff to assist in enforcing the codes. Ms. Howe would like the budget item for neighborhood enhancement approved and advised that there is another meeting scheduled for her neighborhood.

Eddie Mitchell, executive director of Golden Games advising he is bringing those games to Indian Trail on August 16-24. This event consists of 10 games and Mr. Mitchell explained in detail the event, advising that this will be a great opportunity for Indian Trail assisting in economic development as well. It will be held at several established facilities throughout the town.

CONSENT AGENDA

a. Approval of May 14, 2013 draft minutes

- b. Approval of Tinsley & Terry Audit Contract and Rep. Letter
(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)
- c. Budget Amendments **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
- d. Approval of a Resolution directing the Town Clerk to investigate the sufficiency of the proposed voluntary Annexation Petition # 136 **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
- e. Approval of the Certificate of Sufficiency **(COPY ATTACHED HERETO AND MADE A PART OF THE RECORD)**
- f. Approval of a Resolution setting the Public Hearing date for Annexation # 136 to June 11, 2013. Location: Hwy 74 and the Chestnut Parkway PIN # 07-105-005-90; Applicant: Property Owners

Christopher King made a motion to approve the Consent Agenda Motion Passed 2 - 1 with David Waddell opposing.

PUBLIC HEARINGS

- a. 2013-2014 Fiscal Year Budget

Mayor Alvarez opened the Public Comments portion of the public hearing.

Art Spur advised that he is wondering where the funds are coming from for all the suggested improvements contained in the budget. He inquired what is going to be the actual expense of the parks, beautification, Comprehensive Plan, expressing his concern that we are going down a road that we don't need to go down. He suggests working on things that brings jobs to Indian Trail where people can work and earn a living. Mr. Spurr advised that some time ago he suggested a VA Hospital was interested in coming to the area and Indian Trail should pursue this, but now it's being bid out and will be locate by the airport in Charlotte so now and our chance has been lost.

Amanda Faulkenberry, 519 Picketts Circle, Indian Trail, NC expressed concern that there are no funds available to take action on the planned law enforcement assessment. She suggested there be funds placed aside for an increase of 3 additional officers; she commented on the funds for each departments contract services and would like to see a breakdown of what that means. She inquired about the line item for dues and subscriptions and noticed there was \$29,000 for Administration. Community and economics, 16% of the budget is for community expense, she saw no information about sponsorship. The state is going to remove 20-30% of the funds and inquired what we do as she does not believe our budget will handle it.

Brian Rogers, 2011 Triple Crown Drive, Indian Trail, NC stated he hopes there will be no tax increase after the public hearing as it's not included as presented. He advised our debt is growing and many of the people who moved here did so because of low taxes stating its ok to be different. He explained health care and Social Security costs have increased. He advised in 2014 the County will go through a revaluation, when taxes and revenue go up they rarely go down. He expressed his concern about the debt associated with Mr. King's suggestion about Town Hall and Community Center. He stated quit spending and end the debt madness.

Mayor Alvarez closed the Public Comments portion of hearing.

BUSINESS ITEMS

a. Update from Woolpert on Crooked Creek Park at Indian Trail

Andrew Pack presented Council with an update to Crooked Creek Park providing highlights and overview of the project, topics included the process/phasing which defines the project, advising they are currently working on the construction documents of the park to go out for bid providing a recommendation to the Council so the contracts and construction can commence. The project is broken into two phases - Phase 1A is the front entrance and waterline, suggesting a

roundabout at the entrance, new sidewalk. Phase 1b consists of 4 baseball fields, storage room, and concession stand and playground and Dog Park. Mr. Pack advised they are still on schedule and displayed some photographs and concepts they are working on for the playground and overall park.

Mr. Cohn stated what hasn't been discussed is what the average park similar to this would bring to a town in the sense of revenue. Mr. Pack advised they have done these feasibility studies and can have it available within a few months.

Mayor Alvarez inquired if Woolpert has done studies on recommendations on large parks safety and upkeep. Mr. Pack advised yes, usually the parks provide a safe environment for people, there will be lighting, security cameras, gating preventing admission 24 hours.

Mr. Waddell inquired if there will be fencing around Dog Park? Mr. Pack replied yes. Will there be fencing around young children play area? Mr. Pack replied yes. What are the cost estimates of the first build out phase and completion of the entire park? Mr. Pack replied for the first part about \$5-5,500,000, he needs to get figures for the hardscape and water will be another \$200-300,000.

Mr. Fivas inquired if is there any need to get more information on the designs and is everyone still comfortable with the direction Woolpert is going. By consensus Council replies yes.

DISCUSSION ITEMS

- a. Discuss conduct and false allegations made by Mayor Alvarez toward Sheriff Lt. Coble, Council Members and other allegations where he has shown no proof of guilt - this item was requested by Council Member Cohn

Mr. Cohn stated that pertaining to the meeting on February 16th the Mayor has apologized to several people and inquired what the apology to Sheriff Coble was

for. Mayor Alvarez replied unprofessional behavior. Mr. Cohn continued to comment on statements made and behavior following that meeting by Mayor Alvarez. Mr. Cohn inquired if Sheriff Coble made a threat to you outside. Mayor Alvarez replied in a direct way no, I felt uncomfortable in a general situation.

Mr. Waddell read a statement ultimately recommending a censorship of Mayor Alvarez and suggested all simply move on.

David Waddell made a motion to approve censuring Mayor Alvarez for unethical conduct.

Council voted unanimously in favor of the motion.

MANAGERS REPORT

Mr. Fivas advised that our Board interviews will be held at the next meeting and explained the process requesting if Council would like to change it, please get in touch with staff. He inquired that there is an applicant that is currently on a Board but is now applying for another Board do you want to interview that individual again. Mr. King, Mr. Cohn do not feel the need to interview the applicant. Mr. Waddell inquired if there is a number of boards/committees one person can apply and serve on? Mr. Fivas replied we will research it and get back to you.

COUNCIL COMMENTS

Mayor Alvarez, Council Members Cohn and King had no comments to make.

Mr. Waddell stated he would like to explore the possibility of having a VA Hospital in our area. He said he appreciates everyone's recommendations tonight on the budget and it would be nice if some of them would be adhered to. He thanked those for the concerns and ideas and would like to see more input in the process and believes a one on one format would be great.

CLOSED SESSION

None

ADJOURN

Christopher King made a motion to adjourn
Council voted unanimously in favor of the motion.

APPROVED:

Michael L. Alvarez

Attest:

Peggy Piontek, Town Clerk



TO: Mayor and Town Council
FROM: Joe Fivas
CC: Marsha Sutton
DATE: June 11, 2013
SUBJECT: Budget Amendments for June 11th Meeting

Please find attached budget amendments processed for the month of May or June. Please feel free to call, email, come in or ask any questions you may have regarding these matters.

**TOWN OF INDIAN TRAIL
BUDGET TO BUDGET AMENDMENT REQUEST**

DATE 5/31/13

DEPARTMENT

Account Number	(Transfer In / Out) Type	Amount	Description
10-00-4110-260-000	In	50 ⁰⁰	
10-00-4110-312-000	Out	50 ⁰⁰	
10-00-4120-183-000	In	4,000 ⁰⁰	
10-00-4120-189-000	In	1,500 ⁰⁰	
10-00-4120-325-000	In	100 ⁰⁰	
10-00-4120-491-000	In	200 ⁰⁰	
10-00-4120-499-001	In	500 ⁰⁰	
10-00-4120-321-000	Out	2,000 ⁰⁰	
10-00-4120-395-000	Out	2,000 ⁰⁰	
10-00-4120-311-000	Out	2,000 ⁰⁰	
10-00-4120-391-000	Out	300 ⁰⁰	
10-00-4125-314-009	In	500 ⁰⁰	
10-00-4125-314-009	Out	500 ⁰⁰	
10-00-4130-260-000	In	1,000 ⁰⁰	
10-00-4130-183-000	Out	1,000 ⁰⁰	

EXPLANATION:
 Year End Clean up of general ledger.

REQUESTED BY:
FINANCE: *Marsha S Sutton*
TOWN MANAGER: *[Signature]*

For Finance Dept Only:
 EFFECTIVE DATE: 5/31/13 JOURNAL NO. ASSIGNED: 330
 FISCAL YEAR: 2013 ENTERED: [Signature]
 PERIOD: 11 DATE: 6/4/13

**TOWN OF INDIAN TRAIL
BUDGET TO BUDGET AMENDMENT REQUEST**

DATE 5/31/13

DEPARTMENT _____

Account Number	(Transfer In / Out) Type	Amount	Description
10-00-4140-260-000	In	500 ⁰⁰	
10-00-4140-325-000	In	500 ⁰⁰	
10-00-4140-329-000	Out	500 ⁰⁰	
10-00-4140-311-000	Out	500 ⁰⁰	
10-00-4150-192-000	In	1,000 ⁰⁰	
10-00-4150-192-000	Out	1,000 ⁰⁰	
10-00-4210-329-000	In	2,000 ⁰⁰	
10-00-4210-397-002	In	1,000 ⁰⁰	
10-00-4210-397-000	In	3,000 ⁰⁰	
10-00-4210-397-001	Out	1,000 ⁰⁰	
10-00-4210-395-000	Out	400 ⁰⁰	
10-00-4210-341-000	Out	900 ⁰⁰	
10-00-4210-311-000	Out	400 ⁰⁰	
10-00-4210-292-000	Out	460 ⁰⁰	
10-00-4210-491-000	Out	50 ⁰⁰	
10-00-4210-499-000	Out	80 ⁰⁰	
10-00-4210-510-000	Out	440 ⁰⁰	
10-00-4210-511-000	Out	1,000 ⁰⁰	
EXPLANATION: 10-00-4210-121-000 Out 1,270 ⁰⁰			
Year End Clean up of general ledger			

