

DIVISION 700. SUPPLEMENTARY USE REGULATIONS

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Chapter 710. Accessory Uses and Structures

710.010 General

Accessory uses and structures are permitted in connection with any lawfully established principal use unless otherwise expressly provided in this development ordinance. Also, unless otherwise expressly stated, accessory uses and structures are subject to the same regulations as the principal use or structure.

710.020 Time of Construction

Accessory structures must be constructed in conjunction with or after the principal building. They may not be built prior to the construction of the principal building.

710.030 Subordinate Nature

1. Accessory uses must be subordinate and clearly incidental to the principal use of the property. No accessory structure floor area may exceed 60 % of the floor area of the primary structure unless granted a Special Use permit in accordance with Chapter 360 of this UDO.
2. Accessory structures must be of secondary importance and subordinate to the principal building on the property.

710.040 Lot and Building Standards

A. General

The lot and building standards of the base zoning district apply to accessory structures unless otherwise expressly stated.

B. Interior and Rear yard Setbacks

In the RSF district, detached accessory buildings must be set back at least 35 feet from all interior lot lines. In all other R districts, detached accessory buildings must be set back at least 5 feet from all interior and rear-yard lot lines if they are located behind the rear plane of the primary dwelling.

C. Exterior Setbacks (Street-side for Corner Lots)

Exterior setback standards apply to accessory buildings. In addition, no accessory building may be located closer to the street than the principal building.

D. Separation

Accessory buildings must be separated by a minimum distance of 10 feet from all other accessory and principal buildings.

E. Height of Accessory Structures

Accessory structures may not exceed 12 feet in height, or the height of the principal building on the same lot, whichever is less. Request for heights beyond the 12-foot maximum shall require a setback from both the side and rear yard setback of two-feet for every one-foot in height.

F. Building Coverage

In R districts, detached accessory buildings may not cover more than 15% of the actual area of the rear yard or an area exceeding 50% of the building coverage of the principal building, provided that at least 600 square feet of accessory building coverage is allowed on any lot in an R district.

710.050 Fences

A. General

The general regulations of this subsection apply to all fences, regardless of the zoning district in which they are located.

1. All fences must be constructed in a workman-like manner of customary or normal fencing materials.
2. The materials used in fence construction must be manufactured and marketed for construction of permanent fences.
3. Plastic-coated, chain-link fences are allowed only in those instances where chain-link fencing is allowed.
4. Materials typically used for temporary fences, such as plastic, PVC, vinyl, or similar materials may not be used for permanent fences.
5. Bright colors such as orange, yellow or red are not permitted for permanent fences.
6. All fence support structures must be located on the inside of the fence covering material.
7. All fences must be maintained in a reasonable condition and vertical position, and any missing or deteriorated slats, pickets, other fencing material, or structural elements must be replaced in a timely manner with the same quality of material and workmanship.
8. No fence may be used to display any sign or advertising material other than a small—maximum 1 square foot—placard identifying the sign contractor/manufacturer.
9. Fences are subject to the intersection visibility standards of 1340.030, Intersection Visibility Standards.
10. Fences around tennis courts, swimming pools and other similar recreational facilities are expressly exempt from otherwise applicable fence height limitations. Such fences must comply with any other requirements of the town code.
11. Electrically charged fences are prohibited except in the RSF district, where they may be used in conjunction with bona-fide farming activities.
12. Barbed wire fencing is prohibited except in the RSF district, where it may be used in conjunction with bona-fide farming activities. Barbed wire fencing may also be approved as part of a special use permit when deemed necessary to protect health and safety in association with utility structures, landfills, airports or similar facilities. When approved outside of an RSF district, barbed wire fencing must be located at least 7 feet above grade.

710.060 Residential Zoning Districts

The regulations of this subsection apply to all fences in R zoning districts.

- A. Fences or walls in residential zoning districts may not exceed 30 inches in height when located in required front yards.

- B. No fence or wall located in the interior side yard setback, between the front and rear building plans (facades) of principal structure, shall be built to a height greater than 6-feet above grade.
- C. No fence or wall located in the required rear yard setback shall exceed 8 feet in height.
- D. No fence shall be constructed within a storm drainage easement which may result in the impediment of the flow of the storm water runoff.

710.070 Accessory Apartment Use Standards

The following regulations shall apply to all accessory apartment uses, as defined in UDO Section 1620.010:

- A. Only one (1) accessory apartment may be permitted on a residential lot.
- B. An accessory apartment may be attached to the primary residential dwelling unit, or in a detached structure, on the same residential lot, provided that all lot coverage and setbacks for such an apartment are met as stated in the UDO.
- C. The primary residence or accessory apartment shall be occupied by an owner of the property.
- D. Accessory apartments shall not be larger than 50 percent of the primary residence's living area, or 900 square feet, whichever is smaller in size. Such uses shall also not exceed 25 feet in height or the height of the primary residence's roof surface, whichever is less.
- E. At least one (1) additional off-street parking space shall be provided for the accessory apartment. In addition, the following shall apply for parking:
 - 1. There should be a minimum of three (3) off-street parking spaces present on a residential lot – two (2) spaces for the primary residence, and one (1) space for the accessory apartment.
 - 2. Such additional parking shall be constructed of the same materials as was completed for any existing parking for the primary residence.
- F. An accessory apartment's exterior design and entry locations shall give the appearance of a single-family dwelling. This shall be accomplished by doing the following:
 - 1. The entrance to the accessory apartment shall not be oriented in any such way as to directly face a public right-of-way.
 - 2. If an accessory apartment is to be detached, then it shall be located behind the rear plane of the primary residence.
 - 3. For an accessory apartment, additional screening and/or landscaping may be required by the Town as part of the site plan for the use.
 - 4. Accessory apartments shall be constructed of the same building materials as the primary home.
- G. Accessory apartments shall be not subdivided or otherwise separated in ownership from the primary residence.

- H. Accessory apartments permitted by the Town shall conform to all County, state, and/or federal building code requirements.

710.080 Accessory Residential Uses in Non-Residential Zoning Districts

A. Applicability

Accessory residential uses shall be permitted on properties located in all business and commercial, industrial, and institutional zoning districts within the Downtown Overlay District, subject to the standards identified in subsections B.1 through B.6 below.

Accessory residential uses may also be permitted on properties located within all businesses and commercial, industrial and institutional zoning districts outside the Downtown Overlay District, when utilized as a dwelling unit for an onsite caretaker or guard, subject to the standards identified in subsections B.1 through B.6 below.

B. Standards

1. There shall be on more than one (1) accessory residential use for each building and/or parcel of land; and
2. Accessory residential buildings or units shall be consistent in appearance with the primary building unless the accessory building is existing. Freestanding accessory residential buildings shall not exceed the height of the primary building's roof surface unless accessory building is existing; and
3. Accessory residential uses shall have independent and private entrances, self-sufficient and private bathroom/sanitation facilities, and a self sufficient and private kitchen or food preparation facility; and
4. The size of accessory residential uses shall be limited to 25 percent of the gross floor area of the principal building or buildings or fifteen hundred 1,500 sq. ft. of gross floor area for the accessory building or unit; whichever is smaller in size; and
5. Accessory residential uses made available for lease shall have a minimum lease term of ninety (90) consecutive days; and
6. Accessory residential uses shall comply with applicable County, State, and Federal building, fire, and environmental health code requirements.

