

(ROD Sticker Here)

STATE OF NORTH CAROLINA)
)
TOWN OF INDIAN TRAIL)

ORDINANCE: # 423

AN ORDINANCE AMENDING PORTIONS OF THE INDIAN TRAIL UNIFIED DEVELOPMENT ORDINANCE (UDO) FOR VARIOUS TEXT REVISIONS AND ADDITIONS IN THE TOWN OF INDIAN TRAIL, UNION COUNTY, NORTH CAROLINA

WHEREAS, this Zoning Text Amendment (ZT 2025-0119) was duly noticed in compliance with North Carolina General Statutes; and

WHEREAS, a public meeting was held by the Planning & Zoning Board on December 16, 2025, to consider this zoning text amendment; and

WHEREAS, staff finds the proposed text amendment is consistent with the following goals of the Comprehensive Plan:

Community Engagement and Communication Goal #1: The proposed map amendment will be communicated effectively with residents, business owners, and other stakeholders to ensure a well-informed and inclusive community

Economic Development Goal #2: The proposed map amendment will support existing businesses within the town through effective communication and community outreach;

WHEREAS, the Planning & Zoning Board found this ordinance text amendment (Exhibit 1) to be a reasonable request in the public interest because it promotes the goals of the Indian Trail Comprehensive Plan in the areas of *Community Engagement/Communication, and Economic Development*; and improves town development processes and requirements;

WHEREAS, the Planning & Zoning Board transmits a recommendation to approve to the Town Council with their added revision to change Section 1020.030's title from "...Household Living" to "...Residential Use";

WHEREAS, the Town Council held a public hearing on January 13, 2026, to consider said request and recommendation of approval from the Planning & Zoning Board;

WHEREAS, the Town Council made the required findings.

NOW, THEREFORE, IT SHALL BE ORDAINED by the Town Council of the Town of Indian Trail, North Carolina hereby takes the following action:

Section 1 – Makes the required findings as stated herein; and

Section 2 – Approves ZT 2025-0119 Zoning Text Amendment petition thereby granting the amendment to the Unified Development Ordinance to incorporate the various amendments and added Planning & Zoning Board revision identified above.

Section 3 – This ordinance shall be effective immediately upon adoption.

AND IT IS SO ORDAINED this 13th Day of January 2026.

TOWN OF INDIAN TRAIL COUNCIL




David Cohn, Mayor

Attest:



Trena Sims, Town Clerk

Approved as to Form:



Melanie Cox, Town Attorney



Exhibit 1

The amendment includes changes to revise, remove and/or add language as shown in sections. The following list provides an “Outline of Text Amendments” showing the letter for each section of amendments. Each lettered section has a “Reason for Proposed Additions and Revisions” and the “Proposed Additions and Revisions”.

For ease of reference, new text is referenced in green font. Deletions will appear in red with a strikethrough line or lines such as “~~revised text~~”. Other notes from staff to the reader will be highlighted.

OUTLINE OF TEXT AMENDMENTS

The following list is similar to a table of contents showing the title of each set of amendments.

- A. REMOVE OLD CUD LANGUAGE
- B. RELOCATE GENERAL SUBMITTAL REQUIREMENTS TABLE
- C. PAPER COPIES REMOVED FROM CODE AND REFERENCE TO CONCEPT REQUIREMENTS
- D. REMOVAL OF WAITING PERIOD FOR REFILING AFTER A DENIAL
- E. NEW CHAPTER FOR SKETCH PLAN PROCESS
- F. MAJOR SUBDIVISION CONVENTIONAL PROCESS AND MINOR SUBDIVISION CONFLICT
- G. PLAT DISPOSITION REVISION FOR ELECTRONIC PLAT SUBMITTALS
- H. UPDATE TO VARIANCE REQUIRED CONDITIONS
- I. REMOVE DUPLICATE PARKING/LOADING/VEHICLE-EQUIPMENT STORAGE
- J. DOWNTOWN VILLAGE NOT PART OF OLD MONROE MUAC
- K. GROUP IDENTICAL ACTIVITY CENTER OVERLAYS IN USE TABLE AND ADD SMALLER NEIGHBORHOOD SERVICES ACTIVITY CENTER OVERLAY
- L. GROUP HOME DISTANCES
- M. CLARIFICATION OF CONTRACTOR OFFICES AND STORAGE YARDS
- N. POOLS AS ACCESSORY STRUCTURES CLARIFICATION
- O. ACCESSORY DWELLING CLARIFICATIONS
- P. REVISIONS TO MOBILE FOOD VENDING UNIT AND FOOD VENDORS
- Q. SCREENING OF MECHANICAL AND UTILITY EQUIPMENT POST SITE PLAN REVIEW
- R. GOVERNMENT SIGNS AND LOGOS
- S. MONUMENT SIGNS FOR APARTMENTS AND MULTIFAMILY ALONG DOWNTOWN INDIAN TRAIL RD CORRIDOR
- T. DEFINITION OF RECREATIONAL VEHICLES/EQUIPMENT

A. REMOVE OLD CUD LANGUAGE

REASON FOR PROPOSED ADDITIONS AND REVISIONS

Old language from the former Conditional Use District process needs to be removed from the responsibilities of the Planning and Zoning Board.

PROPOSED ADDITIONS AND REVISIONS

DIVISION 200 REVIEW AND DECISION-MAKING BODIES

Chapter 230 Planning and Zoning Board

230.050 Powers and Duties of the Planning and Zoning Board

The Planning and Zoning Board will have the following powers and duties:

A. [NO CHANGES TO A THRU E, AND G TO N.]

~~F. **Planned District Review**~~

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

B. RELOCATE GENERAL SUBMITTAL REQUIREMENTS TABLE

REASON FOR PROPOSED ADDITIONS AND REVISIONS

The table showing data that is required on different plan submittals is not in a convenient location in the UDO. This revision will move it up from Chapter 360 to the front of DIVISION 300 to Chapter 310.

PROPOSED ADDITIONS AND REVISIONS

DIVISION 300 DEVELOPMENT REVIEW PROCEDURES

Chapter 310 General Development Review Procedures

310.010 ~~Chapter 310~~ Hearing Procedures

[NO CHANGES TO CONTENTS OF HEARING PROCEDURES.]

310.020 ~~360.130~~ Information Required for Sketch Plans, Preliminary Plans/Site Plans and Final Plats

The sketch plans, preliminary plans/site plans and final plats shall depict or contain the information indicated in the following table. An X indicates that the information is required. All plans shall be in black lines and generated PDF files.

