

DIVISION 100. INTRODUCTORY PROVISIONS

Chapter 110.	Legal Framework	1-1
110.010	Short Title	1-1
110.020	Authority and Purpose	1-1
110.030	Jurisdiction.....	1-2
110.040	Applicability.....	1-2
110.050	Effective Date	1-2
110.060	Minimum Requirements; Compliance with Other Applicable Regulations	1-2
110.070	Conflicting Provisions	1-2
110.080	Authorization of Exemption	1-3
110.090	Relationship to the Comprehensive Plan	1-3
110.100	Severability	1-3
Chapter 120.	General Rules of Language and Interpretation	1-3
120.010	Meanings and Intent	1-3
120.020	Tenses and Usage	1-3
120.030	Miscellaneous Terminology Rules.....	1-4
120.040	Conjunctions	1-4
120.050	Fractions.....	1-4
120.060	Headings and Illustrations	1-5
120.070	Reserved	1-5
120.080	Current Versions and Citations	1-5
120.090	Lists and Examples	1-5
120.100	Delegation of Authority	1-5
120.110	Public Officials and Agencies	1-5
120.120	Commentaries	1-5
Chapter 130.	Zoning Districts.....	1-5
130.010	Establishment of Districts	1-5
130.020	General Use Districts.....	1-6
130.030	Conditional Zoning Districts.....	1-6
130.040	Overlay Districts	1-6
130.050	Official Zoning Map.....	1-7
Chapter 140.	Official Zoning Map.....	1-7
140.010	Establishment	1-7
140.020	Maintenance and Updates	1-7
140.030	District Boundaries	1-8
140.040	Interpretation of Zoning District Boundaries	1-8
Chapter 150.	Transitional Provisions	1-9
150.010	Applications Submitted Before December 31, 2008	1-9
150.020	Permits Issued Before December 31, 2008	1-9
150.030	Violations Continue.....	1-9
150.040	Nonconformities.....	1-9
150.050	Zoning District Conversions	1-9

Chapter 110. Legal Framework

110.010 Short Title

This ordinance shall be known and may be cited as the Indian Trail Unified Development Ordinance.

110.020 Authority and Purpose

- A.** This ordinance is adopted pursuant to the authority contained in North Carolina General Statutes, Chapter 160A, Article 19, and for the purpose of promoting the public health, safety, morals, and general welfare of the residents of the Town of Indian Trail.
- B.** This development ordinance is adopted for the purposes of:
1. protecting and promoting the public health, safety and general welfare;
 2. implementing adopted plans and policies;
 3. enhancing residents' quality of life;
 4. protecting the character of established residential neighborhoods;
 5. maintaining economically vibrant as well as visually attractive business and commercial areas;
 6. retaining and expanding the Town's business and employment base;
 7. promoting mixed-use, pedestrian-oriented development patterns;
 8. accommodating pedestrian, bicycle and transit use;
 9. maintaining orderly and compatible development patterns that promote an appropriate mix of land uses and protect and conserve property values;
 10. ensuring adequate light, air, privacy, and access to property;
 11. promoting environmentally responsible development practices;
 12. promoting rehabilitation and reuse of older buildings;
 13. maintaining a range of housing choices and options;
 14. establishing clear and efficient development review and approval procedures; and
 15. Accommodating the orderly and beneficial development of all parts of the Town in accordance with the preceding purposes.
- C.** Whenever any provision of this ordinance refers to or cites a section of the North Carolina General Statutes and that section is later amended or superseded, the ordinance shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

110.030 Jurisdiction

This Unified Development Ordinance applies to all development, public or private, within the corporate limits of Indian Trail, North Carolina unless otherwise exempted or provided for in this Zoning Ordinance.

110.040 Applicability

Except as provided under DIVISION 1400 of this ordinance (Nonconformities), no person may use, occupy, or sell any land or buildings or authorize or permit the use, occupancy, or sale of land or buildings under his/her control except in accordance with all of the applicable provisions of this ordinance. For purposes of this section, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on, or in that building or land.

110.050 Effective Date

The provisions in this ordinance were adopted on December 30, 2008 and became effective on December 31, 2008.

