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PLANNING AND NEIGHBORHOOD SERVICES

Zoning Staff Report

Case: ZT 2014-003 Sporting Goods Store Amendment and General Housekeeping		
Reference Name	Amendment of Chapter 520; Section 520.020 (G)	
Applicant	Town of Indian Trail	
Submittal Date	April 24, 2014	
Location	Town-wide	
Tax Map Number	N/A	
Plan Consistency	Town of Indian Trail Comprehensive Plan	Consistent With Goals of the Adopted Comprehensive Plan
Recommendations & Comments	Planning Staff	Recommends Approval of Proposed Text Amendment.

Project Summary

This is a request to amend Chapter 520 of the Unified Development Ordinance (UDO) to permit Sporting Good Stores within the Central Business District (CBD) and the Downtown and Village Center Overlay Districts by right. These uses are currently only permitted within these districts by Special Use Permit approved by the Board of Adjustment. The amendment also includes minor housekeeping modifications to ensure consistency within the adopted land use table between districts.

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/Overview

This request is initiated by staff based on a new business inquiry for a new sporting good retail store within the CBD/Downtown Overlay District. Specifically, the business inquiry was a proposed retail firearm store which is looking to relocate from downtown Matthews to downtown Indian Trail. However this amendment if approved, would apply to any sporting goods store. Chapter 520.020 (G) of the UDO requires all retail sporting good stores within the CDB and overlay districts to obtain approval of a special use permit by the Board of Adjustment. Sporting goods stores are currently allowed by right within General Business District and the Regional Business District.

Research of Use within Other Jurisdictions

Staff conducted a review of neighboring jurisdictions land use regulations to:

1. Establish how jurisdictions classify a firearm retail store (sporting good, general retail, or other);
2. Identify the zoning districts in which this use is permitted; and
3. Identify, if any, performance standards that may be applied to this type of use.

The table below provides a summary of our findings:

Jurisdiction	Use Definition	Zoning Districts	Performance Standards
Matthews	General Retail	HUC (Downtown Area) B-1 Neighborhood Business B-3 High Rise Business BH- Highway Business L-1 Light Industrial	No – allowed by right
Waxhaw	Gun and Ammunition Sales Shop General Retail in Downtown Core	All commercial districts except for neighborhood business district	No- allowed by right
Monroe	General Retail; or Sporting Goods Store	All general commercial districts including office transitional district	Permitted by right in commercial districts By SUP in Office Transitional District
Stallings	Gun and Ammunition Sales Shop	General Retail Zone Only	
Pineville	Gun and Ammunition Sales	DC- Downtown Core; B-2-Central Business B-3- General Business; B-4 Highway Business; B-P-Planned Business	6.5.04- based on size may have to obtain a conditional use permit for B-3 B-4, B-P
Mint Hill	General Retail	Permissible in all commercial districts that allow general retail	No- only if there is a gunsmith component
Rock Hill	General Retail	All general commercial districts except Neighborhood Commercial	Permitted by right in commercial district except NC requires Conditional Use
Indian Trail	Sporting Goods Sales	CBD; NBD; GBD;RBD; O-VCD; O-DD	Required special use within the CBD, NBD, and Overlay Districts Size limitation within the Village Center and Downtown Overlay District

The table above reveals:

1. That firearm stores are classified in various ways however largely as general retail;
2. Are generally allowed in all commercial zoning classifications by right except for the transitional zoning districts such as neighborhood business; and
3. With no additional performance standards other than SUP or Conditional Zonings in transitional use districts.

Based on staff’s findings, we offer the following modifications for the Board’s consideration:

UDO CHAPTER 520 BUSINESS AND COMMERCIAL ZONING DISTRICTS USE TABLE

USE GROUP	Business and Commercial Districts						Use Standard
Use Category	CBD	NBD	GBD	RBD	O-VCD	O-DD	
Sporting Good Stores (including firearm retail and gunsmithing)	S P	S	P	P	S P	S P	*See Size Limits Sec. 520.030B 520.040
Stationary Stores	P	P	P	P	P	P	

The table above reflects the proposed changes of: 1) further defining sporting good stores to include firearm sales and gunsmithing which typically is a service associated with this use; and 2) allowing sporting good stores by right within all commercial zoning districts except the Neighborhood Business District which is proposed to maintain a Special Use permit requirement. The Neighborhood Business District is intended to allow for small scale retail and business services uses in close proximity to residential neighborhoods.