REQUESTED BY: _____

FINANCE: Marsha D Sutter

TOWN MANAGER: [Signature]

For Finance Dept Only:

EFFECTIVE DATE: 5/31/13 JOURNAL NO. ASSIGNED: 332

FISCAL YEAR: 2013 ENTERED: [Signature]

PERIOD: 11 DATE: 10/4/13

**TOWN OF INDIAN TRAIL
BUDGET TO BUDGET AMENDMENT REQUEST**

DATE 5/31/13

DEPARTMENT

Account Number	(Transfer In / Out) Type	Amount	Description
10-40-4911-212-000	In	30 ⁰⁰	
10-40-4911-571-000	Out	30 ⁰⁰	
10-40-4920-189-000	In	1225 ⁰⁰	
10-40-4920-391-000	In	6,000 ⁰⁰	
10-40-4920-395-000	Out	2,000 ⁰⁰	
10-40-4920-491-000	Out	500 ⁰⁰	
10-40-4920-311-000	Out	1,500 ⁰⁰	
10-40-4920-321-000	Out	1,000 ⁰⁰	
10-40-4920-499-000	Out	1,000 ⁰⁰	
10-40-4920-493-002	Out	300 ⁰⁰	
10-40-4920-493-004	Out	300 ⁰⁰	
10-40-4920-397-000	Out	625 ⁰⁰	
10-80-6130-496-003	In	2,000 ⁰⁰	
10-80-6130- 497-000 496-001 neg	Out	2,000 ⁰⁰	
		-	-

EXPLANATION:
Year End clean up of general ledger

REQUESTED BY: _____

FINANCE: Maisha D Sutter

TOWN MANAGER: [Signature]

For Finance Dept Only:

EFFECTIVE DATE: 5/31/13 JOURNAL NO. ASSIGNED: 335

FISCAL YEAR: 2013 ENTERED: [Signature]

PERIOD: 11 DATE: 6/14/13

**TOWN OF INDIAN TRAIL
BUDGET TO BUDGET AMENDMENT REQUEST**

DATE

5/31/13

DEPARTMENT

Account Number	(Transfer In / Out) Type	Amount	Description
10-00-5000-391-000	In	1,000 ⁰⁰	
10-00-5000-397-001	In	200 ⁰⁰	
10-00-5000-450-000	Out	1,200 ⁰⁰	
10-10-4310-499-000	In	675 ⁰⁰	
10-10-4310-451-200	Out	600 ⁰⁰	
10-10-4310-351-000	Out	75 ⁰⁰	
10-30-4710-397-001	In	2,000 ⁰⁰	
10-30-4710-397-002	Out	2,000 ⁰⁰	
10-40-4260-240-000	In	200 ⁰⁰	
10-40-4260-333-000	In	292 ⁰⁰	
10-40-4260-212-000	Out	992 ⁰⁰	
10-40- 4911 -212-000	In	500 ⁰⁰	
10-40- 4911 -499-000	In	200 ⁰⁰	
10-40- 4911 -395-001	Out	700 ⁰⁰	
		-	-

EXPLANATION:

Year End Cleanup of general ledger

REQUESTED BY:

FINANCE:

Master A Sults

TOWN MANAGER:

[Signature]

For Finance Dept Only:

EFFECTIVE DATE:

5/31/13

JOURNAL NO. ASSIGNED:

336

FISCAL YEAR:

2013

ENTERED:

[Signature]

PERIOD:

1

DATE:

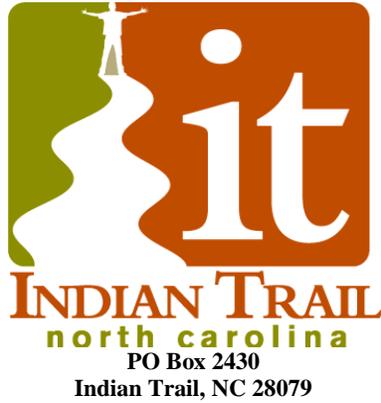
6/4/13



TO: Mayor and Town Council
FROM: Joseph A. Fivas, Town Manager
DATE: June 11, 2013
SUBJECT: Removal of Committee Member

The Public Safety Advisory Committee is recommending the removal of Mr. Ken Young from the Committee. He has missed several consecutive committee meetings. The Town Council is the appointing and removal body for all committees.

Committee Recommendation: The Public Safety Advisory Committee recommends the Town Council remove Mr. Ken Young from the PSAC.



PLANNING AND NEIGHBORHOOD SERVICES DEPARTMENT

Case: Annexation #136 Hwy 74 Property	
Reference Name	Jann L. Snyder Revocable Living Trust
Applicant	Paul Aubry; Dorothy Allison Lemmond Garner; Lonzo Scott Garner; Jann L. Snyder Revocable Living Trust
Submittal Date	April 2013
Location	The property abuts Hwy 74 between Smith Farm Road and Indian Trail Road
Tax Map Number	07-105-005-90

Summary

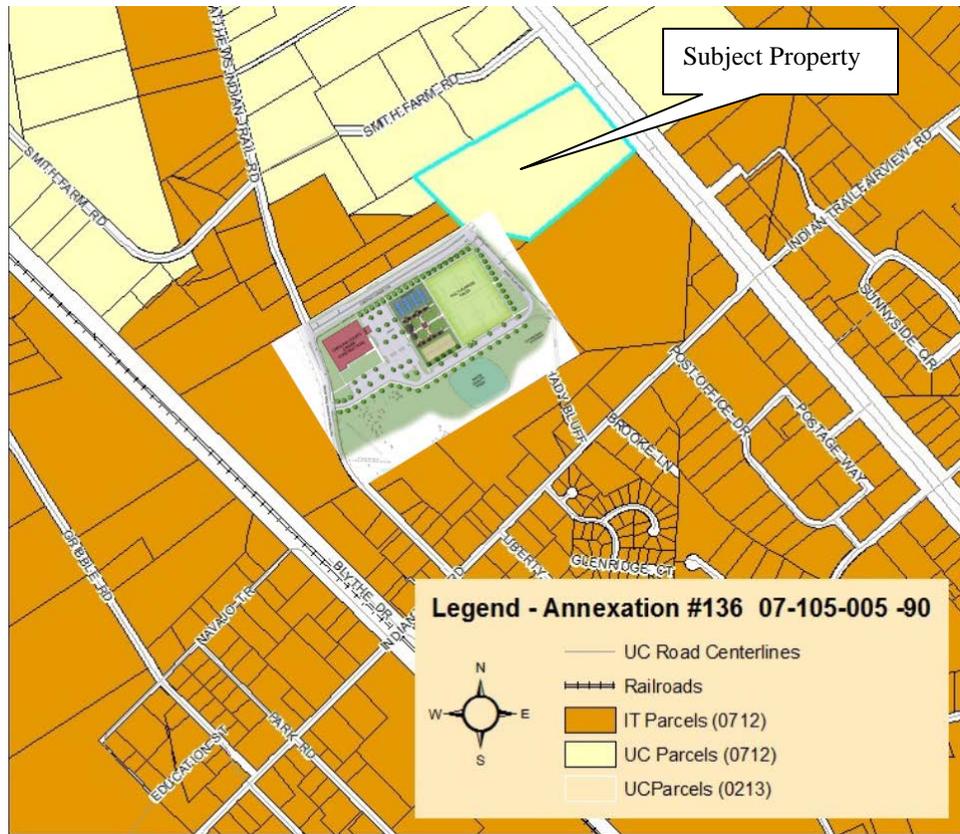
This is a request to voluntarily annex one undeveloped, 15.34 acre property (07-105-005-90) into the Town of Indian Trail. The Council took the following actions at its May 28, 2013 meeting initiating the annexation process:

1. Adopted a resolution directing the Town Clerk to Investigate the Sufficiency of the Voluntary Annexation Petition; and
2. Certified the Sufficiency of the Annexation Petition; and
3. Adopted a resolution setting the public hearing to June 11, 2013.

Background and Analysis

The subject property is located on the south side of Hwy 74 between Smith Farm Road and Indian Trail Road within the unincorporated area of the County. The property is a wooded, undeveloped parcel with a recorded sanitary sewer easement that transverses the property. It is approximately 15.34 acres in size and is zoned Union County R-20.

The location map provided on the following page also delineates the future Chestnut Park which abuts the corner of the subject property. The future Chestnut Parkway will extend from the town park property across the subject property to connect to Hwy 74. The property owners have requested the annexation ordinance be effective June 30, 2014.



The following consistency finding, pursuant to NCGS § 160A-31(d) regarding voluntary annexations in North Carolina, must be made for the annexation to be valid:

The Town Council of Indian Trail finds that, pursuant to the requirements of NCGS § 160A-31(d), that the proposed Annexation Ordinance #136 petition offered by the applicants does in fact meet all requirements for a proper voluntary annexation under North Carolina law and is found to be valid in form and manner.

Staff Recommendation -Staff recommends to the Town Council the following actions:

- 1.) Receive this staff report and public testimony on this annexation.
- 2.) Make the required finding in accordance with NCGS § 160A-31(d) reading into the record the statement above; and
- 3.) Make a motion to approve/disapprove extending the corporate limits of the Town of Indian Trail to include Annexation Ordinance #136 establishing the effective date of the annexation as June 30, 2014.