Table 300-1 4: Submittal Requirements by Plan Type

Submittal Items	Sketch Plan	Preliminary Plat & Site Plans	Final Plat
GENERAL ITEMS			
Cover Sheet with Index		X	X
Title Block	X	X	X
Name of Subdivision (if applicable)	X	X	X
Name and contact information of Owner / Applicant and any professional office working on plans	X	X	X
Registration seals from professionals		X	X
Vicinity Map	X	X	X
Graphic Bar Scale (each sheet if applicable)		X	X
Dates of preparation and submittal	X	X	X
Revision table in title block		X	X
EXISTING CONDITIONS			
Boundary Survey		X	X
Existing easements	X	X	X
Existing property lines, buildings, water courses, railroads, bridges, culverts, storm drains, other structures on the property or immediately adjacent	X	X	X
Corporate or jurisdictional boundaries (if applicable)	X	X	X
Parcel Information on Adjacent Properties (Parcel No., Owner(s), Acres)	X	X	X
Exact boundaries of flood hazard, floodway, or flood fringe areas from the community's FEMA maps or other approved maps	X	X	X
Wooded areas, heritage trees, marshes, rock outcroppings, ponds, lakes, streams, streambeds, and natural features		X	X
Location and descriptions of all monuments, markers, or control points		X	X
Historical properties identified on the National Register of Historic Places	X	X	X
SITE DATA TABLE			
Tax Parcel Number(s)	X	X	X
Existing / Approved zoning	X	X	X
Proposed zoning	X	X	
Existing and proposed use(s)	X	X	
Required Minimum Setbacks	X	X	X
Acreage/SF: total property, total lot area, parks/recreation space, non-residential use, average lot area	X	X	X

Submittal Items	Sketch Plan	Preliminary Plat & Site Plans	Final Plat
Total lots and/or units	X	X	X
Required and Provided Parking Spaces	X	X	
Disturbed area	X	X	
Impervious area	X	X	
Floor area		X	
Building height	X	X	
Linear feet in streets		X	X
SITE PLAN ELEMENTS			
Notes as Applicable	X	X	X
Proposed lot lines, lot and block numbers all with exact dimensions	X	X	X
Adjacent roads, right-of-way, internal access roads, and required number of road ingress/egress points	X	X	X
Parking layout and dimensions, sidewalk along property frontage, pedestrian connection to site, loading space, and sight triangles	X	X	X
Easements (existing and proposed), floodplain, streams, and applicable buffers	X	X	X
Phasing (if applicable)	X	X	X
Amenities such as paths, playgrounds, open space usable areas, and common open space.	X	X	
Mail kiosks with required parking spaces	X	X	
Trash enclosure		X	
Fencing and retaining walls		X	
Lots numbered consecutively		X	X
Address Numbers			X
Pedestrian or bicycle paths		X	X
School sites		X	
Land to be dedicated to public use	X	X	X
Areas to be used for non-residential use	X	X	X
Designation of ownership for common open spaces and recreation facilities		X	X
LANDSCAPING PLAN			
Existing and required landscaping (DIVISION 800) such as buffering, tree save, shading and screening		X	
Parking lot and perimeter requirements, dimension of planting islands	X	X	
Landscaping strips adjacent to building	X	X	
Plant Table with symbol, name/species, count, size and spacing (Use only approved species on UDO lists)		X	
Location of existing and proposed lighting poles		X	

Submittal Items	Sketch Plan	Preliminary Plat & Site Plans	Final Plat
Existing Tree Inventory (if applicable) (option to be on Existing Conditions sheet)		X	
Tree Save Plan		X	
STREET PLANS			
Proposed streets	X	X	X
Existing and platted (access easements) streets		X	X
Off-site street improvements due to TIA requirements		X	X
Conditional Zoning Off-site street improvements due to TIA requirements	X		
Right-of-way location/dimensions		X	X
Pavement widths/typical sections	X	X	X
Approximate grades		X	
Engineering data for corners and curves		X	
Typical street cross sections		X	
Street names (to be approved by County)		X	X
GRADING AND DRAINAGE PLAN			
Existing utilities and drainage systems		X	
Contours at 2-foot intervals		X	
Easements for grading on adjacent properties (if applicable)		X	X
Detention facilities including rain gardens	X	X	X
Coordinate with NCDEQ to ensure proper erosion control		X	
Show tree protection zone (TPZ)		X	
Show area of disturbance (Note: area of disturbance should not encroach on tree save or tree buffer areas.)		X	
Designation of ownership for common Stormwater Facilities and maintenance responsibility		X	X
UTILITY LAYOUTS			
Sanitary sewers		X	
Storm sewers		X	
Other drainage facilities		X	
Water distribution lines		X	
Natural gas lines		X	
Telephone lines		X	
Electrical Lines		X	
Cable TV		X	
Fiber optics/other communication		X	
Utility easements	X	X	X

Submittal Items	Sketch Plan	Preliminary Plat & Site Plans	Final Plat
LIGHTING PLAN			
Location of existing and proposed poles		X	
Footcandles for the entire site taken to the property line (max 2.0 if adjacent to commercial and 1.0 if adjacent to residential) (See Section 1330.050 General Lighting Standards for additional requirements.)		X	
Pole and fixture type		X	
TRUCK MANEUVERING* (if applicable)			
Turning template for truck ingress/egress and type of truck used.		X	
ARCHITECTURAL ELEVATIONS			
Building design of each façade including type of materials used, roof pitch, and overall dimensions of lengths and height.		X	
Include elevations for all buildings including garages, storage buildings, and trash enclosures		X	
EIFS calculations if applicable		X	
Digital (PDF) copy of color renderings		X	
RESPONSE LETTER			
Document showing responses to recent Town review comments for each round of review	X	X	X

* Inquire with Union County Fire Marshal’s Office the largest apparatus (vehicle) they suggest using for the Truck Maneuvering Plan.

310.030 Refiling After Denial or Withdrawal

If a petition for a Conditional Zoning, Major Subdivision, Zoning Map Amendment, or Ordinance Text Amendment is denied by the Town Council or withdrawn by the applicant prior to a final decision being rendered, pursuant to G.S. 160D-601,(e), a similar application may be submitted with no waiting period.

Chapter 360 Subdivisions

[MOVE TABLE TO NEW CHAPTER 310]

360.130 Information Required for Sketch Plans, Preliminary Plans/Site Plans and Final Plats

The sketch plans, preliminary plans/site plans and final plats shall depict or contain the information indicated in the following table. An X indicates that the information is required. All plans shall be in black lines and generated PDF files.

Table 300-4: Submittal Requirements by Plan Type

Submittal Items	Sketch Plan	Preliminary Plat & Site Plans	Final Plat
GENERAL ITEMS			
Cover Sheet with Index		X	X
Title Block	X	X	X
Name of Subdivision (if applicable)	X	X	X
Name and contact information of Owner / Applicant and any professional office working on plans	X	X	X
Registration seals from professionals		X	X
Vicinity Map	X	X	X
Graphic Bar Scale (each sheet if applicable)		X	X
Dates of preparation and submittal	X	X	X
Revision table in title block		X	X
EXISTING CONDITIONS			
Boundary Survey		X	X
Existing easements	X	X	X
Existing property lines, buildings, water courses, railroads, bridges, culverts, storm drains, other structures on the property or immediately adjacent	X	X	X
Corporate or jurisdictional boundaries (if applicable)	X	X	X
Parcel Information on Adjacent Properties (Parcel No., Owner(s), Acres)	X	X	X
Exact boundaries of flood hazard, floodway, or flood fringe areas from the community's FEMA maps or other approved maps	X	X	X
Wooded areas, heritage trees, marshes, rock outcroppings, ponds, lakes, streams, streambeds, and natural features		X	X
Location and descriptions of all monuments, markers, or control points		X	X
Historical properties identified on the National Register of Historic Places	X	X	X