Chapter 720. Adult Use Regulations

720.010 Adult uses/establishments are subject to the following restrictions because such uses may have significant secondary effects on the neighborhoods in which they are located. Numerous studies from cities such as Kansas City, Minneapolis, Los Angeles, and the following specific studies (A Report on the Secondary Impacts Impact of Adult Use Businesses in the City of Denver, City of Denver, January, 1998; Adult Entertainment Study, New York Department of City Planning, New York, 1994; Adult Entertainment Businesses in Indianapolis, An Analysis, City of Indianapolis, 1984) have indicated that a concentration of adult businesses can have significant negative impacts on the use and enjoyment of surrounding properties and that the establishment of adult uses offering on-premise entertainment frequently results in secondary impacts related to public safety and neighborhood property values. Studies have shown that a concentration of adult businesses is correlated to an increase in crime rates in the areas where such businesses are clustered. Regulation of these uses is necessary to insure

that these adverse secondary effects do not contribute to the blighting of surrounding neighborhoods.

720.020 The Town Council has also determined that adult uses should be separated from schools, churches, child care centers, parks and playgrounds, and residential neighborhoods where children and young adults may congregate. According to the testimony of the Director of Planning, the negative secondary impacts of adult uses/establishments are heightened when such uses are in proximity of residential areas or uses where children or young adults assemble. It is the intent of this Section to establish reasonable regulations to prevent the concentration of adult establishments within the Town of Indian Trail and to require the separation of adult establishments from sensitive uses such as schools, churches, and homes.

720.030 Use Description

- A. Adult uses/establishments include: adult arcades, adult bookstores or adult video stores, adult cabarets, adult massage parlors, adult motels, adult motion picture theaters, adult novelty shops, adult theaters, adult modeling studios, sexual encounter centers or adult entertainment uses.
- B. Adult uses will always be considered a principal use of the property except where otherwise specifically provided.

720.040 Permits for Adult Uses/Establishments

A. Required Submittals

A site plan and vicinity map along with any other information as required by this ordinance must be submitted to the Zoning Administrator to verify compliance with the requirements of this ordinance.

B. Review Criteria

The Zoning Administrator will review all applications for adult uses/establishments to determine compliance with the spacing criteria of Section 720.050A and the general regulations of the RBD, Regional Business District. The Zoning Administrator may approve a proposed adult use/establishment provided it is determined that the proposed use complies with all of the following criteria:

1. the use is proposed to be located in an the RBD, Regional Business District and complies with all of the requirements of this district;
2. the proposed use complies with all of the location, use, and other restrictions of Section 720.050;
3. the proposed use complies with the Town's parking standards. Where no specific parking standard is listed for a proposed adult use, the Director of Planning and Development will determine the required amount of parking based on the most similar use.

720.050 Districts Where Adult Uses May Be Authorized

Adult uses/establishments may be permitted in any RBD, Regional Business District subject to the following restrictions. All applications will demonstrate compliance with the following standards and will be subject to review consistent with the criteria established in this Section.

A. Property Separation

Where these standards establish locational restrictions for an adult use/establishment such restriction will be measured by a straight line in all directions and will not be measured as a

walking or street distance. Since adult uses are likely to have adverse secondary effects on surrounding properties whether located inside and outside of the Town of Indian Trail, all measurements will be taken from the proposed location of an adult use to surrounding land uses and zoning districts irrespective of the corporate boundaries of the Town of Indian Trail. All measurements must be from property line to property line except in the case where an adult use/establishment is proposed to be located within a multi-tenant building, in which case, all measurements will be in a straight line from the public entrance to the adult use/establishment.

1. No adult use/establishment is permitted to be located within 2,000 feet of any other adult use/establishment.
2. No adult use/establishment may be located within 1,500 feet of any residential use within the Town limits, and within 1000 feet of any residential use outside of the Town limits. A residential use will include any building designed, used or intended to be used for residential occupancy by one or more families and buildings intended for mixed residential and nonresidential occupancy in which the residential occupancy represents 50% or more of the building's total floor area.
3. No adult use/establishment is permitted to be located within 1,000 feet of a church, synagogue, temple or other place of worship, public or private elementary or secondary school, child day care center or nursery school, or public park or playground. The required separation from the above listed uses applies whether the place of worship, school, child day care center, playground or park is the principal use or an accessory use of the property. For example, the required separation applies to a child day care center located within a medical facility, community center, or office building.

B. Prohibition of Sleeping Quarters

Except for an adult motel, no adult use/establishment is permitted to have sleeping quarters.

C. Restriction of Uses on the Same Property or in the Same Building

There shall not be more than one adult use/establishment in the same building, structure, or portion thereof. No other principal or accessory adult use may occupy the same building, structure, property, or portion thereof with any other adult use/establishment.

D. Signs

Except for business signs permitted by the sign regulations of this Ordinance, no adult use/establishment is permitted to have promotional materials visible to the public from sidewalks, walkways, or streets.

E. Size Limitation

The maximum total floor area of any allowed adult use/establishment shall not exceed 5,000 square feet.

Chapter 730. Agribusiness Uses

Agribusiness uses are permissible within the RSF District pursuant to a special use permit only if the proposed use satisfies the following requirements:

- 730.010** The lot where the agribusiness use is located must have sufficient frontage along an arterial street or major arterial access street so that the principal means of ingress and egress for the use lies along such street.

Chapter 740. Bed and Breakfast

720.050. Districts Where Adult Uses May Be Authorized

- 730.020** No building or structure that houses any part of the agribusiness use may be located within 500 feet of any pre-existing residence (other than a residence owned by the applicant) that is occupied, held ready for occupancy, or under construction on the date the permit is issued.
- 730.030** A 25 foot bufferyard must be installed on all sides of the property containing the agribusiness use (except a side that borders a public street) to the extent necessary to protect adjacent residential properties from the agribusiness use.
- 730.040** The proposed use shall comply with parking, landscaping, flood plain and other standards applicable to residential districts.
- 730.050** The maximum square footage of sign surface area advertising the proposed use shall be thirty-two square feet, and not more than one freestanding sign may be erected.

Chapter 740. Bed and Breakfast

Bed and breakfast establishments are permissible with a zoning permit in most business districts in accordance with Section 520.020.

- 740.010** The building that houses the dwelling unit may not be expanded by more than ten percent of its original floor area, nor may rooms for rent be added onto or created within accessory buildings.
- 740.020** Not more than one sign advertising the existence of a bed and breakfast operation may be erected on the lot where such use is located. No side of this sign may exceed four square feet in surface area. The sign may not be internally illuminated.