GENERAL HOUSEKEEPING

Attachment “A” of this report is Section 520.020 which is the complete commercial use table. Staff evaluated the entire table while working on this amendment taking the opportunity to correct some inconsistencies between districts, remove some outdated language such as Video/CD store, and correcting a cross reference (520.040) which was intended to reference a maximum size limitation for some uses within various districts.

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 of the Comprehensive Plan:
 - **Downtown Revitalization:** Because it will enable sporting goods retail stores to locate within Downtown Indian Trail by right and contribute to the success of the Downtown economy; and
 - **Economic Development:** Because it will allow sporting good retail stores by right, saving time and red tape for business owners supporting a more balanced tax base within our community.
2. This UDO ordinance amendment is in the best interest of the public because it enables a commercial use to locate within appropriate non-residential zoning districts supporting economic development within our community.

Staff recommends that the Planning Board make the required consistency findings and recommend adoption of this UDO Text Amendment ZT2014-003 as presented.

Staff Contact

Shelley DeHart, AICP

Director of Planning

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Attachment 1: Exhibit A- UDO Land Use Table

Attachment 2: Draft Ordinance

ATTACHMENT ONE

EXHIBIT A

520.020 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		Business and Commercial Districts						Use Standard
Use Category		CBD	NBD	GBD	RBD	O-VCD	O-DD	
	Specific Use Type							
	Adult Use	-	-	-	P	-	-	See Chapter 720
Animal Services								
	Shelter/Boarding Kennel	-	-	S	S	-	-	
	Sales and Grooming	P	P	P	P	P	S	
	Veterinary	S	S	S	S	S	S	
Artist Work/Sales Space								
	Art galleries	P	P	P	P	P	P	
	Artist Studio	P	P	P	P	P	P	
Body Art Services								
	Body Piercing	-	-	-	S	-	-	
	Tattooing	-	-	-	S	-	-	At least 500 feet from any school
Building Maintenance Services								
	Janitorial	-	-	P	P	-	-	
	Landscaping Maintenance	-	-	S	S	-	-	
	Window	-	-	P	P	-	-	

USE GROUP		Business and Commercial Districts						Use Standard
Use Category		CBD	NBD	GBD	RBD	O-VCD	O-DD	
	Specific Use Type							
	Cleaning Service							
	Exterminator Services	-	-	-	S	S	-	
Business Equipment Sales and Service								
	Office Equipment and Supply	P	P	P	P	P	P	See Size Limitations of Section 520.030B -520.040
	Small Business Machine Repair	P	P	P	P	P	P	
	Hotel Equipment and Supply	-	-	P	P	-	-	
Business Support Services								
	Blueprint Services	P	P	P	P	P	P	
	Business or Trade Schools	S	S	S	P	S	S	
	Day Labor Employment	-	-	-	P	-	-	
	Employment Agency	P	P	P	P	P	P	
	Secretarial Services	P	P	P	P	P	-	
	Telephone Answering Service	P*	P*	P*	P*	P*	P*	See Size Limits Sec. 520.030B 520.040
Communication Service Establishment								
	Recording Studios	S P	P	P	P	P	S P	
	Television and Radio Studios	-	-	P	P	-	-	
	Telecom Sales/Service Centers	P	P	P	P	P	P	
Construction Sales and Service								
	Building Material Sales	-	-	P	P	P*	P*	*See Size Limits Sec. 520.030B
	Contractor/Construction Storage Yard	-	-	-	S	-	-	
	Tool Equipment Sales or Rental	-	-	-	S	-	-	
	Building	P	P	P/S	P/S	P	P/S	SUP is for any outdoor

