

DIVISION 1300. GENERAL DEVELOPMENT AND DESIGN STANDARDS

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Chapter 1310. Integrity and Design Standards

1310.010 Purpose

The regulations of this Chapter are intended to promote quality, aesthetically pleasing development throughout Indian Trail and to provide a wide range of nonresidential and residential structure types to accommodate the life-styles and economic levels of the projected population. The regulations are further intended to promote quality development that complies with all Town and state regulations and minimizes land use conflicts.

1310.020 Compliance

Plans demonstrating compliance with the design standards of this Chapter will be reviewed by the authorizing permit authority at the time of development's initial review and consideration for approval.

- A.** A. Any proposed changes to an approved Integrity and Design Permit such as a change in building design or building materials, shall require approval by the Planning and Development Director.
- B.** B. Any proposed changes to an approved Integrity and Design Permit associated with a Planned Development (PUD, PRD, PND, CZ) shall be bound by the conditions of approval, this Chapter, and the following:
 - i. Building materials and colors shall be similar to the materials already being used in the neighborhood, and/or if dissimilar materials are being proposed, other characteristics such as scale, proportion, form, architectural detailing, color, and texture shall be used to ensure that enough similarity exists for the buildings to relate to the rest of the neighborhood.
 - ii. Any proposed deviation from conditions of approval of a Planned Development approved by the Town Council or Board of Adjustment shall require an amendment of the approval permit authorized by the appropriate discretionary board.

1310.030 Articulation Standards for All Residential Buildings

All residential buildings on individual lots in R districts must include at least 5 of the following design features:

- A.** Bay or bow windows on the front façade (Note: the provision of one such window is sufficient);
- B.** Dormers (Note: the provision of one such roof feature is sufficient);
- C.** A roof pitch greater than or equal to a 6 to 12 (6:12) for primary roof;
- D.** Eaves with a minimum 10-inch projection on all sides of the building;
- E.** Decks or patios with a minimum size of 64 square feet per dwelling unit;
- F.** Front porch and entry facing the front lot line (Note: entryway can be located on the long or short axis of the dwelling);
- G.** Off-sets on building face with a minimum depth of 12 inches;

1310.040. Building Material Standards for All Site-Built & Modular Housing

- C. Decorative pillars or posts. Square post or columns shall not be less than six (6) nominal inches on any side and round columns shall not be smaller than eight (8) nominal inches in diameter from the bottom of the column unless consistent with a distinct architectural style. (Note: requires at least one pair, decorative or plain, but finished in manner that is consistent with the dwelling exterior);
- D. Distinct Architectural Style (2 point value). The use of a distinct architectural style shall be determined by a qualified professional contracted by the Town at the cost of the applicant.

The following design features are required on all residential structures:

- H. Openings including doors and/or windows on street facing building facades. Windows are required to have appropriate window trim per style of architecture. Blank walls are prohibited.
- I. Masonry (preferably brick) perimeter enclosure at base but also including poured concrete so that each home has the appearance of a raised foundation (Note: wood products covered with a treatment to appear as masonry do not qualify). Poured concrete shall be treated with brick, stone, or color and textured material appropriate foundation style per style of architecture.
- J. Changes in the use of wall facing materials should occur at wall setbacks or projections, or to articulate the transition between the building base middle and top. Material changes should return to inside corners of front façade. Those materials however, are not required to wrap the outermost front corner of the home.
- K. Front loading garages shall not extend further than 4 feet past the predominant front façade of the house unless a front porch is used and then the garage shall not extend further than 4 feet past the porch excluding side loading garages. A maximum of ¼ of the front façade is allowed to be front facing garage door(s).

1310.040 Building Material Standards for All Site-Built & Modular Housing

All residential buildings constructed on-site must be improved with quality materials and these materials must be durable, safe, and require limited maintenance. Materials shall be selected for suitability to the type of building and design for which they are used. All facades visible from public or private streets must be constructed of the following materials: Such materials may include, but need not be limited to:

- A. Brick, natural stone, wood, architectural cast stone, hardcoat stucco, cementitious siding, glass or EIFS – Exterior Insulation Finishing System (when applied according to manufacturer specifications and the North Carolina Building Code).
- B. Vinyl siding (minimum of .44mm), galvanized, aluminum coated, or zinc-aluminum coated metal finishes provided such materials do not exceed 20% of those façades visible from public or private streets.

1310.050 Manufactured Housing Units on Individual Lots

Permitted Class A or B manufactured housing units may be placed on individual lots in R districts that permit detached houses only if they:

- A. are constructed in accordance with the National Manufactured Housing Construction Safety Standards Act of 1974 as amended on August 22, 1981;

- B. are multi-sectional (double-wide or wider);
- C. enclose a floor area of not less than 1,000 square feet in any residential zoning districts (Note: single-wide manufactured dwellings, including expandable units, pop-outs and tilt-outs are allowed only in manufactured home parks);
- D. are placed on an excavated and/or backfilled foundation and the open portion under the home enclosed with pressure treated wood, masonry, or concrete walls, so that the top of the perimeter wall is not more than 8 inches above the finished ground level, except on a sloping lot where the top of the perimeter wall may be no more than 8 inches above the finished ground level at its highest point along the perimeter wall (Note: when pressure treated wood is used for the perimeter wall, a covering similar in appearance to the manufactured housing unit siding, or a finished concrete wall will be used to cover the wall);
- E. have exterior siding and roofing with the color, material and appearances similar to the exterior siding and roofing material used on residential dwellings within the neighborhood, or that is similar in appearance to the predominant materials typically used for construction of site-built detached houses;
- F. do not have bare metal siding or roofing;
- G. are not adjacent to any structure listed as a locally designated historic landmark or National Register property.

1310.060 Multi-Unit Houses: Two Unit Dwellings and Rooming Houses

A. General

Multi-unit houses are subject to the standards of Sec.510.040 (density, frontage and yard requirements) except as expressly modified or supplemented by the following standards.

B. Entrances

1. The street-facing façade of a multi-unit house may have only one visible entrance to the building. If the building is located on a corner lot, one building entrance may be visible from each street.
2. Patio-style doors, such as sliding glass doors, may not be used for main entrance doors.

C. Pedestrian Circulation

A pedestrian circulation system must be provided that connects residential entrances to adjacent public rights-of-way and to parking areas and other on-site facilities.

D. Parking Location/Orientation

Surface parking and parking within accessory structures must be located behind principal building or otherwise concealed from view of abutting streets. Parking areas may not be located directly between the principal building and the street or within any required interior side setback area. Any portion of a parking area that is not completely concealed from view of an abutting street must be screened in accordance with the parking lot landscaping requirements of DIVISION 800.

1310.070. Multiplex and Apartment/Condo Buildings: Attached and Multifamily

E. Site Plan Review

Site plan review, pursuant to Chapter 370, is required for all multi-unit houses containing more than 4 dwelling units.

1310.070 Multiplex and Apartment/Condo Buildings: Attached and Multifamily

A. General

Multiplex and apartment/condo buildings are subject to the standards of Sec.510.040 (density, frontage, and yard requirements) except as modified or supplemented by the standards of this Chapter.

B. Entrances

1. Entrance doors to dwelling units located above the ground floor must be provided from an enclosed lobby or corridor and stairwell. Unenclosed or partially enclosed stairs may not be used as the primary means of access to upper-floor dwellings units.
2. Patio-style doors, such as sliding glass doors, may not be used for main entrance doors.

C. Pedestrian Circulation

A pedestrian circulation system must be provided that connects residential entrances to adjacent public rights-of-way and to parking areas and other on-site facilities.

D. Parking Location/Orientation

Surface parking and parking within accessory structures must be located behind principal building or otherwise concealed from view of abutting streets. Parking areas may not be located directly between the principal building and the street or within any required interior side setback area. Any portion of a parking area that is not completely concealed from view of an abutting street must be screened in accordance with the parking lot landscaping requirements of DIVISION 800.

E. Site Plan Review

Site plan review, pursuant to Chapter 370, is required for all multiplex and apartment/condo buildings containing more than 4 dwelling units.

Chapter 1320. Nonresidential Design Standards

1320.010 Applicability

Unless otherwise expressly stated, the material and color standards of this section apply to all facades visible from a public or private street for non-residential development in all zoning districts that are subject to site plan review.

1320.020 Façade Materials

- A. All buildings and other structures must be constructed with brick, hard coat stucco, natural stone, architectural cast stone, EIFS (Exterior Insulation Finishing System), glass or other comparable, durable materials that are consistent with the purpose and intent of this chapter and approved during the plan review process.
- B. Concrete masonry units, architectural precast panels, and similar materials may be allowed in service areas and on exterior walls that are not generally visible to the public.

- C.** All façade material application shall be in compliance with manufacturer specifications and the North Carolina Building Code.

D. Façade Colors

Facade colors must be low-reflectance, subtle, neutral or earth tone colors. Building trim and accent areas may feature brighter colors, as approved during the plan review process. Traditional or standard franchise colors shall also comply with this section.

1320.030 Building Design

The following standards apply to all building facades and exterior walls that are visible from adjoining streets or properties.

- 1.** All building designs must express a “base”, “middle”, and “top” through the building’s architecture details and the use of building materials.
- 2.** Buildings visible from public streets must include at least 3 of the following features:
 - a.** variations in roof form and parapet heights;
 - b.** clearly pronounced recesses and projections at multiple locations for any building with a front façade exceeding 50 feet in width;
 - c.** wall plane off-sets (dimension established by building module) at multiple locations for any building with a front façade exceeding 50 feet in width;
 - d.** reveals and projections and changes in texture and color of wall surfaces;
 - e.** deep set windows with mullions;
 - f.** ground level arcades and second floor galleries/balconies; or
 - g.** other features that reduce the apparent mass of a building.
- 3.** Buildings must have architectural features that conceal rooftop equipment, such as HVAC units, from public view.
- 4.** Each building must have a clearly defined, highly visible customer entrance featuring at least 4 of the following elements (properties located in Industrial District or Industrial Park require a minimum of 2 elements):

- a. canopies or porticos;
 - b. overhangs;
 - c. recesses/projections;
 - d. arcades;
 - e. raised corniced parapets over the door;
 - f. peaked roof forms;
 - g. arches;
 - h. outdoor patios;
 - i. display windows;
 - j. architectural details such as tile work and moldings that are integrated into the building structure and design; or
 - k. integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
5. Building height may not exceed 35 feet for a one-story building or as otherwise authorized within the UDO.

1320.040 Large-stores and Shopping Centers

A. Applicability

In addition to the requirements listed above, the standards of this section apply to all retail uses and food and beverage retail sales uses on sites that include, in aggregate, more than 70,000 square feet of gross floor area.

B. Pedestrian Circulation

At least one continuous internal pedestrian connecting walkway must be provided from the public sidewalk or right-of-way and the principal customer entrance of all principal buildings on the site. Such pedestrian connections must be at least 6 feet in width. At a minimum, walkways must connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and feature items such as adjoining landscaped areas that includes trees, shrubs, benches, flower beds, planters, groundcover, or other such materials for no less than 30 percent of its length.

- 1. Walkways must be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas. Such walkways must be located an average of 3-4 feet from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades, display windows, planters or entryways are part of the facade.
- 2. Customer entrances must have weather protection features, such as awnings, arcades, or vestibules.

3. All internal pedestrian walkways that cross parking aisles or driveways must be distinguished from driving surfaces through the use of durable, low-maintenance surface materials such as pavers, bricks, scored concrete or scored and painted asphalt or applied surface materials (e.g. bubbled runner mats) designed to enhance pedestrian safety and comfort. Raised walkways may be installed if elevated 6 inches with tapered side slopes and meet ADA standards.

