

DIVISION 400. ADMINISTRATIVE AND GENERAL PERMIT REQUIREMENTS

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Chapter 410. General Permit Requirements

410.010 Permits Required Before Development

- A.** The use made of property may not be substantially changed (i.e. change from one use classification to another) and no substantial clearing, grading or excavation may be commenced if such activity is undertaken for purposes of preparing a lot for development other than a single-family detached residence. No buildings or other substantial structures may be constructed, erected, moved, or substantially altered except in accordance with and pursuant to one of the following permits:
- 1.** a zoning permit issued by the administrator;
 - 2.** a permit issued by the staff;
 - 3.** a special use permit issued by the Board of Adjustment as required by this UDO.
- B.** Zoning permits, development permits, special use permits and sign permits are issued under this ordinance only when a review of the application submitted, including the plans contained therein, indicates that the development will comply with the provisions of this ordinance if completed as proposed. Such plans and applications as are finally approved are incorporated into any permit issued, and except as otherwise provided in Section 410.110, all development must occur strictly in accordance with such approved plans and applications.
- 1.** Physical improvements to land to be subdivided may not be commenced except in accordance with a development permit after preliminary plat approval by the Town Council for a major subdivision and by final plat approval or minor subdivision approval by the Director of Planning and Development.
 - 2.** A zoning permit, development permit, special use permit, or sign permit must be issued in the name of the applicant (except that applications submitted by an agent will be issued in the name of the principal), will identify the property involved and the proposed use, will incorporate by reference the plans submitted, and will contain any special conditions or requirements lawfully imposed by the permit-issuing authority. All special use permits (except permits for single-family and two-family residential uses) must be recorded by the permit recipient in the Union County Registry after execution by the property owner of record.

410.020 Staff Consultation Before Formal Application

- A.** To minimize development planning costs, avoid misunderstandings or misinterpretations, and ensure compliance with the requirements of this ordinance, pre-application consultation between the developer and the staff is encouraged or required as provided in this section.
- B.** Before submitting an application for a development permit authorizing a development that consists of or contains a major subdivision, the developer must submit to the planning and development director a sketch plan of such subdivision, drawn to scale. The developer will submit the number of sketch plan copies (not to exceed ten) that the Director of Planning and Development determines is reasonably necessary to facilitate the sketch plan review process. The sketch plan will contain:

1. Vicinity Map

A sketch vicinity map showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads and waterways.

2. Boundaries

The boundaries of the tract and the portion of the tract to be subdivided.

3. Acreage

The total acreage to be subdivided.

4. Use of Land

The existing and proposed uses of the land within the subdivision and area adjoining it.

5. Street and Lot Layout

The proposed street and lot layout with lot sizes and widths.

6. Owner Information

The name, address and telephone number of owner(s).

7. Zoning

The zoning classification(s) of the tract and of adjacent properties.

8. Other Information

Any other information the developer believes necessary to obtain the informal opinion of the planning staff as to the proposed subdivision's compliance with the requirements of this ordinance.

- C. Following a review of the sketch plan and other materials by the planning staff, the Union County Health Department, the Union County Schools System, the Union County Public Works Department, and the NC Department of Transportation, the planning staff will advise the developer of the results of this review. The application for a development permit for a project requiring sketch plan review may not be submitted until after the staff has provided the developer with its comments and recommendations based upon this review.
- D. Before submitting an application for any other type of permit, developers are strongly encouraged to consult with the staff concerning the application of this ordinance to the proposed development.

410.030 Application Forms and Fees

The following regulations will apply to all applications.

- A. Applications required under this UDO will be submitted on forms and in such numbers as required by the Town.
- B. Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters may be charged to applicants for zoning permits, sign permits, development permits, special use permits, zoning amendments, zoning certification, variances and other administrative relief. The amount of the fees charged shall be as set in a fee schedule adopted by the Town Council.
 - 1. All required fees will be made payable to "The Town of Indian Trail"; and

2. An applicant who has paid an appropriate fee pursuant to the submission of an application, but who chooses to withdraw such application prior to any review or action taken, will be entitled to a refund of the total amount paid upon written request to the Town. Once review has begun, no refund will be available.