Submittal Items	Sketch Plan	Preliminary Plat & Site Plans	Final Plat
SITE DATA TABLE			
Tax Parcel Number(s)	X	X	X
Existing / Approved zoning	X	X	X
Proposed zoning	X	X	
Existing and proposed use(s)	X	X	
Required Minimum Setbacks	X	X	X
Acreage/SF: total property, total lot area, parks/recreation space, non-residential use, average lot area	X	X	X
Total lots and/or units	X	X	X
Required and Provided Parking Spaces	X	X	
Disturbed area	X	X	
Impervious area	X	X	
Floor area		X	
Building height	X	X	
Linear feet in streets		X	X
SITE PLAN ELEMENTS			
Notes as Applicable	X	X	X
Proposed lot lines, lot and block numbers all with exact dimensions	X	X	X
Adjacent roads, right-of-way, internal access roads, and required number of road ingress/egress points	X	X	X
Parking layout and dimensions, sidewalk along property frontage, pedestrian connection to site, loading space, and sight triangles	X	X	X
Easements (existing and proposed), floodplain, streams, and applicable buffers	X	X	X
Phasing (if applicable)	X	X	X
Amenities such as paths, playgrounds, open space usable areas, and common open space.	X	X	
Mail kiosks with required parking spaces	X	X	
Trash enclosure		X	
Fencing and retaining walls		X	
Lots numbered consecutively		X	X
Address Numbers			X
Pedestrian or bicycle paths		X	X
School sites		X	
Land to be dedicated to public use	X	X	X
Areas to be used for non-residential use	X	X	X
Designation of ownership for common open spaces and recreation facilities		X	X
LANDSCAPING PLAN			

Submittal Items	Sketch Plan	Preliminary Plat & Site Plans	Final Plat
Existing and required landscaping (DIVISION 800) such as buffering, tree save, shading and screening		X	
Parking lot and perimeter requirements, dimension of planting islands	X	X	
Landscaping strips adjacent to building	X	X	
Plant Table with symbol, name/species, count, size and spacing (Use only approved species on UDO lists)		X	
Location of existing and proposed lighting poles		X	
Existing Tree Inventory (if applicable) (option to be on Existing Conditions sheet)		X	
Tree Save Plan		X	
STREET PLANS			
Proposed streets	X	X	X
Existing and platted (access easements) streets		X	X
Off-site street improvements due to TIA requirements		X	X
Conditional Zoning Off-site street improvements due to TIA requirements	X		
Right-of-way location/dimensions		X	X
Pavement widths/typical sections	X	X	X
Approximate grades		X	
Engineering data for corners and curves		X	
Typical street cross sections		X	
Street names (to be approved by County)		X	X
GRADING AND DRAINAGE PLAN			
Existing utilities and drainage systems		X	
Contours at 2-foot intervals		X	
Easements for grading on adjacent properties (if applicable)		X	X
Detention facilities including rain gardens	X	X	X
Coordinate with NCDEQ to ensure proper erosion control		X	
Show tree protection zone (TPZ)		X	
Show area of disturbance (Note: area of disturbance should not encroach on tree save or tree buffer areas.)		X	
Designation of ownership for common Stormwater Facilities and maintenance responsibility		X	X
UTILITY LAYOUTS			
Sanitary sewers		X	
Storm sewers		X	
Other drainage facilities		X	

Submittal Items	Sketch Plan	Preliminary Plat & Site Plans	Final Plat
Water distribution lines		X	
Natural gas lines		X	
Telephone lines		X	
Electrical Lines		X	
Cable TV		X	
Fiber optics/other communication		X	
Utility easements	X	X	X
LIGHTING PLAN			
Location of existing and proposed poles		X	
Footcandles for the entire site taken to the property line (max 2.0 if adjacent to commercial and 1.0 if adjacent to residential) (See Section 1330.050 General Lighting Standards for additional requirements.)		X	
Pole and fixture type		X	
TRUCK MANEUVERING* (if applicable)			
Turning template for truck ingress/egress and type of truck used.		X	
ARCHITECTURAL ELEVATIONS			
Building design of each façade including type of materials used, roof pitch, and overall dimensions of lengths and height.		X	
Include elevations for all buildings including garages, storage buildings, and trash enclosures		X	
EIFS calculations if applicable		X	
Digital (PDF) copy of color renderings		X	
RESPONSE LETTER			
Document showing responses to recent Town review comments for each round of review	X	X	X

* Inquire with Union County Fire Marshal's Office the largest apparatus (vehicle) they suggest using for the Truck Maneuvering Plan.

C. PAPER COPIES REMOVED FROM CODE AND REFERENCE TO CONCEPT REQUIREMENTS

REASON FOR PROPOSED ADDITIONS AND REVISIONS

Staff has attempted to update all of the UDO to current practices to reflect we no longer request paper copies for submittals. This revision also includes a reference to the requirements that provides a complete Conditional Zoning concept plan.

PROPOSED ADDITIONS AND REVISIONS

DIVISION 300 DEVELOPMENT REVIEW PROCEDURES

Chapter 330 Conditional Zoning Districts

330.020 Application Procedures

[NO CHANGES TO INTRODUCTION PARAGRAPH.]

A. [NO CHANGES TO A, AND C THRU F.]

B. **Conceptual Plans**

Conceptual plans, including all additional information shown on it, shall constitute part of the petition for rezoning to a conditional zoning district. [MOVE THE FOLLOWING SENTENCE TO END OF PARAGRAPH.] ~~The Planning Director may, on a case by case basis and within his/her sole discretion, specify if and how many paper copies of the application the applicant must submit in order to initiate the review.~~ No application shall be deemed complete unless the concept plans address all applicable minimum submittal requirements as outlined in Section 330.020,(A) and, accompanied by a digital PDF file copy of the application and fee in accordance with the fee schedule most recently adopted by the Town Council. ~~The Planning Director may, on a case by case basis and within his/her sole discretion, specify if and how many paper copies of the application~~ conceptual plans the applicant must submit to initiate the review.

D. REMOVAL OF WAITING PERIOD FOR REILING AFTER A DENIAL

REASON FOR PROPOSED ADDITIONS AND REVISIONS

This revision incorporates the section of the new law S.L. 2025-94 (H.B. 926) that removes resubmittal waiting periods for denials and withdrawals for zoning map and text amendments, conditional zonings, and subdivisions. While addressing the new law on subdivisions, the revisions include some clarification of the 4 stages of a major subdivision by only adding new headings.

PROPOSED ADDITIONS AND REVISIONS

DIVISION 300 DEVELOPMENT REVIEW PROCEDURES

Chapter 320 Zoning Map and Ordinance Text Amendments

320.020 Initiation of Amendments

- A. [NO CHANGES TO A THRU D, AND F.]
- E. Refer to Section 310.030 for refiling after a denial or withdrawal. ~~Unless the Town Council finds that there have been substantial changes in conditions or circumstances bearing on the application, the Town will not accept for consideration a petition with a new application for a text or map amendment for one (1) year from the date the petition is submitted if after one of the following:~~
- ~~1. The Town Council has denied a previous rezoning request for the same property or has approved a rezoning to a more restrictive classification than requested, or the applicant has withdrawn a previous request after consideration of such request by the Planning and Zoning Board, or~~
 - ~~2. The Town Council has denied a substantially similar request for a text amendment.~~

Chapter 330 Conditional Zoning Districts

330.050 Effect of Approval; Zoning Map Designations

[NO CHANGE IN INTRODUCTION TEXT.]