Chapter 1330. Lighting Standards

1330.010 Purpose and Intent

- A. It is the purpose and intent of this Chapter to encourage the use of lighting design practices and systems that will: 1) minimize glare, light trespass and light pollution; 2) conserve energy and resources while maintaining nighttime safety, security and productivity; and 3) to curtail the degradation of the nighttime visual environment.
- B. It is the purpose and intent of this Chapter to establish clear and comprehensive outdoor lighting standards with an emphasis on reducing glare and light trespass by requiring, in most circumstances, the installation of both semi-cutoff (minimum required) and full cut-off (preferred) lighting fixtures.
- C. It is the purpose and intent of this Chapter to allow for outdoor lighting that is appropriate for the task and to establish light fixture height limits that will help prevent light trespass to adjacent properties.
- D. It is the purpose and intent of this Chapter to establish specific standards for certain land uses that typically have unique lighting requirements, such as (but not limited to) automotive dealerships, service stations, and outdoor sporting facilities.

1330.020 Applicability

This outdoor lighting standard applies to the development of all new multi-family housing, new major residential and non-residential subdivisions, non-residential construction, and the construction of parking lots where such developments include the installation of new outdoor lighting fixtures or the replacement of existing lighting fixtures. All new construction projects shall have enough exterior lighting to meet the minimum safety and security requirements of the Southern Building Code (SBC), National Electrical Code (NEC) and North Carolina Building Code (NCBC). The replacement of an existing lighting fixture is defined as a change of the type of fixture; a change in the mounting height of a fixture on a pole, building, or other structure; or a change in the location of a lighting fixture. All of these applications require compliance with this section. Routine lighting fixture maintenance such as replacement of lamps, ballast, starter, photo control, or similar components will not constitute the need to comply with this ordinance, and is permitted provided such changes do not result in a higher wattage or higher lumen output.

1330.030 General Exemptions

The following lighting is exempt from the requirements of this Section:

- A. Emergency lighting: Lighting required for public safety in the reasonable determination of public safety officials with authority.
- B. Decorative lighting: Low-wattage fixtures (comprised of incandescent bulbs of less than eight [8] watts each or other lamps of output less than one hundred [100] lumens each) used for holiday decoration.

- C. DOT lighting: Department of Transportation highway signage luminaires, which must comply with national D.O.T. standards.

1330.040 Light Measurement Technique

Measurements shall be made at finished grade (ground level), with the light registering portion of the meter held parallel to the ground, pointing up. The meter shall have an accuracy tolerance of no greater than plus or minus five (5) percent. Measurements shall be taken with a light meter that has been calibrated within one (1) year. Light levels are specified, calculated and measured in footcandles (FC), and should be taken after a one hundred (100) hour burn-in time, which will more accurately read “maintained” lighting levels.

1330.050 General Lighting Standards

All outdoor lighting (other than lighting for automotive dealerships and outdoor sporting facilities) shall comply with the following standards: All exterior lighting should be provided as to minimize the amount of light that is distributed towards an adjacent property, thereby limiting light trespass.

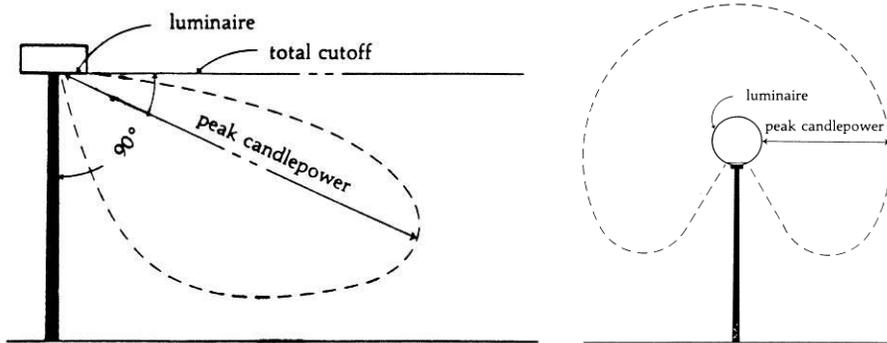
- A. All new lighting installations adjacent to a residential property (and renovations to existing lighting fixtures), shall show the intent to limit FC levels at property lines to a maximum amount of one (1) footcandle maintained. All new lighting installations adjacent to a commercial property (and renovations to existing lighting fixtures), shall show the intent to limit FC levels at property lines to a maximum amount of two (2) footcandles maintained.
- B. The maximum light level allowed at any point on a given parcel or property (with the exception of automobile dealerships and sporting facilities) shall not exceed twenty (20) footcandles maintained. The maximum light level allowed at any point on an automobile dealership (display or parking area) shall not exceed fifty (50) footcandles maintained. All outdoor sporting facilities shall be illuminated to *Illuminating Engineering Society North America* (IESNA) standards, with great care taken to minimize spill light at the property lines. Refer to section 1330.080, subsection B, for guidelines applying to outdoor sporting facilities.
- C. All lighting fixtures, (regular lamps and flood lamps) rated 150 watts or less may be used without restriction to light distribution (non-cutoff classification) except when the luminaire creates direct glare perceptible to persons on a public right of way, or into the window openings of a residential dwelling unit. Care should be taken to minimize light trespass across property lines. Internal louvers or “glare shields” should be provided where the emitted light becomes a hindrance.
- D. All lighting fixtures rated between 175 watts and 400 watts (inclusive) shall be at a minimum “semi-cutoff”, and preferably installed as a “full cutoff” type.
- E. All lighting fixtures (regular lamps and flood lamps) rated above 400 watts (exclusive) shall be listed as a “full cutoff” distribution only, and shall not emit any light above the horizontal plane of the fixture. With exception of sporting facilities, the light source should not be visible (within reason) from adjacent properties or the public street right-of-way.
- F. All building wall mounted lighting fixtures, or “wallpacks”, shall be of the full cutoff type.
- G. All lighting fixtures illuminating building facades, steeples, trees, billboards, signs, flags, etc. (vertical surfaces lighted from the bottom up) SHALL NOT exceed 175 watts, with the exception of Department of Transportation highway signage luminaires, which must comply with National D.O.T. standards. Lighting fixtures shall be selected, located, aimed and shielded so that direct illumination is focused exclusively on the item being illuminated, and away from adjacent properties and the public street right-of-way.

- H. All new lighting fixtures shall be mounted on metal poles with underground utilities for all new developments, redevelopments, and subdivisions except when:
1. New lights are proposed within existing subdivision where utility poles and overhead utilities exist; and
 2. New security lights are proposed on commercial property where utility poles and overhead utilities exist.

1330.060 General Standards for Lighting Fixtures

- A. Fully shielded (full cutoff) lighting fixtures and partially shielded (semi-cutoff) lighting fixtures are required for most applications, but are preferred for all outdoor lighting applications. All outdoor lighting fixtures rated above 150 watts shall utilize one of these two lighting fixture classifications. Fixtures rated 150 watts and below may fall into the “non-cutoff” classification.

Figure 34: Full cutoff style light fixture (left) versus non-cutoff style (right)



- B. The maximum fixture height (grade to top of fixture) for all ground mounted lighting fixtures, except those used for sports facilities, shall be as follows:
- Commercial - 32 feet
 - Residential - 20 feet
 - Pedestrian Pathways/Sidewalks - 12 feet

1330.070 Prohibited Uses of Lighting

- A. Unshielded flood lights, except for residential flood lights rated 100 watts or less, that are permitted but must be aimed towards the ground and not towards adjacent properties.
- B. Unshielded lamps or fixtures, except for those used for swimming pools, hot tubs, semi-enclosed decks or porches and similar accessory structures.
- C. Searchlights used for advertising purposes.
- D. Laser sourced lighting fixtures used for advertising purposes.
- E. Other than architecturally aesthetic neon signs, all exposed neon “striping” on or around commercial buildings shall be prohibited.

1330.080 Standards for Specific Uses

A. Gas and Service Station Canopies

- 1. All lighting fixtures mounted on the underside of canopies must be “full-cutoff” classified, being either completely recessed/flush in the canopy, or having solid sides on a surface mounted fixture (canopy edges do not qualify as shielding).



Figure 35: Recessed (full cutoff) service station lighting on the left; surface mounted (non-cutoff) on the right.

- 2. The light source shall be metal halide, ceramic metal halide or LED.
- 3. Lighting levels under the canopy shall be no greater than thirty (30) footcandles. Areas outside the pump island canopy shall be illuminated as to provide proper safety to customers, but shall be limited and not exceed ten (10) footcandles maintained. General Outdoor Sporting Facility/Performance Area Lighting Standards

B. General Outdoor Sporting Facility/Performance Area Lighting Standards

- 1. The mounting height of outdoor sports field and outdoor performance area lighting fixtures shall not exceed eighty (80) feet from finished grade unless approved prior to construction by the Board of Adjustment or Town Council.

2. All outdoor sports field and outdoor performance area lighting fixtures shall be equipped with a glare control package (louvers, shields, visors or similar devices). The fixtures must be aimed so that their beams are directed and fall within the primary playing field or performance area.
3. The hours of operation for the FIELD lighting system for any game or event shall not exceed one (1) hour after the end of the event. The security and egress illumination lighting systems may remain turned on for any amount of time deemed necessary to remove people safely.
4. Light levels for sports field illumination shall comply with, but not exceed IESNA standards. Where new sporting facility lighting is installed adjacent to an existing residential property, the INTENT shall be made for all installations to limit property line light levels to a maximum of two (2) footcandles at grade level. When not installed adjacent to a residential property, light levels at the property line shall not exceed four (4) footcandles at grade level. ALL possible means of shielding must be applied if this level has not been met. Owner must prove to the appropriate permitting authority that these means have been exhausted, and the intent has been made to meet these goals.

C. Security and Display Lighting

1. Outdoor security lighting should be designed to provide safety to a building occupant, while effectively allowing proper surveillance, though not to exceed lighting levels described in Section 1330.050, subsections A and B.
2. The use of motion sensors, timers, photocells or other means to activate lighting during nighttime hours is required to conserve energy, provide safety, and promote compatibility between different land uses.
3. In order to direct light downward and minimize the amount of spill light, all security lighting fixtures shall be shielded and aimed so that the main beam is directed toward the ground or designated area where security lighting is needed.
4. Security Lighting for ATM's shall be consistent the *Illuminating Engineering Society North America* (IESNA) standards for that industry.

D. Architectural Accent Lighting

1. Lighting fixtures used to accent architectural features, materials, colors, style of buildings, landscaping or art shall be located, aimed and shielded so that light is directed only on those features. Such fixtures shall be aimed or shielded to minimize light spill from the source in conformance with the luminaire standards.
2. Accent lighting shall not generate excessive light levels, cause glare, or direct light beyond the façade onto neighboring properties, streets or night sky.
3. National flags may be illuminated from below provided such lighting is focused primarily on the individual flag or flags, and to limit light spill into the night sky. These fixtures must conform with Section 1330.050, subsection G of this document.

E. Temporary Outdoor Lighting

Any temporary outdoor lighting that conforms to the requirements of this Chapter shall be allowed. Any temporary lighting that does not conform to these outdoor lighting standards

may be permitted after considering: (a) the public and/or private benefits that will arise from the temporary lighting; (b) any annoyance or safety problems that may result from the use of the temporary lighting, and (c) the duration of the temporary nonconforming lighting. The applicant shall provide a detailed description of the proposed temporary outdoor lighting to the Town Engineer for review and approval.