410.040 Who May Submit Permit Applications

- A. Applications for zoning, development, variances, special use, or sign permits or preliminary or final subdivision plat approval will be accepted only from persons having the legal authority to take action in accordance with the permit or the plat approval. By way of illustration, in general this means that applications should be made by the owners or lessees of property, or their agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits under this ordinance, or the agents of such persons (who may make application in the name of such owners, lessees, or contract vendees).
- B. The administrator may require an applicant to submit evidence of his authority to submit the application in accordance with Subsection A above whenever there appears to be a reasonable basis for questioning this authority.

410.050 Applications Must Be Complete

- A. All applications for permits must be submitted in a complete form before the permit issuing authority is required to consider the application.
- B. Subject to Subsection A above, an application is complete when it contains all of the information that is necessary for the permit issuing authority to decide whether or not the development, if completed as proposed, will comply with all of the requirements of this ordinance.
 1. Detailed or technical design requirements and construction specifications relating to various types of improvements (streets, sidewalks, etc.) are set forth in the Town's Design Standards Manual. It is not necessary that the application contain the type of detailed construction drawings that would be necessary to determine compliance with the Manual, so long as the plans provide sufficient information to allow the permit issuing authority to evaluate the application in the light of the substantive requirements set forth in this text of this ordinance. However, whenever this ordinance requires a certain element of a development to be constructed in accordance with the detailed requirements set forth in the Manual, then no construction work on such element may be commenced until detailed construction drawings have been submitted to and approved by the administrator. Failure to observe this requirement may result in permit revocation, denial of final subdivision plat approval, or other penalty as provided in **Error! Reference source not found.**, Violations, Penalties, and Enforcement.
 2. The presumption established by this ordinance is that all of the information set forth in this UDO and the Town of Indian Trail Standards Manual are necessary to satisfy the requirements of this section. However, it is recognized that each development is unique, and therefore the permit issuing authority may allow less information or require more information to be submitted according to the needs of the particular case. The applicant may rely on the recommendations of the zoning administrator or planning staff as to whether more or less information should be submitted.

3. The zoning administrator or planning staff will make every effort to develop application forms, instructional sheets, checklists, or other techniques or devices to assist applicants in understanding the application requirements and the form and type of information that must be submitted. In classes of cases where a minimal amount of information is necessary to enable the zoning administrator or planning staff to determine compliance with this ordinance, such as applications for single-family homes or applications for sign permits, the zoning administrator or planning staff will develop standard forms that will expedite the submission of the necessary plans and other required information.

410.060 Staff Consultation after Application Submittal

- A. Upon receipt of a formal application for a zoning, special use, planned development, or development permit, or major/minor subdivision plat approval, the administrator or planning staff, as applicable, will review the application and confer with the applicant to ensure that he/she understands the staff's interpretation of the applicable requirements of this ordinance, that they have submitted all of the information that he/she intends to submit, and that the application represents precisely and completely what they propose to do.
- B. If the application is for an approval requiring a public hearing, the administrator or planning staff, as applicable, will place the application on the agenda of the appropriate board when the applicant indicates that the application is as complete as the applicant intends to make it.

410.070 Use, Occupancy, or Sale before Completion of Development

- A. Issuance of a special use permit, planned development, zoning certification or other approval authorizes the recipient to commence the activity resulting in a change in use of the land or, (subject to obtaining a building permit), to commence work designed to construct, erect, move, or substantially alter buildings or other substantial structures or to make necessary improvements to a subdivision. However, except as provided in this Section, the intended use may not be commenced, no building may be occupied, and in the case of subdivisions, no lots may be sold until all of the requirements of this ordinance and all additional requirements imposed pursuant to the issuance of a permit have been complied with.
- B. In circumstances where factors (e.g. natural disasters, bad weather, or fire) beyond the control of applicants for zoning certifications, special use permits, planned developments or other approvals, make it unreasonable to require the permit recipient to comply with all of the requirements of this ordinance before commencing the intended use of the property, the permit issuing board or the administrator may authorize the commencement of the intended use or the occupancy of buildings (insofar as the requirements of this ordinance are concerned) if the permit recipient provides a performance bond or other security satisfactory to the board or the administrator to ensure that all of these requirements will be fulfilled within a reasonable period (not to exceed six months) established by the board or the administrator.
- C. When the Board of Adjustment or Town Council imposes additional requirements upon the permit recipient in accordance with this UDO or when the developer proposes in the plans submitted to any permit issuing authority (administrator, planning board, or board of adjustment) to install amenities beyond those required by this ordinance, the permit issuing authority or the administrator may authorize the applicant to commence the intended use of the property or to occupy any building before the additional requirements are fulfilled or the amenities installed. The early commencement of the use or occupancy of the building will occur only if permit issuing authority or administrator specifies a date by which or a schedule according to which such requirements must be met or each amenity installed and if authority

or administrator concludes that compliance will be ensured as the result of any one or more of the following:

