

## **DIVISION 200. REVIEW AND DECISION-MAKING BODIES**

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## **Chapter 210. Indian Trail Town Council**

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### **210.010 Responsibility**

The Town Council will be responsible for final actions regarding the text of this UDO, the Official Zoning Map, decisions regarding conditional uses and Conditional Zoning Districts and appointments to the Planning Board, Board of Adjustment, and Citizen Advisory Committee.

### **210.020 Powers and Duties**

The Town Council will have the powers and duties as set forth in this UDO:

### **210.030 Appointments**

#### **A. Planning Board**

1. The Town Council will appoint all members of the seven-member Planning Board plus alternates, each member must reside within the Town of Indian Trail;
2. The Town Council may remove any member for cause.

#### **B. Board of Adjustment**

1. The Town Council will appoint the five regular members plus alternates of the Board of Adjustment, who must reside within the Town of Indian Trail.
2. The Town Council may remove any member for cause.

### **210.040 Legislative Acts**

#### **A. Text Amendments**

The Town Council, acting in its legislative capacity, will hear and approve, approve with modifications or deny proposed Text Amendments to this UDO in accordance with Chapter 320, Procedures for Text Amendments.

#### **B. Official Zoning Map Amendments**

The Town Council, acting in its legislative capacity, will hear and approve, approve with conditions or deny proposed Official Zoning Map amendments for both general districts and conditional zoning district rezoning in accordance with Chapter 320, Amendments In General.

#### **C. Conditional Zoning**

The Town Council will review applications for conditional zoning approvals in accordance with Chapter 330. Conditional zoning applications will include all applications for planned developments approvals consistent with Chapter 340, Review and Approval of Planned Developments.

#### **D. Appeals of Actions on Final Plats**

The Town Council will be responsible for hearing and taking action on any appeals of the Director of Planning and Development's decisions on major final plats and minor subdivision plats.

## **Chapter 220. Planning Board**

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### **220.010 Appointment and Terms of Planning Board Members**

- A. There will be a planning board consisting of seven (7) regular members and three (3) alternate members.

1. Planning board regular members as well as alternates will be appointed for terms as designated by the Town Council.
2. If a regular planning board member or an alternate member moves outside the Town of Indian Trail that will constitute a resignation from the planning board.

### **220.020 Meetings of the Planning Board**

- A. The planning board will establish a regular meeting schedule and will meet frequently enough so that it can take action in conformity with Section 410.130 (Applications to be Processed Expeditiously).
- B. Since the planning board does not exercise the broad, quasi-judicial, discretionary authority characteristic of the board of adjustment, it need not conduct its meetings strictly in accordance with the quasi-judicial procedures set forth in Section 310.080 of this ordinance. However, it will conduct its meetings so as to obtain necessary information and to promote the full and free exchange of ideas.
- C. Minutes must be kept of all board proceedings.
- D. All board meetings will be open to the public.
- E. Whenever the board is called upon to make recommendations concerning zoning map amendment proposals notice must be given as provided in Section 310.030, Required Notice for Public Hearings.

### **220.030 Powers and Duties of the Planning Board**

The Planning Board will have the following powers and duties:

#### **A. Tree Advisory Committee**

Members of the Planning Board will serve as the Tree Advisory Committee

#### **B. Major Subdivision Preliminary Plats**

The Planning Board will review and make recommendations to the Town Council on preliminary plat applications for major subdivisions when associated with Conditional Zoning Districts;

#### **C. Text Amendments**

The Planning Board will review and make recommendations to the Town Council on amendments to the text of this UDO;

#### **D. Official Zoning Map**

The Planning Board will review and make recommendations to the Town Council on amendments to the Official Zoning Map;

#### **E. Conditional Zoning District**

The Planning Board will review and make recommendations to the Town Council on applications for a Conditional Zoning District;

#### **F. Planned District Review**

The Planning Board will review and make recommendations to the Town Council on Planned District applications;

#### **G. Comprehensive Plan Administration**

The Planning Board will be responsible for the preparation of a comprehensive plan and all plan amendments and will make recommendations to the Town Council on policies,

ordinances, administrative procedures and other means for carrying out plans in a coordinated and efficient manner;