Staff Contact

Shelley DeHart, AICP
 704 821-5401
 srd@planning.indiantrail.org

Attachment One: Proposed Annexation Ordinance #136 w/Legal Description
 Attachment Two: Petition Application for Proposed Voluntary Annexation w/Maps

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF
INDIAN TRAIL, NORTH CAROLINA**

**ANNEXATION ORDINANCE #136- Voluntary annexation for one 15.38 acre parcel
(more or less) located on Hwy 74 – Union County and identified as Tax Parcel Number
07-105-005-90 Owned by Jann L. Snyder Revocable Living Trust – Paul Aubry, Dorothy
Allison Lemmond Garner, and Lonzo Scott Garner**

WHEREAS, the Town Council has been petitioned pursuant to N.C.G.S. Chapter 160A, Article 4A, Part 1 to annex the area described below; and

WHEREAS, the Town Council has by resolution directed the Town Clerk to investigate the sufficiency of the petition; and

WHEREAS, the Town Clerk has certified the sufficiency of the petition and a public hearing on the question of annexation was held at the Town Civic Building at 6:30 PM on the 11th day of June, 2013, after due notice by Charlotte Observer – Union County Section; and

WHEREAS, the Town Council finds that the petition meets the requirements of G.S. 160A-31(d);

NOW, THEREFORE BE IT ORDAINED by the Town Council of the Town of Indian Trail, North Carolina that:

Section 1. By Virtue of the authority granted pursuant to N.C.G.S. Chapter 160A, Article 4A, Part 1, the following described territory is hereby annexed and made part of the Town of Indian Trail, North Carolina as of the 30th day of June, 2014:

See Attached Metes and Bounds Description

Section 2. Upon and after the 30th day of June, 2014, the above-described territory and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Indian Trail, North Carolina and shall be entitled to the same privileges and benefits as other parts of the Town of Indian Trail, North Carolina. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Indian Trail, North Carolina shall cause to be recorded in the office of the Register of Deeds of Union County, and in the office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Board of Elections, as required by G.S. 163-288.1.

Section 4. The Attorney of the Town of Indian Trail, North Carolina shall submit in the Office of the United States Attorney General, in accordance with Section 5 of the Voting Rights Act of 1965, codified as 42 U.S.C. 1973c, documents and materials required for review pursuant to federal law.

Adopted this 11th day of June, 2013.

TOWN OF INDIAN TRAIL

BY: _____
Michael L. Alvarez, Mayor

ATTEST:

Peggy Piontek, Town Clerk

APPROVED AS TO FORM:

Keith J. Merritt, Town Attorney

Beginning at an existing iron pin, said pin being the north west corner of the Rea Nelson Lemmond property as recorded in book 877 page 179 of the Union County Public Registry, said point also having North Carolina Grid Coordinates of North 490371.71 feet and East 1502456.79 feet; thence with the Rea Nelson Lemmond line S49° 44'36"W 1088.10 feet to an existing iron pin, said iron being the south western corner of the Rea Nelson Lemmond property as recorded in deed book 877 page 179 of the Union County Registry; thence N44°32'12W 327.85 feet with the Town of Indian Trail property as recorded in book 5468 page 01 to an existing iron pin said iron being the south east corner of the JD Armstrong and Larry A McKinney property as recorded in book 1203 page 591 of the Union County Registry; thence with the Armstrong and McKinney and the Dianne B. Hartis and Sylvia P. Smith property lines N44°56'53"W 218.58 feet to an existing iron pipe, said iron being the south east corner of the JD Armstrong and Larry A McKinney property as recorded in book 5698 page 421 of the Union County Registry; thence with the Armstrong and McKinney property line N45° 14'13"W 211.43' to an existing iron pin locate in the JD Armstrong and Larry A McKinney property as recorded in book 665 page 586 of the Union County Registry; thence with the Armstrong and McKinney property line N58° 45'38"E 381.35 feet and N60° 00'44"E 785.36feet to an existing iron pin located on the right of way of U.S. Highway 74; thence with the right of way of U.S. Highway 74 S40°11'35"E 555.64 feet to the point and place of beginning and containing 16.82 Acres as per survey by Lawrence Associates dated May 17, 2013. LESS AND EXCEPT the portion of the foregoing property described as Union County Tax ID 07105005 80.

TC ATTACHMENT TWO

PETITION REQUESTING A CONTIGUOUS ANNEXATION

DATE: 4/9/13

To the Town Council of the Town of Indian Trail, North Carolina:

1. We, the undersigned owners of real property, respectfully request that the area described in paragraph 2 below be annexed to the Town of Indian Trail, North Carolina.
2. The area to be annexed is contiguous to the primary limits of the Town of Indian Trail, North Carolina and the boundaries of such territory are as follows:

SEE ATTACHED DESCRIPTION OF BOUNDARIES
(Copy of Deed or other source containing legal description of properties requesting annexation)

NAME (print or type)	ADDRESS	SIGNATURE
1. <u>PAUL AUBRY</u>	<u>2605 N. ARGYLE ST. PORTLAND, OR 97217</u>	
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____
7. _____	_____	_____
8. _____	_____	_____
9. _____	_____	_____
10. _____	_____	_____

PETITION REQUESTING A CONTIGUOUS ANNEXATION

DATE: 4-11-13

To the Town Council of the Town of Indian Trail, North Carolina:

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2. The area to be annexed is contiguous to the primary limits of the Town of Indian Trail, North Carolina and the boundaries of such territory are as follows:

SEE ATTACHED DESCRIPTION OF BOUNDARIES

(Copy of Deed or other source containing legal description of properties requesting annexation)

NAME (print or type)	ADDRESS	SIGNATURE
1. <u>Dorothy Allison Lemmond Garner</u>	<u>324 BUBBLING WELL MATTHEWS NC 28105</u>	<u>Dorothy Allison Lemmond Garner</u>
2. <u>LONZO SCOTT Garner</u>	<u>324 BUBBLING WELL RD MATTHEWS NC 28105</u>	<u>Lonzo Scott Garner</u>
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____
7. _____	_____	_____
8. _____	_____	_____
9. _____	_____	_____
10. _____	_____	_____



P.O. Box 2430
 Indian Trail, North Carolina 28079
 Telephone (704) 821-5401
 Fax (704) 821-9045
PLANNING AND NEIGHBORHOOD SERVICES

Planning Board Transmittal for the June 11, 2013 Town Council Public Hearing

Case: ZM 2013-001 Rezone Application			
Reference Name	Hasty Rezone		
Planning Board Meeting Date	May 21, 2013		
Members Present	Chair Cowan <input type="checkbox"/>	Jan Brown <input checked="" type="checkbox"/>	Larry Miller <input checked="" type="checkbox"/>
	Vice-Chair Higgins <input checked="" type="checkbox"/>	Kelly D' Onofrio <input type="checkbox"/>	Robert Rollins <input type="checkbox"/>
	Sidney Sandy <input type="checkbox"/>	Cheryl Mimy <input checked="" type="checkbox"/> Alternate 1	Steve Long <input checked="" type="checkbox"/> Alternate 2
	Alan Rosenberg <input checked="" type="checkbox"/> Alternate 3		
Case Found Complete	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Motion	Recommend approval to Town Council with draft findings		
Member Making the Motion	Boardmember Long		
Second the Motion	Boardmember Mimy		
Vote	All seated members voted in favor of the Motion 6-0		

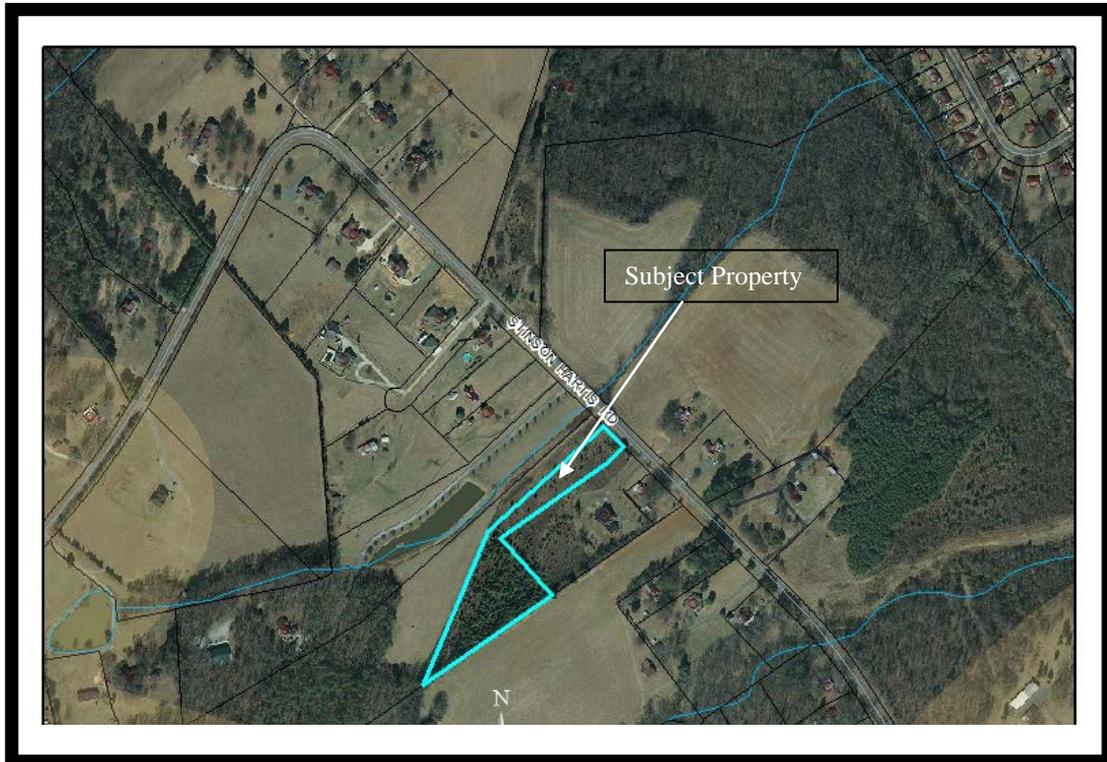
Purpose of the Amendment: The property owner has requested to amend the Indian Trail Zoning Map by reclassifying their 3-acre undeveloped property from Light Industrial (LI) to a Single-Family Residential (SF-1) zoning classification. Parcel ID # 07-060-111; Applicant: Darren and Angie Hasty. The Planning Board heard this item at its May public meeting and is transmitting a recommendation to approve.