USE GROUP		Business and Commercial Districts						Use Standard
Use Category		CBD	NBD	GBD	RBD	O-VCD	O-DD	
	Specific Use Type							
	Contracting/ Construction Office							operations
	Drive-Through Facility (restaurants, banks, drug stores)	S	S	P	P	P	S	
	Eating and Drinking Establishments							
	Restaurants	P	P	P	P	P	P	
	Private Club/Tavern	-	-	S	S	-		
	Entertainment Sports (indoor basketball, hockey, soccer, batting)							
	Small	S	-	P	P	P	S	
	Medium	S	-	S	P	P S	S	
	Large	-	-	-	S	S	-	
	Financial Services							
	Banks	P	P	P	P	P	P	
	Consumer Investment Services	P	P	P	P	P	P	
	Consumer Loan Offices	P	P	P	P	P	P	
	Payday Loan Stores	-	-	S	S	-	-	
	Pawn Shop	-	-	S	S	-	-	
	Savings and Loan Association	P	P	P	P	P	P	
	Flea Market	-	-	-	S	-	-	
	Food and Beverage Retail Sales							
	Bakery	P	P	P	P	P	P	
	Delicatessen	P	P	P	P	P	P	
	Ice Cream Store	P	P	P	P	P	P	
	Grocery store	P	P	P	P	P	P	
	Liquor Sales (accessory to hotel, motel, country club)				P			
	Fortune Telling Service	-	-	-	S	-	-	

USE GROUP		Business and Commercial Districts						Use Standard
Use Category		CBD	NBD	GBD	RBD	O-VCD	O-DD	
	Specific Use Type							
Funeral and Internment Service								
	Cemetery, mausoleum, columbarium	P	P	P	P	P	P	
	Cremating	-	-	S	S	-	-	
	Undertaking	S	S	P	P	S	-	
Gas Stations		-	-	P	P	S	-	
Lodging								
	Bed and Breakfast	P	-	P	P	P	P	
	Hotel/Motel	-	-	-	P	-	-	
Medical Services								
	Government-operated health center	-	-	-	P	-	-	
	Health maintenance organizations	-	-	-	P	-	-	
	Medical/Dental Labs	P	P	P	P	P	P/S*	*If 0-1,500 sq. ft., then permitted by-right; if greater than 1,500 sq. ft., SUP is required.
	Medical/Dental Offices	P	P	P	P	P	P	
Offices								
	Administrative	P	P	P	P	P	P	
	Professional	P	P	P	P	P	P	
	High-technology Offices/Labs			P	P			
	Legal	P	P	P	P	P	P	
Parking, Non-Accessory		S	-	-	-	S	S	
Personal Service								
	Dance Studios	P	P	P	P	P	P	
	Child Care Center	P	P	P	P	P	P	Complies with state licensing rules
	Adult Day Care Center	P	P	P	P	P	P	Complies with state licensing rules
	Driving Schools	-	P	P	P	P	-	
	Hair or Nail	P	P	P	P	P	P	

USE GROUP		Business and Commercial Districts						Use Standard
Use Category		CBD	NBD	GBD	RBD	O-VCD	O-DD	
	Specific Use Type							
	Salon/Barbershop							
	Martial Arts Studio	P	P	P	P	P	P	
	Other High-Volume Traffic Generating Uses	P	P	P	P	P	P	
	Other Low-Volume Traffic Generating Uses	P	P	P	P	P	P	
	Religious Assembly	P	P	P	P	P	P	Storefront location only- located within a multi-tenant structure
	Yoga Studio	P	P	P	P	P	P	
Repair Service, Consumer								
	Appliance Repair Shops	-	-	P	P	-	-	
	Locksmiths	P	P	P	P	P	P	
	Musical Instrument Repair	P	P	P	P	P	P	
	Other High-Volume Traffic Generating Uses	P	P	P	P	P	P	
	Other Low-Volume Traffic Generating Uses	P	P	P	P	P	P	
	Shoe and Apparel Repair	P	P	P	P	P	P	
Retail Sales , General								
	ABC Stores	P	P	P	P	P	P	Subject to UDO Chapter 7190
	Antique Shops	P	P	P	P	P	P	
	Appliance Stores	-	-	P	P	P	-	
	Bait Shop, Live	-	-	-	P	-	-	
	Beauty Supply Stores	-	P	P	P	P	-	
	Bicycle Sales, Rental and Repair	P	P	P	P	P	P	
	Book Stores	P	P	P	P	P*	P*	*See Size Limits 520.030B 520.040
	Camera Stores	P	P	P	P	P	P	
	Candy Stores	P	P	P	P	P	P	
	China and	P	P	P	P	P	P	