E. Public and Private Roadways

All streets and sidewalks shall be sufficiently illuminated to ensure the security of the street right-of-way and safety of pedestrians present in the area.

1. Street lighting must be included on all new residential and commercial streets. In addition, street lighting must be installed on the perimeter of the development along a thoroughfare or boulevard, as well as any collector road.
2. For a new subdivision, a lighting layout and overall design is required in the subdivision design submittal documents. Lighting submittals shall include the fixture, lamp, pole height and the method of shielding being used.
3. Subdivision developers are required to have the lighting design approved by the Planning Department, and shall then submit the approved design to the power company prior to installing the assemblies. An accurate scale reference must be included on all layout drawings.
4. In general, the layout of roadway lighting should conform to the RP-8-00 Roadway Lighting Manual and the following standards:
 - a. All light poles shall be placed approximately 200 feet apart. Due to geometric limitations, this distance between poles can be adjusted up to forty (40') feet. Light fixture assemblies shall be placed on the side of the street where the sidewalk is located. If both sides have a sidewalk, lights shall be alternated.
 - b. All corners shall have at least one light fixture assembly for a three-way intersection, and two light fixture assemblies for a four-way intersection.
 - c. All cul-de-sacs shall have a minimum of one light fixture assembly, located such that the entire cul-de-sac right-of-way has an ample amount of illumination.
 - d. Lights should be placed on the outside of the curve and the spacing should be lessened.
5. Photometric calculations shall be required by the Town of Indian Trail for outdoor lighting applications. Average footcandle values shall be taken from the table below:

Figure 36: “Roadway Lighting Handbook”, U.S. Department of Transportation, Federal Highway Administration 1978, as revised.

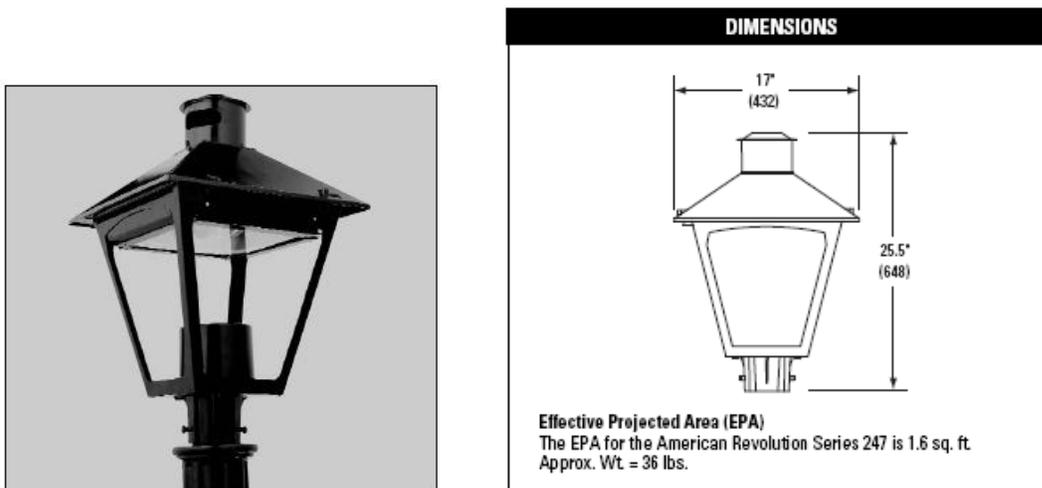
Recommendations for Roadway Average Maintained Horizontal Illumination						
Vehicular Roadway Classification	Commercial		Urban Intermediate		Residential	
	Foot-candle	Lux	Foot-candle	Lux	Foot-candle	Lux
Freeway*	0.6	6	0.6	6	0.6	6
Expressway*	1.4	15	1.2	13	1.0	11
Major	2.0	22	1.4	15	1.0	11
Collector	1.2	13	0.9	10	0.6	6
Local	.9	10	0.6	6	0.4	4
Alleys	0.6	6	0.4	4	0.4	4

Note: The recommended illumination levels shown are only meaningful when designed in conjunction with other elements. The most critical elements as described in this practice are as follows: Illumination depreciation; b. Quality; c. Uniformity; d. Luminaire mounting heights; e. Spacing; f. Traverse location of luminaire; g. Luminaire selection; h. Traffic conflict areas; i. Border areas; j. Transition lighting; k. Alleys; l. Roadway lighting layouts.

* Both the mainline of freeways and expressways and the ramps.

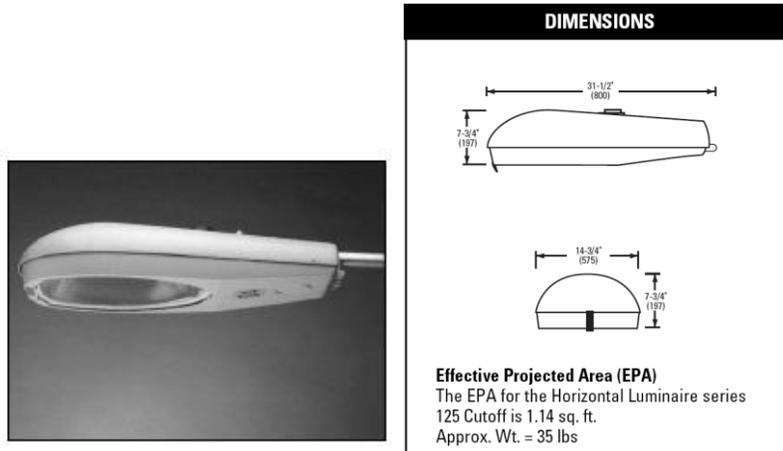
6. All new lighting fixtures must be installed on new metal poles. Wood poles shall not be permitted except when installing light fixtures within an existing residential subdivision where wood utility poles exist.
 - a. New residential subdivision street lights or street lights within the Downtown Overlay District shall be semi or full cutoff fixtures in compliance with Section 1330.050. Poles shall be free standing painted black. Refer to Section 1330.060 for allowable pole heights. No overhead service wires shall be allowed.

Figure 37: Decorative street lighting fixture (example) with semi-cutoff classification. Internal glare shielding preferred for residential applications.



- b. Collector and thoroughfare lighting shall be AEL 125 full cutoff style cobrahead, 400 watt high pressure sodium or metal halide, and shall conform to NC DOT standards. Sag lens shall not be allowed. Poles shall be free standing with an aluminum finish. No overhead service wires shall be allowed.

Figure 38: Collector or thoroughfare cobrahead lighting fixture (example) with full cutoff style.



1330.090 Compliance

- A. A photometric site plan and lighting fixture cut sheets for all proposed exterior fixtures shall be included with the required application for a subdivision of land or a site plan. Depending on the size and type of the project, the Director of Planning and Development shall require that the photometric site plan include the following:
1. The location of lighting relative to the principal land uses and relative to the abutting streets.
 2. The zoning district classifications of all properties abutting the site.
 3. The location and site coverage of service station canopies and outdoor sales and display areas.
 4. The location and height of all lighting poles, building mounted lights, and ground mounted lighting fixtures.
 5. A photometric diagram showing the predicted levels of illumination from the proposed lighting fixtures.
 6. The manufacturer's product descriptions showing that the proposed lighting fixtures meet the requirements of this Code.
- B. The Director of Planning and Development shall require the installation of full-cutoff shielding or directional shielding when a zoning applicant proposes repairing or replacement of any component of any luminaire where the Town has found that the existing lighting fixture has created a public hazard due to excessive glare or light trespass.

1330.100 Violations

- A. Any person, firm or company, whether principal, agent, employee or otherwise, who violates any of the provisions of this Section shall be fined an amount not to exceed Three Hundred Dollars (\$300.00) for each such violation, such fine shall be paid to the Town of Indian Trail. Each day of the documented existence after written notification of any situation held to be in violation shall be deemed an equal and separate offense.

The Town may withhold certificates of occupancy or business license issuance or renewal, for any use that installs luminaries that do not comply with this Section.

Chapter 1340. Transportation Infrastructure and Traffic Impacts

1340.010 Consistency with Traffic Impact Study Policy

Consistent with the terms and conditions of the Town of Indian Trail's Traffic Impact Study Policy, new developments must demonstrate that they are served by roads with adequate traffic capacity and that any proposed development will not lead to conditions of excessive traffic congestion or dangerous driving conditions.

1340.020 Town to Require Traffic Impact Study

Consistent with the terms and conditions of the Town of Indian Trail's Traffic Impact Study Policy, the Town may require a traffic impact study as part of development approvals consistent with the terms and conditions of this Unified Development Ordinance. Said traffic impact study is subject to review and approval by the Town Engineer.

1340.030 Town to Require Traffic Impact Mitigation

Consistent with the terms and conditions of the Town of Indian Trail's Traffic Impact Analysis Policy, the Town may require a traffic impact mitigation and roadway improvements as part of development approvals consistent with the required Traffic Impact Study as approved by the Town Engineer and terms and conditions of this Unified Development Ordinance.

Chapter 1350. Intersection Visibility

1350.010 Scope and Purpose

The intersection visibility standards of this article establish triangular areas on corner lots, referred to as "intersection visibility triangles," within which the placement of buildings, fences, hedges, walls, and other structures is restricted in order to maintain clear lines of sight at street intersections for the purposes of traffic and pedestrian safety.

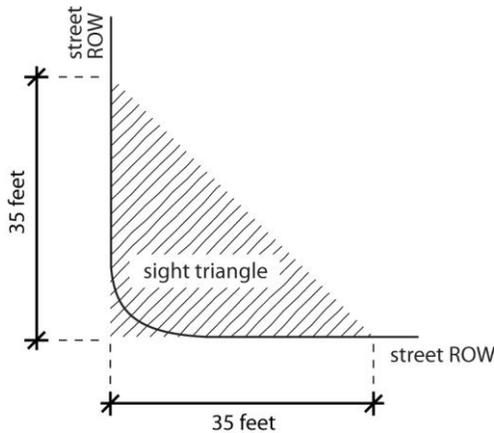
1350.020 Applicability

Lots located at the corner of any street intersection must comply with the requirements of this article.

1350.030 Intersection Visibility Triangles

- A. At the intersection of 2 local streets, a local street and a collector street, or 2 collector streets, the legs of the intersection visibility triangle must be at least 35 feet in length, as measured along the curblines from the point where the curbs of the 2 streets intersect. In the absence of a curb, the legs of the triangle must be at least 35 feet in length, as measured along the edge of the street pavement from the point where the pavement of the 2 streets intersect.

Figure 39: Sight or Visibility Triangle



1350.040 Prohibited Obstructions

The following obstructions are prohibited within intersection visibility triangles:

- A. Hedges and walls higher than 2 feet above curb level.
- B. Fences higher than 2 feet above curb level. However, fences that are less than 20% solid, such as split rail, open weave, or wrought-iron are permitted within the intersection visibility triangle if they are kept free from plantings and other materials that are more than 2 feet in height. The “20% solid” threshold must be determined based on the proportion of the fence over a random area that is made up of solid, opaque material that does not allow light or air to pass through.
- C. Signs, except as expressly exempted.
- D. Structures of any type, including principal and accessory buildings, except as expressly exempted.
- E. Items of outdoor display or storage, including ornamental features, such as fountains, statues, garden structures and similar features.
- F. Parking and vehicular display areas.

1350.050 Exemptions

The following structures are exempt from the provisions of the intersection visibility standards of this section subject to review and approval by the Town Engineer.