Town Council Action: *Receive the Planning Board transmittal report and public testimony and:*

1. *Concur with the findings and transmittal of the Planning Board to approve; or*
2. *Concur with the findings and approve as modified by Council; or*
3. *Do not make the findings and disapprove the amendment.*

Executive Summary

The property owners have requested to rezone their property from Light Industrial (LI) to Single-Family Residential (SF-1) for the purpose of building a single-family dwelling. This residential zoning classification (SF-1) allows for one dwelling unit per 20,000 sq. ft (approximately ½ acre), however due to the irregular shape of the property it appears a maximum of one dwelling would be feasible. The property is located on Stinson Hartis Road in an area that is rural in nature and developed with other single-family residential homes. Please see Attachment 1- Planning Board staff report for the complete history and analysis of the project.

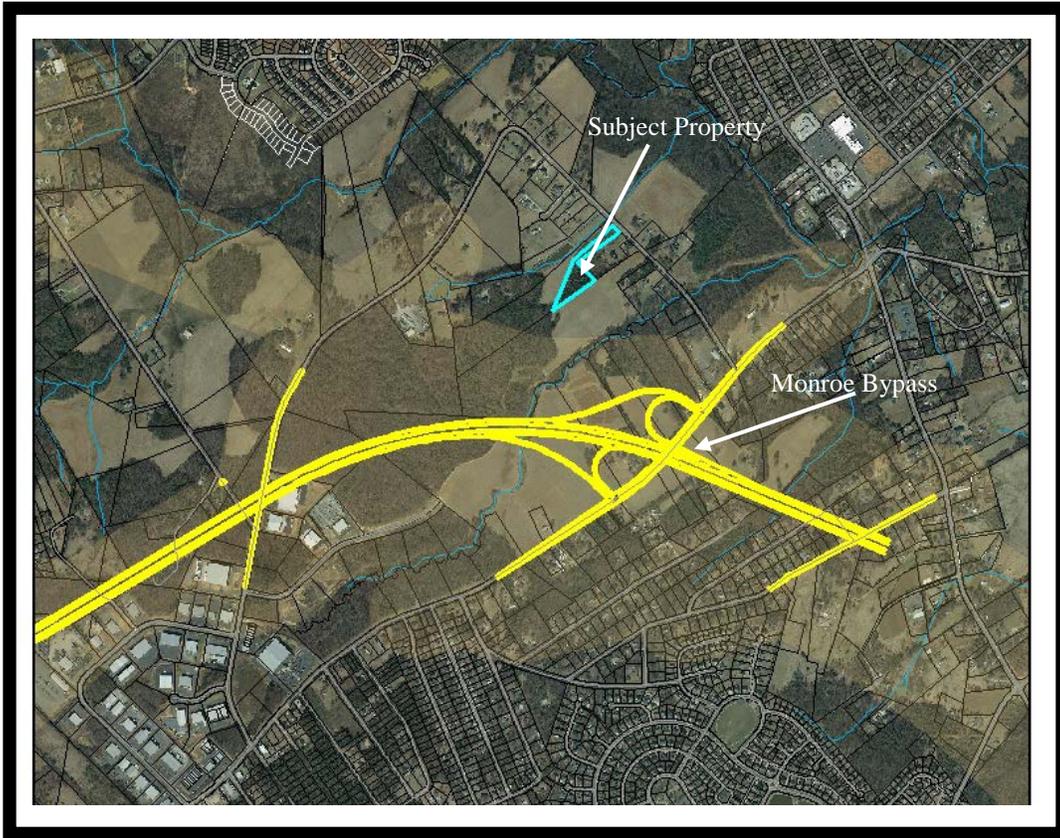


Planning Board

The Planning Board heard this rezone request on May 21, 2013. The general discussion by the Board focused on the following topics: 1) *the Monroe Bypass interchange and its inducement of growth in the area*, 2) *the tax assessment on the existing property based on their zoning*, and 3) *will this rezone set a precedent for the other properties to be rezoned especially if they are paying more property taxes.*

Monroe Bypass Interchange

The following map provides a view of the area illustrating the future Monroe Bypass interchange that is proposed on Indian Trail-Fairview Road. It is difficult to anticipate the timing or scale of impact associated with growth that will occur within the area due to the future interchange.



Tax Assessment & Future Rezone – Staff indicated we would contact Union County for this information and would provide it to the Board and Council. Staff consulted with the Union County Tax Administration Department which provided the following information:

- *The subject property and adjacent properties in the area are currently assessed (valued) as residential property with Union County.*
- *The next UC revaluation is scheduled for January 1, 2015.*
- *Properties are typically valued based on the zoning classification, however Mr. Helms, UC Appraisal Supervisor, indicated he will have to consult with other staff before a firm answer can be provided regarding its future valuation.*

Based on information from Union County, the Town may see other property owners in the area request rezoning of their property to avoid paying higher taxes after the revaluation.

Planning Board Transmittal

The Planning Board made the following draft findings and transmits a recommendation to **approve** the rezone request reclassifying the subject property from Light Industrial (LI) to a Single-Family (SF-1) residential zoning district.

Draft Findings:

Goal 1.3.1 Quality of Life – the rezoning of this property to single-family residential (SF-1) provides the property owner the opportunity to develop a single-family home within an area that is currently developed with single-family dwellings offering a continued rural housing option.

Goal 1.3.2 Land Use – the rezoning of the subject property is consistent with the existing land uses thus avoiding the introduction of light industrial use in an established rural residential area and neighboring municipality; and

The request for this zoning reclassification is a reasonable request and is in the public interest because:

- *It is in general conformity with the adopted Indian Trail Comprehensive Plan; and*
- *Allows the property owner use of their property fully aware of the future Monroe Connector alignment and potential growth pressures in the area.*

Town Council Action: Chapter 320.050 outlines the ultimate issue before Council on Amendments. They are:

- *The range of uses that may occur under the proposed amendment versus the range of uses under the existing zoning classification. See TC attachment -2.*
- *The impact of the proposed change on the public at large versus any advantages or disadvantages to the individual requesting the change.*
- *The existing land uses and zoning within the general vicinity of the property. See attachment 1- Planning Board staff report.*
- *The suitability of the subject property for the uses permitted under the existing classification.*
- *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 law and fire protection.*
- *Consistency with the Indian Trail Comprehensive Plan. See attachment 1.*

Based on the transmittal, public testimony, and deliberations, the Council may take one of the following actions:

1. *Concur with the findings and transmittal of the Planning Board to approve; or*
2. *Concur with the findings and approve as modified by Council; or*
3. *Do not make the findings and disapprove the amendment.*

Staff Contact

Shelley DeHart, AICP
srd@planning.indiantrail.org

- Attachment 1- Planning Board Report
- Attachment 2- Use Tables
- Attachment 3- Draft Ordinance



P.O. Box 2430
 Indian Trail, North Carolina 28079
 Telephone (704) 821-5401
 Fax (704) 821-9045
 PLANNING AND NEIGHBORHOOD SERVICES

Zoning Map Amendment Staff Report

Case: ZM 2013-001 Hasty Property		
Reference Name	Hasty Rezone	
Request	Proposed Zoning	Single-Family Residential SF-1
	Proposed Use	Single-family Residential
Existing Site Characteristics	Existing Zoning	Light Industrial
	Existing Use	vacant
	Site Acreage	3 acres (approx.)
Applicant	Darren & Angie Hasty 7916 Stinson-Hartis Rd.	
Submittal Date	5/3/2013	
Location	South Side of Stinson Hartis between 7916 & 7928 Stinson Hartis Road	
Tax Map Numbers	07-060-111	
Plan Consistency	Town of Indian Trail Comp. Plan	Old Hickory Business Park
		Consistent with Request
Recommendations & Comments	Planning Staff	Recommends Approval for Single-Family Residential – SF-1