1. a performance bond or other security satisfactory to the board or administrator is furnished; or
 2. the nature of the requirements or amenities is such that sufficient assurance of compliance is given by **Error! Reference source not found.**, Violations, Penalties and Enforcement and Chapter 110, Certificate of Zoning Compliance.
- D. With respect to subdivisions in which the developer is selling lots, the planning and development director may grant final plat approval and authorize the sale of lots before the completion of all improvements required by this ordinance if it or he concludes that:
1. Completion of such improvements has been delayed because of weather conditions or other factors beyond the control of the developer and
 2. It would be unreasonable to require the completion of such improvements before granting final plat approval, and if the developer provides a performance bond or other security in accordance with Chapter 1170.

410.080 Completing Developments in Phases

- A. If a development is constructed in phases or stages in accordance with this section, then, subject to Subsection 410.080, the provisions of Section 410.070 (No Occupancy, Use, or Sale of Lots until Requirements Fulfilled) and Section 410.110 (Amendments to and Modification of Permits) will apply to each phase as if it were the entire development.
- B. As a prerequisite to taking advantage of the provisions of Subsection 410.080, the developer will submit plans that clearly show the various phases or stages of the proposed development and the requirements of this ordinance that will be satisfied with respect to each phase or stage.
1. If a development that is to be built in phases or stages includes improvements that are designed to relate to, benefit, or be used by the entire development (such as a recreational amenities, transportation improvements (on-site and off-site) or landscaping (on-site or off-site), then, as part of his application for development approval, the developer will submit a proposed schedule for completion of such improvements. The schedule will relate completion of such improvements to completion of one or more phases or stages of the entire development. Once a schedule has been approved and made part of the permit by the permit issuing authority, no land may be used, no buildings may be occupied, and no subdivision lots may be sold except in accordance with the schedule approved as part of the permit. The developer shall comply with the provisions of Chapter 1170, Improvement Guarantees.
 2. Modifications in approved phasing schedules may be approved in the same manner as other permit modifications (see Section 410.110).

410.090 Expiration of Permits

- A.** Zoning permits are valid for six months. Special use permits and permits authorized by the Board of Adjustment will be valid for up to two years after the issuance of such permits and such permits will be invalid if:
- 1.** the use authorized by such permits has not commenced, in circumstances where no substantial construction, erection, alteration, excavation, demolition, or similar work is necessary before commencement of such use; or
 - 2.** less than ten percent of the total cost of all construction, erection, alteration, excavation, demolition, or similar work on any development authorized by such permits has been completed on the site. With respect to phased development (see Section 410.080), this requirement will apply only to the first phase or the active phase.
 - 3.** if, after some physical alteration to land or structures begins to take place, such work is discontinued for a period of two years, then the permit authorizing such work will immediately expire; provided, however, that no permit will expire pursuant to this subsection within the applicable period provided in Subsection 410.090A. Expiration of the permit will not affect the provisions of Chapter 1170, Improvement Guarantees.
 - 4.** The permit issuing authority may extend for a period up to six months the date when a permit would otherwise expire pursuant to Section 410.090 if it concludes that:
 - a.** The permit has not yet expired,
 - b.** The permit recipient has proceeded with due diligence and in good faith, and
 - c.** Conditions have not changed so substantially as to warrant a new application. Successive extensions may be granted for periods up to six months upon the same findings. All such extensions may be granted without resort to the formal processes and fees required for a new permit.
 - d.** For purposes of this section, the permit within the jurisdiction of the Town Council or the board of adjustment is issued when such board votes to approve the application and issue the permit. A permit within the jurisdiction of the administrator is issued when the earlier of the following takes place:
 - (1)** a copy of the fully executed permit is delivered to the permit recipient, and delivery is accomplished when the permit is hand delivered or mailed to the permit applicant;
 - (2)** the administrator notifies the permit applicant that the application has been approved and that all that remains before a fully executed permit can be delivered is for the applicant to take certain specified actions, such as having the permit executed by the property owner so it can be recorded if required under Section 410.010B.
 - (3)** Notwithstanding any of the provisions of DIVISION 1400, Nonconformities, this section will be applicable to permits issued prior to the date this section becomes effective.