- A. Structures including signs within the Downtown Overlay District.
- B. After review by the Town, buildings on lots at intersections where both streets are signalized. The Town may approve or deny a request to construct a building within the intersection visibility triangle based on such factors as street right-of-way width, speed and volume of traffic through the intersection, and the number of turning movements.
- C. Utility and street light poles.
- D. Traffic control equipment, including control boxes, traffic signs, and structures that support traffic signals.

- E. Signs attached to buildings that are exempt from the intersection visibility triangle requirements as specified in paragraphs “A” and “B,” above.
- F. A sign established in accordance with all applicable requirements of **Error! Reference source not found.** provided the bottom edge of the sign and any supporting structure is at least 9 feet above the adjacent curb level, so that visual clearance is maintained within the intersection visibility triangle. Poles and supporting structures for signs are prohibited within the intersection visibility triangle.

Chapter 1360. Flood Damage Reduction Ordinance

1360.010 Statutory Authorization

The Legislature of the State of North Carolina has in Part 6, Article 21 of Chapter 143; Parts 3, 5, and 8 of Article 19 of Chapter 160A; and Article 8 of Chapter 160A of the North Carolina General Statutes, delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety, and general welfare. Consistent with the requirements and standards of the North Carolina General Statutes the Town Council of Indian Trail, North Carolina has adopted the following standards in order to reduce property loss and damage associated with flooding. A complete Table of Contents for this Chapter is provided in Appendix 3 of this UDO.

1360.020 Purpose

- A. The Special Flood Hazard Area (SFHA) of the Town is subject to periodic inundation that could result in loss of life and property, hazards to public health and safety, disruption of commerce and governmental services, damage to and disruption of public utilities, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. These losses and hazards are caused by the cumulative effect of obstructions in SFHAs, which increase flood heights and velocities, and by the occupancy in flood-prone areas by uses that are vulnerable to floods, or hazardous to other properties, because they are inadequately elevated, flood proofed, or otherwise protected from flood damages. Therefore, the regulations set forth in this section are designed to:
 - 1. restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards or that result in damaging increases in erosion, flood heights or velocities;
 - 2. require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;
 - 3. control the alteration of natural SFHAs, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
 - 4. prevent or control filling, grading, dredging, and all other development that may increase erosion or flood damage; and
 - 5. prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards to other lands.
- B. The degree of flood protection required by this section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This section does not imply that land outside the SFHA will be free from flooding or

flood damages. Neither shall this section create liability on the part of the Town or by any officer or employee thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made hereunder.

1360.030 Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance it's most reasonable application.

1. *Accessory structure* (appurtenant structure) means a structure located on the same parcel of property as the principal Structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common urban accessory Structures. Pole barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.
2. *Addition* (to an existing building) means an extension or increase in the floor area or height of a building or structure.
3. *Appeal* means a request for a review of the floodplain administrator's interpretation of any provision of this ordinance.
4. *Area of shallow flooding* means a designated Zone AO on a community's Flood Insurance Rate Map (FIRM) with base flood depths determined to be from one (1) to three (3) feet. These areas are located where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.
5. *Areas of Special Flood Hazard* see *special flood hazard area* (SFHA).
6. *Basement* means any area of the building having its floor subgrade (below ground level) on all sides.
7. *Base Flood* means the flood having a one (1) percent chance of being equaled or exceeded in any given year.
8. *Base Flood Elevation (BFE)* means a determination of the water surface elevations of the base flood as published in the *flood insurance study*. When the BFE has not been provided in a *SFHA*, it may be obtained from engineering studies available from a Federal, State, or other source using FEMA approved engineering methodologies. This elevation, when combined with the *freeboard*, establishes the *regulatory flood protection elevation*.
9. *Buildings* see *structure*.
10. *Chemical storage facility* means a building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.
11. *Development* means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

12. *DFIRM* means digital flood insurance rate map
13. *Disposal* means, as defined in NCGS 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwater.
14. *Elevated building* means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.
15. *Encroachment* means the advance or infringement of uses, fill, excavation, buildings, Structures or development into a SFHA, which may impede or alter the flow capacity of a SFHA. Building renovations contained within the existing building footprint area are not considered an encroachment.
16. *Existing manufactured home park or manufactured home subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the initial effective date of the floodplain management regulations adopted by the community.
17. *Flood or flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. the overflow of inland or tidal waters; and/or
 - b. the unusual and rapid accumulation of runoff of surface waters from any source.
18. *Flood boundary and floodway map (FBFM)* means an official map of a community, issued by the Federal Emergency Management Agency, on which the SFHAs and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the *flood insurance rate map (FIRM)*.
19. *Flood hazard boundary map (FHBM)* means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the SFHAs have been defined as Zone A.
20. *Flood insurance* means the insurance coverage provided under the National Flood Insurance Program.
21. *Flood Insurance Rate Map (FIRM)* means an official map of a community, issued by the Federal Emergency Management Agency, on which both the SFHAs and the risk premium zones applicable to the community are delineated.
22. *Flood insurance study (FIS)* means an examination, evaluation, and determination of flood hazards, corresponding water surface elevations (if appropriate), flood hazard risk zones, and other flood data in a community issued by the Federal Emergency Management Agency. The flood insurance study report includes *flood insurance rate maps (FIRMs)* and *flood boundary and floodway maps (FBFMs)*, if published.

23. *Flood prone area* see *floodplain*.
24. *Floodplain* means any land area susceptible to being inundated by water from any source.
25. *Floodplain administrator* is the individual appointed to administer and enforce the floodplain management regulations. For the purposes of this ordinance, *floodplain administrator* is synonymous with *storm water administrator*.
26. *Floodplain development permit* means any type of permit that is required in conformance with the provisions of this ordinance, prior to the commencement of any development activity.
27. *Floodplain management* means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the SFHAs, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.
28. *Floodplain management regulations* means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes Federal, State or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.
29. *Floodproofing* means any combination of structural and nonstructural additions, changes, or adjustments to Structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.
30. *Floodway* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
31. *Flood zone* means a geographical area shown on a *flood hazard boundary map* or *flood insurance rate map* that reflects the severity or type of flooding in the area.
32. *Freeboard* means the height added to the *base flood elevation* (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and *floodway* conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed. The *base flood elevation* plus the *freeboard* establishes the *regulatory flood protection elevation*.
33. *Hazardous waste management facility* means, as defined in NCGS 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.
34. *Highest adjacent grade (HAG)* means the highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the *structure*.
35. *Historic structure* means any *structure* that is:

- a. listed individually in the National Register of Historic Places (a listing maintained by the US Department Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;
 - b. certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - c. individually listed on a local inventory of historic landmarks in communities with a “Certified Local Government (CLG) Program”; or
 - d. certified as contributing to the historical significance of a historic district designated by a community with a “Certified Local Government (CLG) Program”. Certified Local Government (CLG) Programs are approved by the US Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966 as amended in 1980.
36. *Lowest adjacent grade (LAG)* means the elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.
37. *Lowest floor* means lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's *lowest floor* provided that such an enclosure is not built so as to render the Structure in violation of the applicable non-elevation design requirements of this ordinance.
38. *Manufactured home* means a *structure*, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term *manufactured home* does not include a *recreational vehicle*.
39. *Manufactured Home Park or Subdivision* means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
40. *Market value* means the building value, not including the land value and that of any accessory Structures or other improvements on the lot. Market value may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (actual cash value); or adjusted tax assessed values.
41. *Mean Sea Level* means, for purposes of this ordinance, the National Geodetic Vertical Datum (NGVD) as corrected in 1929, the North American Vertical Datum (NAVD) as corrected in 1988, or other vertical control datum used as a reference for establishing varying elevations within the SFHAs, to which Base Flood Elevations (BFEs) shown on a FIRM are referenced. Refer to each FIRM panel to determine datum used.

- 42.** *New Construction* means *structures* for which the *start of construction* commenced on or after the effective date of the initial floodplain management regulations and includes any subsequent improvements to such *structures*.
- 43.** *Non-Encroachment Area* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot as designated in the Flood Insurance Study report.
- 44.** *Post-FIRM* means construction or other development for which the *start of construction* occurred on or after the effective date of the initial *flood insurance rate map*.
- 45.** *Pre-FIRM* means construction or other development for which the *start of construction* occurred before the effective date of the initial *flood insurance rate map*.
- 46.** *Principally Above Ground* means that at least 51% of the actual cash value of the *structure* is above ground.
- 47.** *Public safety and/or nuisance* means anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.
- 48.** *Recreational vehicle (RV)* means a vehicle, which is:
- a. built on a single chassis;
 - b. 400 square feet or less when measured at the largest horizontal projection;
 - c. designed to be self-propelled or permanently towable by a light duty truck; and
 - d. designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.
- 49.** *Reference level* is the bottom of the lowest horizontal structural member of the *lowest floor* for *structures* within all *SFHAs*. Reference level also defined as the bottom of the lowest horizontal structural member of the lowest floor for structures within all *SFHAs*.
- 50.** *Regulatory flood protection elevation* means the *base flood elevation* plus the *freeboard*. In *SFHAs* where *base flood elevations* (BFEs) have been determined, this elevation shall be the BFE plus two (2) feet of freeboard. In *SFHAs* where no BFE has been established, this elevation shall be at least two (2) feet above the highest adjacent grade.
- 51.** *Remedy a violation* means to bring the *structure* or other development into compliance with State and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the Structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the *structure* or other development.

- 52.** *Riverine* means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
- 53.** *Salvage yard* means any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.
- 54.** *Solid waste disposal facility* means any facility involved in the disposal of solid waste, as defined in NCGS 130A-290(a) (35).
- 55.** *Solid waste disposal site* means, as defined in NCGS 130A-290(a) (36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.
- 56.** *Special flood hazard area (SFHA)* means the land in the floodplain subject to a one percent (1%) or greater chance of being flooded in any given year, as determined in Section 1360.040B of this ordinance. Riverine SFHAs are shown on new format FIRMs as Zones A, AE, AH, AO, AR, and A99. Older FIRMs may have numbered A Zones (A1-A30).
- 57.** *Start of Construction* includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a Structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main Structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.
- 58.** *Storm Water Administrator* is the individual appointed by the Town Manager to administer and enforce the floodplain management regulations and the Post-Construction Storm Water Ordinance in the Town of Indian Trail.
- 59.** *Structure* means a walled and roofed building, a manufactured home, or a gas, liquid, or liquefied gas storage tank that is principally above ground.
- 60.** *Substantial damage* means damage of any origin sustained by a *structure* during any one-year period whereby the cost of restoring the *structure* to it's before damaged condition would equal or exceed 50 percent of the market value of the Structure before the damage occurred. See definition of *substantial improvement*.

- 61.** *Substantial improvement* means any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a Structure, taking place during any one-year period for which the cost equals or exceeds 50 percent of the market value of the *structure* before the *start of construction* of the improvement. This term includes *structures* which have incurred *substantial damage*, regardless of the actual repair work performed. The term does not, however, include either:
- a.** any correction of existing violations of State or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or
 - b.** any alteration of a *historic structure* provided that the alteration will not preclude the structure's continued designation as a *historic structure*.
- 62.** *Variance* is a grant of relief from the requirements of this ordinance.
- 63.** *Violation* means the failure of a Structure or other development to be fully compliant with the community's floodplain management regulations. A *structure* or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 1360.100 and Section 1360.120 is presumed to be in violation until such time as that documentation is provided.
- 64.** *Water surface elevation (WSE)* means the height, in relation to mean sea level, of floods of various magnitudes and frequencies in the SFHAs.
- 65.** *Watercourse* means a lake, river, creek, stream, wash, channel or other topographic feature on or over which water flows at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

1360.040 General Provisions

A. Lands to Which this Ordinance Applies

This ordinance shall apply to all SFHAs within the jurisdiction, including Extra-Territorial Jurisdictions (ETJs) if applicable, of the Town of Indian Trail and within the jurisdiction of any other community whose governing body agrees, by resolution, to such applicability.