**H. Promoting Town Beautification Programs**

The Planning Board will initiate, promote and assist in the implementation of programs of general community beautification in the Town's planning jurisdiction;

**I. Community Design and Appearance**

The Planning Board will provide leadership and guidance in matters of area or community design and appearance to individuals, and to public and private organizations and agencies;

**J. Studies**

The Planning Board will prepare studies of the visual characteristics and problems of the planning jurisdiction, including surveys and inventories of an appropriate nature and will recommend standards and policies of design for the entire area, any portion or neighborhood thereof or any project to be undertaken;

**K. Plans**

The Planning Board will prepare plans for the improved appearance of the planning jurisdiction, setting forth desirable standards and goals for the aesthetic enhancement of the municipality; of any part thereof within its area of planning and zoning jurisdiction, including public ways and areas, open spaces and public and private buildings and projects; and

**L. Other Responsibilities**

The Planning Board will have any other duties assigned by the Town Council.

**M. Staff**

The Planning Department will serve as staff to the Planning Board.

**220.040 Advisory Committees**

- A.** From time to time, the Town Council may appoint one or more individuals to assist the planning board to carry out its planning responsibilities with respect to a particular subject area. By way of illustration, without limitation, the Council may appoint advisory committees to consider the thoroughfare plan, housing plans, economic development plans, etc.
- B.** Members of such advisory committees may sit as nonvoting members of the planning board when such issues are being considered and lend their talents, energies, and expertise to the planning board. However, all formal recommendations to the Town Council will be made by the planning board.
- C.** The planning board may appoint such standing or ad hoc subcommittees of its own members to consider particular issues or types of issues and may also appoint ad hoc advisory committees consisting of non-planning board members to assist it in its work.

**Chapter 230. Board of Adjustment**

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**230.010 Appointment and Terms of Board of Adjustment**

- A.** There will be a board of adjustment consisting of five regular members and three alternates all appointed by the Town Council. All regular members and alternates must reside within the Town of Indian Trail.
- B.** Board of adjustment regular members and alternates will be appointed for terms as determined by the Town Council.
- C.** Members may be reappointed to successive terms without limitation.

**230.020 Meetings of the Board of Adjustment**

- A. The Board of Adjustment will establish a regular meeting schedule and will meet frequently enough so that it can take action in conformity with Section 410.130, (Applications to be Processed Expeditiously).
- B. The board will conduct its meetings in accordance with the quasi-judicial procedures set forth in Section 310.080.
- C. All meetings of the board will be open to the public, and whenever feasible the agenda for each board meeting will be made available in advance of the meeting.

**230.030 Quorum**

A quorum for the Board of Adjustment will consist of four members (including alternates sitting in lieu of regular members).

**230.040 Participating and Voting**

- A. The concurring vote of four-fifths of the members of the Board of Adjustment will be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternatives available to take the place of such members.
- B. Once a member is physically present at a Board of Adjustment meeting, any subsequent failure to vote will be recorded as an affirmative vote unless the member has been excused in accordance with paragraph 3 below.
- C. A member may be excused from participating in or voting on a particular issue by majority vote of the remaining members present under the following circumstances:
  - 1. if the member has a direct financial interest in the outcome of the matter at issue;
  - 2. if participation in the matter might give the appearance of a conflict of interest;
  - 3. if a member has such close personal ties to the applicant that the member cannot reasonably be expected to exercise sound judgment in the public interest; or
  - 4. if a member was not present at the public hearing at which evidence relevant to the matter at issue was taken.

**230.050 Powers and Duties of Board of Adjustment**

The board of adjustment will hear and decide:

- A. Appeals from any order, decision, requirement, or interpretation made by the Administrator, as provided in Section 380.010.
- B. Applications for variances, as provided in Section 380.020.
- C. Applications for special use permits.

230.060. Board of Adjustment Jurisdiction over Uses Otherwise Permissible with a Zoning Permit

- D. Any other matter the board is required to act upon by any other Town of Indian Trail ordinance.
- E. The board may adopt rules and regulations governing its procedures and operations not inconsistent with the provisions of this ordinance.