Chapter 750. Cemeteries

Cemeteries must be set back at least 40 feet from adjacent property lines and street rights-of-way.

Chapter 760. Commercial Greenhouses

Commercial greenhouses with on premises sales will be permitted by special use permit in the RSF district only after demonstrating compliance with the standards of Section 360.080 on lots that have street frontage along an arterial street.

Chapter 770. Electric Substations

Electric substations are permissible in all zoning districts with a development permit issued by the administrator, subject to the following requirements as well as other relevant provisions of this ordinance.

- 770.010** All structures shall maintain a minimum front yard setback of one hundred (100) feet measured from the highway right-of-way to the required fence enclosing said structure.
- 770.020** The design of structures shall conform as closely as possible to the character of the neighborhood in which located.
- 770.030** Fences which are not easily climbed and other safety devices shall be installed and maintained around electric substations in order to make such facilities inaccessible to the general public.
- 770.040** A 25 foot bufferyard must be installed consistent with Section 810.040.

Chapter 780. Home Occupations

780.010 General Provisions

Some types of business operations can be conducted at home with little or no effect on the surrounding neighborhood. The regulations of this section are intended to permit home occupations while ensuring these businesses will not have any detrimental impact on the use and enjoyment of surrounding properties. The regulations require that home businesses remain clearly incidental and subordinate in floor space to the residential use of the property and that the home occupation will not change the essential residential character of the dwelling. In the Town of Indian Trail there will be two classifications of home occupations including “minor” home businesses and “major” home businesses.

780.020 General Exemptions

Nothing in this Section will be interpreted to require a permit or zoning certification for after-hours paperwork and similar activities performed by residents on evenings and weekends where the residents have a primary office elsewhere. Furthermore, no home occupation permit or zoning certification is required for home offices with incidental storage (e.g. storage of telecommuting equipment in the home). Incidental storage shall not exceed 50 square feet in area.

780.030 Permits Required

- A. Unless otherwise exempted by this Section or other provision of the Town Code, all home occupations must receive a zoning certification issued consistent with the procedures and standards established by this Section. All home occupations will comply with the standards and requirements of Section **Error! Reference source not found.**
- B. All major home occupations must be approved by the Zoning Board of Adjustment consistent with the standards and requirements for a special use permit.

780.040 Minor versus Major Home Occupations

- A. A minor home occupation is a home business where residents use their home as a place of work but have no employees and generate little of no traffic from customers or clients coming to the home. The Town Council of Indian Trail has determined that minor home occupations are less likely to have impact on surrounding properties.
- B. Major home occupations are home businesses that are more likely to have employees and to generate traffic associated with clients and customers coming to the site. On a case by case basis, the Zoning Board of Adjustment may permit major home occupations when they conclude that such home businesses would have limited effect on neighboring properties, for example, when the Board finds a major home business proposed for an isolated location within the Town or when they find such a business is proposed within a very low density district. Major home occupations will generally comply with the requirements and standards of Section **Error! Reference source not found.** but for the specifically listed “major” home occupations the Zoning Board of Adjustment may allow some adjustment in these standards in the issuance of a special use permit. The Zoning Board of Adjustment shall enter onto the face of the permit a condition that requires the property owner to submit an outline of current home occupation business operations at its five year anniversary or when the property is transferred.

780.050 Where Permitted

A home occupation shall be permitted as an accessory use to any dwelling unit in accordance with the requirements of this Section.

780.060 Prohibited Home Occupations

The following businesses are not permitted as home occupations. This list of businesses is not intended to be all inclusive and the Zoning Administrator may prohibit others upon a determination that a proposed home occupation is similar to those listed below. The following specific prohibitions apply even if an applicant can demonstrate compliance with the general standards of Section **Error! Reference source not found.**:

- A.** Auto or vehicle repair; engine and mechanical repair; or welding and machine shops.
- B.** Barber shops and beauty salons with more than one chair.
- C.** Funeral parlor and undertaking.
- D.** Adult businesses.
- E.** Clubs or drinking establishments.
- F.** Food vendors or restaurants.
- G.** Commercial bakeries.
- H.** Vehicle sales.
- I.** Veterinarian clinics.
- J.** Medical or dental clinics.
- K.** Animal hospital or animal care facilities.

780.070 General Standards

- A.** Use of the dwelling for all home occupations must be limited to no more than 25 percent of the total floor area of the principal building, or 500 square feet, whichever is less. Areas used for storage of materials shall be included in determining the percentage of the structure devoted to a home occupation. Incidental storage of 50 square feet or less, shall not count toward determining the percentage devoted to the home occupation.
- B.** Permits for home occupations issued prior to the effective date of this section that do not meet the requirement of this Section shall be considered legal non-conforming home occupations. However, any subsequent home occupation permit issued at the same address must conform to these standards.
- C.** Storage outside of a fully enclosed structure is prohibited.
- D.** No use of explosives or highly combustible materials or storage of hazardous material is permitted.
- E.** The home may not be altered in any way that changes its residential character or appearance especially if the change could advertise that a business is conducted here.
- F.** Only residents of the dwelling may be engaged in the home occupation.

- G. Machinery that causes noises, vibration, glare, fumes, odors, dust, detectable at the property line is prohibited. Machinery that causes electrical interference with radio or television reception is also prohibited.
- H. There shall be no evidence on the exterior of the property that is used in any way other than for a dwelling including and not limited to parking, signs, or lights.
- I. No on-premises sale of goods is permitted except for incidental sale of materials produced on-site.
- J. Clients or business related visitors shall be by appointment only.
- K. Hours of operation for deliveries, clients, and operation of mechanical or electrical equipment shall be limited to 7:00 am to 8:00 pm.
- L. The number of vehicles used by clients or business related visitors to any home occupation shall be limited to two at any given time.

780.080 Permitted Minor Home Occupations

The following is a sample of permitted minor home occupations in three categories and these home businesses will be permitted provided they comply with the general standards of Section **Error! Reference source not found.** This list is not intended to be all inclusive and the Zoning Administer may allow other minor home occupations based on a determination that a proposed home business complies with Section **Error! Reference source not found.** and provided the Zoning Administrator determines the proposed home occupation is most similar to the types of minor home businesses identified in this Section.

A. Professional Offices

This includes the home offices of professionals such as architects, engineers, surveyors, clergy, insurance and real-estate agents, real-estate brokers, lawyers, accountants, journalists, editors, travel agents, sales representatives, psychologists and counselors.

B. Instructional Services

This includes home businesses for music or dance teachers, yoga or art instructors, educational tutoring, and home-day care that comply with all the other requirements of the Town of Indian Trail and the State of North Carolina.

C. Home Craft Business

This includes artists, quilters, sculptors, musicians, dressmakers and tailors, photographers, gift basket makers, weavers, lapidary, and home based catering provided that no products are sold directly from the house and all food is prepared in compliance with the standards of the Union County Health Department.