410.100 Effect of Permit on Successors and Assigns

- A. Zoning, special use, conditional zoning districts and sign permits authorize the applicant to make use of land and structures in a particular way. Such permits are transferable. However, so long as the land or structures or any portion thereof covered under a permit continues to be used for the purposes for which the permit was granted, then:
 - 1. no person (including successors or assigns of the person who obtained the permit) may make use of the land or structures covered under such permit for the purposes authorized in the permit except in accordance with all the terms and requirements of that permit; and
 - 2. the terms and requirements of the permit apply to and restrict the use of land or structures covered under the permit, not only with respect to all persons having any interest in the property at the time the permit was obtained, but also with respect to persons who subsequently obtain any interest in all or part of the covered property and wish to use it for or in connection with purposes other than those for which the permit was originally issued, so long as the persons who subsequently obtain an interest in the property had actual or record notice of the existence of the permit at the time they acquired their interest.
 - 3. Whenever a special use or development permit is issued to authorize development (other than single-family or two-family residences) no building permit may be issued until the record owner of the property has signed a written acknowledgment that the permit has been issued and the permit has been recorded by the permit recipient in the Union County Registry and indexed under the record owner's name as grantor.

410.110 Amendments to and Modifications of Permits

- A. Small or minor deviations from the permit (including approved plans) are permissible and the zoning administrator or planning and development director may authorize such small or minor deviations. A deviation is insignificant if it has no discernible impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.
- B. Minor design modifications or changes in permits (including approved plans) are permissible with the approval of the administrator. Such permission may be obtained without a formal application, public hearing, or payment of any additional fee. For purposes of this section, minor design modifications or changes are those that have no substantial impact on neighboring properties, the general public, or those intended to occupy or use the proposed development.
- C. All other requests for changes in approved plans will be processed as new applications. If such requests are required to be acted upon by the board of adjustment, new conditions may be imposed in accordance with Section 360.070, but the applicant retains the right to reject such additional conditions by withdrawing his request for an amendment and may then proceed in accordance with the previously issued permit.
 - 1. The administrator will determine whether amendments to and modifications of permits fall within the categories set forth in subsections A and B above.
 - 2. A developer requesting approval of changes must submit a written request for such approval to the administrator, which request will identify the changes. Approval of all changes must be given in writing.

410.120 Reconsideration of Board of Adjustment Action

- A.** Whenever the board of adjustment disapproves an application for a special use permit or a variance, on any basis other than the failure of the applicant to submit a complete application, such action may not be reconsidered by the respective board for at least twelve (12) months or unless the applicant clearly demonstrates that:
- 1.** circumstances affecting the property that is the subject of the application have substantially changed; or
 - 2.** new information is available that could not with reasonable diligence have been presented with the previous application. A request to be reheard on this basis must be filed with the zoning administrator within the time period specified within the rules of procedure of the board of adjustment.
 - 3.** Notwithstanding Subsection A above, the Town Council or board of adjustment may at any time consider a new application affecting the same property as an application previously denied. A new application is one that differs in some substantial way from the one previously considered.

410.130 Applications to be Processed Expeditiously

- A.** Recognizing that inordinate delays in acting upon appeals or applications may impose unnecessary costs on the appellant or applicant, the Town of Indian Trail will make every reasonable effort to process appeals and permit applications as expeditiously as possible, consistent with the need to ensure that all development conforms to the requirements of this ordinance.

410.140 Vested Rights: Site Specific Development Plan

- A.** The Town Council or Board of Adjustment determines that a special use permit or a conditional zoning district will be regarded as a “site specific development plan” under the provisions of G.S. 160A-385.1. Therefore, once a special use permit or conditional zoning district has been issued, the permit recipient will have a “vested right” to complete the development authorized by such permit in accordance with its terms, irrespective of subsequent amendments to this UDO, to the extent provided in G.S. 160A-385.1.
- B.** The Town Council further determines that certificates of zoning compliance and site plan approval should be entitled to the same protections as recipients of special use permit or conditional zoning district.
- C.** A vested right under this subsection commences upon the issuance of the permit in question.
- D.** A zoning right that has been vested as provided above will remain vested for a period of two years, unless upon request by the applicant, the Town Council finds it appropriate to grant a longer vesting time period as allowed under G.S.160A-385.1. This vesting will not be extended by any amendments or modifications to a site-specific development plan that are not processed as new applications, unless expressly provided for by the approval authority at the time the amendment or modification is approved.
- 1.** As provided in G.S. 160A-385.1(d)(6), a right that has been vested in accordance with this subsection will terminate at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed.

