



INDIAN TRAIL
 north carolina
 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 2012-007 Amendment of UDO Related to Accessory Residential Uses		
Reference Name	Accessory Residential Uses in Non-Residential Districts	
Applicant	Town of Indian Trail	
Submittal Date	12/3/2012	
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

A request to amend Chapter 710 *Accessory Uses and Structures* of the Unified Development Ordinance (UDO). The proposed amendment will allow accessory residential uses in non-residential zoning districts within the Downtown Overlay District subject to specific standards. The proposed amendment will also allow accessory residential uses associated with onsite caretakers within all non-residential zoning districts, which are commonly associated with principal uses such as warehouses or self storage facilities, manufacturing facilities, large outdoor recreation facilities (i.e. golf courses, etc.), and similar uses.

The proposed UDO amendment is in response to inquiries from local property owners within the downtown community regarding having an allowance for residential uses within the non-residential zoning districts. The UDO currently does not permit residential uses within the downtown's non-residential zoning districts. Residential uses are not only customary within downtown communities; they also help create a lively and active environment and help support downtown businesses. At a later time, staff would like to return to the Planning Board and Town Council with a more comprehensive UDO amendment enabling more residential uses within downtown and other appropriate commercial and business zoning districts.

In researching the proposed UDO amendment, staff also discovered that there were no allowances within the UDO for caretaker type residential uses within the non-residential zoning districts. Caretaker units are an important resource for property/business owners that need twenty-four (24) hour onsite staffing for security, management, and/or maintenance type services. Caretaker type units would be subject to the same standards as the previously described accessory residential uses within the Downtown Overlay District.

Areas of Analysis:

1. **The Comprehensive Plan**- The proposed text amendment is consistent with the goals of the Comprehensive Plan; *Land Use and Downtown Revitalization*.
2. **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

The purpose of the amendment is to allow accessory residential uses in non-residential zoning districts within the Downtown Overlay District, while also allowing caretaker type residential uses within all non-residential zoning districts. The proposed standards that are a component of this amendment is to ensure accessory residential uses are in a form and scale that is acceptable and visually unobtrusive, while also meeting minimum requirements for health, safety and welfare. The following amendment to UDO Chapter 710 is required to implement this.

710.080 Accessory Residential Uses in Non-Residential Zoning Districts

A. Applicability

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

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

B. Standards

1. There shall be no more than one (1) accessory residential use for each building and/or parcel of land; and
2. Accessory residential buildings or units shall be consistent in appearance with the primary building unless the accessory building is existing. Freestanding accessory residential buildings shall not exceed the height of the primary building's roof surface unless the accessory building is existing; and
3. Accessory residential uses shall have independent and private entrances, self-sufficient and private bathroom/sanitation facilities, and a self-sufficient and private kitchen or food preparation facility; and
4. The size of accessory residential uses shall be limited to 25 percent of the gross floor area of the principal building or buildings or fifteen hundred 1,500 sq. ft. of gross floor area for the accessory building or unit; whichever is smaller in size; and

5. Accessory residential uses made available for lease shall have a minimum lease term of thirty (30) consecutive days; and
6. Accessory residential uses shall comply with applicable County, State, and Federal building, fire, and environmental health code requirements.

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:
 - 1.3.2 of the Comprehensive Plan – *Land Use*; the proposed UDO ordinance amendments will help promote a greater mix of land uses by enabling accessory residential uses to locate in non-residential districts within the Downtown Overlay District. The proposed amendments will also help support a more balanced tax base by supporting individual businesses and industrial or office parks by enabling the use of onsite caretakers for facility maintenance, management, and/or security purposes; and
 - 1.3.4 of the Comprehensive Plan- *Downtown Revitalization*; the proposed UDO ordinance amendment will help Downtown Indian Trail become a focal point within the community by promoting mixed-use development that will help create a lively and active environment. The proposed amendment will also help support Downtown Indian Trail merchants by helping expand the residential population within close proximity to downtown businesses; and
2. This UDO ordinance amendment is in the best interest of the public because it establishes regulations enabling accessory residential uses within Downtown Indian Trail, while also allowing Indian Trail businesses to utilize onsite caretakers subject to compliance with specific standards.