USE GROUP		Business and Commercial Districts						Use Standard
Use Category		CBD	NBD	GBD	RBD	O-VCD	O-DD	
	Specific Use Type							
	Glassware Stores							
	Clothing Rental Shops	P	P	P	P	P	P	
	Coin and Philatelic Shop; Computer Sales and Services	P	P	P	P	P	P	
	Computer Sales and Service	S P*	P	P	P	P*	S P*	*See Size Limits Sec 520.030B 520.040
	Costume Rental Shops	S P	P	P	P	P	P	
	Department Stores	S	-	P	P	P	S	
	Dress Shops	P	P	P	P	P	P	
	Drug Stores	P	P	P	P	P	P	
	Florist Shops	P	P	P	P	P	P	
	Furniture Stores	S	-	P	P	P	S*	*See Size Limits Sec 520.030B 520.040
	Furrier Shops	-	-	P	P	P	P	
	Garden Supply Store	S	S	P*	P	S	S	*See Size Limits Sec 520.030B 520.040
	Gift Shops	P	P	P	P	P	P	
	Greenhouse, Retail	-	-	P	P	-	-	
	Hardware Store	S	S	P	P	S	S	
	Hobby Shop	P	P	P	P	S	S	
	Household Appliance Store	-	-	S	P	S	-	
	Jewelry Store	P	P	P	P	P	P	
	Leather/Luggage Stores	S	S	P	P	S*	S*	*See Size Limits Sec 520.030B 520.040
	Musical Instrument Sales	P	P	P	P	P	P	
	Other High-Volume Traffic Generating Uses	P	P	P	P	P	P	
	Other Low-Volume Traffic Generating Uses	P	P	P	P	P	P	
	Pet Supplies	P*	P*	P	P	P*	P*	*See Size Limits Sec 520.030B 520.040
	Photographic Supply Store	P*	P*	P	P	P*	P*	*See Size Limits Sec 520.030B 520.040

USE GROUP		Business and Commercial Districts						Use Standard
Use Category		CBD	NBD	GBD	RBD	O-VCD	O-DD	
	Specific Use Type							
	School Supply Store	P	P	P	P	P	P	
	Second Hand/Rummage	-	-	P	P	-	-	<i>Pending New Amendment</i>
	Sewing Machine Sales	P	-	P	P	S-P	S-P	
	Shoe Stores	P	P	P	P	P*	P*	*See Size Limits Sec 520.030B 520.040
	Sporting Good Stores (Including firearm retail and gunsmithing)	S P	S	P	P	S P*	S P*	*See Size Limits Sec 520.030B 520.040
	Stationary Stores	P	P	P	P	P	P	
	Tobacco Shops	P	-	P	P	S-P	S-P	
	Toy Shops	P	P	P	P	P*	P*	*See Size Limits Sec 520.030B 520.040
	Video Stores and CD Shops	P	P	P	P	P*	P*	See Size Limits Sec. 520.030B
	Wearing Apparel Shops	P	P	P	P	P	P	
Sports and Recreation, Participants								
	Amusement Arcades	-	-	-	P	-	-	
	Driving ranges-outdoor	-	-	P	P	-	-	
	Entertainment Cabaret	-	-	-	P	-	-	
	Miniature golf courses	-	-	P	P	-	-	
	Billiard Parlors	-	-	P	P	-	-	
	Bowling Alleys	-	-	P	P	-	-	
	Health Clubs/Fitness Centers	P	P	P	P	P*	P*	See Size Limits Sec.
Theatre								
	Theatre, Motion Picture			P/S	P/S	P/S		SUP for Outdoor Use
	Theatrical Playhouse (Excluding Adult Use)	P/S	P/S	P/S	P/S	P/S	P/S	SUP for Outdoor Use
Vehicle Sales and Service								

USE GROUP		Business and Commercial Districts						Use Standard
Use Category		CBD	NBD	GBD	RBD	O-VCD	O-DD	
	Specific Use Type							
	Auto Supply and Service	-	-	P	P	-	-	
	Car Wash	-	-	P	P	-	-	
	Heavy Equipment Sales/Rental (Retail)	-	-	-	P/S*	-	-	*See Chapter 7150
	Heavy Equipment Sales/Rental (Wholesale)	P*	P*	P*	P*	P*	P*	*See Chapter 7150
	Light Equipment Sales/Rental (Retail)	-	-	P/S*	P/S*	-	-	*See Chapter 7150
	Light Equipment Sales/Rental (Wholesale)	P*	P*	P*	P*	P*	P*	*See Chapter 7150
	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				S			Permitted by right for office/warehouse facilities built prior to adoption of UDO on December 30, 2008.