**230.060 Board of Adjustment Jurisdiction over Uses Otherwise Permissible with a Zoning Permit**

Notwithstanding any other provisions of this Chapter, whenever the Table of Permissible Uses (located in Division 500 of this UDO) provides that a use in a nonresidential zone or a nonconforming use in a residential zone is permissible with a zoning permit, a special use permit shall nevertheless be required if the Director of Planning and Development and/or his or her designee finds that the proposed use would have an extraordinary impact on neighboring properties or general public. In making this determination, the Director of Planning and Development and/or his or her designee shall consider, among other factors, whether the use is proposed for an undeveloped or previously developed lot, whether the proposed use constitutes a change from one principal use classification to another, whether the use is proposed for a site that poses peculiar traffic or other hazards or difficulties, and whether the proposed use is substantially unique or likely to have impacts that differ substantially from those presented by other uses that are permissible in the zoning district in question.

**Chapter 240. Director of Planning and Development**

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**240.010 Designation**

The Town Manager will designate the Director of Planning and Development for the Town of Indian Trail. Where this UDO assigns a responsibility, power, or duty to the Director of Planning and Development, the Director of Planning and Development may delegate that responsibility.

**240.020 Responsibility**

The Director of Planning and Development will have the primary responsibility for administering and enforcing this UDO except as otherwise specifically provided.

**240.030 Powers and Duties**

The Director of Planning and Development will have the following powers and duties:

**A. Administration and Enforcement**

The Director of Planning and Development will administer and enforce the provisions of this UDO;

**B. Interpretation**

The Director of Planning and Development will make written interpretations of this UDO setting forth the reasons and explanation therefore, and will forward same to the Town Attorney;

**C. Zoning Compliance Permit**

The Director of Planning and Development or the Director's designee will approve or disapprove zoning compliance permit applications;

**D. Site Plan Review**

The Director of Planning and Development, as chair of the Technical Review Committee, will review and approve, approve with conditions or disapprove site plans;

**E. Technical Review Committee**

The Director of Planning and Development will be responsible for all final decisions of the Technical Review Committee;

**F. Minor Subdivision Plats**

The Director of Planning and Development, as chair of the Technical Review Committee, will approve, approve with conditions or deny minor subdivision plats.

**G. Final Plats**

The Director of Planning and Development, as chair of the Technical Review Committee, will approve, approve with conditions, or deny major subdivision final plats.

**H. Major Subdivision Preliminary Plats**

The Director of Planning and Development will review and approve, approve with conditions, or deny major subdivision preliminary plats for conventional subdivision;

**I. Variances**

The Director of Planning and Development will review variance requests;

**J. Special Use Review**

The Director of Planning and Development will review special use requests;

**K. Text Amendments**

The Director of Planning and Development will review amendments to the text of this UDO;

**L. Official Zoning Map Amendments (Rezoning)**

The Director of Planning and Development will review amendments to the Official Zoning Map;

**M. Conditional Zoning District**

The Director of Planning and Development will review conditional district zoning applications;

**N. Planned Development Review**

The Director of Planning and Development will review planned development applications;

**O. Other Duties**

The Director of Planning and Development will perform other duties imposed under the provisions of the Town of Indian Trail UDO, as amended from time to time.

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**Chapter 250. Zoning Administrator**

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**250.010 Designation**

The Town Manager will designate the Zoning Administrator for the Town of Indian Trail.

**250.020 Powers and Duties**

The Zoning Administrator will have the following powers and duties:

**A. Temporary Use Permits**

The Zoning Administrator will review, approve, approve with conditions or deny temporary use permit applications;

**B. Building Permits**

The Zoning Administrator will issue a zoning certification for all building permits;

**C. Certificate of Occupancy**

The Zoning Administrator will issue certificates of occupancy.

**D. Sign and Master Sign Permits**

The Zoning Administrator will approve, approve with conditions or disapprove sign permit applications and applications for master sign permits;

**E. Sign Permits**

The Zoning Administrator is responsible for administering and enforcing sign permits, including:

1. The issuance of a violation notice.
2. To issue a compliance order for any sign or sign structure not corrected within the time allotted under the violation notice or for a prohibited sign or any temporary portable sign not permitted.
3. The issuance of an unsafe sign notice.