B. Basis for Establishing the Special Flood Hazard Areas.

The SFHAs are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its FIS dated February 19, for Union County and associated DFIRM panels, including any digital data developed as part of the FIS, which are adopted by reference and declared a part of this ordinance. Future revisions to the FIS and DFIRM panels that do not change flood hazard data within the jurisdictional authority of the Town of Indian Trail are also adopted by reference and declared a part of this ordinance dated October 16, 2008, which are adopted by reference and declared to be a part of this ordinance.

1360.050 Establishment of Floodplain Development Permit

A floodplain development permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities within SFHAs determined in accordance with the provisions of Section 1360.040B of this ordinance.

1360.060 Compliance

No structure or land within a Special Flood Hazard Area shall hereafter be located, extended, converted, altered, or developed in any way without full compliance with the terms of this ordinance and other applicable regulations. It is the property owners' and/or developers' responsibility to ensure all other ordinances are met including but not limited to the Post-Construction Storm Water Ordinance, Erosion and Sedimentation requirements, and Federal Water Pollution Control Act of 1972 ("Clean Water Act").

1360.070 Abrogation and Greater Restrictions

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

1360.080 Interpretation

In the interpretation and application of this ordinance, all provisions shall be:

- A.** considered as minimum requirements;
- B.** liberally construed in favor of the governing body; and
- C.** deemed neither to limit nor repeal any other powers granted to the Town under State statutes.

1360.090 Penalties for Violation

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than thirty (30) days, or both. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Indian Trail from taking such other lawful action as is necessary to prevent or remedy any violation.

1360.100 Administration

A. Designation of Storm Water Administrator

The Town Manager designates the Indian Trail Town Engineer as the Storm Water Administrator. The Storm Water Administrator, and his or her designees, is the person with the authority to administer, implement and enforce the provisions of this ordinance. The Storm Water Administrator, and his or her designees, administers the Flood Damage Reduction Ordinance as well as the Post Construction Ordinance.

B. Duties and Responsibilities of the Storm Water Administrator

The Storm Water Administrator shall perform, but not be limited to, the following duties:

- 1.** Review all floodplain development applications and issue permits for all proposed development within SFHAs to assure that the requirements of this ordinance have been satisfied.
- 2.** Review all proposed development within SFHAs to assure that all necessary local, state and federal permits have been received.

3. Notify adjacent communities and the North Carolina Department of Crime Control and Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
4. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained.
5. Prevent encroachments into the SFHAs, floodways and non-encroachment areas unless the certification and flood hazard reduction provisions of Section 1360.120A, Section 1360.120A.18, and Section 1360.110D are met.
6. Obtain actual elevation (in relation to mean sea level) of the Reference Level (including basement) and all attendant utilities of all new and substantially improved structures, in accordance with Section 1360.110D.
7. Obtain actual elevation (in relation to mean sea level) to which all new and substantially improved Structures and utilities have been floodproofed, in accordance with the provisions of Section ~~Chapter 110~~ 1360.110D.
8. Obtain actual elevation (in relation to mean sea level) of all public utilities in accordance with the provisions of Section 1360.110D.
9. When floodproofing is utilized for a particular Structure, obtain certifications from a registered professional engineer or architect in accordance with the provisions of Section 1360.110D and 1360.120B.2.
10. Where interpretation is needed as to the exact location of boundaries of the SFHAs, Floodways, or Non-Encroachment Areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.
11. When Base Flood Elevation (BFE) data has not been provided, obtain, review, and reasonably utilize any Base Flood Elevation (BFE) data, along with Floodway data or Non-Encroachment Area data available from a Federal, State, or other source, including data developed pursuant to Section 1360.130B.2, in order to administer the provisions of this ordinance.
12. When Base Flood Elevation (BFE) data is provided but no Floodway or Non-Encroachment Area data has been provided in accordance with Section Chapter 110, obtain, review, and reasonably utilize any floodway data or non-encroachment area data available from a Federal, State, or other source in order to administer the provisions of this ordinance.
13. When the lowest floor and the lowest adjacent grade of a structure or the lowest ground elevation of a parcel in a special flood hazard area is above the base flood elevation, advise the property owner of the option to apply for a Letter of Map Amendment (LOMA) from FEMA. Maintain a copy of the LOMA issued by FEMA in the floodplain development permit file.

1360.110. Floodplain Development Application, Permit and Certification Requirements

14. Permanently maintain all records that pertain to the administration of this ordinance and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.
15. Make on-site inspections of work in progress. As the work pursuant to a floodplain development permit progresses, the Storm Water Administrator shall make as many inspections of the work as may be necessary to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. In exercising this power, the Storm Water Administrator has a right, upon presentation of proper credentials, to enter on any premises within the jurisdiction of the community at any reasonable hour for the purposes of inspection or other enforcement action.
16. Issue stop-work orders as required. Whenever a building or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Storm Water Administrator may order the work to be immediately stopped. The stop-work order shall be in writing and directed to the person doing or in charge of the work. The stop-work order shall state the specific work to be stopped, the specific reason(s) for the stoppage, and the condition(s) under which the work may be resumed. Violation of a stop-work order constitutes a misdemeanor.
17. Revoke floodplain development permits as required. The Storm Water Administrator may revoke and require the return of the floodplain development permit by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
18. Make periodic inspections throughout the SFHAs within the jurisdiction of the community.
19. Follow through with corrective procedures of Section 1360.160.
20. Review, provide input, and make recommendations for variance requests.
21. Maintain a current map repository to include, but not limited to, the FIS Report, FIRM and other official flood maps and studies adopted in accordance with Section ~~Chapter 110~~ 1360.040B of this ordinance, including any revisions thereto including Letters of Map Change, issued by FEMA. Notify State and FEMA of mapping needs.
22. Coordinate revisions to FIS reports and FIRMs, including Letters of Map Change (LOMC), Letters of Map Revision Based on Fill (LOMR-F), and Letters of Map Revision (LOMR).

1360.110 Floodplain Development Application, Permit and Certification Requirements

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1360.110. Floodplain Development Application, Permit and Certification Requirements

- A.** Any development in a special flood hazard area is required to have a floodplain development permit prior to the actual start of construction.
- B.** Application for a floodplain development permit shall be made to the Storm Water Administrator prior to any development activities located within SFHAs. The following items shall be presented to Storm Water Administrator to apply for a floodplain development permit:
- 1.** A plot plan drawn to scale which shall include, but shall not be limited to, the following specific details of the proposed floodplain development:
 - a.** the nature, location, dimensions, and elevations of the area of development/disturbance; existing and proposed Structures, utility systems, grading/pavement areas, fill materials, storage areas, drainage facilities, and other development;
 - b.** the boundary of the special flood hazard area as delineated on the FIRM or other flood map as determined in Section 1360.040B, or a statement that the entire lot is within the special flood hazard area;
 - c.** flood zone(s) designation of the proposed development area as determined on the FIRM or other flood map as determined in Section 1360.040B;
 - d.** the boundary of the Floodway(s) or Non-Encroachment Area(s) as determined in Section 1360.040B;
 - e.** the Base Flood Elevation (BFE) where provided as set forth in Section 1360.040B;
 - f.** the old and new location of any watercourse that will be altered or relocated as a result of proposed development.
 - g.** the certification of the plot plan by a registered land surveyor or professional engineer.
 - 2.** Proposed elevation, and method thereof, of all development within a special flood hazard area including but not limited to:
 - a.** elevation in relation to mean sea level of the proposed reference level (including basement) of all structures;
 - b.** elevation in relation to mean sea level to which any non-residential structure in Zone AE, A or AO will be flood-proofed; and
 - c.** elevation in relation to mean sea level to which any proposed utility systems will be elevated or floodproofed;
 - 3.** If floodproofing, a floodproofing certificate (FEMA Form 81-65) with supporting data and an operational plan that includes, but is not limited to, installation, exercise, and maintenance of floodproofing measures.

1360.110. Floodplain Development Application, Permit and Certification Requirements

4. A foundation plan, drawn to scale, which shall include details of the proposed foundation system to ensure all provisions of this ordinance are met. These details include but are not limited to:
 - a. The proposed method of elevation, if applicable (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls);
 - b. Openings to facilitate automatic equalization of hydrostatic flood forces on walls in accordance with Section 1360.120B.4.c when solid foundation perimeter walls are used in Zones A, AO, and AE;
5. Usage details of any enclosed areas below the lowest floor.
6. Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage;
7. Certification that all other local, state and federal permits required prior to floodplain development permit issuance have been received.
8. Documentation for placement of recreational vehicles and/or temporary structures, when applicable, to ensure that the provisions of Section 1360.120B.6 and Section 1360.120B.7 of this ordinance are met.
9. A description of proposed watercourse alteration or relocation, when applicable, including an engineering report, on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map (if not shown on plot plan) showing the location of the proposed watercourse alteration or relocation. The engineering report will include all applicable calculations, hydrologic and hydraulic models, and must be signed and sealed by a North Carolina registered professional engineer.

C. The Floodplain Development Permit shall include, but not be limited to:

1. A detailed narrative of the development to be permitted under the Floodplain Development Permit.
2. The Special Flood Hazard Area determination for the proposed development in accordance with available data specified in Section 1360.040B.
3. The regulatory flood protection elevation required for the reference level and all attendant utilities.
4. The regulatory flood protection elevation required for the protection of all public utilities.
5. All certification submittal requirements with timelines.
6. A statement that no fill material or other development shall encroach into the floodway or non-encroachment area of any watercourse, as applicable.
7. The flood openings requirements, if in Zones A, AO, or AE.

8. Limitations of below BFE enclosure uses (if applicable). (i.e., parking, building access and limited storage only).

D. Certification Requirements.

1. Elevation Certificates

- a. A floor elevation or flood proofing certification must be submitted to the Storm Water Administrator within seven (7) calendar days of establishment of the lowest floor elevation, or flood proofing by whatever construction techniques. It shall be the duty of the permit holder to submit to the Storm Water Administrator a certification of the elevation of the lowest floor, flood proofed elevation, as built, in relation to mean sea level after construction is complete, prior to the issuance of a certificate of occupancy. Said certification shall be prepared by or under the direct supervision of a North Carolina registered land surveyor or professional engineer and certified by same. When flood proofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a North Carolina professional engineer and certified by same. Any work done within the seven (7) day calendar period and prior to submission of the certification shall be at the permit holder's risk. The Storm Water Administrator shall, in a timely manner, review the floor elevation survey as submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project. Any work completed by the permit holder prior to Storm Water Administrator approval, shall be at the permit holder's own risk.
- b. A final as-built Elevation Certificate (FEMA Form 81-31) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Storm Water Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Storm Water Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

2. Floodproofing Certificate

- a. If non-residential floodproofing is used to meet the regulatory flood protection elevation requirements, a Floodproofing Certificate (FEMA Form 81-65), with supporting data, an operational plan, and an inspection and maintenance plan are required prior to the actual start of any new construction. It shall be the duty of the permit holder to submit to the Storm Water Administrator a certification of the floodproofed design elevation of the reference level and all attendant utilities, in relation to mean sea level. Floodproofing certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Storm Water Administrator shall review the certificate data, the operational plan, and the inspection and maintenance plan. Deficiencies detected by such review shall be corrected by the applicant prior to permit

approval. Failure to submit the certification or failure to make required corrections shall be cause to deny a Floodplain Development Permit. Failure to construct in accordance with the certified design shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.