110.060 Minimum Requirements; Compliance with Other Applicable Regulations

- A.** The provisions of this development ordinance are the minimum requirements deemed necessary to carry out the development ordinance's stated purpose and intent.
- B.** In addition to the requirements of the development ordinance, all uses and development must comply with all other applicable Town, state, and federal regulations.
- C.** All new developments must comply with the Union County's Adequate Public Facilities Ordinance adopted September 22, 2006 consistent with the memorandum of understanding between the Indian Trail Town Council and the Union County Board.
- D.** All references in the development ordinance to other Town, state, or federal regulations are for informational purposes only and do not constitute a complete list of such regulations. These references do not imply any responsibility for the Town to enforce state or federal regulations.

110.070 Conflicting Provisions

A. Conflict with State or Federal Regulations

If the provisions of this development ordinance are inconsistent with those of the state or federal government, the more restrictive provision will control, to the extent permitted by law. The more restrictive provision is the one that imposes greater restrictions or more stringent controls.

B. Conflict with Other Town Regulations

If the provisions of this development ordinance are inconsistent with one another, or if they conflict with provisions found in other adopted ordinances or regulations of the Town, the more restrictive provision will control. The more restrictive provision is the one that imposes greater restrictions or more stringent controls.

C. Conflict with Private Agreements and Covenants

This development ordinance is not intended to interfere with, abrogate or annul any easement, covenant, deed restriction or other agreement between private parties. If the provisions of this development ordinance impose a greater restriction than imposed by a private agreement, the provisions of this development ordinance will control. If the

110.080. Authorization of Exemption

provisions of a valid, enforceable private agreement impose a greater restriction than this development ordinance, the provisions of the private agreement will control. The Town does not enforce or maintain a record of private agreements.

110.080 Authorization of Exemption

The Town Council may issue an “authorization of exemption” from the provisions of this Ordinance for publicly owned, tax supported facilities when the following exists:

- A. a request for authorization of exemption is heard in a public meeting; and
- B. the Town Council determines the provisions would result in an undue hardship for the publicly owned, tax supported facility; and
- C. the exemption of the provisions would not result in a threat to the public health, safety, morals and general welfare of the residents of the Town of Indian Trail.

110.090 Relationship to the Comprehensive Plan

It is the intention of the Town Council that this ordinance implements the planning policies adopted by the Town Council for the Town as reflected in the Town of Indian Trail comprehensive plan. While the Town Council reaffirms its commitment that this ordinance and any amendment to it are in conformity with the adopted comprehensive plan, the Town Council hereby expresses its intent that neither this ordinance nor any amendment to it may be challenged on the basis of any alleged nonconformity with any planning document.

110.100 Severability

It is hereby declared to be the intention of the Town Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any such section, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this ordinance since the same would have been enacted without the incorporation into this ordinance of such unconstitutional or invalid section, paragraph, sentence, clause or phrase.

Chapter 120. General Rules of Language and Interpretation

120.010 Meanings and Intent

The language of the development ordinance must be read literally. Regulations are no more or less strict than stated. Words defined in DIVISION 1600 have the specific meaning assigned, unless the context expressly indicates another meaning. Words that are not defined in DIVISION 1600 have the meaning given in the latest edition of Merriam-Webster’s Unabridged Dictionary.

120.020 Tenses and Usage

- A. Words used in the singular include the plural. The reverse is also true.
- B. Words used in the present tense include the future tense. The reverse is also true.
- C. The words “must,” “will,” “shall” and “may not” are mandatory.
- D. The word "may" is permissive in nature, except when the context of the particular use is negative, and then it is mandatory.

- E. When used with numbers, “up to X,” “not more than X” and “a maximum of X” all include X.

120.030 Miscellaneous Terminology Rules

- A. The word "person" includes a firm, association, organization, partnership, corporation, trust, and company as well as an individual.
- B. The word "lot" includes the word "plot" or "parcel" or “tract”.
- C. The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".
- D. The term "Town Council" shall mean the "Town Council of Indian Trail, North Carolina".
- E. The term "Planning Board" shall mean the "Planning Board of Indian Trail, North Carolina".
- F. The term "Board of Adjustment" shall mean the "Board of Adjustment of Indian Trail, North Carolina".
- G. The term "Zoning Administrator" shall mean the "Zoning Administrator of Indian Trail, North Carolina" who may also be the Planning and Development Director.
- H. The term "Street" shall mean any "road, street, roadway, alley, avenue, thoroughfare, boulevard, highway or interstate”.
- I. In the event of a conflict between the text of these regulations and any caption, figure, illustration, or table, the text of these regulations shall control.
- J. Any reference to a Division or Chapter shall mean a Division or Chapter of this Ordinance, unless otherwise specified.
- K. The term “Planning and Development Director”, shall mean the “Planning and Development Director of Indian Trail, North Carolina” who may also be the Zoning Administrator.

