



Town of
INDIAN TRAIL
north carolina

Indian Trail, North Carolina 28079

Telephone 704-821-5401

Fax 704-821-9045

PLANNING BOARD TRANSMITTAL

Planning Board Transmittal for the April 12, 2011 Town Council Meeting

Reference Name	Case: ZT 2011-002 Temporary Use Permit		
PB Meeting Date	March 15, 2011		
Members Present	Chair Whitehurst <input checked="" type="checkbox"/>	Gary Vaughn <input checked="" type="checkbox"/>	Larry Miller <input type="checkbox"/>
	Vice-Chair Cowan <input type="checkbox"/>	Kathy Broom <input type="checkbox"/>	Robert Rollins <input checked="" type="checkbox"/>
	Sidney Sandy <input type="checkbox"/>	Cathi Higgins <input checked="" type="checkbox"/> Alternate	Vacant Seat <input type="checkbox"/> Alternate
	Vacant Seat <input type="checkbox"/>		
Case Found Complete	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Motion	Recommend approval as transmitted.		
Member making the motion	Board member Vaughn		
Second the motion	Board member Higgins		
Vote	4-0		

Background

A request to amend Chapter 440 Temporary Use Permit – to add the ability to utilize a temporary sales or construction trailer on a lot associated with an approved development permit. This use would be authorized within all zoning classifications within the Town. The Planning Board heard this request on March 15, 2011 and transmits a recommendation to approve.

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.*

This amendment codifies requirements the Town has used in the past to ensure aesthetic compatibility of sales or material trailers placed on parcels associated with development. The requirements include:

- Adhering to the minimum setbacks for the subject parcel;
- Underpinning, screening, and landscaping around sales or construction trailers;
- Off-street parking shall be provided;
- Pods or Seatainers shall be screened or located out of general view if located within a residential neighborhood.

The Planning Board made the following required findings and transmits a recommendation of approval:

1. The proposed UDO amendment is consistent with the following goals:
 - 1.3.2 of the Comprehensive Plan – Land Use because the amendment provides criteria by which a temporary use is to operate reducing the potential for land use conflicts between neighboring properties; and
2. This UDO ordinance amendment request is reasonable and in the best interest of the public because it provides clear guidance with the temporary use process for better efficiency and consistency.

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

Attachment 1 – Planning Board Report
Attachment 2- Draft Ordinance

ATTACHMENT 1 – PLANNING BOARD REPORT



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PLANNING AND DEVELOPMENT DEPARTMENT

Zoning Staff Report

Case: ZT 2011-002 Temporary Use Amendment	
Reference Name	Amendment of Chapter 440
Applicant	Town of Indian Trail
Submittal Date	02/24/2011
Location	Town-wide
Tax Map Number	n/a
Plan Consistency	Comprehensive Plan
Recommendations & Comments	Planning Staff Recommend approval to Town Council.

A request to amend Chapter 440 Temporary Use Permit – to add the ability to utilize a temporary sales or construction trailer on a lot associated with an approved development permit. This use would be authorized within all zoning classifications within the Town.

Analysis

The concept of allowing temporary sales and/or construction trailers associated with a development is not new. Many sites under construction have requested authorization and received a general zoning permit for such use. This is a request to codify regulations that set minimum standards will result in providing applicants with a clear and consistent permitting process. The amendment is proposed as follows:

Chapter 440. Temporary Use Permit

440.010 Permits Required

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

- A. Activities related to temporary use are limited to non-residentially zoned properties *unless otherwise authorized herein.*

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

440.020 Types of Temporary Uses

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

- A.** Food vendors
 - 1.** Food vendors must be in conjunction with a local restaurant or non-profit sponsored event.
 - 2.** Food vendors are required to have a permit from appropriate state and county agencies including but not limited to N.C. Department of Environmental and Natural Resources, N.C. Department of Agriculture, or Union County Environmental Health.
- B.** Grand opening sales - Grand openings shall only be approved if applied for within six (6) months of receiving a Certificate of Occupancy.
- C.** Grand re-opening sales - Grand re-opening sales shall only be approved if renovations exceed 50 percent of current building or lease space.
- D.** Tent sales: Tent sales are to be associated with a local business located in a permanent structure on the same property. The total floor area of the tent sale shall not exceed 40 percent of floor area of permanent location. Anything larger shall be considered a Special Event and subject to provision of Chapter 450 of this UDO. In addition, specific to auto dealership types of uses that have tent sales can exceed the time limit requirement of the UDO Section 440.010C, provided that the maximum time limit that can be set for such an extension shall be no more than 32 days in time frame, for a maximum of three (3) allowable such time periods per calendar year, for such sales. Anything in excess of this maximum time limitation shall be taken through as a Special Use Permit, subject to approval by the Board of Adjustment.
- E.** Outdoor seasonal sales- Outdoor seasonal sales such as pumpkin patches or holiday tree lots are allowed for a maximum of 45 consecutive days including setup and break down.
- F.** Fundraiser sponsored by school, church, or government lasting more than two days.
- G.** Athletic fundraiser such as a 5K run.
- H.** Parades excluding wild animals.
- I.** Temporary uses will include short-term or seasonal uses not otherwise allowed by the zoning district regulations of this UDO.