Project Summary

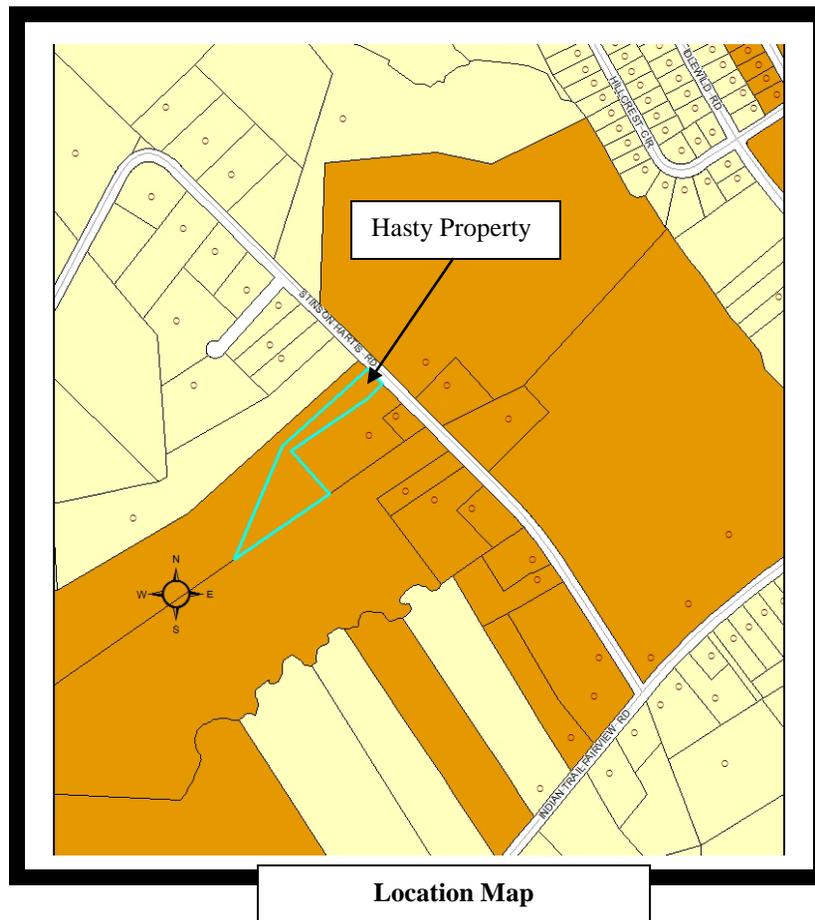
Request: To rezone one vacant 3-acre parcel located on the south side of Stinson Hartis Road from the light industrial (LI) zoning designation to a single-family residential (SF-1) zoning classification for the intended purpose of developing a single-family home.

Staff Recommendation- Staff recommends the Planning Board receive the report and recommend approval to the Town Council as presented.

General Information

According to town records, the subject property was part of a larger involuntary annexation (Annexation #99) which became effective June 30, 2003. All of the properties involved in the annexation were zoned Light Industrial (LI) by the Town on August 12, 2003.

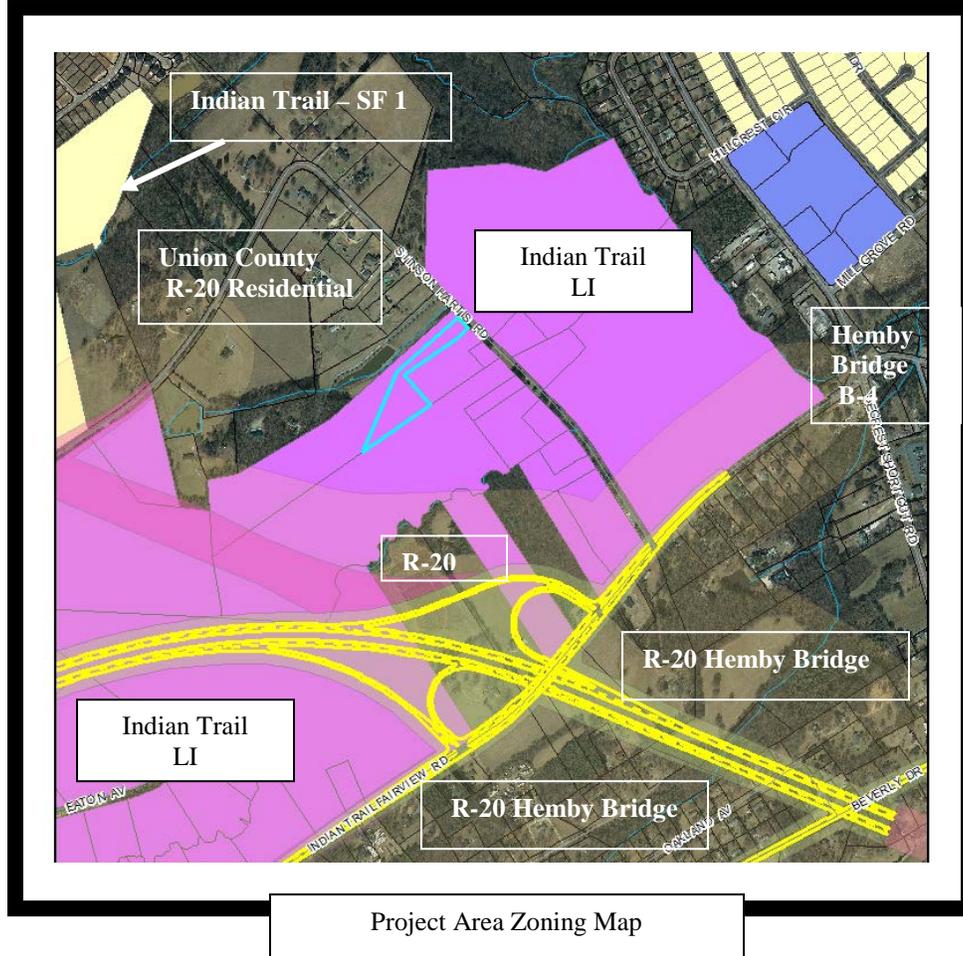
The property owners, of the subject property, contacted the Town recently regarding building a single-family residential home on the property. Staff explained the property is zoned Light Industrial which would not accommodate single-family residential use; therefore, a change in the zoning classification is necessary. The location map provided below identifies the subject property.



The properties in the light yellow are located within the unincorporated area of the County or Hemby Bridge. The dark orange area is within the Towns' jurisdictional boundary.

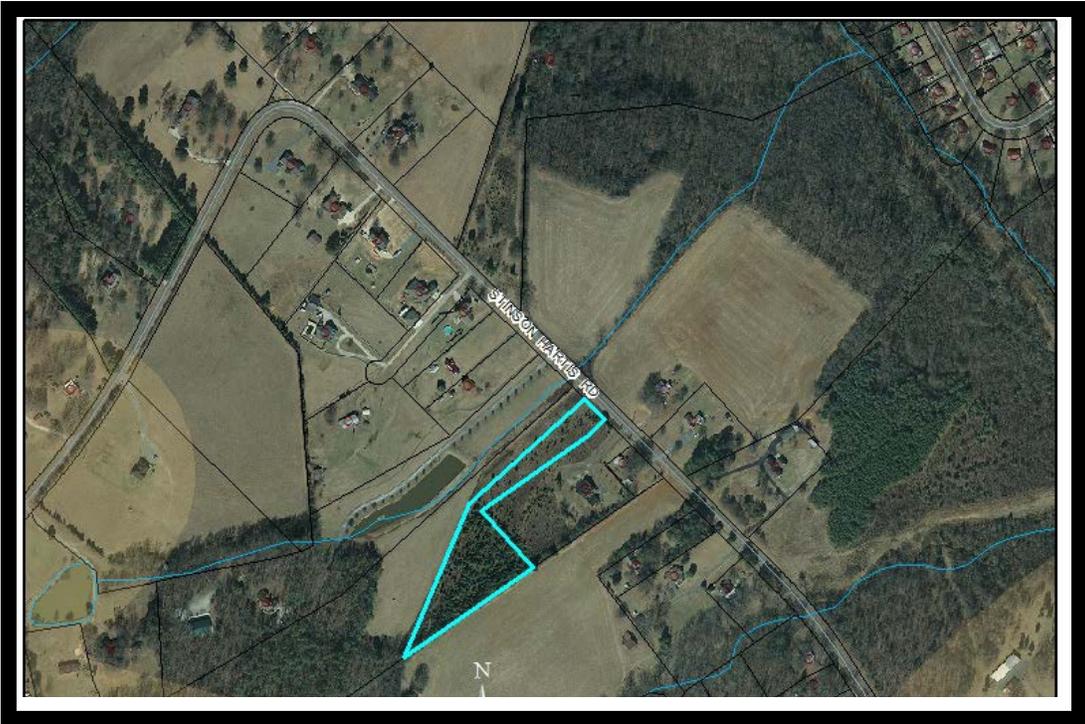
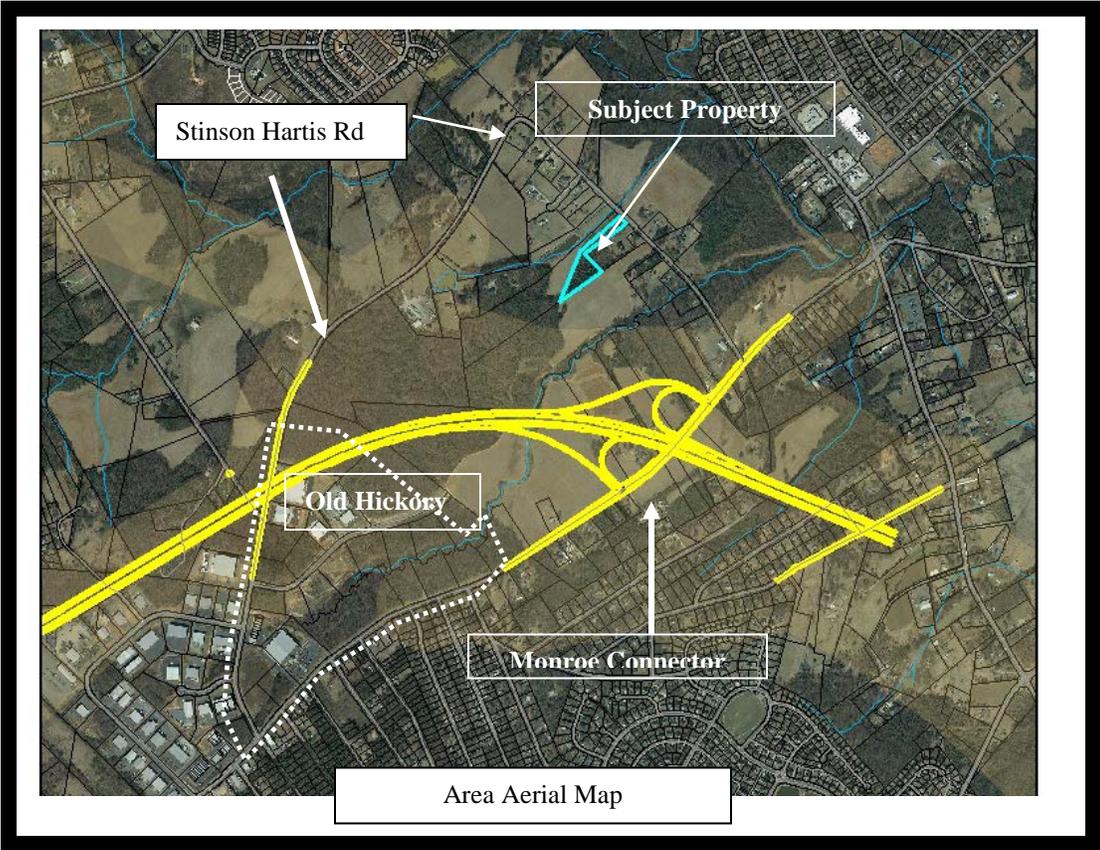
Zoning Information