780.090 Major Home Occupations

The following “major” home occupations may be permitted following the review and approval of a special use application by the Zoning Board of Appeals. In the review of applications for major home occupations, the Zoning Board will consider the standards for home occupations in Section **Error! Reference source not found.** and the general standards for all special use permits. The following home businesses may be established upon approval of the special use:

- A. Barbershops of beauty salons.
- B. Manicure and pedicure salons.

- C. Pet grooming.
- D. Construction or landscape contractors.
- E. Cabinet makers.
- F. Building cleaning services.
- G. Equipment repair shops.
- H. Appliance repair shops.
- I. Kennels (5-acre minimum)
- J. Stables and bird keeping.

780.100 Revocation and Permits

- A. The Zoning Administrator shall have the authority to revoke a home occupation permit, upon a determination that the use as operated or maintained creates one or more of the following conditions:
 - 1. a nuisance, or other undesirable condition interfering with the public health, safety or general welfare;
 - 2. a violation of the provisions of this title or any other applicable law or ordinance, or a violation of the conditions imposed upon the home occupation permit.
 - 3. The applicant has the opportunity to appeal the Zoning Administrator’s decisions to the Board of Adjustment.
- B. **Additional Requirements**
 - 1. If the applicant is not the property owner then a signature from the property owner is required.
 - 2. The applicant must obtain a privilege license when applying for a home occupation permit.

Chapter 790. Off-Premises Signs (RBD District)

Off-premises signs are permissible in the RBD zoning district for placement on Hwy 74/Independence Blvd with a zoning permit only if and to the extent that such signs comply with one of two section below as follows:

- 790.010** Advertisement for a non-residential use located within the 74-Business corridor or RBD where such use does not have frontage on Hwy 74 subject to the following:

- A. Comply with all of the applicable requirements of Division 900 of this ordinance or as authorized in this section; and
- B. Are located within a 1,000 foot radius of any principal building used for non-residential purposes advertised on said sign; and
- C. Are not located within a 500 foot radius of a pre-existing residence not owned by the owner of the land where the sign is to be located. A residence shall be deemed pre-existing for purposes of this subsection if, at the time an application is filed for a sign permit authorizing initial construction of the sign, the residence was constructed or under construction or if there is outstanding a valid building permit authorizing the construction of such residence.
- D. No off-premises sign may be located within a 1,000 foot radius of any other pre-existing off-premises sign
- E. All off-premise signs authorized under this section shall:
 - 1. Be located a minimum of 50-feet from any other freestanding sign on the property; and
 - 2. Have a maximum area of 65 square feet; and
 - 3. Have a maximum height of 10-feet in area.

790.020 Advertisement for various types of large entertainment, sports, or meeting hall venues in compliance with Section 990.130.

Chapter 7100. Mining

Mining may be permitted in any non-residential district upon the issuance of a conditional zone pursuant to Chapter 330. The zoning district may only be granted pursuant to these minimum standards:

- 7100.010** The area for which the state or federal mining permit is granted must be greater than 10 acres; mining shall be on an industrial extraction basis only and shall not be permitted by hobbyists or others not engaged in the mineral extraction business;
- 7100.020** The edges of any extraction area where mining is allowed shall be at least 50 feet from all property lines and at least 150 feet from any residence;
- 7100.030** Fencing shall be required as determined by the Board of Adjustment and shall be erected and maintained to keep the site safe and secure; and
- 7100.040** If at any time the state and/or federal agencies revoked any of the required permits it has issued for the mining operation, said revocation shall cause the special use permit to become null and void;
- 7100.050** The special use permit shall be valid for a period of two years from the date the same is granted or provided the Board of Adjustment shall have the authority to extend the time from two years to any longer period where the nature of the use or other pertinent circumstances justify a longer period for example for so long as it is commercially feasible to operate. In the event the property owner desires to continue the mining operation thereafter, he shall again petition the Board of Adjustment for a new permit.

Chapter 7110. Livestock and Horse Stables

No person may keep livestock or poultry within 150 feet from an adjoining lot line. Nothing in this subsection shall be construed as authorizing poultry or livestock to be kept except where such uses are authorized under the zoning district regulations.

- 7110.010** Horseback riding stables are subject to the following requirements with the exception of stables that are integrated in the design and layout of a planned development consistent with Chapter 340.
- 7110.020** The tract must contain at least one acre for every horse kept thereon, provided that, if this density figure is exceeded as a result of a mare giving birth, the colt or filly may remain for weaning purposes for a period not to exceed six months.
- 7110.030** The structure that houses a horse must be located in the rear yard when accessory to a residential structure and must be located at least 30 feet away from such principal structure. In addition, the structure that houses a horse must be set back at least 50 feet from adjacent property lines and not less than 100 feet from pre-existing adjacent residences.

Chapter 7120. Temporary Dependent Care Residences

In all residential districts, not more than one Class C mobile home may be permitted in a rear yard on a temporary basis provided the Board of Adjustment issues a special use permit after finding that a personal hardship exists that justifies such a special permit. Such hardship shall involve the need to care for elderly parents or other dependents of the family occupying the principal building. Reasons justifying separate quarters shall be incompatibility, contagious disease, illness, or lack of adequate space within the principal building.

- 7120.010** Special use permits authorizing the use may be issued in such cases for six months, but may be renewed for successive six month periods for so long as the hardship continues to exist. Application for renewal of the permit shall be made at least thirty days prior to the expiration date.
- 7120.020** All such mobile homes must have access to approved water and sewer systems and such mobile homes must be maintained so as not to create nuisance conditions.
- 7120.030** Temporary residences authorized under this section shall not be subject to the density limitations set forth in Section 510.040B but shall be subject to applicable setback requirements.

Chapter 7130. Landfills Other Than County Owned and/or Operated.

On-site demolition landfills and reclamation landfills less than one acre for noncommercial use shall be permitted in all zoning districts subject to the following provisions:

- 7130.010** Landfill operations must maintain a valid permit from and comply with the standards of the Union County Health Department and the State of North Carolina, as applicable.
- 7130.020** No such site may be operated for more than 24 months, after which time it must be closed in an approved fashion.
- 7130.030** The location of any such site must be indicated on any required final subdivision plat. Further, even where no subdivision plan is required, the owner of any parcel or lot which contains any part of any such landfill must have notification of the existence and extent of the site from the developer. Such site must be recorded by metes and bounds legal description as part of the deed for the lot or parcel and/or be recorded by a plat map. The zoning

compliance permit shall not be issued until proof of recordation is presented to the Zoning Administrator.

7130.040 No portion of any such site may be located within 15 feet of any exterior property line of a subdivision or any unsubdivided parcel.

7130.050 Any on-site demolition waste disposal site which is located in an industrial district or industrial park shall be exempt from the 24 month closing requirement provided that no portion of the site is located within 100 feet of any adjoining existing residence or residentially zoned property.

Chapter 7140. Non-Accessory Golf Driving Ranges and Par 3 Golf Courses

Golf driving ranges and par 3 golf courses are permitted as provided in Sections 510.020G and 520.020G pursuant to either a special use or zoning compliance permit. The proposed use shall satisfy the following requirements.