- A. [NO CHANGES TO A AND B.]
- C. **Petition Withdrawal**
An applicant who has submitted a complete application for a conditional zoning district may withdraw the application prior to a final decision being rendered. ~~However, if so withdrawn, a similar petition submitted by that property owner/or his agent shall not be accepted by the Planning Director within one (1) year of the date of withdrawal.~~
- D. **Petition Resubmission After Denial or Withdrawal**
Refer to Section 310.030 for refiling after a denial or withdrawal. ~~If a petition for a conditional zoning district is denied by the Town Council, a similar application shall not be accepted by the Planning Director for a period of one (1) year following the date of denial.~~

E. NEW CHAPTER FOR SKETCH PLAN PROCESS

REASON FOR PROPOSED ADDITIONS AND REVISIONS

The Sketch plan process has been shown in the UDO as being a preliminary process for major subdivisions only. Staff have seen the benefits in other processes using the sketch plan review as well. This proposed set of revisions and additions formalizes the sketch plan review into a required step in new development proposals.

PROPOSED ADDITIONS AND REVISIONS

DIVISION 300 DEVELOPMENT REVIEW PROCEDURES

Chapter 350 Sketch Plan Review

350.010 ~~360.020~~ Purpose ~~Sketch Design Plan Review~~

~~A.~~ The sketch plan review is an optional ~~more~~ conceptual process ~~that allows~~ allowing an exchange of information between the developer and the TRC. ~~Sketch Plan Review~~ is suggested prior to the submittal of the following development review procedures:

- A. Conditional Zonings
- B. Major Subdivisions Preliminary Plan
- C. By-Right Site Plan Reviews

This is not just an extra regulatory step but a point in the process that has the potential to save time and money on unnecessary revisions during further development of plans for rezoning or construction plan approval. It can also help to avoid denials from Town Staff and Town Council, where applicable. Note that a sketch plan review is also available for developers to get preliminary information about a concept they may or may not pursue for a prospective property. Note that even though sketch plan review also occurs in some processes with Union County, it does not necessarily mean that the two are best to occur concurrently. For example, if an applicant has not completed sketch plan review with the Town, early findings are known at times to find significant, site-altering issues that may severely affect a concurrent sketch plan submittal with Union County Water (and sewer) Department.

350.020 Process

A. Plan Requirements

Sketch Plan suggested data requirements are provided in Table 300-4: Submittal Requirements by Plan Type. The plans should be drawn on the same size paper and scale as required for ~~preliminary plans~~ construction plans ~~and~~ or, if applicable, final plats.

B. Application and Fee

An application and fee are required. The fee is credited when fees are paid for the next developmental procedure step (see applicable developmental review procedures below). Digital PDF files of the completed and signed application, and sketch plan shall be submitted to the Planning Department as the application package.

C. Review

The TRC and developer shall review the project to evaluate its feasibility in light of the Town's development practices and requirements. If the review results in a "Not Approved" decision, then the applicant may resubmit revised plans along with a response letter addressing all Town comments. If requirements cannot be met by the developer or the TRC does not allow certain requirements to be met conditionally, the review will be considered "denied".

D. Next After Review Conclusion

Once the review process has been completed and the sketch plan is conditionally approved, the developer shall ~~may continue by~~ either submitting ~~a~~ an application package for a rezoning (conventional or conditional), if required, or complete the site construction plan package to submit for review. ~~See Chapter 320 for zoning map amendments/conventional rezonings or Chapter 330 for conditional rezonings.~~

350.020 Impact of Approval

~~B.~~ Sketch Plan Reviews may only receive a denial or conditional approval as a final staff determination. All approved sketch plans are automatically conditional as this is a Town input-only review requiring a primary approval under one of the development review procedures listed under 350.010 Purpose above. Review of the sketch design plan shall not in any way be construed as constituting an official action of approval for construction nor recording of the subdivision by the Town of Indian Trail.

Chapter 360 Subdivisions

[NO CHANGES TO REMAINING SECTIONS 360.010, AND 360.030 TO 360.140.]

~~360.020 Sketch Design Plan Review~~

[MOVED TO NEW CHAPTER 350 ABOVE]

F. MAJOR SUBDIVISION CONVENTIONAL PROCESS AND MINOR SUBDIVISION CONFLICT**REASON FOR PROPOSED ADDITIONS AND REVISIONS**

The major subdivision section addresses conditional and conventional subdivisions. Revisions below add formatting and language to clarify the two processes. The major subdivision section also alludes to the 4-stage review process but one of the revisions in this section adds formatting to highlight each of those stages. The revisions address a conflict with minor subdivision thresholds being 3 or 5 lots.

PROPOSED ADDITIONS AND REVISIONS

DIVISION 300 DEVELOPMENT REVIEW PROCEDURES

Chapter 360.010 Subdivisions

360.010 Major Subdivisions

Major subdivision review is a 4-stage review process. These steps will include:

A. **Stage 1: Sketch Plan Review**

First is the preparation and submittal of an informal sketch plan and the review of this plan by the Technical Review Committee (TRC). The purpose of this informal process is not to approve any plans but to provide an opportunity to exchange information between the developer and the TRC.

B. **Stage 2: Preliminary Plan Submittal** ~~of a preliminary plan.~~

A plan must be submitted in accordance with specific development standards as listed in subsection 360.030F. Initially, the plan is reviewed by the TRC to determine whether or not it complies with the requirements of the UDO.

1. **Conditional Major Subdivision**

If the preliminary plan is associated with a proposed Conditional Zoning (CZ) District, it will be forwarded to the Planning Board for a recommendation to the Town Council. After reviewing the comments from the TRC and Planning Board, the Town Council shall approve, approve conditionally, or disapprove the plan. Refer to Chapter 330 for Conditional Zoning District requirements.

2. **Conventional Major Subdivision**

If the preliminary plan request is not associated with a Conditional Zoning district request and is permitted by-right in the Table of Permitted Uses, the proposed subdivision plat will be processed as a conventional subdivision. If a rezoning is required, the process will follow the Conventional Zoning process in Chapter 320 for Zoning Map Amendments (ZM). The Planning Director will approve, ~~approve conditionally,~~ or disapprove the plan. When site construction plans are submitted, the development must meet all requirements in this UDO.

C. **Stage 3: Site Construction Plans Review**

After approval of the preliminary plan, the applicant may submit the construction drawings for review and approval by the Indian Trail Planning Department. Prior to any development, all construction plans shall be approved by the proper regulatory agencies. A zoning certification will be issued upon receipt of all required approvals and such certification will authorize the construction to proceed.