As stated above, this request is to reclassify the property from light industrial (LI) to single-family residential (SF-1). The SF-1 zoning classification allows for one residential dwelling unit per 20,000 square foot lot area or approximately 2 dwelling units per acre. The zoning classification on the adjacent parcels is light industrial (see map below). Expanding the view of the project area results reveals a wide range of classification from single-family residential within the unincorporated County to light industrial within the Town's boundary. The map below provides the zoning classifications within the subject area.



Site Characteristics

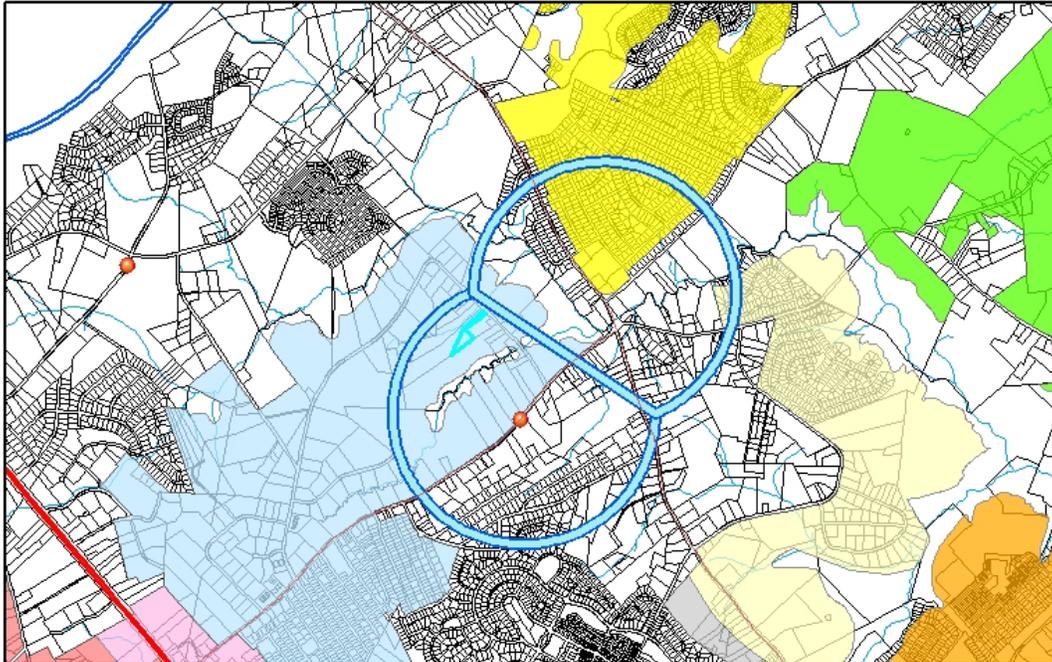
The subject property is located at the east end of Stinson Hartis Road. Stinson- Hartis Road is a currently a 2-lane loop road intersecting Indian Trail–Fairview Road at both ends. The western portion of Stinson Hartis Road is located within Phase VI of the Old Hickory Industrial Park. The lots adjacent to the north and east portion of Stinson Hartis road are individually owned and are developed predominately with single-family residential dwellings. The immediate area is rural in nature, dominated by single-family residential use with some associated agricultural activity. The existing homes in the area were built primarily between the late 1970’s to 2005. There are a few homes in the area that date back to the 1950’s. The existing dwellings located within the Town’s jurisdictional boundary that are zoned Light Industrial are considered an existing non-conforming use. The future Monroe Connector will transverse this generally rural area adding an interchange on Indian Trail-Fairview Road, just west of the eastern leg of Stinson Hartis Road (see map below). Although the area is rural in nature now, the development of the Monroe Connector could be sufficient impetus for future development pressure and changes in the future.



Plan Consistency

Comprehensive Plan

The property is located within the Old Hickory Corridor which is identified as one of three economic corridors within the Town. The future vision for this area is primarily an employment center (25% industrial) that includes supporting uses such as retail and residential uses. The subject property is also located within a village center – which is centered on the future Monroe Connector interchange (red-dot below).



The table below provides a breakdown of potential future uses:

Old Hickory Corridor Land Uses

Land Use	Future	Existing	Flex Factor
Medium Density Residential	5%	16.49%	+/-2
High Density Residential	10%	14.95%	+/-2
Multi-Family Residential	5%		+/-2
Parks/Open Space	5%		
Institutional	5%	.22%	+/-2
Retail	5%	1.53%	+/-1
Office	30%		+/-5
Industrial	25%	38.90%	+/-5
Boulevards/Thoroughfares	10%	7.71%	

The Village Center targets more intense uses such as retail/office at the future interchange location and higher density residential. The project proposes a low –medium density residential near the periphery of the center.

Due to the existing residential uses within the subject parcel area, the age of the housing stock within that area, and its location within the Village Center, staff is of the opinion it is in general conformity with the plan.

Action Required

The Planning Board must make findings prior to motioning for recommendation. The findings must be made that the proposed amendment is both reasonable and consistent with the Comprehensive Plan. Staff is of the opinion the following goal can be found:

Goal 1.3.1 Quality of Life – the rezoning of this property to single-family residential (SF-1) provides the property owner the opportunity to develop a single-family home within an area that is currently developed with single-family dwellings offering a continued rural housing option.

Goal 1.3.2 Land Use – the rezoning of the subject property is consistent with the existing land uses thus avoiding the introduction of light industrial use in an established rural residential area and neighboring municipality; and

The request for this zoning reclassification is a reasonable request and is in the public interest because:

- *It is in general conformity with the adopted Indian Trail Comprehensive Plan; and*
- *Allows the property owner use of their property fully aware of the future Monroe Connector alignment and potential growth pressures in the area.*

Recommendation

The Planning Staff believes that the findings can be made to support the petition requesting a rezone to a single-family residential classification (SF-1) on the subject properties.

Staff Contact

Shelley DeHart, AICP
704 821-5401 ext 225
srd@planning.indiantrail.org

Attachments:

Attachment 1- Application
Attachment 2 – Parcel Plat Map

ATTACHMENT ONE: APPLICATION

12-000450

05-03-2013 15:40

ZONING MAP AMENDMENT APPLICATION



PLANNING AND DEVELOPMENT DEPARTMENT

PO Box 2430

Indian Trail, NC 28079

Telephone (704) 821-5401

Fax (704) 821-9045

PALD

DEADLINE: THE FIRST DAY OF THE EACH MONTH

ONLY COMPLETE APPLICATIONS ACCEPTED

Processing Fee \$500.00

ZONING MAP AMENDMENT APPLICATION



Submittal Requirements

- Completed Application
- Notarized signatures of applicant and property owner
- Letter of Intent
- Fees associated with review

General Information

Project Address 7916 Stinson - Hartis Rd.
City Indian Trail State NC Zip 28079
Tax Parcel ID 07060111 Zoning Designation R
Total Acres 3 Impervious Area _____
Project Description Single house

Contact Information – Applicant

Name Darren + Angie Hasty
Address 7916 Stinson - Hartis Rd.
City Indian Trail State NC Zip 28079
Phone 704.363.9467 Fax 704.882.7800
Email ahasty@windstream

Contact Information – Property Owner

Name * Same AS Above
Address _____
City _____ State _____ Zip _____
Phone _____ Fax _____
Email _____

ZONING MAP AMENDMENT APPLICATION



Applicant's Certification

Signature [Signature] Date 5-3-13

Printed Name/Title Angie Hasty
Darren Hasty

Signature of Notary Public [Signature] Date 5/3/13
Nina Villela

Notary Seal

Property Owner's Certification

Signature [Signature] Date 5-3-13

Printed Name/Title Angie Hasty

Signature of Notary Public [Signature] Date 5/3/13
Nina Villela

Notary Seal

TOWN OF INDIAN TRAIL OFFICE USE ONLY

Case Number: _____

Date Received: 5-3-2013 Amount of Fee: \$500

Received By: K.A.S. Receipt #: _____

TC Attachment -2
Use Tables

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)	-	See Section 1310.050 standards			

Use Group	Zoning District							Use Standard
Use Category	RSF	SF-1	SF-2	SF-3	SF-4	SF-5	MFR	
recreation facilities such as golf-courses, and country clubs								
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, kennels, and boarding facilities	S	-	-	-	-	-	-	
Greenhouse or	P							

Use Group	Zoning District							Use Standard
Use Category	RSF	SF-1	SF-2	SF-3	SF-4	SF-5	MFR	
Nursery								
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

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.