2. Nothing in this subsection will prohibit the revocation of a permit, and the vesting of rights provided for under this subsection will be terminated upon such revocation.

410.150 Vested Rights Building Permits

As provided in G.S. 160A-385, amendments, modifications, supplements, repeal or other changes in the regulations set forth in this UDO or zoning district boundaries will not be applicable or enforceable without consent of the owner with respect to buildings and uses for which a building permit has been issued pursuant to G.S. 160A-417 prior to enactment of the ordinance making the change or changes, so long as the permit remains valid and unexpired pursuant to G.S. 160A-418 and unrevoked pursuant to G.S. 160A-422.

410.160 Revocation of Permits

- A. A permit described in this Chapter may be revoked by the permit-issuing authority in accordance with this subsection if the permit recipient fails to develop or maintain the property in accordance with the plans submitted the requirements of this UDO, or any additional requirements lawfully imposed by the permit issuing authority.
- B. Before a permit may be revoked, notice requirements equal to those imposed on the permit issuance must be complied with. Such revocation will require a public hearing, where one was required for the original approval. The notice will also inform the recipient of the alleged grounds for the revocation.
- C. The burden of presenting evidence sufficient to authorize the permit-issuing authority to conclude that a permit should be revoked will be upon the party advocating that position. The burden of persuasion will also be upon that party.
- D. A motion to revoke a permit will include, to the extent practicable, a statement of the specific reasons or findings of fact that support the decision.
- E. Before a permit which does not require a public hearing can be revoked, the Director of Planning and Development will give the permit recipient ten days notice of intent to revoke the permit and will inform the recipient of the alleged reasons for the revocation and of their right to obtain an informal hearing on the allegations. If the permit is revoked, the Director of Planning and Development will provide to the applicant a written statement of the decision and the reasons for such decision.
- F. No person may continue to make use of land or buildings in the manner authorized by any permit described in this Chapter after such permit has been revoked in accordance with this subsection.

Chapter 420. Certificate of Zoning Compliance

A completed application form for a zoning permit will be submitted to the zoning administrator by filing a copy of the application with the zoning administrator in the inspections department.

420.010 The zoning administrator will issue the zoning permit unless he/she finds, after reviewing the application and consulting with the applicant that:

- A. The requested permit is not within his jurisdiction according to the Table of Permissible Uses; or
- B. The application is incomplete; or

- C. If completed as proposed in the application, the development will not comply with one or more requirements of this ordinance (not including those requirements for which a variance has been granted; circumstances where the Town Council or board of adjustment have granted discretionary approvals; or circumstances where the applicant is not required to comply as specified in DIVISION 1400, Nonconformities).
- D. No building hereafter erected or structurally altered or changed in use will be used or occupied until a certificate of zoning compliance has been issued by the Zoning Administrator.

420.020 Application for a Certificate of Zoning Compliance

A certificate of zoning compliance may only be issued after written application for same has been made in which the applicant has stated that the building or structure erected or altered or changed complies in all respects with this Ordinance and the zoning permit previously issued. If the application for certificate of compliance is for any building, the application will include a scaled, dimensional plat drawn by and certified as accurate by a surveyor or engineer registered in the State of North Carolina which affirmatively shows that the building or structure was erected in compliance with this Ordinance and the zoning permit previously issued. The as built/physical survey must meet current requirements of N.C. Board of Examiners for Professional Engineers and Professional Land Surveyors for:

- A. house site/out-building/garages;
- B. offset distances to property lines;
- C. minimum setback lines, all easements, wells, power poles and overhead utilities;
- D. acreage or square footage if under one acre;
- E. the location of designated flood plains and a description of first floor elevations in relation to flood elevations.
- F. Storm drainage structures (pipes & boxes);
- G. porches, sidewalks, and driveways;
- H. roadside sidewalk inside/outside of public/private road right-of-way;
- I. fences;
- J. pools;
- K. Town limits lines, if such lines apply.