7140.010 Lighting must be directed away from residential areas or shielded to protect them such that the use does not substantially interfere with the use or enjoyment of neighboring properties.

7140.020 An 25 foot bufferyard shall be installed on all sides of the property that do not border public streets to the extent necessary to protect adjacent properties from any of the uses authorized herein.

7140.030 The maximum square footage of sign surface area advertising the proposed use shall be sixteen square feet within a residential zone. Signage within a commercial zoning shall continue to utilize the computation formula under DIVISION 900, Signs.

7140.040 Vehicular access to a site with residential zoning shall be provided from a two lane thoroughfare or higher road classification as specified in the Indian Trail Thoroughfare Plan, and not from local residential streets.

7140.050 Within a residential zone, no accessory use, such as snack bars, club houses, and pro shops, shall be closer than 300 feet, and no parking area shall be within 200 feet, of any pre-existing residence (other than a residence owned by the applicant), or a residence under construction on the date the permit is issued.

7140.060 Netting shall be placed where necessary to keep golf balls within the golf driving range and off adjacent property.

7140.070 No green (par 3 golf course) shall be nearer to any property line than 100 feet.

7140.080 The depth of a golf driving range along the driving axis shall be not less than 350 yards measured from the location of the tees and the breath not less than 200 yards at a distance of 350 yards from the tees.

7140.090 Within a residential zone, there shall be a ten acre minimum area requirement.

Chapter 7150. Vehicle Sales Lots

The intent of this section is to provide standards to address the unique characteristics of this particular business type of new and used vehicle sales lots within the Town of Indian Trail and to establish minimum criteria for all future sales lots.

7150.010 The minimum lot size shall be 2 acres in size, and subject to the following Table:

Table 7-1: Retail and Wholesale Vehicle Sales Uses:

Type of Vehicle Sales Use	Use Regulation/Permitted
Retail Sales- Stand-Alone Sales Lot	Permitted By-Right, per UDO Section 520.020 (G)
Retail Sales - Multi-Tenant Structure	Special Use Permit (SUP), per UDO Section 520.020 (G) and Chapter 360
Wholesale Sales – Office Only (No Vehicle Display or Storage)	Exempted from this Chapter; allowed where permitted in UDO Section 520.020(G)

7150.020 All required parking spaces and display areas within general traffic circulation areas shall be paved and striped in accordance with the Town of Indian Trail UDO and no cars shall be displayed within a public right-of-way or within access driveways.

7150.030 Wheel stops, curbs or bollards are required along the exterior parking spaces of the display area to prohibit parking within landscaped areas, unless otherwise expressly permitted in this Chapter.

7150.040 All lighting shall be directed toward the interior of the site to reduce light pollution and no outdoor intercom will be permitted for use when a car dealership abuts a residential zoning district.

7150.050 A special street frontage vehicle display area may be permitted and can encroach into the required landscaping area located adjacent to a public right-of-way, subject to the following requirements:

- A.** A maximum of 65% of the linear road frontage may be used for vehicle display. (Example: 100-feet of linear frontage shall not exceed 65-linear feet of street frontage display.) For any increases beyond the maximum 65% up to a total 85% vehicle display area, a Special Use Permit (SUP) will be required, subject to UDO Chapter 360, and the following two requirements:
 - i.** The vehicle sales lots requesting the additional display area must be adjacent to another vehicle sales lot in the Town; and
 - ii.** The adjacent vehicle sales lot must conform to the Town’s UDO.
- B.** The parking display space shall be paved with a suitable material (gravel, stone, asphalt, or cement) and equipped with a wheel stop, bollard, or curb to prevent overhang into the public right-of-way, sidewalk, or adjacent landscaped areas. Such a display space shall conform to the Town’s minimum parking space dimensions requirements provided in UDO Section 1070.020.
- C.** A minimum of five (5) feet of landscape area is required between property line at right-of-way and special street frontage display area.
- D.** All street frontage vehicle display areas proposed shall be approved through the site plan review process. Flexibility in the placement location and orientation of the display space is permitted subject to approval of the Planning Director.

Chapter 7160. Wireless Communication Antennas and Towers

7160.010 Purpose

In recognition of the Telecommunications Act of 1996 and the North Carolina General Statute Senate Bill 831, it is the intent of the Town of Indian Trail to allow communication providers the opportunity to locate towers and related facilities within its jurisdiction in order to provide an adequate level of service to its customers while protecting the health, safety, and welfare of the citizens of Indian Trail. Wireless towers must be design, constructed, and located so as to minimize the aesthetic impact of the tower on adjoining properties. Communication towers must be located and designed to prevent any interference with radio, TV, or other electrical appliances.

All wireless communication facilities must meet or exceed current standards and regulations of the Federal Communications Commission (FCC), Federal Aviation Administration (FAA), and other agency of the federal government with authority to regulate wireless communication facilities.

A. Location and Installation of New Antennas

1. Co-location on an existing tower

- a. Installation of a wireless communication tower and antenna on an existing wireless communication tower is a permitted use in any zoning district, and are subject to the permitted height regulations set forth in Section 7160.020C.
- b. All new monopole towers shall be designed to accommodate at least three telecommunications providers and all lattice towers must accommodate at least four telecommunications providers.
- c. Stealth wireless communications facilities shall be designed to accommodate the collocation of other antennas whenever feasible and aesthetically appropriate as determined by the Board of Adjustment or Planning Director.

2. Co-location by attachment to an existing structure

The antennas and associated accessory equipment required for wireless communication facilities may be located on an existing building, light pole, water tower, church steeple, and any other freestanding structure. Such co-located facilities including any accessory structures are subject to the following minimum standards:

Placing antennas on existing buildings, existing structures and existing towers should be easy. State law indicates these permits should be granted within 45 days unless the applicant has not submitted the correct information.

a. Residential and Planned Districts

In any residential district or Planned District wireless communication antennas and associated accessory equipment may not extend more than 10 feet above the highest point of any existing structure that is 40 feet or less in height. Such equipment may not extend more than 15 feet above the highest point of any existing structure that is more than 40 feet in height.

b. Non-Residential Districts

In any business, commercial, downtown, or industrial district wireless communication antennas and associated accessory equipment may be attached to any existing structure and may extend up to 20 feet above the highest point of the existing structure.

B. Antenna Dimensions

No antenna attached to an existing building or structure may exceed the height limits established above and no such antenna may exceed 4 feet in width.

C. Antenna Projection

No antenna or associated accessory equipment attached to a building or structure may project more than 3 feet from the side of the structure. No antenna or associated accessory equipment mounted on the roof of an existing building may be located within 5 feet of the outer edge of such structure.

D. Antenna Design

The antenna and associated equipment attached to an existing building or structure must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure or building so as to make the antenna and accessory equipment as visually unobtrusive as possible.