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	
Specific Use			
COMMERCIAL			
Adult Use	-	-	
Animal Services			
Shelter/ Boarding Kennel	S	-	
Sales and Grooming	S	-	
Veterinary	S	-	
Stables	S	-	
Artist Work and Sales Space	P	P	
Building Maintenance Services	P	P	
Business Equipment Sales and Service	P	P	
Commercial Greenhouse or Nursery	P	P	
Communication Service Establishments	P	P	
Construction Sales and Service	P	P	
Construction Storage Yard	S	P	
Funeral and Interment Service			
Cemetery or Mausoleum	-	-	
Cremating	S	S	
Commercial Laundry Services	P	P	
Offices	P		
Business or Trade School	P		
Ancillary Services Within Business Parks			
Health Clubs/Fitness*	P*		See Size Limits Sec. 530.040*
Child Care Center*	S*		See Size Limits, Parking and Loading, and Locational Requirements Sec. 530.040*
Dry Cleaning, Shoe and Apparel Repair (Consumer)*	P*		See Size Limits Sec. 530.040*
Bakery*	P*		See Size Limits Sec. 530.040*
Delicatessen*	P*		See Size Limits Sec. 530.040*
Restaurant (not including drive-through facilities)*	P*		See Size Limits Sec. 530.040*
Mailing, Copying, and Blue Print Services*	P*		See Size Limits Sec. 530.040*
Employment Agency*	P*		See Size Limits Sec. 530.040*
Secretarial Services*	P*		See Size Limits Sec. 530.040*
Telephone Answering Service*	P*		See Size Limits Sec. 530.040*
Residential Storage Warehouse	P	P	
Indoor Shooting Range	S	S	Chapter 7170
Sports and Recreation, Participants			

Use Group	Zoning Districts		Use Standard
	LI	HI	
(Not including firearms shooting ranges)			
Outdoor	S	S	
Indoor	P	-	
Vehicles Sales, Storage and Service			
Heavy Equipment Sales and Rental* (Retail and Wholesale)	P	P	*See Chapter 7150
Motor Vehicle Repair Shop including commercial vehicles	P	P	
RV or Boat Storage	S	S	
Vehicle Storage and Towing	S	S	
Industrial			
Manufacturing, Production, and Industrial Services	P	P	
Artisan	P	P	
Limited Industrial	P	P	
General Industrial	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	
Recycling facilities, outdoors	-	S	
Resource Recovery Facilities	-	S	
Waste Transfer Stations	-	S	
Other			
Agricultural Operations	P	P	
Emergency Services	P	P	
Utilities, Minor	P	P	
Utilities, Major	S	S	
Wireless Communication Facilities			
Co-located	P	P	See Chapter 7160
Freestanding Towers	P	P	See Chapter 7160

WHEREAS, the Town Council received the Planning Board transmittal for a recommendation of approval in the required public hearing held on June 11, 2013 and after receiving the transmittal, public comment, and deliberation, concur with the required findings and amendment recommendation as transmitted by the Planning Board.

NOW THEREFORE, BE IT ORDAINED ON JUNE 11, 2013 BY THE TOWN COUNCIL OF THE TOWN OF INDIAN TRAIL, NORTH CAROLINA HEREBY TAKES THE FOLLOWING ACTION:

Section 1 – The Indian Trail Zoning Map is hereby amended to reflect the approval of the reclassification of the zoning district for Hasty property (#07-060-111) from Light Industrial to Single-Family Residential – SF-1;

Section 2- This ordinance shall be effective immediately upon adoption.

SO ORDAINED THIS 11th DAY OF JUNE, 2013.

THE TOWN COUNCIL OF INDIAN TRAIL

By _____
Honorable Michael L. Alvarez, Mayor

Attest:

Peggy Piontek, Town Clerk



P.O. Box 2430
 Indian Trail, North Carolina 28079
 Telephone (704) 821-5401
 Fax (704) 821-9045

PLANNING AND NEIGHBORHOOD SERVICES

Planning Board Transmittal for the June 11, 2013 Town Council Public Hearing

Case: ZT 2012-008 Amendment of Chapter 1360 of the Unified Development Ordinance			
Reference Name	Flood Damage Reduction Ordinance Amendment		
Planning Board Meeting Date	May 21, 2013		
Members Present	Chair Cowan <input type="checkbox"/>	Jan Brown <input checked="" type="checkbox"/>	Larry Miller <input checked="" type="checkbox"/>
	Vice-Chair Higgins <input checked="" type="checkbox"/>	Kelly D' Onofrio <input type="checkbox"/>	Robert Rollins <input type="checkbox"/>
	Sidney Sandy <input type="checkbox"/>	Cheryl Mimy <input checked="" type="checkbox"/> Alternate 1	Steve Long <input checked="" type="checkbox"/> Alternate 2
	Alan Rosenberg <input checked="" type="checkbox"/> Alternate 3		
Case Found Complete	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Motion	Recommend approval to Town Council with draft findings		
Member Making the Motion	Boardmember Miller		
Second the Motion	Boardmember Mimy		
Vote	All seated members voted in favor of the Motion 6-0		

Purpose of the Amendment: To amend Chapter 1360- Flood Damage Reduction Ordinance of the Unified Development Ordinance. This chapter regulates special flood hazard areas (floodplains) of the Town that are subject to periodic inundation. The purpose of the amendment is to correct cross-references within the chapter.

Town Council Action: *Receive transmittal report and public testimony and:*

1. *Concur with the findings and transmittal of the Planning Board to approve; or*
2. *Concur with the findings and approve as modified by Council; or*
3. *Do not make the findings and disapprove the amendment.*

Executive Summary

The proposed amendment is a general “housekeeping” exercise to reestablish cross-references within Chapter 1360 of the Unified Development Ordinance. There are no other changes proposed to this chapter.

Planning Board

This proposed amendment was heard by the Planning Board on May 21, 2013, and after a general discussion the Board motioned to make the findings and transmit a unanimous recommendation to approve. The draft findings for Council consideration are noted below:

1. The proposed UDO amendment is consistent with the following goal:
 - 1.3.5 of the Comprehensive Plan- *Utilities*; the proposed UDO ordinance amendment will clarify regulations to help protect life and property as it relates to the Special Flood Hazard Areas and stormwater requirements promoting best management practices within the Town.
2. This UDO ordinance amendment is in the best interest of the public because it clarifies regulations within the Unified Development Ordinance intended to protect the public and enhances customer service by providing clear and concise regulations within the Town.

Staff Contact

Shelley DeHart, AICP
srd@planning.indiantrail.org

Attachment 1- Planning Board Report

Attachment 2- Draft Ordinance

TC ATTACHMENT 1 – PLANNING BOARD REPORT



P.O. Box 2430
 Indian Trail, North Carolina 28079
 Telephone (704) 821-5401
 Fax (704) 821-9045

PLANNING AND NEIGHBORHOOD SERVICES

Zoning Staff Report

Case: ZT 2012-008 Amendment of UDO Related to Flood Damage Reduction		
Reference Name	General Housekeeping of Chapter 1360	
Applicant	Town of Indian Trail	
Submittal Date	March 4, 2013	
Location	Town-wide	
Tax Map Number	N/A	
Plan Consistency	Town of Indian Trail Comprehensive Plan	Consistent With Request
Recommendations & Comments	Planning Staff	Recommends Approval of Proposed Text Amendment.

Project Summary

This is a request to amend Chapter 1360 – Flood Damage Reduction Ordinance for the purpose of correcting cross-references within the Chapter.

Staff Recommendation- Staff recommends based on the guidance of the adopted plans that the text amendment be supported by recommending its approval to the Town Council

Analysis

This request is a simple housekeeping exercise to correct internal cross referencing within this Chapter. No other modifications are proposed. Exhibit A- of the attached draft ordinance provides the draft amendment of Chapter 1360 of the UDO.

Required Consistency Findings

The Planning Board is required to make two consistency findings, one for consistency with Town adopted plans and another regarding the benefit of the public. Staff is of the opinion the following findings can be made:

1. The proposed UDO amendment is consistent with the following goals:
 - 1.3.5 of the Comprehensive Plan- *Utilities*; the proposed UDO ordinance amendment will clarify stormwater requirements promoting best management practices; and
2. This UDO ordinance amendment is in the best interest of the public because it clarifies stormwater regulations within the Unified Development Ordinance thereby enhancing customer service in the Town.