J. *Temporary sales or construction trailers associated with an approved residential or non-residential development permit. Temporary trailers shall be permissible for a period not to exceed one year or as otherwise authorized by the Planning and Development Director:*

- 1. Trailers shall meet all required setbacks for the associated lot and zone and must be ADA accessible; and*
- 2. Underpinning and crawl spaces shall be screened and landscaped; and*
- 3. Off-street parking shall be provided; and*
- 4. Pods or Seatainer type of construction storage trailers shall be screened or stored out of general view within all residential developments.*

Required Consistency Findings

The Planning Board is required to make two findings with their recommendation. 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:
 - 1.3.2 of the Comprehensive Plan – Land Use because the amendment provides criteria by which a temporary use is to operate reducing the potential for land use conflicts between neighboring properties; and
2. This UDO ordinance amendment request is reasonable and in the best interest of the public because it provides clear guidance with the temporary use process for better efficiency and consistency.

Staff Recommendation

Staff recommends that the Planning Board make the required consistency findings and recommend adoption of the UDO ordinance amendment to the Town Council.

Staff Contact

Shelley DeHart, AICP
Director of Planning
srd@planning.indiantrail.org

ATTACHMENT 2 – DRAFT ORDINANCE

Section 1 – Amends Chapter 440 Temporary Use Permit as follows:

Chapter 450. Temporary Use Permit

4450.040 Permits Required

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

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

4450.050 Types of Temporary Uses

Examples of temporary *non-residential* uses include the following and are subject to the specific regulations of DIVISION 700 **Error! Reference source not found.**, Supplementary Use Regulations

- A. Food vendors
 - 1. Food vendors must be in conjunction with a local restaurant or non-profit sponsored event.
 - 2. Food vendors are required to have a permit from appropriate state and county agencies including but not limited to N.C. Department of Environmental and Natural Resources, N.C. Department of Agriculture, or Union County Environmental Health.
- B. Grand opening sales - Grand openings shall only be approved if applied for within six (6) months of receiving a Certificate of Occupancy.
- C. Grand re-opening sales - Grand re-opening sales shall only be approved if renovations exceed 50 percent of current building or lease space.
- D. Tent sales: Tent sales are to be associated with a local business located in a permanent structure on the same property. The total floor area of the tent sale shall not exceed 40 percent of floor area of permanent location. Anything larger shall be considered a Special Event and subject to provision of Chapter 450 of this UDO. In addition, specific to auto dealership types of uses that have tent sales can exceed the time limit requirement of the UDO Section C, provided that the maximum time limit that can be set for such an extension shall be no more than 32 days in time frame, for a maximum of three (3) allowable such time periods per calendar year, for such sales.

Anything in excess of this maximum time limitation shall be taken through as a Special Use Permit, subject to approval by the Board of Adjustment.

- E.** Outdoor seasonal sales- Outdoor seasonal sales such as pumpkin patches or holiday tree lots are allowed for a maximum of 45 consecutive days including setup and break down.
- F.** Fundraiser sponsored by school, church, or government lasting more than two days.
- G.** Athletic fundraiser such as a 5K run.
- H.** Parades excluding wild animals.
- I.** Temporary uses will include short-term or seasonal uses not otherwise allowed by the zoning district regulations of this UDO.
- J.** *Temporary sales or construction trailers associated with an approved residential or non-residential development permit. Temporary trailers shall be permissible for a period not to exceed one year or as otherwise authorized by the Planning and Development Director:*
 - 1.** *Trailers shall meet all required setbacks for the associated lot and must be ADA accessible;*
 - 2.** *Underpinning and crawl spaces shall be screened and landscaped;*
 - 3.** *Off-street parking shall be provided;*
 - 4.** *Seatainer type construction storage trailers shall be screened within a residential development.*

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

SO ORDAINED THIS 26TH DAY OF APRIL, 2011.

THE TOWN COUNCIL OF INDIAN TRAIL

By _____
Honorable John J. Quinn, Mayor

Attest:

Peggy Piontek, Town Clerk