D. **Stage 4: Final Plat and As-Built Drawing**

Within 24 months of the preliminary plan approval by the Town Council or Planning Director, the applicant shall submit a final plat and an as-built drawing showing completion of the

subdivision according to the preliminary plan and construction drawings. The final plat shall be reviewed by the TRC and approved by the Planning Department. Only after the final plat has been approved by the Planning and Engineering Departments, and recorded by the applicant at the Union County Register of Deeds office shall any of the lots be transferred or conveyed. The plat must be recorded within 30 days after approval by the governing body. A PDF file of the recorded plat and an electronic drawing version (AutoCAD – .dwg or .dxf) shall be submitted to the Indian Trail Planning Department for their records.

E. **Minor Subdivisions**

In the case of minor subdivisions, as defined in Section 360.140B, applications may be processed under an abbreviated review procedure. The minor subdivision plat shall be reviewed and approved by the Planning Department. The applicant, if in disagreement with the decision of the Planning Director, may appeal the Director's decision to the Indian Trail Town Council.

360.140 Minor Subdivisions, Lot Line Adjustments or Lot Combinations/Recombinations

A. [NO CHANGES FOR A, AND C THRU G.]

B. Minor Subdivision

A minor subdivision is a subdivision of land that does not involve any of the following:

1. The tract or parcel to be divided is not exempted under Section 1110.040.
2. No part of the tract or parcel to be divided has been divided under this subsection in the 10 years prior to division.
3. The entire area of the tract or parcel to be divided is greater than five (5) acres;
- 4 ~~1~~. The creation of more than a total of five (5) lots since 1978;
5. After division, all resultant lots comply with all of the following:
 - a. All lot dimension size requirements of the applicable land-use regulations, if any.
 - b. The use of the lots is in conformity with the applicable zoning requirements, if any.
 - c. A permanent means of ingress and egress is recorded for each lot.
- 6 ~~2~~. The creation of any new public streets or street right-of-ways;
- 7 ~~3~~. The extension of water and sewer system facilities operated by the Union County Public Works Department;
- 8 ~~4~~. The installation of drainage improvements through one (1) or more lots to serve one or more other lots;
- 9 ~~5~~. The installation of a private waste water plant or a private water supply system for more than one lot or building site.

G. PLAT DISPOSITION REVISION FOR ELECTRONIC PLAT SUBMITTALS

REASON FOR PROPOSED ADDITIONS AND REVISIONS

Union County now accepts the option to have plats electronically signed and recorded. The revisions proposed incorporate this option.

PROPOSED ADDITIONS AND REVISIONS

DIVISION 300 DEVELOPMENT REVIEW PROCEDURES

Chapter 360 Subdivisions

360.070 Number of Copies and Graphic Media

The final plat must be drawn on a sheet with an outside dimension of not more than required by Union County Register of Deeds and shall include a 1 ½" border on the left side and a 1/2" border on the remaining sides. Once the review is approved, ~~a Mylar of~~ the final plat must be submitted as a Mylar for Town signatures before the applicant takes it to Union County for recording or as an electronic document to be signed and recorded electronically with Union County. If printed for signatures and recording, ~~The the~~ Mylar must be three (3) ml., suitable for reproduction and each Mylar copy must have original signatures. ~~The final plat must be drawn on a sheet with an outside dimension of not more than required by Union County Register of Deeds and shall include a 1 ½" border on the left side and a 1/2" border on the remaining sides.~~ The final plat shall be submitted electronically in an AutoCAD version compatible with the Town's software and in a PDF file version of the recorded plat. All mapping requirements shall be in compliance with this Chapter, Union County Mapping Requirements, and N.C. G. S. 47-30.

360.110 Disposition of Final Plats

Each final plat ~~Mylar copy~~ shall be signed and executed, ~~as a Mylar copy or electronically~~, as required for recording by the Register of Deeds Office of Union County within 30 days after approval by the Planning Director. Contact the Register of Deeds Office for plat requirements. Electronically submit the final recorded plat in a PDF file format to the Indian Trail Planning Department.

H. UPDATE TO VARIANCE REQUIRED CONDITIONS

REASON FOR PROPOSED ADDITIONS AND REVISIONS

The current version of the NC G.S. 160D-0705. Quasi-judicial zoning decisions shows that there are only 4 conditions that must all be met for a variance request to be approved. The current UDO shows 5 and the 1998 Indian Trail Zoning Ordinance contained 6 conditions. This revision is for the UDO to match the conditions in the current NC statutes.

PROPOSED ADDITIONS AND REVISIONS

DIVISION 300 DEVELOPMENT REVIEW PROCEDURES

Chapter 380 Appeals and Variances

380.020 Planning and Zoning Board Hearings on Variances

- A. [NO CHANGES TO A, C, AND D.]
- B. A variance may be granted by the Planning and Zoning Board after a public hearing has been held in a quasi-judicial manner and advertised in accordance with Section 310.030. When unnecessary hardships would result from carrying out the strict letter of the Unified Development Ordinance, the Planning and Zoning Board shall vary any of the provisions on the ordinance upon a showing of all of the following:
1. Unnecessary hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property; and
 2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability; and
 3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship; and
 4. The requested variance is consistent with the spirit, purpose and intent of the regulation, such that public safety is secured and substantial justice is achieved; ~~and~~ .
 - ~~5. The variance will neither result in the extension of a nonconforming situation in violation of DIVISION 1400, Nonconformities nor authorize the initiation of a nonconforming use of land.~~

I. REMOVE DUPLICATE PARKING/LOADING/VEHICLE-EQUIPMENT STORAGE

REASON FOR PROPOSED ADDITIONS AND REVISIONS

Duplicate parking, loading and vehicle/equipment storage language was in DIVISION 500 and should be removed and just reference the home section of 1020.030 Parking, Loading, And Vehicle/Equipment Storage For Household Living.

PROPOSED ADDITIONS AND REVISIONS

DIVISION 500 BASE ZONING DISTRICTS

Chapter 520 Residential Districts

520.050 Other Applicable Regulations

Uses and development in R districts are subject to other standards including the following:

A. Parking, Loading, and Vehicle/Equipment Storage

Refer to Section 1020.030 for requirements related to Parking, Loading, and Vehicle/Equipment Storage for Household Living.

- ~~1.— No person may park or store a vehicle other than an operable passenger car, passenger van, pickup truck, motorcycle, recreational vehicle, or recreational equipment in an unenclosed area on any lot in a residential zoning district, except when necessary for loading and unloading or within the performance of a service to or upon property in the block the vehicle is parked. Recreational vehicles and equipment are subject to the additional requirements of the following paragraph.~~
- ~~2.— For the purposes of administering and enforcing the provisions of the preceding two paragraphs, passenger cars, passenger vans, pickup trucks, motorcycles, recreational vehicles, or recreational equipment are defined as vehicle that are: (1) licensed for use on public streets or waterways, (2) designed primarily for the transportation of people as opposed to equipment, freight or other vehicles, and (3) sold primarily to individuals for personal use.~~
- ~~3.— No person may park or store a tractor trailer or truck trailer that is longer than 15 feet in any off-street parking area in a residential zoning district, except when necessary for loading and unloading or within the performance of a service to or upon property in the block the vehicle is parked.~~
- ~~4.— No person may park or store a hauling trailer in any off-street parking area in a residential zoning district, other than in an enclosed garage, a covered outbuilding, an interior rear yard or interior side yard. A hauling trailer with a length of 15 feet or less may be stored in an interior side yard if it is placed behind the front building line.~~

J. DOWNTOWN VILLAGE NOT PART OF OLD MONROE MUAC**REASON FOR PROPOSED ADDITIONS AND REVISIONS**

Additional language was provided in a couple of sections to clarify that no overlays impact/covers the Downtown Village. This clarification can be especially helpful so no one assumes that the Old Monroe MUAC Overlay circle stops at the border of the Downtown Village.