120.040 Conjunctions

Unless the context otherwise clearly indicates, conjunctions have the following meanings:

- A. “And” indicates that all connected items or provisions apply; and
- B. “Or” indicates that the connected items or provisions may apply singularly or in combination.

120.050 Fractions

The following rules apply to fractional number unless otherwise expressly stated.

A. Minimum Requirements

When a regulation is expressed in terms of a minimum requirement, any fractional result of 0.5 or more must be rounded up to the next consecutive whole number. For example, if a minimum requirement calling for one tree to be provided for every 30 linear feet of frontage is applied to a 50-foot dimension, the resulting fraction of 1.67 is rounded up to 2 required trees.

B. Maximum Limits

When a regulation is expressed in terms of maximum limits, any fractional result will be rounded down to the next lower whole number. For example, if a maximum limit of one dwelling unit for every 5,000 square feet is applied to a 12,500 square foot lot, the resulting fraction of 2.5 is rounded down to 2 (allowed dwelling units).

120.060 Headings and Illustrations

Headings and illustrations are provided for convenience and reference only and do not define or limit the scope of any provision of this development ordinance. In case of any difference of meaning or implication between the text of this development ordinance and any heading, drawing, table, figure, or illustration, the text controls.

120.070 Reserved

120.080 Current Versions and Citations

All references to other Town, county, state, or federal regulations in the development ordinance refer to the most current version and citation for those regulations, unless expressly indicated otherwise. When the referenced regulations have been repealed and not replaced by other regulations, development ordinance requirements for compliance are no longer in effect.

120.090 Lists and Examples

Unless otherwise expressly indicated, lists of items or examples that use “including,” “such as,” or similar terms are intended to provide examples only. They are not to be construed as exhaustive lists of all possibilities.

120.100 Delegation of Authority

Whenever a provision appears requiring the head of a department or another officer or employee of the Town to perform an act or duty, that provision will be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority. Delegation of authority is not allowed when the provisions of this development ordinance expressly prohibit such a delegation.

120.110 Public Officials and Agencies

All employees, public officials, bodies, and agencies to which references are made are those of the Town of Indian Trail unless otherwise expressly stated.

120.120 Commentaries

Commentaries are sometimes included in the development ordinance as a means of clarifying certain provisions or providing supplemental information. Text marked as “Commentary” has no regulatory effect. It is intended solely as a guide for administrative officials and the public. Commentaries may be added to the development ordinance by the Director of Planning and Development without the need for a formal ordinance amendment.

Commentary: When commentaries are provided, they will appear in this manner.

Chapter 130. Zoning Districts

130.010 Establishment of Districts

For the purpose of this Unified Development Ordinance (UDO), portions of the Town, as specified on the Town’s Official Zoning Map are hereby divided into the following zoning districts:

Residential Zoning Districts	
RSF	Rural Single-Family
SF-1	Single-Family, Low Density
SF-2	Single-Family, Low/Medium Density
SF-3	Single Family, Medium Density
SF-4	Single-Family, Medium/High Density
SF-5	Single-Family, High Density
MFR	Multi-Family Residential
O-MHP	Mobile Home Park Overlay
Commercial Zoning Districts	
CBD	Central Business District
NBD	Neighborhood Business District
GBD	General Business District
RBD	Regional Business District
O-VCD	Village Center Overlay
O-DD	Downtown Overlay
Industrial Zoning Districts	
LI	Light Industrial
HI	Heavy Industrial
O-PID	Planned Industrial Overlay
Other Zoning Districts	
O-GCD	Goose Creek Overlay
OP/A	Open Space/ Agricultural
I	Institutional
CZ	Conditional Zoning (PD,TND,PUD, MXD, CD, OSD)
O-PED	Pre-existing Development Overlay (PUD, PND, PRD, CUD approved prior December 30, 2008)
O-MD	Mining District

130.020 General Use Districts

Also known as base zoning districts, these represent the traditional residential, commercial, and industrial districts established above. They set uniform standards for uses in their district and are the governing standards unless overlaid with more restrictive standards as in the case of an overlay district.

