



Town of  
**INDIAN TRAIL**  
north carolina

Indian Trail, North Carolina 28079

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**PLANNING BOARD TRANSMITTAL**

**Planning Board Transmittal for the August 10<sup>th</sup>, 2010 Town Council Meeting**

<b>Reference Name</b>	Case: ZT 2010-007 Dwelling Unit Definition		
<b>PB Meeting Date</b>	July 20, 2010		
<b>Members Present</b>	Chair Whitehurst <input checked="" type="checkbox"/>	Vice Chair Cowan <input checked="" type="checkbox"/>	Larry Miller <input checked="" type="checkbox"/>
	Gary Vaughn <input checked="" type="checkbox"/>	Kathy Broom <input checked="" type="checkbox"/>	Robert Rollins <input type="checkbox"/>
	Sidney Sandy <input checked="" type="checkbox"/>	John Simulcik- alt <input checked="" type="checkbox"/>	Cathi Higgins-alt <input checked="" type="checkbox"/>
	Kenneth Pack-alt <input checked="" type="checkbox"/> (audience)		
<b>Case Found Complete</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
<b>Motion</b>	Recommend approval as transmitted.		
<b>Member making the motion</b>	Member Broom		
<b>Second the motion</b>	Member Miller		
<b>Vote</b>	Unanimous		

**Background**

This is a request to amend Section 1620.310 of the Unified Development Ordinance (UDO) to expand the current definition for the term *dwelling unit*.

**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 findings and approve as modified by Council; or
3. Do not make the findings and disapprove the amendment.

## Summary

- 1.) This text amendment was a Town-initiated request to amend the following sections to the UDO General Definitions chapter:

### **1620.310 Dwelling Unit**

A building or portion thereof arranged, intended, or designed for occupancy by a single household for year-round habitation, containing self-sufficient bathroom and kitchen facilities, connected to all required utilities.

## Planning Board Meeting (July 20, 2010)

The Planning Board heard this item at its July 20, 2010 meeting. The Board made the following consistency findings, after staff had read them into the record:

1. The following findings were made consistent with the Comprehensive Plan:
  - 1.3.1 of the Comprehensive Plan – Quality of Life; the proposed UDO amendment will help to make the UDO consistent with state, federal and other regulatory standards for dwelling units and provide for the health, safety, and welfare of Indian Trail citizens.
  - 1.3.2 of the Comprehensive Plan – Land Use; the proposed UDO amendment will help to promote a quality mix of different land uses while avoiding land use conflicts with neighboring properties and surrounding municipalities.
  - 1.3.5 Expansion and improvement of public utilities such as water, sewer, and storm water systems throughout the community.
2. This UDO ordinance amendment is in the best interest of the public because it promotes a more efficient development system and review process, while providing a greater quality of life for all residents of the Town of Indian Trail.

Making these required findings, the Planning Board voted unanimously to recommend approval of the amendment.

## Town Council Action

Receive the Planning Board's Transmittal, public testimony, and motion to:

1. Confirm the findings as read into the record and approve ZT 2010-007 as transmitted by the Planning Board; or
2. Confirm the findings as read into the record and approve ZT 2010-007 as transmitted by the Planning Board and make any modifications as the Council sees fit to make;
3. Table ZT2010-007 and remand the amendment back to the Planning Board for further consideration; or
4. Disagree with the findings and disapprove ZT 2010-007 as transmitted by the Planning Board.

## Attachments:

Attachment 1 – Draft Ordinance for UDO

Attachment 2 – Town Council Report for July 20, 2010



# **TC ATTACHMENT 1**



NOW THEREFORE, BE IT ORDAINED ON AUGUST 10, 2010 BY THE TOWN COUNCIL OF THE TOWN OF INDIAN TRAIL, NORTH CAROLINA HEREBY TAKES THE FOLLOWING ACTION:

**Section 1 – Division 1600, Section 1620.310 –is hereby amended to further define the term dwelling unit as follows:**

**1620.310 Dwelling Unit**

**A building or portion thereof arranged, intended, or designed for occupancy by a single household for year-round habitation, containing self-sufficient bathroom and kitchen facilities, connected to all required utilities.**

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

SO ORDAINED THIS 10TH DAY OF AUGUST, 2010.

THE TOWN COUNCIL OF INDIAN TRAIL

By \_\_\_\_\_  
Honorable John J. Quinn, Mayor

Attest:

\_\_\_\_\_  
Peggy Piontek, Town Clerk

## **TC ATTACHMENT 2**



**Town of Indian Trail**  
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**PLANNING DEPARTMENT**

## Zoning Staff Report

<b>Case: ZT 2010-007 Amendment of Chapter 1620 General Definitions</b>		
<b>Reference Name(s)</b>	Amendment of UDO Section 1620.310 Dwelling Unit	
<b>Applicant</b>	Town of Indian Trail	
<b>Submittal Date</b>	July 10, 2010	
<b>Location</b>	Town-Wide	
<b>Tax Map Number</b>	N/A	
<b>Recommendations &amp; Comments</b>	<b>Planning Staff</b>	Recommend approval of the proposed UDO amendments to the Town Council

### Executive Summary

Staff is introducing this text amendment (ZT2010-007) for revision to the existing Unified Development Ordinance (UDO) Chapter 1620 relating to the definition for dwelling unit. The proposed revisions are as follows:

- Amend UDO Section 1620.310, further defining the term *dwelling unit*.

### Analysis

The UDO amendment will expand the definition for *dwelling unit*. Currently, the definition in the ordinance is too open for interpretation, allowing for structures without the appropriate facilities to be classified as dwelling units. The proposed amendment will define the term in more detail and provide for a more restrictive classification, thus ensuring the appropriate facilities for structures considered dwelling units.

**UDO Section 1620.310 – Dwelling Unit.**

**1620.310 Dwelling Unit**

A building or portion thereof arranged, intended, or designed for occupancy by a single household for year-round habitation, containing self-sufficient bathroom and kitchen facilities, connected to all required utilities.

**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:

3. The proposed UDO amendment is consistent with the following goals:
  - 3.3.1 of the Comprehensive Plan – Quality of Life; the proposed UDO amendment will help to make the UDO consistent with state, federal and other regulatory standards for dwelling units and provide for the health, safety, and welfare of Indian Trail citizens.
  - 3.3.2 of the Comprehensive Plan – Land Use; the proposed UDO amendment will help to promote a quality mix of different land uses while avoiding land use conflicts with neighboring properties and surrounding municipalities.
  - 1.3.5 Expansion and improvement of public utilities such as water, sewer, and storm water systems throughout the community.
4. This UDO ordinance amendment is in the best interest of the public because it promotes a more efficient development system and review process, while providing a greater quality of life for all residents of the Town of Indian Trail.

**Staff Recommendation**

Staff recommends that the Planning Board make the required consistency findings and recommend adoption of the UDO ordinance amendments and additions as stated in this report to the Town Council.

**Staff Contact**

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