PROPOSED ADDITIONS AND REVISIONS**DIVISION 500 BASE ZONING DISTRICTS**

Chapter 530 Business and Commercial Zoning Districts

530.010 District and Overlay Descriptions

- A. [NO CHANGES TO A.]

B. Business/Commercial Overlays

The overlays provide an additional level of regulation on top of the underlying district's requirements. The overlays correspond to planning directions within the Comprehensive Plan.

1. [NO CHANGES FOR 1.]
2. **No Overlay Impacts Over Downtown Districts**
No overlays impact the Downtown Districts. This includes the Old Monroe Road MUAC that is adjacent to the Downtown Districts area.

DIVISION 600 SPECIAL PURPOSE DISTRICTS AND OVERLAYS**Chapter 630 Mixed Use Activity Center (O-MUAC) and Sub-Regional Activity Center (O-SRAC) Overlays****630.010 District Established**

[NO CHANGES IN THIS PARAGRAPH.]

A. [NO CHANGES TO A.]

B. Exemptions

This Chapter does not apply to land or to development which:

1. [NO CHANGES FOR 1 THRU 3.]
4. Is in the Downtown Districts.

K. GROUP IDENTICAL ACTIVITY CENTER OVERLAYS IN USE TABLE AND ADD SMALLER NEIGHBORHOOD SERVICES ACTIVITY CENTER OVERLAY

REASON FOR PROPOSED ADDITIONS AND REVISIONS

The uses permitted for the two overlays was discovered that they match so the proposal is to combine the O-MUAC and O-SRAC overlays for the Table of Permitted Uses. The main difference in the two overlays exists in the scale of the two developments. The O-SRAC is regional in its scale and attraction of customers to the area.

The third overlay, Neighborhood Services Activity Center Overlay (O-NSAC), is less impactful and was not added to the UDO in the past even though it is a part of the Town Comprehensive Plan. Staff sees a need to add it to the UDO now that we are showing it on the zoning map. The existing Neighborhood Business District (NBD) column is to be used for this overlay so it is not necessary to break it out under the "Overlay" column. NBD uses match the intended purpose of the overlay. The difference between the NBD district and the O-NSAC overlay is that the overlay occurs as nodes of business development at intersections, but the NBD district can be established along roadways as well as at the overlay intersections.

PROPOSED ADDITIONS AND REVISIONS**DIVISION 100 INTRODUCTORY PROVISIONS**

Chapter 140 Zoning Districts

140.010 Establishment of Districts and Overlays

For the purpose of this ordinance, portions of the Town, as specified on the Town’s Official Zoning Map are hereby divided into the following zoning districts:

Table 100-1: Zoning Districts and Overlays

Overlays	
O-MO	Mining Overlay
O-NSAC	Neighborhood Services Activity Center Overlay
O-MUAC	Mixed Use Activity Center Overlay
O-SRAC	Sub-Regional Activity Center Overlay

Note: Only showing necessary portions of the use table columns and rows to depict the changes.

DIVISION 500 BASE ZONING DISTRICTS

Chapter 530 Business and Commercial Zoning Districts

530.010 District and Overlay Descriptions

A. [NO CHANGES IN “A”.]

B. **Business/Commercial Overlays**

The overlays provide an additional level of regulation on top of the underlying district’s requirements. The overlays correspond to planning directions within the Comprehensive Plan.

- O-NSAC, Neighborhood Services Activity Center; O-MUAC, Mixed Use Activity Center, ; and O-SRAC, Sub-Regional Activity Center Overlays**

The **Neighborhood Services**, Mixed Use and Sub-Regional Activity Center Overlays designate areas within the Town where mixed-use centers may be established at the intersection of boulevards and thoroughfares. The O-NSAC is smaller than the O-MUAC and O-SRAC since the location serves a smaller population and may also be located at smaller street intersections where they can be commercially viable. ~~Mixed Use and Sub-Regional Activity Center Overlays~~ These overlays may be established with different mixes of land uses and different densities consistent with the broad guidelines established by the Comprehensive Plan. The location of ~~Mixed Use and Sub-Regional Activity Center Overlays~~ these overlays will be consistent with the locations identified in the Comprehensive Plan. The only Sub-Regional Activity Center Overlay is located at the Sun Valley Commons area.

530.040 Lot and Building Standards

[NO CHANGES TO INTRO PARAGRAPH.]

A. **Lot Size, Density, Setback and Height Table**

Table 500-2: Business and Commercial Lot, Density, Setback and Building Height Standards

A. Applicability

This Chapter applies to all new development within the boundaries of the **Neighborhood**, Mixed Use and Sub-Regional Activity Centers as defined within the Indian Trail Comprehensive Plan. No development may occur on a property that falls in part or whole within these overlays unless in accordance with this article.

B. Exemptions

This Chapter does not apply to land or to development which:

1. Is part of an approved final plat, preliminary plat, or approved site plan for a commercial center where such approval was granted before December 31, 2008; or
2. Is covered by an unexpired zoning certification permit issued before December 31, 2008 in accordance with the Town of Indian Trail zoning ordinance in effect prior to the effective date of this UDO or
3. An existing use in an Industrial zoning district within the **Neighborhood**, Mixed Use or Sub-Regional Activity Center Overlays that has been in continuous operation on or before June 30, 2016 shall be exempt. Said uses shall also be exempt from Chapter 630.050. Any future additions or expansions, however, shall be subject to the requirements of Chapter 630 in place at the time of the addition or expansion.

630.020 Purpose and Intent

This Chapter is intended to implement the Town of Indian Trail Comprehensive Plan that calls for the establishment of **Neighborhood**, Mixed Use and Sub-Regional Activity Center overlays at strategically located intersections within the Town. The purpose of this Chapter is to create a classification consistent with the Town's comprehensive plan. It is also the purpose of this Chapter to establish a classification that allows for mixed residential, commercial and industrial development that meets a higher standard of design and site planning.

630.030 Rezoning Procedures

The Town shall process **Neighborhood**, Mixed Use and Sub-Regional Activity Center Overlay requests in the same manner as set forth by Chapter 320 for all other rezoning requests.

630.040 Development Standards

[NO CHANGES IN THIS SECTION.]

630.050 Additional Requirements

- A. **Neighborhood**, Mixed Use and Sub-Regional Activity Centers will incorporate pedestrian improvements that connect all building and uses consistent with the requirements of Section 810.200.
- B. Light Industrial (L-I) uses shall only be permitted in the following activity center overlays: ~~Old Hickory~~, Old Monroe and the secondary Sun Valley Sub-Regional Activity Center Overlay.
- C. Separation requirements: Uses in L-I within Mixed Use and Sub-Regional Activity Center Overlays involving manufacturing, production, wholesaling and freight movement shall be

located a minimum of 250 feet from any residential or institutional district or from property used for residential, religious institution or school purpose. Uses may locate closer than 250 feet from a residential or institutional district or from property used for residential, religious or institutional or school purposes when approved through a conditional rezoning per Chapter 330.