130.030 Conditional Zoning Districts

Applicants may apply for conditional zoning districts consistent with Chapter 330 of this UDO. Conditional Zones shall be established for all Planned Unit Developments, Traditional Neighborhood Developments, Mixed Use Developments, Cluster and Open Space Subdivisions. Conditional districts are classification where the property owner commits and agrees to limit the use of their property to a particular use or commits to subject their property to specific restrictions as a pre-condition to any rezoning. These conditions are limited to those that address the conformance of the development and use of the property to the goals and objectives of the Town's UDO and comprehensive plan and to those impacts reasonably expected to be generated from the development or the use of the property.

130.040 Overlay Districts

Overlay districts are districts that are superimposed over properties that are also subject to other "underlying" zoning district requirements. An overlay district can affect the regulations applicable to properties within such districts in two ways. First, an overlay district can add to the regulations of the

underlying district, or make such regulations more restrictive. Second, an overlay district can alter the regulations of the underlying district so that they are less restrictive.

- A. The Village Center Overlay, the Goose Creek Overlay, the Downtown Overlay, and the Mobile Home Park Overlay, are four such overlay districts. In addition, overlay zoning districts have been created to apply to Planned Residential Developments (PRDs), Planned Unit Developments (PUDs), Planned Neighborhood Developments (PNDs), or Conditional Use Districts (CUDs) that were authorized prior to the adoption of this UDO. Under the UDO, all such developments have been placed in one or more general use zoning districts, subject to a Pre-existing Development Overlay (O-PED) district that modifies the requirements of the underlying zoning district to reflect as closely as possible the conditions and requirements of the pre-existing development approval. For example, a pre-existing PRD will be zoned SF-2, subject to an O-PED that reduces the front yard setback generally applicable in the SF-2 district from 30 to 25 feet.
- B. Overlay zoning districts may appear on the Official Zoning Map. Pre-existing Development Overlay districts are shown on the Official Zoning Map and labeled PED1, PED2, etc. The regulations applicable to each such overlay district are set forth in appendix 2.

130.050 Official Zoning Map

- A. There shall be a map known as the Official Zoning Map, which shall show the boundaries of all zoning districts within the Town's planning jurisdiction. This map shall be drawn on a durable material or generated in a digital format from which prints or digital copies can be made, shall be dated, and shall be kept in the Town Hall.
- B. The Official Zoning Map is adopted and incorporated herein by reference. Amendments to this map shall be made and notice posted in accordance with Section 310.030E, Public Hearing Requirements.
- C. Should the Official Zoning Map be lost, destroyed, or damaged, it can be redrawn on a durable material or generated in a digital format from which prints can be made, so long as no district boundaries are changed in this process.

Chapter 140. Official Zoning Map

140.010 Establishment

The location and boundaries of the zoning districts established by this development ordinance are shown on a geographic coverage layer entitled "Zoning" that is maintained as part of the Town's geographic information system (GIS) under the direction of the Director of Planning and Development. This "Zoning" geographic coverage layer constitutes the Town of Indian Trail's official zoning map. The official zoning map—together with all notations, references, data and other information shown on the map—is adopted and incorporated into this development ordinance. It is as much a part of this development ordinance as if actually depicted within its pages.

140.020 Maintenance and Updates

The Director of Planning and Development is responsible for directing revisions to the official zoning map to reflect its amendment as soon as possible after the effective date of zoning map amendments (rezonings). No unauthorized person may alter or modify the official zoning map. The Director of Planning and Development may authorize printed copies of the official zoning map to be produced, and must maintain digital or printed copies of superseded versions of the official zoning map for historical reference.

140.030 District Boundaries

When the ordinance establishing a zoning boundary identifies the boundary as following a particular feature, or reflects a clear intent that the boundary follows the feature, the boundary will be construed as following that feature as it actually exists. The official zoning map must note any such relationship between a zoning boundary and other mapped feature on the zoning map when entering the zoning boundary.

140.040 Interpretation of Zoning District Boundaries

- A.** Where uncertainty exists as to the boundaries of any district shown on the Official Zoning Map, the Zoning Administrator shall employ the following rules of interpretation:

1. Centerline

Where a boundary line lies within and follows a street right-of-way, a railroad right-of-way, or utility easement, the boundary shall be construed to be in the center of such street right-of-way, railroad right-of-way, or utility easement. If such a street right-of-way, railroad right-of-way, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the edge of the abandoned or vacated street bed or utility easement.

