



**P.O. Box 2430**  
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**PLANNING AND NEIGHBORHOOD SERVICES**

## Zoning Text Amendment Staff Report

<b>Case: ZT 2013-001 Amendment of Chapter 520</b>		
<b>Reference Name</b>	Automotive Uses in the General Business District	
<b>Applicant</b>	Town of Indian Trail	
<b>Submittal Date</b>	01/23/2013	
<b>Location</b>	General Business Zoning District within the Town	
<b>Tax Map Numbers</b>	N/A	
<b>Plan Consistency</b>	Town of Indian Trail Comp. Plan	Consistent with Request
<b>Recommendations &amp; Comments</b>	Planning Staff	Recommends Approval of Text Amendment

### Project Summary

Request: To amend Chapter 520- Business and Commercial Zoning Districts to allow for motor vehicle repair shops (not including body work, parking and commercial repair) in the General Business Zoning Districts (GBD) within the Town. Staff is of the opinion the absence of this use within the GBD was an oversight during the development of the Unified Development Ordinance (UDO) in 2008 and therefore warrants this amendment. This use is currently allowed within the Regional Business District (RBD) by right and within the Village Center Overlay by Special Use Permit.

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

## Analysis

Staff has recently become aware of a discrepancy within the Commercial Use Table of the UDO found in Section 520.020 G as it relates to the use Automotive Repair Shop business – not including body work, parking and commercial vehicle repair. The UDO indentifies this use as allowed:

1. By right in the Regional Business District (RBD) which is located primarily along the Highway 74 corridor; and
2. By Special Use Permit in the Village Center Overlay Zoning Districts which are located throughout the town at the Village Centers.

It is with the allowed use in the Village Centers where staff believes an oversight occurred when preparing the Unified Development Ordinance. For a use to be allowed within an “Overlay District” is must also be allowed in underlying zoning district. The primary commercial zoning classification found within our village centers is the General Business District (See Attachment 1-Zoning Map). As seen in the table below, the use in not allowed within the GBD zoning district.

	CBD	NBD	GBD	RBD	O-VCD	O-DD	Use Standard
<b>Vehicle Sales and Service</b>							
Auto Supply and Service	-	-	P	P	-	-	
Car Wash	-	-	P	P	-	-	
Heavy Equipment Sales/Rental	-	-	-	P	-	-	
Light Equipment Sales/Rental-Indoor	-	-	P	P	-	-	
Light Equipment Sales/Rental-Outdoor	-	-	-	P	-	-	
Motor Vehicle Repair Shop not including body work, parking and commercial vehicle repair	-	-	-	P	S	-	
Motor Vehicle Repair Shop including body work, parking and commercial vehicle repair	-	-	-	P	-	-	
RV and Boat Storage	-	-	-	S	-	-	
Vehicle Storage and Towing	-	-	-	S	-	-	
Wholesale Distribution				P/S			Permitted by right for office/warehouse facilities built prior to adoption of UDO on December 30, 2008.

For consistency, staff is proposing that this use be allowed by Special Use permit because there are a few parcels zoned General Business located outside the village centers in close proximity to residential neighborhoods. Requiring a Special Use Permit for this use would ensure it would be evaluated on a case by case basis.

### **Comprehensive Plan Consistency**

Staff is of the opinion the amendment of Section 520.020 G, to allow Automotive Repair Shops excluding body work, parking, and commercial repair, would be consistent with the goals of the adopted Comprehensive Plan in the area of Land Use because:

- It provides a mix of different types of land uses and avoids potential land use conflicts between uses because this amendment proposes to allow the use by Special Use Permit which is a public process and decision by the Indian Trail Board of Adjustments; and
- It provides an opportunity for a more balanced tax base by promoting the development of businesses and retail centers.

### **Board Action**

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

- **Goal 1.3.2 Land Use** – this amendment further expands the mix of different types of land uses while avoiding potential land use conflicts between uses it proposes to allow the use by Special Use Permit which requires a review and decision by the Indian Trail Board of Adjustments in a public forum; and
- It furthers the opportunity for a more balanced tax base by promoting the development of businesses and retail centers within the Town.

The request for the amendment of Section 520.020 G of Chapter 520 in the UDO to allow an Automotive Repair Shop (excluding body work, parking, and commercial repair) is in the public interest because it promotes the goals of the adopted Indian Trail Comprehensive Plan in the areas of Land Use and provides consistency with the Unified Development Ordinance.