3. If a manufactured home is placed within Zone A, AO, or AE, and the elevation of the chassis is more than 36 inches in height above grade, an engineered foundation certification is required in accordance with the provisions of Section 1360.120B.3.
4. If a watercourse is to be altered or relocated, a description of the extent of watercourse alteration or relocation; a professional engineer's certified report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream; and a map showing the location of the proposed watercourse alteration or relocation shall all be submitted by the permit applicant prior to issuance of a floodplain development permit
5. Certification Exemptions. The following Structures, if located within Zone A, AO, or AE, are exempt from the elevation/floodproofing certification requirements specified in items (a) and (b) of this subsection:
 - a. Recreational vehicles meeting requirements of Section 1360.120B.6;
 - b. Temporary structures meeting requirements of Section 1360.120B.7; and
 - c. Accessory structures less than 150 square feet meeting requirements of Section 1360.120B.8.

E. Expiration of Floodplain Development Permit

Floodplain Development Permits issued pursuant to this ordinance expire two years after the date of issuance unless: 1) the work has commenced within two (2) years after the date of issuance, or 2) the issuance of the permit is legally challenged in which case the permit is valid for two (2) years after the challenge has been resolved.

1360.120 Provisions for Flood Hazard Reduction

A. General Standards

In all SFHAs, the following provisions are required:

1. The Town of Indian Trail has prohibited most development in all studied and non-studied SFHAs. No encroachments, including fill, new construction, stormwater detention, substantial improvements and other developments shall be permitted within any portion of SFHAs unless a variance is granted, with the following exceptions:
 - a. The development is for roads, greenway trails, boardwalks, pedestrian crossings, agricultural uses, forestry, parks, playground or other park related equipment, fences, min eighty (80) percent of the fence shall be open area, public utilities and facilities such as wastewater utility lines, storm drainage construction and repair with approval by the Storm Water Administrator, gas, electrical, water systems and similar uses that are located and constructed to minimize flood damage.

2. All new construction and substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, and lateral movement of the Structure.
3. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
4. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
5. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding to the regulatory flood protection elevation. These include, but are not limited to, HVAC equipment, water softener units, bath/kitchen fixtures, ductwork, electric/gas meter panels/boxes, utility/cable boxes, hot water heaters, and electric outlets/switches.
6. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
9. Any alteration, repair, reconstruction, or improvements to a structure, which is in compliance with the provisions of this ordinance, shall meet the requirements of new construction as contained in this ordinance.
10. Nothing in this ordinance shall prevent the repair, reconstruction, or replacement of a building or structure existing on the effective date of this ordinance and located totally or partially within the SFHAs , provided there is no additional encroachment below the SFHAs , and provided that such repair, reconstruction, or replacement meets all of the other requirements of this ordinance.
11. New solid waste disposal facilities and sites, hazardous waste management facilities, salvage yards, and chemical storage facilities shall not be permitted.
12. All subdivision proposals and other development proposals shall be consistent with the need to minimize flood damage.
13. All subdivision proposals and other development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
14. All subdivision proposals and other development proposals shall have adequate drainage provided to reduce exposure to flood hazards.

15. All subdivision proposals and other development proposals shall have received all necessary permits from those governmental agencies for which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
16. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.
17. When a structure is located in multiple SFHAs or in a special flood hazard area with multiple base flood elevations, the provisions for the more restrictive special flood hazard area and the highest base flood elevation shall apply.
18. For projects granted a variance, a “No-Impact” certification is required from a North Carolina registered professional engineer. “No-Impact” means no increase in flood elevations greater than zero (0.00) feet, no decrease in flood elevations of more than one-tenth (0.10) of a foot, and no increase in floodway or non-encroachment area widths.

B. Specific Standards

The following specific standards apply to projects that have been granted a development variance or meet the criteria as identified in Section 1360.120A. In all SFHAs where base flood elevation (BFE) data has been provided, as set forth in Section 1360.040B, the following provisions, in addition to the provisions of Section 1360.120A, are required:

1. Residential Construction.

New construction and substantial improvement of any residential Structure (including manufactured homes) shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Section 1360.03050 of this ordinance. The regulatory flood protection elevation being the base flood elevation plus two (2.0) feet of freeboard.

2. Non-Residential Construction.

New construction and substantial improvement of any commercial, industrial, or other non-residential Structure shall have the reference level, including basement, elevated no lower than the regulatory flood protection elevation, as defined in Section 1360.03050 of this ordinance. Structures located in A, AE, and AO, and Zones may be floodproofed to the regulatory flood protection elevation in lieu of elevation provided that all areas of the Structure, together with attendant utility and sanitary facilities, below the regulatory flood protection elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the Storm Water Administrator along with the operational and maintenance plans.

3. Manufactured Homes.

- a. New and replacement manufactured homes shall be elevated so that the reference level of the manufactured home is no lower than the regulatory flood protection elevation, as defined in Section 1360.03050 of this ordinance.

- b. Manufactured homes shall be securely anchored to an adequately anchored foundation to resist flotation, collapse, and lateral movement, either by certified engineered foundation system, or in accordance with the most current edition of the State of North Carolina Regulations for Manufactured Homes adopted by the Commissioner of Insurance pursuant to NCGS 143-143.15. Additionally, when the elevation would be met by an elevation of the chassis thirty-six (36) inches or less above the grade at the site, the chassis shall be supported by reinforced piers or engineered foundation. When the elevation of the chassis is above thirty-six (36) inches in height, an engineering certification is required.
- c. All enclosures or skirting below the lowest floor shall meet the requirements of Section 1360.120B.4.
- d. An evacuation plan must be developed for evacuation of all residents of all new, substantially improved or substantially damaged manufactured home parks or subdivisions located within flood prone areas. This plan shall be filed with and approved by the Storm Water Administrator and the local Emergency Management coordinator.

4. Elevated Buildings.

Fully enclosed area, of new construction and substantially improved structures, which is below the lowest floor:

- a. shall not be designed or used for human habitation, but shall only be used for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator). The interior portion of such enclosed area shall not be finished or partitioned into separate rooms, except to enclose storage areas;
- b. shall be constructed entirely of flood resistant materials at least to the regulatory flood protection elevation;
- c. shall include, in Zones A, AO, and AE, flood openings to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet or exceed the following minimum design criteria:
 - (1) a minimum of two flood openings on different sides of each enclosed area subject to flooding;
 - (2) the total net area of all flood openings must be at least one (1) square inch for each square foot of enclosed area subject to flooding;
 - (3) if a building has more than one enclosed area, each enclosed area must have flood openings to allow floodwaters to automatically enter and exit;
 - (4) the bottom of all required flood openings shall be no higher than one (1) foot above the adjacent grade;

- (5) flood openings may be equipped with screens, louvers, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and
- (6) enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require flood openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires flood openings as outlined above.

5. Additions/Improvements.

- a. Additions and/or improvements to pre-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing Structure are:
 - (1) Not a substantial improvement, the addition and/or improvements must be designed to minimize flood damages and must not be any more non-conforming than the existing structure.
 - (2) A substantial improvement, the existing structure and the addition and/or improvements must comply with the standards for new construction.
- b. Additions to post-FIRM structures with no modifications to the existing Structure other than a standard door in the common wall shall require only the addition to comply with the standards for new construction.
- c. Additions and/or improvements to post-FIRM structures when the addition and/or improvements in combination with any interior modifications to the existing structure are:
 - (1) Not a substantial improvement, the addition and/or improvements only must comply with the standards for new construction.
 - (2) A substantial improvement, the existing Structure and the addition and/or improvements must comply with the standards for new construction.

6. Recreational Vehicles.

Recreational vehicles shall either:

- a. Be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or
- b. Meet all the requirements for new construction.

7. Temporary Non-Residential Structures.

Prior to the issuance of a floodplain development permit for a temporary structure, the applicant must submit to the Storm Water Administrator a plan for the removal of such structure(s) in the event of a hurricane, flash flood or other type of flood warning notification. The following information shall be submitted in writing to the Storm Water Administrator for review and written approval:

- a. a specified time period for which the temporary use will be permitted. Time specified may not exceed three months, renewable up to one year;
- b. the name, address, and phone number of the individual responsible for the removal of the temporary structure;
- c. the time frame prior to the event at which a Structure will be removed (i.e., minimum of 72 hours before landfall of a hurricane or immediately upon flood warning notification);
- d. a copy of the contract or other suitable instrument with the entity responsible for physical removal of the structure; and
- e. designation, accompanied by documentation, of a location outside the special flood hazard area, to which the temporary structure will be moved.

8. Accessory Structures.

When accessory structures (sheds, detached garages, etc.) are to be placed within a special flood hazard area, the following criteria shall be met:

- a. accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
- b. accessory structures shall not be temperature-controlled;
- c. accessory structures shall be designed to have low flood damage potential;
- d. accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
- e. accessory structures shall be firmly anchored in accordance with the provisions of Section 1360.120A.2;
- f. all service facilities such as electrical shall be installed in accordance with the provisions of Section 1360.120A.5; and
- g. flood openings to facilitate automatic equalization of hydrostatic flood forces shall be provided below Regulatory Flood Protection Elevation in conformance with the provisions of Section 1360.120B.4.c.
- h. an accessory Structure with a footprint less than 150 square feet that satisfies the criteria outlined above does not require an elevation or floodproofing certificate. Elevation or floodproofing certifications are required for all other accessory Structures in accordance with Section 1360.110D.

9. Parking Lots.

All parking areas for new or substantially improved non-single family habitable buildings must be at an elevation such that water depths would be less than six (6.0) inches deep in any parking space during the occurrence of a FEMA base flood.

1360.130 Standards for Floodplains without Established Base Flood Elevations

Within the SFHA designated as Approximate Zone A and established in Section 1360.040B, where no Base Flood Elevation (BFE) data has been provided by FEMA, the following provisions, in addition to the provisions of Section 1360.120A, shall apply:

- A.** No encroachments, including fill, new construction, substantial improvements or new development shall be permitted within a distance of twenty (20) feet each side from top of bank or five times the width of the stream, or minimum stream buffer requirements, whichever is greater, unless certification with supporting technical data by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- B.** The BFE used in determining the regulatory flood protection elevation shall be determined based on the following criteria:
 - ~~1.~~ When base flood elevation (BFE) data is available from other sources, all new construction and substantial improvements within such areas shall also comply with all applicable provisions of this ordinance and shall be elevated or floodproofed in accordance with standards in Section 1360.120B.
 2. When Floodway data is available from a Federal, State, or other source, all new construction and substantial improvements within Floodway and Non-Encroachment areas shall also comply with the requirements of Section 1360.120.A.18 and Section 1360.150.
 3. All subdivision, manufactured home park and other development proposals shall provide base flood elevation (BFE) data if development is greater than one (1) acre or has more than ten (10) lots/manufactured home sites. Such base flood elevation (BFE) data shall be adopted by reference in accordance with Section 1360.040B and utilized in implementing this ordinance.
 4. When base flood elevation (BFE) data is not available from a federal, state, or other source as outlined above, the reference level shall be elevated or floodproofed (nonresidential) to or above the regulatory flood protection elevation, as defined in Section 1360.03050. All other applicable provisions of Section 1360.120 shall also apply.