**F. Other**

Enforcement actions on all zoning violations.

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**Chapter 260. Town Engineer**

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**260.010 Designation**

The Town Manager will designate the Town Engineer for the Town of Indian Trail.

**260.020 Powers and Duties**

The Town Engineer will have the following powers and duties:

**A. Subdivision Plats**

As a member of the Technical Review Committee, the Town Engineer will review and comment on all preliminary and final plats, both minor and major; and

**B. Stormwater Development Permits**

The Town Engineer will issue all stormwater permits and watershed protection occupancy permits. A record of all permits will be kept on file and will be available for public inspection during regular office hours. The Town Engineer will undertake to monitor land use activities within the watershed areas to the extent reasonably practicable, to identify situations that may pose a threat to water quality, and report all significant findings to the Watershed Review Board.

**C. Site Plan Review**

The Town Engineer will review and make recommendations on major and minor site plans.

**D. Planned Development Review associated with Conditional Zoning District**

As a member of the Technical Review Committee, the Town Engineer will review all planned development applications associated with a Conditional Zoning request.

**E. Inspection of Roads within the Town Limits**

The Town Engineer has the authority to inspect all roads and associated drainage facilities, both public and private, during construction and upon approval. Additionally, The Town Engineer has the authority to require roads to be built to the standards of the Town of Indian Trail and/or NCDOT (whichever applies) for roads and as-built upon completion and issue a final approval for roads.

## Chapter 270. Technical Review Committee

### 270.010 Designation

The Town Manager will designate a Technical Review Committee consisting of the Director of Planning and Development, the Town Engineer, the Zoning Administrator, and any other Town professional the Town Manager deems necessary for the professional review, so long as executive, planning and engineering divisions are represented. The Director of Planning and Development will serve as chair of the Committee and be responsible for all final decisions of the Committee.

### 270.020 Powers and Duties

The Technical Review Committee (through its chair, the Director of Planning and Development) has the following powers and duties:

#### A. Minor Subdivision Plats

The Technical Review Committee, through its chair, the Director of Planning and Development, will approve, approve with conditions or deny minor subdivision plats.

#### B. Stormwater Management Permits

The Technical Review Committee working with the Town Engineer will review all stormwater permits.

#### C. Final Plats

The Technical Review Committee, through its chair, the Director of Planning and Development, will approve, approve with conditions or deny major subdivision final plats.

#### D. Site Plan Approval

The Technical Review Committee, through its chair, the Director of Planning and Development, will approve, approve with conditions or deny site plans.

Table 2-1: Summary of Duties and Responsibilities

Procedure	Zoning Administrator	Town Engineer	Director of Planning and Development	Technical Review Committee	Planning Board	Board of Adjustment	Town Council
<b>Town Council Decisions</b>							
Conditional Zoning			Review	Review	Review		Decision
Official Map Amendments			Review	Review	Review		Decision
Appeal of Any Denial of a Final Plat							Decision
Text Amendments			Review	Review	Review		Decision
Comprehensive Plan Amendments			Review	Review	Review		Decision
Specific Plans and their amendments			Review	Review	Review		Decision
<b>Board of Adjustment Decisions</b>							
Administrative			Review			Decision	

Procedure	Zoning Administrator	Town Engineer	Director of Planning and Development	Technical Review Committee	Planning Board	Board of Adjustment	Town Council
Appeals							
Variances			Review			Decision	
Special Uses			Review			Decision	
<b>Director of Planning and Development Decisions</b>							
Final Plat, Major			Decision	Review			Appeal
Minor Plat			Decision	Review			Appeal
Site Plan Review			Decision	Review		Appeal	
Written Interpretations			Decision	Review		Appeal	
Ordinance Enforcement			Decision	Review		Appeal	
Interpretation			Decision			Appeal	
<b>Administrative Decisions</b>							
Zoning Compliance Permits	Decision					Appeal	
Sign Permits	Decision					Appeal	
Master Sign Plan	Decision		Review			Appeal	
Stormwater Permits		Decision				Appeal	
Temporary Use Permits	Decision					Appeal	