420.030 Interim Certificate

The Director of Planning and Development may authorize the issuance of an Interim Certificate of Zoning Compliance for occupancy prior to the completion of required improvements associated with the development when the following situation exists:

- A. the subject property is located adjacent to a public right-of-way and is within or associated with a non-residential center or park; and

- B. the required improvements to be deferred are limited to off-site improvements located within the public right-of-way. Examples of off-site improvements may consist of but are not limited to curb, gutter, storm drain, sidewalks, and traffic medians; and
- C. the deferment of the improvements is restricted to a maximum time period of one-year from the date that the Interim Certificate of Zoning Compliance is issued; and
- D. the deferment of the improvements will not result in a threat to the public health, safety, morals and general welfare of the residents of the Town of Indian Trail.

420.040 Standards for Interim Certificates

The issuance of an Interim Certificate of Zoning Compliance may only occur after the applicant/property owner has complied with the following:

- A. the applicant/property owner must submit an application for issuance of a Interim Certificate of Zoning Compliance accompanied by the construction schedule; and
- B. a security has been received from the applicant in the amount of 125% of the required improvements to be deferred in compliance with the provisions of Chapter 1170, Improvement Guarantees; and
- C. all on-site improvements have been constructed to the satisfaction of the Zoning Administrator or permit authorizing agent;
- D. proof of all off-site improvements right-of-way acquisitions have been completed to the satisfaction of the Zoning Administrator or the permit authorizing agent; and
- E. an as-built survey is provided consistent with Section 420.020.

420.050 Final Certification Removing Interim Status

The applicant/responsible party must obtain a final Certificate of Zoning Compliance within one year from the date of issuance of the Interim Certificate of Zoning Compliance. Expiration of the Interim Certificate of Zoning Compliance will result in the Town's action to call in the security. The applicant/responsible party will be subject to the same penalties after expiration of the Interim Certificate of Zoning Compliance as the applicant/responsible party would be subject to if the Certificate of Zoning Compliance had not been ever issued. The applicant/responsible party may request a time extension from the Town Council.

Chapter 430. Master Signage Plans

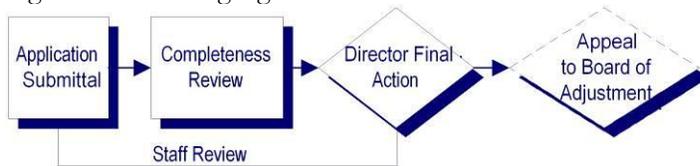
430.010 Master Signage Plans Required

A master signage plan will be submitted to the Town for developments containing more than one lot, tenant, or principal structure. Within a development the coordination of styles and colors will be used to insure continuity. A master signage plan will include the following in booklet form:

- A. Detailed designs of all proposed signs including the size, height, copy, materials, and colors of such signs.
- B. Proposed number and location of signs.
- C. Sign illumination plans.

- D. Provisions for shared usage of freestanding sign(s).
- E. A master signage plan will be part of any development plan/site plan or other plan required for development and shall be processed simultaneously with such plan(s). A master signage plan will be approved prior to the issuance of sign permit(s).
- F. A master signage plan may be amended by filing a new plan, which complies with all the requirements of this Ordinance provided that the new plan is accompanied with the necessary processing fees.
- G. After approval of a master signage plan, no sign will be erected, affixed, placed, painted or otherwise established except in conformance with such plan and such plan may be enforced in the same way as any other provisions of this Ordinance. In case of any conflict between the provisions of such a plan and any other provisions of this Ordinance, the Ordinance will control.

Figure 4: Master Signage Plan



Chapter 440. Temporary Use Permit

440.010 Permits Required

Temporary uses must obtain a temporary use permit from the Zoning Administrator that outlines conditions of operations to protect the public, health, safety and welfare. All such permits will be subject to the following conditions:

- A. Activities related to temporary use are limited to non-residentially zoned properties unless otherwise authorized herein.
- B. Sales activities cannot be located in any required setback, right of way, sight triangle, or required buffer.
- C. Event lasts no more than 5 days, including setup and break down, unless otherwise noted.
- D. Only one sales event is allowed per tax parcel at any one time.
- E. No more than three events are allowed per calendar year on any one lot.
- F. Adequate parking must be provided.
- G. Written permission from property owner must be provided.
- H. All licenses and/or permits required by other agencies must be obtained prior to issuance of Temporary Use Permit from Town of Indian Trail planning staff.