1360.140 Standards for Riverine Floodplains with BFE but without Established Floodways or Non-Encroachment Areas

Along rivers and streams where BFE data is provided by FEMA or is available from another source but neither floodway nor non-encroachment areas are identified for a special flood hazard area on the FIRM or in the FIS report, the following requirements shall apply to all development within such areas:

- A.** Until a regulatory floodway or non-encroachment area is designated, no encroachments, including fill, new construction, substantial improvements, or other development, shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1.0) foot at any point within the community. For projects granted a variance, a “No-Impact certification is required per Section 1360.120A.18

1360.150 Floodways and Non-Encroachment Areas

Areas designated as floodways or non-encroachment areas are located within the SFHAs established in Section 1360.040B. The Floodways and Non-Encroachment Areas are extremely hazardous areas due to the velocity of floodwaters that have erosion potential and carry debris and potential projectiles. The following provisions shall apply to all development within such areas:

- A.** No encroachments, including fill, new construction, substantial improvements and other developments shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that such Encroachment would not result in any increase in the FEMA Base Flood Elevations during the occurrence of a FEMA Base Flood. Such analysis shall be performed and certified by a North Carolina registered professional engineer and reviewed by the Storm Water Administrator. Any encroachment that would cause a rise in the FEMA Base Flood Elevation or an increase in the FEMA Floodway width during the occurrence of the FEMA Base Flood will require notification of impacted property owners, and a Conditional Letter of Map Revision (CLOMR) from FEMA. If approved and constructed, as-built plans must be submitted by the property owner and approved by FEMA and a Letter of Map Revision (LOMR) issued before a Certificate of Occupancy will be issued.
- B.** For projects granted a variance, a “No-Impact” certification is required per Section 1360.120A.18.
- C.** If Section 1360.120 and, and Section 1360.150 is satisfied, all development shall comply with all applicable flood hazard reduction provisions of this ordinance.
- D.** No manufactured homes shall be permitted, except replacement manufactured homes in an existing manufactured home park or subdivision, provided the following provisions are met:
 - 1.** the anchoring and the elevation standards of Section 1360.120.B.3; and
 - 2.** the no encroachment standard of Section Chapter 110 1360.120 and, Section Chapter 110 1360.150., and Section Chapter 110.

1360.160 Corrective Procedures

- A.** Violations to be corrected: When the Storm Water Administrator finds violations of applicable State and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in such notification.
- B.** Actions in event of failure to take corrective action: If the owner of a building or property shall fail to take prompt corrective action, the Storm Water Administrator shall give the owner written notice, by certified or registered mail to the owner’s last known address or by personal service, stating:
 - 1.** that the building or property is in violation of the floodplain management regulations;
 - 2.** that a hearing will be held before the Storm Water Administrator at a designated place and time, not later than ten days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and

3. that following the hearing, the Storm Water Administrator may issue an order to alter, vacate, or demolish the building; or to remove fill as applicable.
- C. Order to take corrective action: If, upon a hearing held pursuant to the notice prescribed above, the Storm Water Administrator shall find that the building or development is in violation of the Flood Damage Reduction Ordinance, they shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than 60 calendar days, nor more than 180 calendar days. Where the Storm Water Administrator finds that there is imminent danger to life or other property, they may order that corrective action be taken in such lesser period as may be feasible.
 - D. Appeal: Any owner who has received an order to take corrective action may appeal the order to the Board of Adjustment by giving notice of appeal in writing to the Storm Water Administrator and the clerk within 10 days following issuance of the final order. In the absence of an appeal, the order of the Storm Water Administrator shall be final. The Board of Adjustment shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.
 - E. Failure to comply with order: If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the Board of Adjustment following an appeal, the owner shall be guilty of a misdemeanor and subject to the penalties contained in Section 1360.090.

1360.170 Appeals and Variances

A. Authority of Board of Adjustment.

1. The Board of Adjustment shall hear and decide appeals from any order, decision, determination or interpretation made by the Storm Water Administrator pursuant to or regarding these regulations.
2. The Board of Adjustment shall hear and decide petitions for variances from the requirements of this ordinance.

B. Initiation and Filing of Appeal.

1. An appeal of an order, decision, determination or interpretation made by the Storm Water Administrator, may be initiated by any person aggrieved by any officer, department, board or bureau of the town.
2. A notice of appeal in the form prescribed by the Board of Adjustment must be filed with the Board's Clerk, with a copy to the Storm Water Administrator, within 20 days of the order, decision, determination or interpretation and must be accompanied by a nonrefundable filing fee as established by the Town Council. Failure to timely file such notice and fee will constitute a waiver of any rights to appeal under this section and the Board of Adjustment shall have no jurisdiction to hear the appeal.

C. Standards and Hearing Procedure.

1. The Board of Adjustment will conduct the hearing on an appeal of an order, decision, determination or interpretation of these regulations in accordance with its normal hearing procedures.

2. At the conclusion of the hearing, the Board of Adjustment may reverse or modify the order, decision, determination or interpretation under appeal upon finding an error in the application of these regulations on the part of the Storm Water Administrator who rendered the decision, determination or interpretation. In modifying the decision, determination or interpretation, the Board will have all the powers of the officer from whom the appeal is taken.

D. Initiation and Filing of Variance Petition.

1. A petition for Variance may be initiated only by the owner of the affected property, or an agent authorized in writing to act on the owner's behalf.
2. A petition for a Variance from these regulations in the form prescribed by the Board of Adjustment must be filed with the Board's Clerk, with a copy to the Storm Water Administrator, and be accompanied by a nonrefundable filing fee as established by the Town Council.

E. Factors for Consideration and Determination of Completeness

1. In passing upon variances, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and the:
 - a. danger that materials allowed to be placed in the special flood hazard area as a result of the variance may be swept onto other lands to the injury of others during a base flood;
 - b. danger to life and property due to flooding or erosion damage from a base flood;
 - c. susceptibility of the proposed facility and its contents to flood damage and the effect of such damage during the base flood;
 - d. importance of the services provided by the proposed facility to the community;
 - e. necessity to the facility of a waterfront location, where applicable;
 - f. availability of alternative locations, not subject to flooding or erosion damage during a base flood, for the proposed use;
 - g. compatibility of the proposed use with existing and anticipated development;
 - h. relationship of the proposed use to the Town of Indian Trail and Union County floodplain management guidance documents, Union County Flood Hazard Mitigation Plans, the Union County Greenway Plan, and any other adopted land use plans for that area;
 - i. safety of access to the property in times of a base flood for ordinary and emergency vehicles;
 - j. expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters during a base flood expected at the site; and

H. Notification and Recordkeeping.

1. Any applicant to whom a Variance from the FEMA base flood elevation is granted shall be given written notice specifying the difference between the FEMA base flood elevation and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. Such notification shall be maintained with a record of all variance actions.
2. The Storm Water Administrator shall maintain the records of all appeal actions and report any variances regarding FEMA minimum standards to the Federal Emergency Management Agency and the State of North Carolina upon request.

I. Appeal from Board of Adjustment.

1. Any person aggrieved by the final decision of the Board of Adjustment to grant or deny a Floodplain Development Permit shall have 30 days to file an appeal to Union County Superior Court, as provided in N.C.G.S. 143-215.57 (c).
2. Any party aggrieved by the decision of the Board of Adjustment related to any other order, decision, determination or interpretation of these regulations, including the granting or denial of a variance, shall have 30 days from the receipt of the Board's decision to file a petition for review in the nature of certiorari in Union County Superior Court.

1360.180 Legal Status Provisions.

A. Effect on Rights and Liabilities Under the Existing Flood Damage Prevention Regulations.

This ordinance in part comes forward by re-enactment of some of the provisions of the Flood Damage Reduction Ordinance enacted March 21, 1980 as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption of such existing provisions, so that all rights and liabilities that have accrued there under are reserved and may be enforced. The enactment of this ordinance shall not affect any action, suit or proceeding instituted or pending. All provisions of the Flood Damage Reduction Ordinance of the Town of Indian Trail enacted on March 21, 1980, as amended, which are not re-enacted herein, are repealed.

B. Effect Upon Outstanding Floodplain Development Permits

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any development or any part thereof for which a Floodplain Development Permit has been granted by the Storm Water Administrator or his or her authorized agents before the time of passage of this ordinance; provided, however, that when construction is not begun under such outstanding permit within a period of 6 months subsequent to the date of issuance of the outstanding permit, construction or use shall be in conformity with the provisions of this ordinance.

C. Severability

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

1360.190 Effective Date

This Chapter shall become effective on February 19, 2014 and the Flood Insurance Rate Maps (FIRMs) as compiled and dated February 19, 2014 are hereby adopted and shall serve as the base information for the enforcement of this chapter.

1360.200 Adoption Certification

This Section of the Indian Trail Unified Development Ordinance represents and a true and correct copy of the Flood Damage Reduction Ordinance as adopted by the Town Council of Indian Trail, North Carolina, on the 8th day of April, 2014..

Chapter 1370. Storm Water Management Permits

All developments will be constructed and maintained so that adjacent properties are not unreasonably burdened with surface waters as a result of such developments. More specifically:

1370.010 Stormwater Detention

The purpose of flood control detention requirements is to protect downstream properties from increased flooding due to upstream development. Development or redevelopment creating a total of 20,000 square feet or more of impervious area shall be designed to control the peak discharges from the 2-, 10-, and 25-year, 24-hour storm events to pre-development levels. The emergency overflow and outlet works for any stormwater BMP shall be capable of safely passing a discharge with a minimum recurrence frequency as specified in the Town of Indian Trail Stormwater Design Manual.

Development or redevelopment that proposes to use existing detention facilities shall comply with the requirements of this Section 1370.

Detention facilities shall not be located within FEMA Special Flood Hazard Areas, drainage areas where the 100-year storm event is greater than 50 cfs, or within 10 feet of any property lines. Design of detention facilities shall be consistent with the Town of Indian Trail Stormwater Design Manual except as stated herein.

Stormwater detention design must be performed by a North Carolina Registered Professional Engineer.

1370.020 Downstream Impact Analysis

A. Hydrologic Analysis

The Owner shall cause a downstream hydrologic analysis to be performed to determine if there are any additional impacts in terms of peak discharge increase or downstream flooding due to the difference in the pre and post-development 50- and 100-year storm events. The analysis shall be performed at the outlet(s) of the site and downstream at each tributary junction to the point in the conveyance system where the area of the portion of the site draining into the system is 10% of the total drainage area above that point. Key detention structures in the study area must be modeled.

B. Hydraulic Analysis

If during the site plan review process the Town Engineer determines that as a result of an increase in peak discharge between the pre and post-development 50-year storm event, detrimental impacts at thoroughfare culvert crossings are probable, the Owner shall cause a hydraulic analysis to be performed to determine flood elevations for the areas impacted by increased flows. No existing or proposed thoroughfare culvert crossing shall be designed to have stormwater encroach upon the roadway pavement.

If during the site plan review process the Town Engineer determines that as a result of an increase in peak discharge between the pre and post-development 100-year storm event,

detrimental impacts on building footprints are probable, the Owner shall cause a hydraulic analysis shall to be performed to determine flood elevations for the areas impacted by increased flows. No existing or proposed building or habitable structure shall be designed to be flooded or have water impounded against it.

Downstream Impact Analysis must be performed by a North Carolina Registered Professional Engineer and shall comply with the requirements in Appendix 7, "Downstream Impact Analysis".