7160.020 Freestanding Facilities

- A.** An application for a freestanding wireless communication tower must include an affidavit of intent that commits the property owner or operator, their assigns or successors, to allowing the shared use of the tower and proofs sufficient to the Town attorney that the tower will be offered to at least one potential additional user under reasonable terms and conditions.

Smaller towers that meet all the height, setback, separation, and landscaping requirements of this Section should be allowed by permit from the Zoning Administrator and Planning Director. Any tower that cannot meet the requirements of this Section should require a special use permit.

- B.** When a freestanding tower requires special use approval, it may not be approved by the Zoning Board of Adjustment until the applicant demonstrates to the Board's reasonable satisfaction that no existing tower or structure could accommodate the applicant's needs. Evidence submitted to demonstrate that no existing facility or structure can accommodate the applicant's proposed facility may consist of the following:
 - 1.** Evidence showing that no existing wireless communication towers are located within the geographic area required to meet the applicant's engineering requirements.
 - 2.** No existing towers have sufficient height to meet the applicant's engineering requirements.
 - 3.** No existing towers have sufficient structural strength to support the applicant's antenna and associated accessory equipment.
 - 4.** The fees, costs, rent required by the owner in order to share an existing tower or to adapt an existing wireless communication facility for sharing are unreasonable. Costs that exceed the costs of building a new tower are presumed unreasonable.

C. Height Limits for Wireless Communication Towers

- 1.** No freestanding tower is permitted in any residential zoning classification without the approval of a special use permit issued by the Zoning Board of Adjustment.
- 2.** Towers are subject to the following height limits:

Permitted Height of Wireless Communication Towers*				
Zoning District	Adjacency to Residential or Rural Zoning District		Adjacency to Non-residential Zoning Districts	
	Conventional	Stealth Tower*	Conventional	Stealth Tower*

Chapter 7160. Wireless Communication Antennas and Towers

7160.020. Freestanding Facilities

	Tower (Single/Multiple User)	(Single/Multiple User)	Tower (Single/Multiple User)	(Single/Multiple User)
Neighborhood Business District (NBD)	Not Permitted	80/100	Not Permitted	100/120
Central Business District, (CBD)	Not Permitted	80/100	Not Permitted	100/120
(GBD) General Business District RBD, Regional Business District	70	80/100	140	140/160
Industrial Districts, LI and HI Districts	80	80/100	160	160/180
Planned Unit Development Districts	As approved by Town Council	As approved by Town Council	As approved by Town Council	As approved by Town Council
Floodplain and Floodway Overlays	Not permitted	80/100	Not permitted	100/120
Overlay Zoning Districts	Not Permitted	50*** SUP	Not Permitted	50*** SUP
Residential Zoning Districts	Not Permitted	50 SUP	Not Permitted	50 SUP

*These height limits do not apply to the mounting of antennas on existing structures as provided for in Section 7160.010A.2. Any proposed wireless communication tower that exceeds the height limits permitted in this chart will require approval as a special use under the standards of Chapter 360.

** Stealth towers must be approved by the Director of Planning and Development and must be enclosed, camouflaged, screened, obscured, or otherwise not readily apparent to a casual observer. The structure utilized to support the antennas must be allowed within the underlying zoning district. Such structures may include, but are not limited to, flagpoles, bell towers, clock towers, crosses, monuments, smoke stacks, parapets, and steeples. Setbacks for the structure enclosing a stealth tower shall be governed by the setback requirements of the underlying zoning district.

*** All stealth towers in the overlay districts may be approved up to 50 feet in height by special use permit. If an applicant can demonstrate to the Board of Adjustment that added height above the 50 foot limit is necessary and that such an increase would not adversely affect adjoining properties or run counter the Town's plans protecting unique environments then the Board of Adjustment may allow a maximum tower height up to 70 feet from finished grade.

D. Setbacks for Wireless Communication Towers

1. No wireless communications tower of any type is permitted within any required landscaped setback or bufferyard.
2. In all districts the minimum setback requirement in all directions will be 1.5 feet for every 1 foot of tower height (e.g. a 150 foot tower would require a 225 foot setback.) If the applicant can submit documentation acceptable to the Director of Planning and Development that the collapse area needed for the tower is less than the setbacks required by this Section then the setback will be based on that documentation.

E. Separation between Wireless Communication Towers

No freestanding tower may be located the distances required within the following table.

These distances will be measured as a radial distance from the proposed freestanding tower.

Proposed Tower Height	Required Separation Between Towers
Less than 80 feet	1,200 feet
80 to 199 feet	1,800 feet
200 to 299 feet	2,500 feet
300 +	3,000 feet

F. Required Landscaping of Freestanding Towers

Wireless communication towers (e.g. monopole towers or stealth towers disguised as trees) must be landscaped with an opaque planting hedge and fence subject to a determination by the Director of Planning and Development that the landscaping and fence effectively screens the base of the tower from adjoining properties. The tower owner and the property owner shall be jointly and severally be responsible for the maintenance of all screen materials. Such maintenance shall include all actions necessary to keep the screened area free of litter and debris, to keep all landscaping healthy, and to keep planting areas neat in appearance.

G. Fencing of Freestanding Towers

Freestanding towers must be enclosed by security fencing not less than 6 feet high must also be equipped with an appropriate anti-climbing device. The anti-climbing device may not include barbed wire, razor wire, or a similar sharp barrier.

H. Construction and Design

1. Towers must be of monopole construction (cylindrical, tapering steel tubes without guy wires). The Zoning Board of Adjustment may authorize the use of a “guyed” tower or a “lattice” tower only upon the approval of a special use application for such a tower if a technical need for a “lattice tower” or “guyed tower” can be shown to provide a greater benefit to the community than a less visually obtrusive monopole tower.

Figure 6: Monopole Tower



Figure 7: Stealth Tower



2. All accessory structures containing switching equipment and other equipment housing must be designed to closely resemble the architecture of any buildings on the lot or the architecture of buildings on adjoining lots.
3. Free-standing or attached signs proposed to be located on a freestanding tower site are prohibited. Incidental signs identifying the tower owner/operator, emergency phone numbers or contacts or signs warning “no trespassing” are permitted provided that no sign may exceed 8 square feet.

4. Towers shall not have lighting unless specifically required by the FAA. If FAA lighting is required, strobe lights shall be avoided unless specifically required by the FAA. Lighting of all towers in any district shall be directed toward the tower and/or equipment shelters.
5. Freestanding wireless communication tower sites may not be combined with a use involving outdoor storage of equipment, vehicles, or equipment display. Wireless communication tower sites must be fenced and secured from other activities on the property.
6. In terms of load requirements for freestanding wireless communication towers and/or facilities, such towers and/or facilities must also conform to the Electronic Industries Alliance (EIA) and Telecommunications Industry Association (TIA) standards for construction and design, which deal with loading and wind velocity requirements.
7. In addition, wireless communications towers and/or facilities must also conform to the guidelines of the International Building Code (IBC), particularly with respect to additional construction requirements for such structures (IBC Chapter 16, Section 1609 (1.1)). Furthermore, any wireless communications towers and/or facilities must conform to the regulations and requirements of the Federal Communications Commission (FCC).