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

Rox Burhans, AICP

Senior Planner

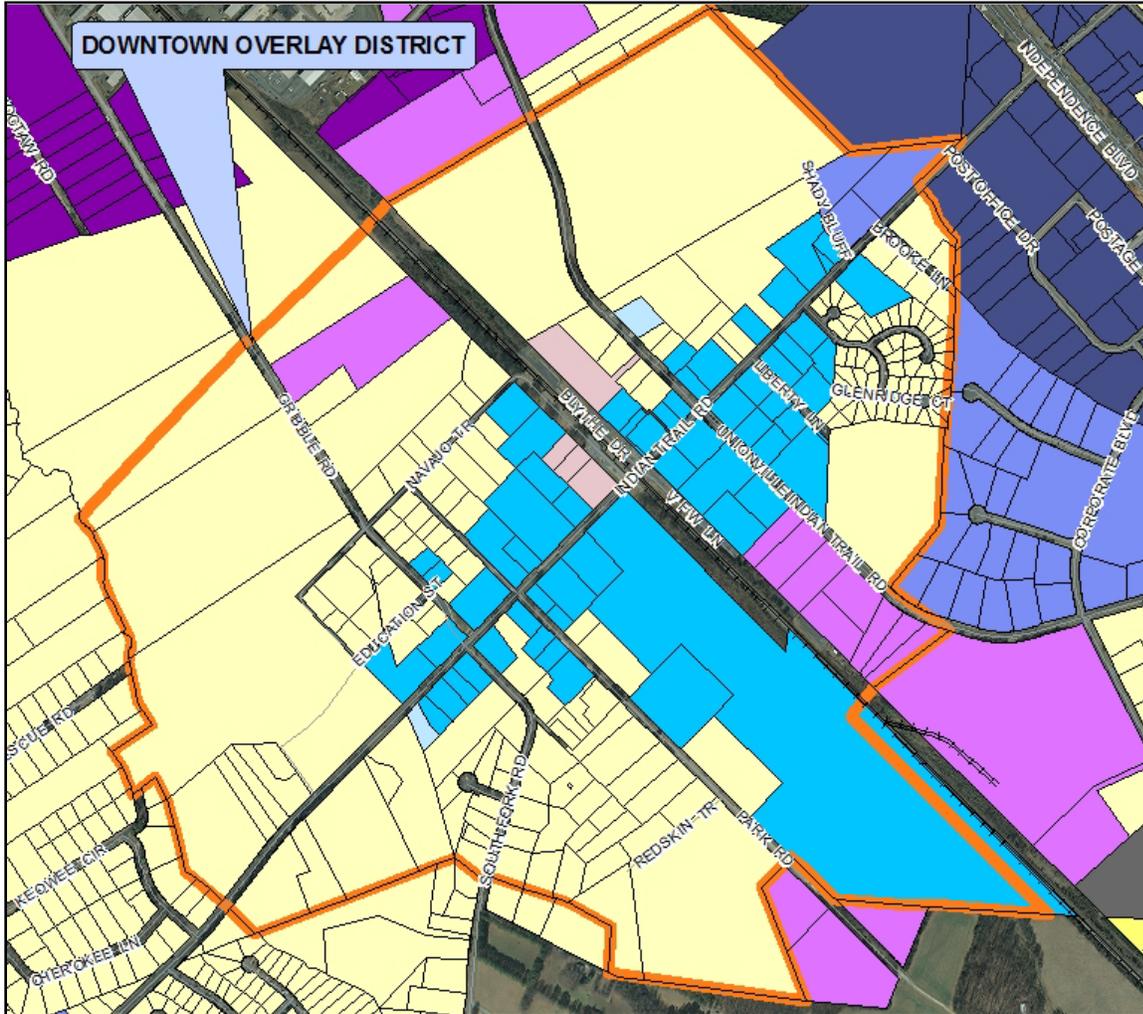
rburhans@planning.indiantrail.org

Attachment 1: Downtown Overlay District Map

Attachment 2: Draft Ordinance

ATTACHMENT ONE

Downtown Overlay District



ATTACHMENT TWO

WHEREAS, the Town Council received the Planning Board transmittal for a recommendation of approval in the required public hearing held on February 12, 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 FEBRUARY 12, 2013 BY THE TOWN COUNCIL OF THE TOWN OF INDIAN TRAIL, NORTH CAROLINA HEREBY TAKES THE FOLLOWING ACTION:

Section 1 – UDO CHAPTER 710 is amended as follows:

710.080 Accessory Residential Uses in Non-Residential Zoning Districts

A. Applicability

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

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

B. Standards

1. There shall be no more than one (1) accessory residential use for each building and/or parcel of land; and
2. Accessory residential buildings or units shall be consistent in appearance with the primary building unless the accessory building is existing. Freestanding accessory residential buildings shall not exceed the height of the primary building's roof surface unless the accessory building is existing; and
3. Accessory residential uses shall have independent and private entrances, self-sufficient and private bathroom/sanitation facilities, and a self-sufficient and private kitchen or food preparation facility; and
4. The size of accessory residential uses shall be limited to 25 percent of the gross floor area of the principal building or buildings or fifteen hundred 1,500 sq. ft. of gross floor area for the accessory building or unit; whichever is smaller in size; and
5. Accessory residential uses made available for lease shall have a minimum lease term of thirty (30) consecutive days; and
6. Accessory residential uses shall comply with applicable County, State, and Federal building, fire, and environmental health code requirements.

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

SO ORDAINED THIS 12th DAY OF FEBRUARY, 2013.

THE TOWN COUNCIL OF INDIAN TRAIL

By _____
Honorable Michael L. Alvarez, Mayor

Attest:

Peggy Piontek, Town Clerk