- D. Outdoor storage uses are not permitted within **Neighborhood**, Mixed Use and Sub-Regional Activity Center Overlays.
- E. Odors and Other Nuisances: Uses in L-I within Mixed Use and Sub-Regional Activity Center Overlays shall not produce odors, gas, dust or any other pollutants detrimental to the health, safety or general welfare of persons living or working in the surrounding properties.
- F. Noise: Uses in LI within Mixed Use and Sub-Regional Activity Center Overlays shall not create any unreasonably loud, disturbing or unnecessary noise that is detrimental to the health, safety, or general welfare of persons living or working in the surrounding properties. Any mechanical equipment which produces excessive noise, including but not limited to compressors, pumps, generators, vacuums, and similar equipment shall be located inside the building or within an enclosed structure equipped with noise dampening materials.
- G. Site Access: Vehicular access to uses located in the L-I District within a Mixed Use and Sub-Regional Activity Center Overlay shall not be permitted using a street or drive primarily intended to serve a residential community.

DIVISION 700 SUPPLEMENTARY USE REGULATIONS

Chapter 7210 Breweries, Distilleries and Wineries

7210.010 General Requirements

The following regulations shall apply to all Brewery, Distillery and Winery Uses as described in UDO Section 1610.100.

- A. **[NO CHANGES TO A THRU B.]**
- C. Uses within the **Neighborhood Services Activity Center (O-NSAC)**, Mixed Use Activity Center (O-MUAC) and Sub-Regional Activity Center (O-SRAC) Overlays:
 - 1. Shall comply with the requirements of the base zoning district as stated in UDO Section 7210 A or B; and
 - 2. Any outdoor storage operations shall require a Conditional Zoning approval.

L. GROUP HOME DISTANCES

REASON FOR PROPOSED ADDITIONS AND REVISIONS

Distance restrictions are requested on Group Living uses to prevent large conversions of adjacent homes into group living areas to maintain the community nature of neighborhoods.

PROPOSED ADDITIONS AND REVISIONS

Chapter 560 Permitted Uses

560.010 Table of Permitted Uses

Table 500-4: Table of Permitted Uses

Use Category	Use Type	Use	Land
		Specific Standards	Use Grp
Group Living	Boarding or Rooming Houses	Not allowed if property edge is 1/2 mile from another group living use property line.	
	Group Homes, Small	Not allowed if property edge is 1/2 mile from another group living use property line.	
	Group Homes, Large	Not allowed if property edge is 1/2 mile from another group living use property line.	1
	Special Care Facility	Not allowed if property edge is 1/2 mile from another group living use property line.	1
	Halfway House	Not allowed if property edge is 1/2 mile from another group living use property line.	1

Note: Only showing necessary portions of the use table columns and rows to depict the changes.

M. CLARIFICATION OF CONTRACTOR OFFICES AND STORAGE YARDS

REASON FOR PROPOSED ADDITIONS AND REVISIONS

The revisions below clarify where there can be Contractor / Construction Office with or without outdoor storage. Also, the link to special outdoor storage requirements in Chapter 7180 is added to replace the reference to the landscaping DIVISION as the chapter reference covers landscaping.

PROPOSED ADDITIONS AND REVISIONS

Chapter 560 Permitted Uses

560.010 Table of Permitted Uses

Table 500-4: Table of Permitted Uses

Use Cat.	Use Type	Residential							Downtown				Industrial		Overlays		Use Specific Standards	Land Use Group			
		RSF	SF-1	SF-2	SF-3	SF-4	SF-5	MFR	NBD	GBD	RBD	I	DCD	DTD	DTD-R	L-I			H-I	O-MUAC	O-SRAC
Office	Contractor/ Construction Office with Outdoor Storage	X	X	X	X	X	X	X	X	€ P	€ P	X	X	X	X	P	P	C	C	Outdoor storage areas not permitted, office only subject to DIVISION 800, LANDSCAPING .	2
General Industrial	Accessory Outdoor Storage	X	X	X	X	X	X	X	X	X	X	X	X	X	X	C	P	X	X	Outdoor storage areas subject to DIVISION 800, LANDSCAPING Chapter 7180 Outdoor Storage and Sales.	3
	Contractor/ Construction Office and Outdoor Storage Yard	X	X	X	X	X	X	X	X	X	X	X	X	X	X	P	P	C*	C*	Outdoor storage areas subject to DIVISION 800, LANDSCAPING Chapter 7180 Outdoor Storage and Sales. * Only permitted in Sun Valley O-SRAC for buildings with this use in existence as of September 1, 2018. See Chapter 630, O-MUAC / O-SRAC Overlays, for additional requirements.	3

Note: Only showing necessary portions of the use table columns and rows to depict the changes.

N. POOLS AS ACCESSORY STRUCTURES CLARIFICATION

REASON FOR PROPOSED ADDITIONS AND REVISIONS

Pools do not have the same visual impact as accessory structures that are above ground such as a shed or accessory dwelling. This request does not seek to take away one of the allotments of accessory structures a homeowner could permit as long as the pool requested does not exceed any lot coverage requirements and meet any other requirements in this ordinance.

PROPOSED ADDITIONS AND REVISIONS

DIVISION 700 SUPPLEMENTARY USE REGULATIONS

Chapter 710 Accessory Uses and Structures

710.040 Lot and Building Standards

A. [NO CHANGES TO A THRU E AND G.]

F. **Lot Size, Density, Setback and Height**

Size and number allowances for accessory structures may be found in the table below. In the event a conflict occurs between these provisions and the maximum lot coverage standards (DIVISION 500) then the more restrictive standard will control. Accessory structures exceeding these provisions may be permitted via a Conditional Zoning approval in accordance with this ordinance. In the RSF district, accessory structures associated with permitted agricultural uses may exceed these provisions only after the proposal is reviewed and approved by the Planning Director.

Table 700-1: Accessory Structure Maximum Size and Number of Structures Allowed

Lot Size (acres)	Maximum Footprint*	Maximum No. of Structures*

* Permanently constructed in-ground pools are considered primarily an improvement and shall not count as a structure towards the maximum limit of structures. All in-ground pools shall not count in the calculation of lot coverage and above ground pools shall count in the calculation of lot coverage so a pool may impact permit approval. All surrounding in- or above-ground pool deck surfaces (ex. Concrete, wood, composite, etc. materials) shall count in the calculation of lot coverage with the exception of above-ground pool decking (ex. Wood or composite materials) that is "slatted" with some gap between the material slats.

Note: Only showing necessary portions of the table columns and rows to depict the changes.

O. ACCESSORY DWELLING CLARIFICATIONS

REASON FOR PROPOSED ADDITIONS AND REVISIONS

This set of revisions organizes the section better into the types of accessory dwelling uses and adds language for the missing “efficiency apartment”. Efficiency apartments are a use for which staff has received inquiries but it is not specifically addressed in the UDO.