I. Abandonment or Discontinuation of Use

1. At such time as the owner of a wireless communication tower plans to abandon or discontinue operation of the facility, the owner must notify the Zoning Administrator by certified mail of the proposed date of abandonment or discontinuation of operation. Such notice shall be given no less than 30 days before abandonment or discontinuation of operation.
2. In the event that the owner fails to give such notice, the facility will be deemed abandoned upon discontinuation of operation.
3. Upon such abandonment or discontinuation of use, the owner must physically remove the wireless communication facility within 120 days from the date of abandonment or discontinuation of use. This will mean the removal of the tower, antennas, mount, equipment shelters, platforms and security barriers from the property.
4. In the event that the owner fails to remove the wireless communication facility in accordance with the provisions of this section, then the Town may seek an order of abatement, providing the town with a lien for the cost of executing the order. At such time as the operator of a wireless communication tower plans to abandon or discontinue operation of the facility, the operator must notify the Zoning Administrator by certified mail of the proposed date of abandonment or discontinuation of operation. Such notice shall be given no less than 30 days before abandonment or discontinuation of operation.

7160.030 Review and Approval Procedures

A. Permits Issued by the Director of Planning and Development

The Director of Planning and Development may authorize the establishment of a wireless communication tower and antenna by issuing a Zoning Permit and Zoning Certificate of

Compliance (where an SUP is not required) only when the applicant demonstrates full compliance with this Chapter. The Town may retain the services of a consultant to evaluate technical submittals by the applicant and seek an independent judgment on the safety of the proposed tower. The Planning Director shall be responsible for selecting the technical expert hired for the review of a wireless communication application; however, all costs associated with this technical review will be paid by the applicant. The technical expert must make investigations consistent with all the terms and conditions of this ordinance and will advise the Planning Director and/or Zoning Board of Adjustment as to whether any existing towers or structures could be used to accommodate the applicant's needs. The fees charged for the technical expert's review will be the customary fees required for site inspections, analysis of surrounding land uses, building plan review, and for the preparation of a technical report. Charges for such consulting services will be fixed in advance of the processing of applications and will be incorporated into the overall permit application fee.

B. Streamlined Collocation Permits

- 1.** Applications for collocation are entitled to streamlined processing under this section shall be reviewed for conformance with applicable site plan and building permit requirements but shall not otherwise be subject to zoning requirements, including design or placement requirements, or public hearing review.
- 2.** Applications for collocation of wireless facilities are entitled to a streamlined processing if the addition of the additional wireless facility does not exceed the number of wireless facilities previously approved for the wireless support structure on which the collocation is proposed and meets all the requirements and conditions of the original approval. This provision applies to wireless support structures which are approved on or after December 1, 2007.
- 3.** The streamlined process set forth in subsection 1 of this section shall apply to all collocations, in addition to collocations qualified for streamlined processing under subsection 2 of this section, that meet the following requirements:
 - a.** The collocation does not increase the overall height and width of the tower or wireless support structure to which the wireless facilities are to be attached.
 - b.** The collocation does not increase the ground space area approved in the site plan for equipment enclosures and ancillary facilities.
 - c.** The wireless facilities in the proposed collocation comply with applicable regulations, restrictions, or conditions, if any, applied to the initial wireless facilities placed on the tower or other wireless support structure.
 - d.** The additional wireless facilities comply with all federal, State and local safety requirements.
 - e.** The collocation does not exceed the applicable weight limits for the wireless support structure.
- 4.** A collocation application shall be deemed complete unless the city provides notice in writing within 45 days of submission or within some other mutually agreed upon timeframe. The notice shall identify the deficiencies in the application which, if cured, would make the application complete. The application shall be deemed complete on resubmission of the additional materials cure the deficiencies identified.

5. The Town shall issue a written decision approving or denying an application within 45 days of a complete application.

C. Special Use Permits

All Special Use Permits required for wireless telecommunications towers and antennas pursuant to Sections 7160.020C and 7160.020H will be considered for approval by the Board of Adjustment. Applications for special use permits must include the following information and must be accompanied by payment for the evaluation of technical submittals by the applicant from a consultant retained by the town as per Section 7160.030A.

1. Identification of intended service provider(s).
2. Evidence that the property owners of residentially zoned property within 300 feet of the site have been notified by the applicant of the proposed tower height and design.
3. Documentation that towers over the height allowed by Section 7160.020C are necessary for a minimal level of service;
4. documentation called for in Section 7160.020C for proposed freestanding towers;
5. landscaping and screening detailing the type, amount of plantings, and location;
6. documentation of collapse area;
7. a statement regarding possible interference, if any, with respect to radio and/or television reception.
8. Documentation, photo simulations and a coverage map that show that the new structure or facility is necessary and cannot be co-located;
9. proof of insurance from the provider;
10. a written consultants report from a North Carolina State Certified Real Estate Appraiser that conforms to Standard 5 of the Uniform Standards of Professional Appraisal Practice.

D. Standards for Special Use Approvals

The Zoning Board of Adjustment may grant a special use permit that allows towers with greater heights, modified setbacks or separation distances, or alternative landscape plans if the Board determines that the applicant has demonstrated compliance with the general purposes of Section 7160.010, the submittal requirements of Section 7160.030C and provided the applicant has demonstrated compliance with the general criteria and standards for a special use permit. The Zoning Board of Adjustment may not alter or waive any federally-mandated requirements.

E. Zoning Certification

1. A zoning certification is required for each for each new or collocated wireless communication antenna or tower. When a wireless communication tower requires a special use permit such permit must be obtained before any zoning certification or building permit may be issued.

2. A zoning certification is required wherever an antenna is added to an existing tower or whenever an existing tower is substantially modified. An increase in tower height above the limits established in Section 7160.020C is considered a substantial modification that requires approval as a special use permit by the Zoning Board of Adjustment. The relocation of any existing tower such that it would violate the setback or separation requirements of Sections 7160.020D and 7160.020E is considered a substantial modification that requires approval as a special use permit by the Zoning Board of Adjustment.
3. Each applicant requesting a permit for a wireless communication antenna or tower must submit with the application a scaled site plan and scale elevation drawing and other supporting materials, signed and sealed by appropriate licensed professionals showing:
 - a. the location and dimensions of all improvements;
 - b. information concerning the properties topography;
 - c. radio frequency coverage;
 - d. tower height and setbacks;
 - e. drives, parking, fencing, landscaping; and adjacent land uses;
 - f. any other information deemed necessary by the Zoning Administrator or Director of Planning and Development in order to judge whether the proposed antenna or tower complies with this ordinance.

F. Variances

If an applicant wishes to install a tower or antenna higher than allowed in Section 7160.020C, with less separation than called for in Section 7160.020E, or in any manner that exceeds or is contrary to the requirements set forth in this ordinance. The applicant may pursue a variance as per this UDO.