440.020 Types of Temporary Uses

Examples of temporary non-residential uses include the following and are subject to the specific regulations of DIVISION 700, Supplementary Use Regulations:

- A.** Food vendors
 - 1.** Food vendors must be in conjunction with a local restaurant or non-profit sponsored event.
 - 2.** Food vendors are required to have a permit from appropriate state and county agencies including but not limited to N.C. Department of Environmental and Natural Resources, N.C. Department of Agriculture, or Union County Environmental Health.
- B.** Grand opening sales - Grand openings shall only be approved if applied for within six (6) months of receiving a Certificate of Occupancy.
- C.** Grand re-opening sales - Grand re-opening sales shall only be approved if renovations exceed 50 percent of current building or lease space.
- D.** Tent sales: Tent sales are to be associated with a local business located in a permanent structure on the same property. The total floor area of the tent sale shall not exceed 40 percent of floor area of permanent location. Anything larger shall be considered a Special Event and subject to provision of Chapter 450 of this UDO. In addition, specific to auto dealership types of uses that have tent sales can exceed the time limit requirement of the UDO Section 440.010C, provided that the maximum time limit that can be set for such an extension shall be no more than 32 days in time frame, for a maximum of three (3) allowable such time periods per calendar year, for such sales. Anythin in excess of this maximum time limitation shall be taken through as a Special Use Permit, subject to approval by the Board of Adjustment.
- E.** Outdoor seasonal sales- Outdoor seasonal sales such as pumpkin patches or holiday tree lots are allowed for a maximum of 45 consecutive days including setup and break down.
- F.** Fundraiser sponsored by school, church, or government lasting more than two days.
- G.** Athletic fundraiser such as a 5K run.
- H.** Parades excluding wild animals.
- I.** Temporary uses will include short-term or seasonal uses not otherwise allowed by the zoning district regulations of this UDO.
- J.** Temporary sales or construction trailers associated with an approved residential or non-residential development permit. Temporary trailers shall be permissible for a period not to exceed one year or as otherwise authorized by the Planning and Development Director:
 - 1.** Trailers shall meet all required setbacks for the associated lot and zone and must be ADA accessible; and
 - 2.** Underpinning and crawl spaces shall be screened and landscaped; and
 - 3.** Off-street parking shall be provided; and
 - 4.** Pods or Seatainer type of construction storage trailers shall be screened or stored out of general view within all residential developments.

440.030 Submission Requirements

An application for a temporary use permit will include a written description of the proposed use or event, the duration of the use or event, the hours of operations, anticipated attendance, and any buildings/structures signs or attention-attracting devices used in conjunction with the event, as well as a response to each of the criteria established in Section 440.040 below. In addition, permit may only be processed if the applicant complies with the following:

- A.** written permission is submitted to the Planning Department from the property owner of the site from which a temporary use or event will take place;
- B.** building permits or approval by the Building Official and Fire Code Inspector are submitted if the temporary use involves use of a temporary structure or tent. Also, any applicable approvals must be obtained in writing from the Union County Health Department for any temporary use or event involving food service.
- C.** Application should be made at least 10 working days in advance of the requested start date for a temporary use. The Zoning Administrator will make a determination whether to approve, approve with conditions or deny the permit within 10 working days after the date of application.
- D.** Any applicant denied a permit by the Zoning Administrator will be notified in writing of the reasons for the denial and of the opportunity to appeal the denial to the Board of Adjustment.

440.040 Approval Criteria and Standards

- A.** The temporary use must be compatible with the purpose and intent of this UDO and the zoning district in which it will be located.
- B.** The duration and hours of operation of the temporary use must be consistent with the intent of the event or use and compatible with the surrounding land uses. The duration and hours of operation will be established by the Zoning Administrator at the time of approval of the temporary use permit.
- C.** The temporary use, as determined by the Town Engineer, will not cause undue traffic congestion or accident potential given anticipated attendance and the design of adjacent streets, intersections and traffic controls.
- D.** Adequate off-street parking will be provided for the temporary use, and it will not create a parking shortage for any of the other existing uses on the site.
- E.** The temporary use will be compatible in intensity, appearance and operation with surrounding land uses in the area, and it will not impair the usefulness, enjoyment or value of adjacent property due to the generation of excessive noise, dust, smoke, glare, spillover lighting, or other forms of environmental or visual pollution.
- F.** The Zoning Administrator will review all signage in conjunction with the issuance of the temporary use permit for compliance with the sign requirements set forth in **Error! Reference source not found.**, Sign Regulation.