520.030 Lot and Building Standards

All residential and nonresidential development in business districts must comply with the lot and building standards of Table A, except as otherwise expressly provided. Rules for measuring compliance with the lot and building standards established in Table A and applicable exceptions to the standards can be found in the General Review Procedures, Section 410.110.

A. Lot Size, Density, Setback and Height Table

Lot and Building Standards	CBD	NBD	GBD	RBD	O-VCD	O-DD
Lot Size						
Minimum lot area (sq. ft.)	None	6,000	6,000	8,000	NA	NA
Minimum lot area per dwelling unit (sq.ft.)	3,350	6,000	6,000	6,000	NA	NA
Minimum lot width (feet)	None	60	60	60	NA	NA
Minimum setback along lot lines						
Building setback from street R-O-W	None	25; maybe reduced to 15 if parking is located behind building	25; maybe reduced to 15 if parking is located behind building	40; maybe reduced to 20 if parking is located behind building	0 -10'	0-10'
Building Setback from rear lot line	None	12.5	12.5	20	NA	NA
Building setback from side lot line--not abutting residential	10	10	10	10	0-10'	0-10'
Building setback from side lot line--abutting residential district	15	15	15	15	15	15
Minimum setbacks between buildings	None except when adjacent to residential	None except when adjacent to residential	NA	NA	None except when adjacent to residential	None except when adjacent to residential
Maximum Height	50	40	40	40	40	40

B. Building Height

No structure shall exceed a height of 40 feet, except as provided in this Section or elsewhere in these regulations.

1. Except as provided for in this Section, a building in any non-residential district may be erected to a height in excess of 40 feet, provided the minimum yard setbacks are increased 1 foot for every 2 feet of building height in excess of the 40 feet.
2. A building which abuts a residential use or residential zoning district may not be erected to a height in excess of 40 feet, unless the minimum yard setbacks abutting the residential use or zoning district is increased 1 foot for every foot of building height in excess of 40 feet.
3. Multi-family structures cannot exceed a maximum height of 60 feet in any district.
4. The height limitation established in subsection (1) above shall not apply to public utility poles and lines, skylights, and roof structures for elevators, stairways, tanks, heating, ventilation and air-conditioning equipment, or similar equipment for the operation and maintenance of a building, and any device used to screen such structures and equipment.

520.040 Floor Area Limits for Commercial Establishments When Applicable

A. CBD District

Commercial establishments in the CBD districts may not include more than 15,000 square feet of gross floor area.

B. NBD District

Commercial establishments in the NBD district may not include more than 5,000 square feet of gross floor area.

C. GBD District

Commercial establishments in the GBD district may not include more than 20,000 square feet of gross floor area on any single floor. Food stores (groceries) are not subject to this floor area limit.

D. RBD District

No floor area limit applies to commercial establishments in RBD district.

E. Village Center Overlay

Commercial establishments in the O-VCD districts may not include more than 15,000 square feet of gross floor area. Food stores (groceries) are not subject to this floor area limit.

F. Downtown Overlay

Commercial establishments in the O-DD district may not include more than 20,000 square feet of gross floor area on any single floor. Food stores (groceries) are not subject to this floor area limit.

520.050 Other Applicable Regulations

Uses and development in the CBD, NBD, GBD, RBD, Village Center Overlay, and Downtown Overlay districts are subject to other standards including the following:

A. Parking and Loading

(See Parking and Loading, DIVISION 1000)

B. Landscaping and Screening

(See Landscaping Standards, DIVISION 800)

C. Non-Residential Design Standards

(See Integrity and Design Standards, 1220.040C)

D. Signs

(See Sign regulations, DIVISION 900)

E. Accessory Uses and Structures (Including Fences)

(See Supplementary Use Regulations, DIVISION 700)

ATTACHMENT TWO

NOW THEREFORE, BY THE TOWN COUNCIL OF THE TOWN OF INDIAN TRAIL, NORTH CAROLINA HEREBY TAKES THE FOLLOWING ACTION:

Section 1 – UDO CHAPTER 520 is hereby XXXX as shown in Exhibit A of this Ordinance;

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

SO ORDAINED THIS 10TH DAY OF JUNE, 2014.

THE TOWN COUNCIL OF INDIAN TRAIL

By _____
Honorable Michael L. Alvarez, Mayor

Attest:

Peggy Piontek, Town Clerk

APPROVED AS TO FORM:

TOWN ATTORNEY