Staff recommends that the Planning Board make the required consistency findings and recommend adoption of this UDO Text Amendment as presented to the Town Council.

Staff Contact

Shelley DeHart, AICP

Director of Planning

srd@planning.indiantrail.org

Attachment 1: Draft Ordinance –REMOVED FOR THIS TC REPORT – SEE TC ATTACHMENT 2

TC ATTACHMENT 2 – DRAFT ORDINANCE

Section 1 – UDO CHAPTER 1360 is hereby amended as shown in Exhibit A of this Ordinance;

Section 2- This ordinance shall be effective immediately upon adoption.

SO ORDAINED THIS 11th DAY OF JUNE, 2013.

THE TOWN COUNCIL OF INDIAN TRAIL

By _____
Honorable Michael L. Alvarez, Mayor

Attest:

Peggy Piontek, Town Clerk

Chapter 1360. Flood Damage Reduction Ordinance

1360.010. Statutory Authorization

- 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.

Chapter 1360. Flood Damage Reduction Ordinance

1360.030. Definitions

- 12.** *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.
- 13.** *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.
- 14.** *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.
- 15.** *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.
- 16.** *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.
- 17.** *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)*.
- 18.** *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.
- 19.** *Flood insurance* means the insurance coverage provided under the National Flood Insurance Program.
- 20.** *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.
- 21.** *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.
- 22.** *Flood prone area* see *floodplain*.

Chapter 1360. Flood Damage Reduction Ordinance

1360.030. Definitions

23. *Floodplain* means any land area susceptible to being inundated by water from any source.
24. *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*.
25. *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.
26. *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.
27. *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.
28. *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.
29. *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.
30. *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.
31. *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*.
32. *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.
33. *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*.
34. *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

Chapter 1360. Flood Damage Reduction Ordinance
1360.030. Definitions

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.
- 35.** *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.
- 36.** *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.
- 37.** *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*.
- 38.** *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.
- 39.** *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.
- 40.** *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.
- 41.** *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*.

Chapter 1360. Flood Damage Reduction Ordinance

1360.030. Definitions

42. *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.
43. *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*.
44. *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*.
45. *Principally Above Ground* means that at least 51% of the actual cash value of the *structure* is above ground.
46. *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.
47. *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.
48. *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*.
49. *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.
50. *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.
51. *Riverine* means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Chapter 1360. Flood Damage Reduction Ordinance

1360.030. Definitions

52. *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.
53. *Solid waste disposal facility* means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a) (35).
54. *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.
55. *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 ~~Chapter 1401360.040B~~ 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).
56. *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.
57. *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.
58. *Structure* means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.
59. *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*.
60. *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:

Chapter 1360. Flood Damage Reduction Ordinance

1360.040. General Provisions

- 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*.

61. *Variance* is a grant of relief from the requirements of this ordinance.

62. *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 [Chapter 1401360.100](#) and Sections [Chapter 1401360.120](#) is presumed to be in violation until such time as that documentation is provided.

63. *Water surface elevation (WSE)* means the height, in relation to mean sea level, of floods of various magnitudes and frequencies in the SFHAs.

64. *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 Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM), for Union County and the Town of Indian Trail dated October 16, 2008, which are adopted by reference and declared to be a part of this ordinance.

1. The initial Flood Insurance Rate Maps for the jurisdictional areas at the initial date are entitled: Union County Unincorporated Area and the Town of Indian Trail, dated July 18, 1983.

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 [Chapter 1401360.040B](#) 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.

Chapter 1360. Flood Damage Reduction Ordinance

1360.100. Administration

5. Prevent encroachments into the SFHAs, floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Section ~~Chapter 1401360.120A~~, Section ~~Chapter 1401360.120A.18~~, and Section ~~Chapter 1401360.150~~ 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 ~~Chapter 1401360.110D~~.
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 ~~Chapter 1401360.110D~~.
8. Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of Section ~~Chapter 1401360.110D~~.
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 ~~Chapter 1401360.110D~~ and ~~Chapter 1401360.120B.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 ~~Chapter 1401360.130B.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 Chapter 110, 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.

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Chapter 1360. Flood Damage Reduction Ordinance

1360.110. Floodplain Development Application, Permit and Certification Requirements

- 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 [Chapter 140.1360.160](#).
- 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 [Chapter 140-1360.040B](#) 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

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1360.110. Floodplain Development Application, Permit and Certification Requirements

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 [Chapter 1491360.040B](#), 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 [Chapter 1491360.040B](#);
 - d. the boundary of the Floodway(s) or Non-Encroachment Area(s) as determined in Section [Chapter 1491360.040B](#);
 - e. the Base Flood Elevation (BFE) where provided as set forth in Section [Chapter 1491360.040B](#);
 - 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:

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- 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 [Chapter 1401360.120B.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 [Chapter 1401360.120B.6](#) and Section [Chapter 1401360.120B.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 [Chapter 1401360.040B](#).
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

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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 [Chapter 4401360.120B.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 [Chapter 4401360.120B.6](#);
 - b. Temporary structures meeting requirements of Section [Chapter 4401360.120B.7](#); and
 - c. Accessory structures less than 150 square feet meeting requirements of Section [Chapter 4401360.120B.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, provided that at least eighty (80) percent of the fence shall be open area, and shall be elevated at a minimum, one (1) foot above the ground, 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.

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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.

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- 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 [Chapter 1360.120A](#). In all SFHAs where base flood elevation (BFE) data has been provided, as set forth in Section [Chapter 1360.040B](#), the following provisions, in addition to the provisions of Section [Chapter 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 [Chapter 1360.03049](#) 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 [Chapter 1360.03049](#) 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 [Chapter 1360.03049](#) of this ordinance.

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- 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 ~~Chapter 1401360.120B.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;

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- (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:

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- 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 [Chapter 1401360.120A.2](#);
- f. all service facilities such as electrical shall be installed in accordance with the provisions of Section [Chapter 1401360.120A.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 [Chapter 1401360.120B.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 [Chapter 1401360.110D](#).

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.

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1360.130. Standards for Floodplains without Established Base Flood Elevations

1360.130 Standards for Floodplains without Established Base Flood Elevations

Within the SFHA designated as Approximate Zone A and established in Section ~~Chapter 1401360.040B~~, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of Section ~~Chapter 1401360.120A~~, 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 ~~Chapter 1401360.120B~~, and Section ~~Chapter 410~~.
 - 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 ~~Chapter 4101360.120A.18~~ and Section ~~Chapter 4101360.150~~.
 - 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 ~~Chapter 1401360.140B~~ 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 ~~Chapter 1401360.03049~~. All other applicable provisions of Section ~~Chapter 4101360.120~~ 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~~~~Chapter 110~~. 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 1360.1230A.18.
- C. If Section ~~Chapter 110~~~~1360.120 and~~, ~~Section Chapter 110~~, and Section ~~Chapter 110~~~~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 ~~Chapter 110~~~~1360.120B.3~~; and
 - 2. the no encroachment standard of Section ~~Chapter 110~~~~1360.120 and~~; Section ~~Chapter 110~~~~1360.150~~, and

~~Section Chapter 110.~~

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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;

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1360.170. Appeals and Variances

- 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 [Chapter 1401360.090](#).

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;

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 October 16, 2008 and the Flood Insurance Rate Maps (FIRMs) as compiled and dated October 16, 2008 are hereby adopted and shall serve as the base information for the enforcement of this chapter.

Chapter 110.

1360.200. Adoption Certification

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 14th day of October, 2008.

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,



TO: Mayor and Town Council

FROM: Joseph A. Fivas, Town Manager

DATE: June 11, 2013

SUBJECT: FY 2013-14 Budget Approval

State law mandates that before July 1st of each year a local government will adopt a budget, or a continuation budget, that is balanced. Staff has presented a balanced budget, and is recommending approval of the budget.



TO: Mayor and Town Council
FROM: Joseph A. Fivas, Town Manager
DATE: June 11, 2013
SUBJECT: Naming of (Chestnut) Park

The Town Council has approved the initial construction of the (Chestnut) Park next to Matthews-Indian Trail Road. The construction is proceeding well, even with an unusually wet spring. We expect the Park to be open to the public this fall. In the next few weeks, the Town will have to make decisions on our wayfinding signs to point visitors to the park, and we will have to order signs for the new facility which can take up to 120 days to produce. Currently, most people refer to this Park as the (Chestnut) park, based on its proximity to the Chestnut Parkway which is under construction.

On June 5th, the Parks, Tree, and Greenway Committee reviewed and discussed several potential names for this park area. The recommendation and conclusion of the Parks, Tree, and Greenway Committee was to use the current (Chestnut) name of the park. They feel the proximity to the Chestnut Parkway and because most residents already recognize and relate to the Chestnut name. The Chestnut name in this corridor has been used for many years relating to the Chestnut Connector which is now under construction. Moreover, the Parks, Tree, and Greenway Committee was also comfortable with adding an additional word to the Chestnut name. They discussed Chestnut Commons Park, Chestnut Square Park, and Chestnut Meadows Park.

Committee Recommendation: By consensus the Parks, Trees, and Greenway Committee recommended Chestnut Park as the name, but were open to these other options:

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- 1) Chestnut Park at Indian Trail
- 2) Chestnut Commons Park at Indian Trail
- 3) Chestnut Square Park at Indian Trail

It is not necessary for the Town Council to make an immediate decision on this issue. However, the earlier a decision can be reached it would assist in keeping our park project on schedule.

jaf