- G. The Zoning Administrator may establish any additional conditions deemed necessary to ensure land use compatibility and to minimize potential adverse impacts on nearby uses, including, but not limited to, time and frequency of operation, temporary arrangements for parking and traffic circulation, requirements for screening/buffering, and guarantees for site restoration and cleanup following the temporary use.

440.050 Expiration and Lapse of Approval

If the use described in the temporary use permit has not begun within 90 days from the date of issuance, the temporary use permit will expire and be of no further effect.

440.060 Appeals

Appeals of temporary use permits denied by the Zoning Administrator will be taken to the Board of Adjustment within 30 days of mailing of the denial, in accordance with the procedures in Chapter 380.

Figure 5: Temporary Use Permit



Chapter 450. Special Event Permits

450.010 General Requirements

Special events include but are not limited to fairs, circuses, carnivals, or rodeos. The duration of such events typically lasts longer than one day and attracts substantial crowds. Special events will be subject to the following requirements:

- A. The maximum allowable time period for a special event is 14 days.
- B. All special events will require a special use permit from the Town of Indian Trail Board of Adjustment.

450.020 Activities Eligible for Permits

Types of special events are subject to the general restrictions of Section 450.030 and include the following:

- A. A circus – A circus is typically held in a large tent featuring a traveling company of performers and trained animals.
- B. A carnival, festival, or street fair or other gathering of people to display or trade produce or other goods, to parade or display animals, and to enjoy associated entertainment.
- C. A flea market or swap meet- A flea market or swap meet is a place where vendors come to sell or trade merchandize that is typically inexpensive and range in quality.
- D. A rodeo – A rodeo consist of roping, riding, and racing contests featuring ranch animals such as horses, broncos, bulls, steer, or calves.
- E. A tent sale where the sales area exceeds 40 percent of floor area of the business it is associated with.

450.030 Criteria and Standards

In the review of permit applications for a special event, the board of adjustment will review the standards of Section 360.030, and the Board shall ensure that, (if the special event is conducted at all):

- A.** The hours of operation allowed are compatible with the uses adjacent to the activity.
- B.** Food vendors have secured permits from appropriate state and county agencies including but not limited to N.C. Department of Environment and Natural Resources, N.C. Department of Agriculture, or Union County Environmental Health.
- C.** The amount of noise and lighting generated will not disrupt the activities of adjacent land uses.
- D.** The applicant will guarantee that all litter generated and temporary structures constructed by the special event be removed at no expense to the Town of Indian Trail or any municipality. The applicant must restore property to original condition within 10 days of event completion, or be subject to fines levied by the Town of Indian Trail.
- E.** The parking generated by the event can be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners to use and operate their businesses and activities without disruption.
- F.** Events will not substantially interrupt vehicular or pedestrian traffic in the immediate area.
- G.** Events will not block traffic lanes or close streets during peak hours on non-holiday weekdays.
- H.** Concentrations of participants will not unduly interfere or place undue responsibility on emergency personnel.
- I.** The event will not have adverse impacts on surrounding properties.
- J.** The event will not interfere with any previously issued permit.
- K.** The event will provide adequate safety equipment/personnel and sanitation facilities.
- L.** Only one permit and one renewal will be allowed per property within a 12-month period.
- M.** Additional conditions may be placed on special use permit to ensure requirements of this section are met.

450.040 Performance Guarantee May Be Required.

In cases where it is deemed necessary, the Board may require the applicant to post a bond to ensure compliance with the conditions of the special use permit.

450.050 Fees for Municipal Services

If the permit applicant requests the Town of Indian Trail or any incorporated municipality to provide extraordinary services or equipment, the applicant shall be required to pay to the county or the town, as appropriate, a fee sufficient to reimburse the county or town for the costs of these services. This requirement shall not apply if the event has been anticipated in the budget process and sufficient funds have been included in the budget to cover the costs incurred.

450.060 Permit Applications

Applications for special event permits shall include the following:

- A.** Name, address, and phone number of applicant and event organizer.
- B.** Proposed location.
- C.** Letter of intent from the property owner.
- D.** A statement of fees to be charged at special event.
- E.** Dates and times the event is to be conducted.
- F.** Approximate number of people, animals, and vehicles to be used.
- G.** A site plan.
- H.** Proof of insurance or statement to release the Town of Indian Trail from any and all liability.