Chapter 7170. Indoor Firearm Shooting Range Facilities

Indoor Firearm Shooting Range facilities are permitted as provided in Section 530.020G pursuant to a special use or zoning compliance permit. The proposed use shall satisfy the following requirements and shall be entered into the face of the permit:

- 7170.010** All facilities shall be designed, constructed, and operated in accordance with the NRA Range Source Book (Published 1999).
- 7170.020** All plans for indoor range facility (including interior up-fit of existing buildings) shall be prepared by a licensed engineer and obtain site plan approval by the Town.
- 7170.030** An evaluation in the area of use, procedural, range safety and design prepared by a NRA Range Technical Advisor shall be submitted to the Town prior to receiving a certificate of compliance, a power name change, or a privilege license by the Town. Recommendations identified within the evaluation shall be constructed or implemented prior to obtaining approval by the Town.
- 7170.040** Public notice for the required Special Use Permit public hearing shall be consistent with Chapter 310 of the UDO and the following:

- A. A public notice shall be sent to individual business owners/tenants occupying suites within a multi-tenant building where the range facility is proposed.
- B. A public notice shall be sent to individual business owners/tenants located on adjacent parcels of the subject property in which the range facility is proposed.

Chapter 7180. Outdoor Storage and Sales

The purpose and intent of this section is to allow outside storage, display, and sales/rental in the non-residential districts as an accessory use provided that such outside storage, display, and sales/rentals are designated areas that are adequately screened and meet the standards listed within this section.

7180.010 Unless specifically permitted for a particular use and on a site specific development plan, no outdoor storage, display, or sales/rental are permitted within any district without obtaining the appropriate permit.

7180.020 For those uses that require outdoor storage, display, or sales/rentals as an accessory use, the area to be used for outdoor storage, display, or sales/rentals:

- A. Must only be those areas designated as outdoor storage, display, or sales/rentals on a site specific development approval.
- B. Must meet building setbacks.
- C. Industrial and Commercial Uses.
- D. For industrial uses, must be located within the back 50% of the side-yard and/or in the rear yard; no outdoor storage, display, or sales/rentals are permitted in the front 50% of the side yard or in the front yard.
- E. For commercial uses, must be located within the side and/or rear yard and/or in the front yard if located entirely under the permanent primary building canopy.
- F. For commercial uses displaying outdoor sales of plants, produce, and cut flowers, the following applies:
 - a. The display area shall not extend more than 75% of the linear distance from the building or fenced outside sales area to the edge of the sidewalk or improved display area.
 - b. The display must not exceed twenty-five percent (25%) of the length of the building.
 - c. The display racks must not exceed eight (8) feet in height.
 - d. The display area must not interfere with pedestrian flows. Outdoor displays shall maintain five (5) feet of sidewalk clear for pedestrian flow. Sidewalks also maintaining a display area must continue to meet NC State Building Code and ADA compliance requirements.
 - e. Is limited to areas that are surfaced with asphalt, concrete or other materials that are equal in quality (if approved by the Planning Director).

- 7180.030** Is the case of storage of materials posing an environmental hazard, such as soil, fertilizer, lumber, or other loose, unprotected material, shall be fully contained to prevent leaching or run-off.
- 7180.040** Must not interfere with pedestrian flows. Outdoor displays shall maintain five (5) feet of sidewalk clear for pedestrian flow. Sidewalks also maintaining a display area must continue to meet NC State Building Code and ADA compliance requirements.
- 7180.050** In no case shall any parking space designated on a site-specific development plan be used for outdoor storage, display, or sales/rental unless authorized by the Planning Director in writing.
- 7180.060** The areas shall be screened from off-site view, except under the permanent primary building canopy, where goods simply cannot extend past the canopy unless otherwise allowed in this Chapter. Screening shall be achieved through the use of opaque fencing and/or evergreen plants. Chain link fencing with vinyl slats is not considered opaque fencing and is not allowed for screening purposes. Plants must be 6' tall or the height of goods stored, displayed, or for sale/rental at the time of planting and must reach the height of the goods stored, displayed, or for sale/rental within 3 years of planting.

Chapter 7190. Alcohol Beverage Control (ABC) Store

ABC Store use is permissible within the RBD, GBD, and O-VCD districts only if the proposed use meets the following requirements:

- 7190.010** The responsible party shall obtain all local, state and federal permits required for such use.
- 7190.020** The proposed location for the construction of or establishment thereof, an ABC Store shall be considered by the Indian Trail Town Council. Permits associated with the request shall be processed as follows:
- A.** Staff shall notify the Council upon receipt of an initial permit for all ABC Store use within the Town.
 - B.** The Council shall consider the proposed location at the next Town Council meeting and determine whether it objects to the proposed said location. If Council does object by majority, a public hearing date shall be set and the local ABC Board notified.
 - C.** If a public hearing is required, the Council shall:
 - a.** Notice the public hearing consistent with Chapter 310 of this ordinance;
 - b.** Take evidence and testimony at the public hearing;
 - c.** Pass a Town resolution objecting to or supporting the proposed location of the ABC Store;
 - d.** Resolutions passed objecting to the location shall be sent to the NC ABC Commission.

7190.030 All ABC Store operations shall comply with local, state and federal regulations.

Chapter 7200. Second Hand Thrift/Consignment Sales and Antique Shops

The following regulations shall apply to all Second Hand Thrift/Consignment Sales and Antique Shops uses as defined in UDO Section 1610.050, that are located within the Central Business District, Neighborhood Business District, and within the Downtown and Village Center Overlays.

1. All merchandise or donated goods shall be delivered to, stored and processed within the interior of the building with the exception of the establishment of an outdoor merchandise receiving area as described in Section 2 below. The exterior storage of merchandise and donated material shall be prohibited with the exception of outdoor display/sales areas as permitted in UDO Chapter 7180; and
2. Outdoor merchandise receiving areas may be established to accommodate the occasional delivery/donation of oversized merchandise or for the delivery/donation of merchandise from individuals with physical limitations subject to the following requirements:
 - a. A Special Use Permit shall be required for establishment of outdoor merchandise receiving areas; and
 - b. The applicant will need to demonstrate to the Board of Adjustment that the receiving area will only be utilized for the occasional delivery of oversized items or for those with limited physical abilities and is not intended to serve as a continuously used drive thru type facility; and
 - c. The applicant will need to demonstrate to the Board of Adjustment how delivered merchandise will be immediately received and transferred into the building; and
 - d. Receiving area shall be located to the side or rear (preferred) of the primary building and shall not interfere with the normal circulation of on or off-site traffic; and
 - e. Receiving areas shall be screened from view of adjacent roadways and properties in compliance with UDO 810.080B unless approved otherwise by the Board of Adjustment; and
3. The use of drive thru facilities for merchandise or donated goods drop off shall be prohibited; and
4. The use of exterior donation drop off bins or areas shall be prohibited; and
5. The use of tractor trailers, pods, shipping containers, and similar portable storage units for merchandise or donated goods storage or processing shall be prohibited.