1370.030 100 + 1 Flood Analysis

All streams in Indian Trail which drain more than one square mile (640 acres) are regulated by Section 1360, "Flood Damage Reduction Ordinance". Streams that drain less than one square mile will also experience flooding and require regulation as well. This regulation is known as the "100 + 1 Flood Analysis". For drainage systems which are expected to carry 50cfs of more in the 100-year storm event, both the 100-year + 1 Storm Water Elevation Line (SWEL) and the Storm Water Protection Elevation (SWPE) shall be shown on the site, grading plan, and recorded map.

Flood Analysis must be performed by a North Carolina Registered Professional Engineer.

1370.040 Ponds

- A.** All plans that include a proposed natural pond, and all plans that include stormwater runoff to any existing natural ponds, shall be subject to the review of the State Dam Safety Engineer. An Evaluation of the pond dam shall be made by the designer, in accordance with the Dam Safety Law of 1967, and submitted to the Dam Safety Engineer for review.
- B.** All existing natural ponds proposed to comply with Section Chapter 110 shall be evaluated to verify the ponds will safely withstand the post-development 50-year storm event with a minimum of 0.50 feet of freeboard at the dam. Design calculations shall include the assumption of future build out of the drainage basin.
- C.** Where ponds are proposed to be constructed, the owners, heirs, assigns or successors of the land will agree to perpetual maintenance of the pond and will release and hold harmless the Town of Indian Trail from any liability, claims, demands, attorney's fees, and costs or judgments arising from said pond. At a minimum, ponds will be inspected by a North Carolina Registered Professional Engineer on a yearly basis. The annual inspection report will be submitted to the Town Engineer for purposes of compliance.

1370.050 Embankments

All stormwater detention and water quality facilities with embankments that are designed to hold water shall comply with the requirements in Appendix 6, "Embankment Requirements".

1370.060 No certificate of occupancy or release of sureties will be issued for any development until:

- A.** As-built drawings of all storm drainage, detention, and water quality features have been submitted by a professional land surveyor.
- B.** Any required revised calculations have been submitted and approved by the Town. Said revised calculations must be sealed by a North Carolina Registered Professional Engineer.

Chapter 110.**1370.050. Embankments**

- C.** The facility has been stabilized consistent with the North Carolina Department of Environment and Natural Resources standards and specifications.
 - D.** The as-built survey, final calculations, and facility will be inspected and approved by the Town.
- 1370.070** When a detention facility serves more than one property, a permanent detention easement that encompasses the detention facility will be shown on a recorded plat. This easement will be described by metes and bounds.
- 1370.080** There will be a note placed on the recorded plat that clearly describes who is responsible for maintenance of the detention facilities, pipes and/or channels located within the permanent detention facility.
- 1370.090** Deviations from the Stormwater Manual may be necessary to accommodate soil types found in Union County and site constraints subject to approval by the Town Engineer.
- 1370.100** Additions to existing non-residential structures over 50% of the existing floor area (square footage) or demolition of existing structures for purposes of redevelopment will be subject to the requirements of this section.
- 1370.110** Minor residential subdivisions and individual single-family residences are exempt from said requirements.
- 1370.120** All non-conforming developments (existing impervious area > 20,000 sq. ft.) adding impervious area (structural or non-structural) shall provide detention for the newly added impervious area only in compliance with this section.

Chapter 1380. Post Construction

All developments shall comply with the Indian Trail Post Construction Ordinance dated September 11, 2007.

Chapter 1390. Sedimentation Pollution Control

In order to prevent soil erosion and sedimentation pollution of waterways, the applicant shall comply with all requirements of the North Carolina Pollution Control Act. A plan shall be submitted and approved by North Carolina Department of Environmental and Natural Resources and a copy of the plan and DENR permit shall be provided to the Town prior to Zoning Certificate permit issuance.

Chapter 13100. Water, Sewer, Utilities and Easements

- 13100.010** Any developments which has either public water or public sewer system or both legally available or to be made available within 300 feet of its boundary shall have such available systems extended by the developer to provide service to each lot in the subdivision. Water and sewer installations shall be in accordance with the standards of the Union County Public Works Department.
- 13100.020** Proof of public water/or sewer availability is required prior to issuance of a zoning permit to start construction. If public water/or sewer is not available proof of service by private system (well and/or septic, etc) authorized by the Union County Environmental Health Department or other authorizing agency shall be provided.

- 13100.030** Electrical, television, and telephone utility lines installed within subdivisions must be underground unless the Technical Review Committee determines that underground installation is unreasonable or infeasible.
- 13100.040** Utility easements with a width acceptable to public and private utility providers must be provided to accommodate electric, telephone, gas, and community antenna television services; conduits; and sewer or water lines. The location of such easements must be reviewed and approved by the Town, with advice from utility providers, before site plan approval.
- 13100.050** Utility easements must be kept free and clear of any buildings or other improvements that would interfere with the proper maintenance or replacement of utilities. The Town is not liable for damages to any improvement located within the utility easement area.

Chapter 13110. Fire Protection for Developments

Fire hydrants shall be installed according to the fire code adopted by the Union County Fire Service and fire hydrant improvements and locations shall be installed consistent with the following:

- 13110.010** Every development (subdivided or unsubdivided) that is served by a public water system shall include a system of fire hydrants sufficient to provide adequate fire protection for the buildings located or intended to be located within such development.
- 13110.020** Fire hydrants must be located in accordance with the rules and regulations identified in North Carolina Fire Prevention Code. Appeals of these codes shall be filed with the North Carolina Building Code Council and the North Carolina Department of Insurance.
- 13110.030** The Planning Staff and Union County Fire Service shall review all fire hydrant locations and fire hydrant specifications. A letter shall be provided from the Union County Fire Marshal's Office to the Town stating the proposed development is in compliance with said Code. Final approval of locations and specifications shall be by the permit issuing authority.
- 13110.040** Water lines that serve hydrants shall be at least six inch lines, and, unless no other practicable alternative is available, no such lines shall be dead-end lines.
- 13110.050** The permit issuing authority may modify any previously issued permit to bring that project into compliance based on the Fire Marshal's certification that said project is in compliance with the North Carolina Fire Prevention Code

Chapter 13120. Street and Sidewalks

- 13120.010** All new developments shall comply with the requirements of Section 1110.090 Street and Sidewalk Improvements of this UDO.
- 13120.020** Driveways and street access shall comply with following:
- A.** Any person desiring to construct a driveway or other connection within the right-of-way of a public street must secure a permit prior to construction. Connections from single family and duplex dwellings are excluded unless access is requested to a thoroughfare as identified on the Thoroughfare Plan. Failure to secure a permit prior to construction may result in the removal of the driveway(s) at the expense of the property owner and/or denial of access at that location. All driveways must conform to the design and construction standards established by the Town of Indian Trail Land Development Standards.

- B.** Any development located adjacent to public or private streets must provide curb, gutter, and sidewalks, along its street frontage in accordance with the Town of Indian Trail Comprehensive Plan, Land Development Standards, and this ordinance.
- C.** All lots or parcels are entitled to at least one (1) driveway connection per street frontage on any street except those which access is otherwise limited or controlled. Requests for two (2) driveways will only be accepted for lots with a street frontage of 350 feet or more. Request for three (3) driveways will be considered for tracts with 600 feet or more street frontage. Artificial division of a single parcel or development to increase the number of access points is not permitted.
- D.** No driveway may be located within 50 feet of the corner of two intersecting thoroughfare streets. No driveway may be located within 10 feet of any non-residential property line or within 20 feet from an existing driveway.
- E.** Nothing in this section exempts any person from complying with any regulations or requirements of the North Carolina Department of Transportation regarding driveway connections to NCDOT maintained roads, nor does compliance with any or all NCDOT requirements exempt any person from the requirements of this ordinance. In the case where these regulations may overlap or conflict, the more restrictive provision will control. The granting of a driveway permit by the Town of Indian Trail does not insure the granting of the permit by NCDOT. The requirements in this section apply to all zoning districts.
- F.** Alteration/Maintenance of Existing Driveways: Existing driveways shall not be altered within the right-of-way without a permit and the maintenance of all driveways located on or within the public right-of-way shall be the responsibility of the property owner.
- G.** Changes in Land use: When the use of the property is to be changes or altered, a new driveway permit must be obtained prior to a land use change.
- H.** Any driveway or other connection for residential development with minimum of 20 residential lots, 20 residential units or 100 trips per peak hour requires a turn lane.
- I.** The driveways or other connection of any subdivision directly or indirectly intersecting with any state maintained road in the town limits that have more than 4000 ADT (Average Daily Traffic) require a turn lane.
- J.** Any commercial and industrial site with minimum of 1000 ADT (Average Daily Traffic) or 100 trips per peak hour having a driveway or other connection directly or indirectly intersecting with any state maintained road in the Town that has more than 4000 (Average Daily Trips) requires a turn lane.
- K.** The Town shall require a traffic study for applicants in accordance with the adopted Traffic Study Policy or from applicants seeking a variance on any proposed driveway or other connection to be designed to accommodate both current conditions and traffic projections for 10 years into the future. In any case, the location of the proposed driveway or other connection can not interfere with the daily function of the roads or intersections.
- L.** Intersection corner- A minimum 35'x35' sight triangle (measured along right-of-way lines) shall be provided at each intersection corner. An additional 10'x70' sight triangle shall be provided at each intersection corner. An additional 10'x70' sight triangle shall be provided at intersections connecting to NCDOT maintained roadways. Additional sight distance requirements may be required by the NCDOT or the Town Engineer. When designing a

TND (Traditional Neighborhood Development) the sight distance standards may be approved by the Town Engineer on a case by case basis depending on the speed limit.

- M. Applicants may apply for a variance to the Board of Adjustments.

Chapter 13130. Trash Enclosures and Grease Trap Facilities

13130.010 Every development with the exception of individual single-family residential dwellings will be required to provide one or more trash enclosures for solid waste collection. Said trash enclosure and/or grease trap facility shall be located so as to:

- A. Facilitate collection and minimize any negative impact on persons occupying the development site, neighboring properties, or public rights-of-way; and
- B. Constructed according to specifications established by the Town of Indian Trail Land development Standards and/or the Planning Director to allow for collection without damage to the development site or the collection vehicle. When not in use, the trash enclosure and/or grease trap facility must remain closed as to not unduly cause any vehicular traffic interference.

13130.020 When required, all trash enclosure and/or grease trap facility shall be screened pursuant to the following:

- A. Trash enclosures and/or grease trap facilities shall be fully enclosed with a wall to a minimum height of eight feet to block 100 percent of the view into the enclosed area. The trash enclosure and/or grease trap facility shall match the primary color and material of the building when viewed from the public or private right-of-way. Said trash enclosure and/or grease trap facility shall also include an opaque gate(s) constructed of either synthetic wood or painted corrugated metal affixed to a metal frame.
- B. The trash enclosure panels and gate may be constructed of vinyl on metal posts/supports if they are not visible from the right-of-way and are located within one of the business/industrial parks identified below. The minimum 8-foot tall gate shall include a self-latching mechanism.

1. Indian Trail Business Park
2. Indian Trail Industrial Park
3. Industrial Venutres I & II
4. Old Hickory Business Park
5. 74 Industrial Park
6. Sun Valley Industrial Park
7. Town industrial Park

Plant material shall supplement the trash enclosure. Planting material shall screen 25 percent of the trash enclosure wall area. Planting material shall consist of a minimum of six low branching evergreen shrubs a minimum of 3 feet in height at time of planting.