2. Edge Line

Where a boundary line follows the edge of a street or alley right-of-way, a railroad right-of-way, or utility easement, the boundary shall be construed to be in the edge of such street or alley right-of-way, railroad right-of-way, or utility easement. If such a street or alley right-of-way, railroad right-of-way, or utility easement forming the boundary between two separate zoning districts is abandoned or removed from dedication, the district boundaries shall be construed as following the edge of the abandoned or vacated road bed or utility easement.

3. Town Limits

Boundaries indicated as approximately following town limits shall be construed as following the town limits.

4. Watercourses

Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.

5. Extensions

Boundaries indicated as parallel to or extensions of street rights-of-way, channelized waterways, railroad rights-or-way, utility easements, lot lines, town limits, county lines, or extraterritorial boundaries shall be so construed.

6. Scaling

In a case where a district boundary does not coincide with any boundary lines as above and no distances are described by specific ordinance; the boundary shall be determined by the use of the scale appearing on the map.

7. Interpretation

Where the Zoning Administrator determines that the physical features existing on the ground or that the actual property lines or other man-made boundary lines used to depict zoning district boundaries are at variance with those shown on the Official Zoning Map,

150.010. Applications Submitted Before December 31, 2008

the Board of Adjustment shall have the authority to interpret zoning district boundaries in accordance with Section **Error! Reference source not found.**

Chapter 150. Transitional Provisions

150.010 Applications Submitted Before December 31, 2008

Complete applications that are pending approval before December 31, 2008 may be reviewed and approved in accordance with the development ordinance in effect immediately before December 31, 2008. All development applications submitted on or after December 31, 2008 must be reviewed under the terms of this development ordinance.

150.020 Permits Issued Before December 31, 2008

Any building, development or structure for which a final building permit was issued before December 31, 2008 may be completed in conformance with the issued building permit and other applicable permits and conditions, even if such building, development or structure does not fully comply with provisions of this development ordinance. If building is not commenced and diligently pursued within the time allowed under the original permit or any extension granted, then the building, development or structure must be constructed, completed and occupied only in strict compliance with the standards of this development ordinance.

150.030 Violations Continue

Any violation of the previous development ordinance will continue to be a violation under this development ordinance and be subject to penalties and enforcement under Section 1510.030 (Violations, Penalties and Enforcement). If the use, development, construction or other activity that was a violation under the previous ordinance complies with the express terms of this development ordinance, enforcement action will cease, except to the extent of collecting penalties for violations that occurred before the effective date specified in Sec. 110.050. The adoption of this development ordinance does not affect nor prevent any pending or future prosecution of, or action to abate, violations of the previous ordinance that occurred before the effective date specified in Sec. 110.050.

150.040 Nonconformities

Any nonconformity under the previous development ordinance will also be nonconformity under this development ordinance, as long as the situation that resulted in the nonconforming status under the previous regulation continues to exist. If, however, a nonconforming situation under previous zoning regulations becomes conforming because of the adoption of this development ordinance, or any subsequent amendment to it, then the situation will no longer be considered a nonconformity. A situation that did not constitute a nonconforming situation under the previously adopted development ordinance does not achieve nonconforming status under this development ordinance merely by repeal of the previous development ordinance.

150.050 Zoning District Conversions

The zoning district classifications in effect before the effective dates specified in Section 110.050 are converted as follows:

Existing District	New District
RC-80	Eliminated
RA-40	RSF
R-40	RSF
RA-20	SF-1
R-20	SF-1

Chapter 150. Transitional Provisions**150.050. Zoning District Conversions**

Existing District	New District
New District	SF-2
New District	SF-3
R-8	SF-4
R-6	SF-5
R-6 Multi-Family	MFR
O	NBD/ CBD if located within the Downtown Overlay
B-1	CBD
B-2	NBD/ CBD if located within the Downtown Overlay
B-3	NBD
B-4	GBD
HC	RBD
B-6	Eliminated
LI	LI
HI	HI
New District	Conditional Zone District (CZ)
Flood Plain/Floodway Overlay	Flood Plain and Floodway Overlay
Mining Overlay	Mining Overlay District
Downtown Overlay	Downtown Overlay (DD)
New District	Goose Creek Overlay
New District	Village Center Overlay
New District	Mobile Home Park Overlay.
R-20 -Planned Unit Development	PED Overlay 1
R-20 - Planned Residential Development	PED Overlay 2
R-20 – Planned Neighborhood Development	PED Overlay 3
Conditional Use Districts	PED Overlay 4