### **Recommendation**

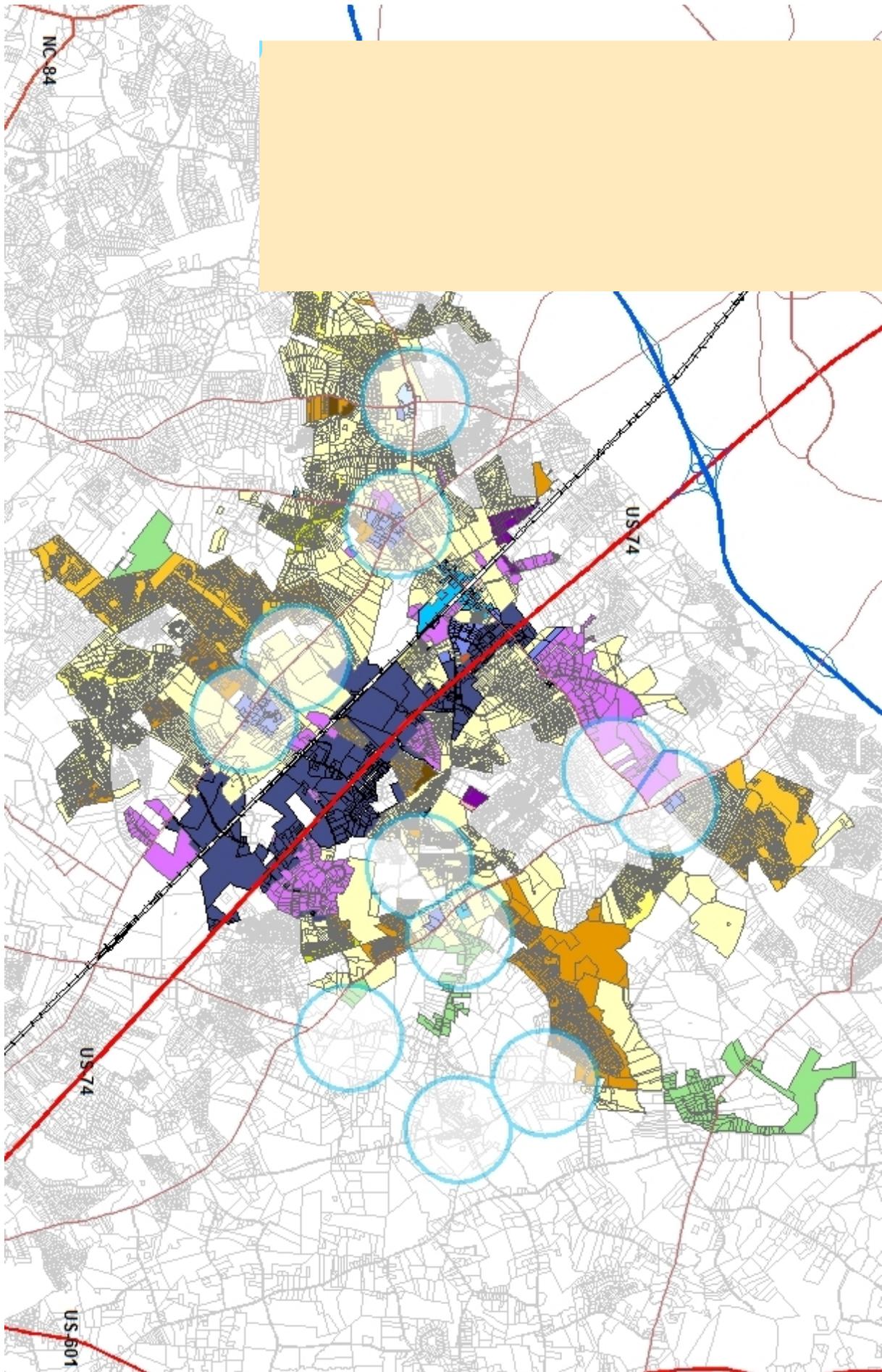
The Planning Staff believes that the findings can be made to support the text amendment.

#### **Staff Contact**

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**Attachments 1** – Zoning Map  
**Attachment 2-** Draft Ordinance

**ATTACHMENT ONE: ZONING MAP**



**ATTACHMENT TWO: DRAFT ORDINANCE**



NOW THEREFORE, BE IT ORDAINED ON MARCH 12, 2013 BY THE TOWN COUNCIL OF THE TOWN OF INDIAN TRAIL, NORTH CAROLINA HEREBY TAKES THE FOLLOWING ACTION:

**Section 1** – Council makes the required findings as entered into record and found herein; and

**Section 2** - Section 520.020G in Chapter 520 of the UDO is amended as follows:

	CBD	NBD	GBD	RBD	O-VCD	O-DD	Use Standard
<b>Vehicle Sales and Service</b>							
Auto Supply and Service	-	-	P	P	-	-	
Car Wash	-	-	P	P	-	-	
Heavy Equipment Sales/Rental	-	-	-	P	-	-	
Light Equipment Sales/Rental-Indoor	-	-	P	P	-	-	
Light Equipment Sales/Rental-Outdoor	-	-	-	P	-	-	
Motor Vehicle Repair Shop not including body work, parking and commercial vehicle repair	-	-	S	P	S	-	
Motor Vehicle Repair Shop including body work, parking and commercial vehicle repair	-	-	-	P	-	-	
RV and Boat Storage	-	-	-	S	-	-	
Vehicle Storage and Towing	-	-	-	S	-	-	
Wholesale Distribution				P/S			Permitted by right for office/warehouse facilities built prior to adoption of UDO on December 30, 2008.

**Indian Trail Unified Development Ordinance**

12/31/2008

5-17

**Section 3-** This ordinance shall be effective immediately upon adoption.

SO ORDAINED THIS 12th DAY OF MARCH, 2013.

THE TOWN COUNCIL OF INDIAN TRAIL

By \_\_\_\_\_  
Honorable Michael L. Alvarez, Mayor

Attest:

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