PROPOSED ADDITIONS AND REVISIONS

DIVISION 700 SUPPLEMENTARY USE REGULATIONS

Chapter 710 Accessory Uses and Structures

710.070 Accessory Apartment, Temporary Health Care Structure and Prohibited Dwelling Units Use Standards

A. Accessory Apartment

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

1. ~~A.~~ Only one (1) accessory apartment may be permitted on a residential lot.
2. ~~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 ordinance.
3. ~~C.~~ Accessory apartments shall not be larger than 50% 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.
4. ~~D.~~ At least one (1) additional off-street parking space shall be provided for the accessory apartment. In addition, the following shall apply for parking:
 - a. 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.
 - b. Such additional parking shall be constructed of the same materials as was completed for any existing parking for the primary residence.
5. ~~E.~~ An accessory apartment shall be subordinate in nature to the principal building. This shall be accomplished by doing the following:
 - a. If an accessory apartment is to be detached, then it shall be located behind the rear plane of the primary residence.
 - b. For an accessory apartment, additional screening and/or landscaping may be required by the Town as part of the site plan for the use.

- a. Accessory apartments shall be constructed of the same building materials as the primary home. Refer to “G. Accessory Structure Materials” in Section 710.040 for accessory structure lot and building material standards. See Section 1310.040, Building Material Standards for All Site-Built and Modular Housing, for primary home material standards.
- 6. ~~F.~~ Accessory apartments shall not be subdivided or otherwise separated in ownership from the primary residence.
- 7. ~~G.~~ Accessory apartments permitted by the Town shall conform to all County, state, and/or federal building code requirements.
- B. ~~H.~~ Temporary Family Health Care Structure**
Pursuant to G.S. 160D-915, a temporary family health care structure is permitted on a residential lot in any residential single-family zoning district with the Planning Director's approval of a Temporary Family Health Care Structure Permit that abides by the following:
 - 1. [NO CHANGES TO 1 THRU 9.]
- C. Prohibited Primary and Accessory Dwelling Units**
Recreational Vehicles, campers and work trailers are not permitted on any site for a dwelling unit or just sleeping. This includes short-term, regular use, or for construction periods. Vehicles to be used for overnight security at construction site shall be reviewed with a construction trailer permit request (see Section 440.020 Types of Temporary Uses) and the Planning Director will make a final determination for approval or denial.

P. REVISIONS TO MOBILE FOOD VENDING UNIT AND FOOD VENDORS

REASON FOR PROPOSED ADDITIONS AND REVISIONS

This request clarifies which of the three downtown districts apply to the criteria listed in Section 7240.010, A, 1. The districts include DCD and DTD districts but not DTD-R district.

The UDO gives the Town Manager several duties shown in “J. Modification, Suspension and Revocation of Permit” under Section 7240.010. The requested revision is to switch permitting discretion from the Town Manager to the Planning Director as with most administrative UDO decisions.

PROPOSED ADDITIONS AND REVISIONS

DIVISION 700 SUPPLEMENTARY USE REGULATIONS Chapter 7240 Mobile Food Vending Unit and Food Vendors

7240.010 General Requirements

The following regulations shall apply to all mobile food vending units (MFVU) as described in UDO Chapter 1620:

- A. Mobile food vending units within the Town of Indian Trail must meet one (1) of the following criteria:
 - 1. Be located in one of the following areas: Downtown Districts **DCD and DTD**, Light-Industrial and Heavy-Industrial Districts, Regional Business District, Mixed Use and Sub-Regional Activity Center Overlays – Non-Residential District of overlays only,
 - 2. Be part of a temporary sponsored event (such as a non-profit fundraiser, neighborhood festival or commercial grand-opening celebration), or
 - 3. Be operating under contract with the Town of Indian Trail on Town owned property.
- B. **[NO CHANGES TO B THRU I.]**
- J. Modification, Suspension and Revocation of Permit:
 - 1. **[NO CHANGES FOR 1.]**
 - 2. The ~~Town Manager~~ **Planning Director** may revoke a permit if he or she determines that the food truck vendor's operations are causing parking, traffic congestion, noise, odor or litter problems either on or off the property where the use is located or that such use is otherwise created a danger to the public health or safety.
 - 3. The ~~Town Manager~~ **Planning Director** reserves the right to temporarily suspend food truck permits during the times of special events in the Town of Indian Trail.
 - 4. The ~~Town Manager~~ **Planning Director** further reserves the right to modify the provisions of this ordinance in order to grant further latitude for enabling MFVUs to address unforeseen scenarios.
 - 5. **[NO CHANGES FOR 5.]**

Q. SCREENING OF MECHANICAL AND UTILITY EQUIPMENT POST SITE PLAN REVIEW

REASON FOR PROPOSED ADDITIONS AND REVISIONS

Staff has experienced several occasions developers installing equipment within public view on the building or the site that was not in the approved set of construction plans. This becomes a last moment issue when a final inspection is requested at the end of construction and no equipment screening was planned or provided. This request provides clarification and additional language to provide screening (natural or constructed) and/or appropriate locations of mechanical and utility equipment.

PROPOSED ADDITIONS AND REVISIONS

DIVISION 800 LANDSCAPING

Chapter 810 Buffer Yards, Parking Lots and Street Frontages

810.110 Screening of Mechanical and Utility Equipment

A. General

All ground (air conditioners, heat pumps, etc.) and wall (antennas, meters, pipes, vents, etc.) mounted mechanical or other utility equipment must be screened from the adjacent street using of features such as berms, fences, false facades or dense landscaping. Consider site topography in design for rooftop equipment screening and adjust screening accordingly. For example, if a portion of the perimeter road ~~may be~~ is elevated so more of the rooftop equipment is visible even though the parapet or screen on the roof is adequate from the ground view adjacent to the building, the height of the parapet or screen on the roof should be increased.

B. Standards

When landscaping is used it should have a minimum height of four (4) feet at the time of installation and should achieve a minimum 75% opacity within two (2) years. Landscaping screening must follow any minimum clearance requirements recommended by the manufacturer and/or utility entity.

C. Post Site Plan Review Approval Additions or Relocations

If there are any additions or relocations of mechanical and utility equipment after the site construction plans are approved by Indian Trail, a proposed drawing with revisions to the approved plan (RTAP) shall be submitted to the Planning Department for review.

R. GOVERNMENT SIGNS AND LOGOS

REASON FOR PROPOSED ADDITIONS AND REVISIONS

The existing section about Signs Not Requiring a Permit needed clarification as it is intended to state that both signs and logos for governments do not require a permit. With the “and” between “Government signs” and “logos” could possibly be read as any logo...not just government logos.

PROPOSED ADDITIONS AND REVISIONS

DIVISION 900 SIGNS

Chapter 940 Signs Not Requiring a Permit

940.010 General Requirements

Government signs and **government** logo signs.

S. MONUMENT SIGNS FOR APARTMENTS AND MULTIFAMILY ALONG DOWNTOWN INDIAN TRAIL RD CORRIDOR

REASON FOR PROPOSED ADDITIONS AND REVISIONS

Language was needed in the sign DIVISION to allow monument signs for townhouses and residential apartments/condos along Indian Trail Road in the Downtown Village.

PROPOSED ADDITIONS AND REVISIONS

DIVISION 900 SIGNS

Chapter 9110 Freestanding and Ground Mounted Signs

9110.120 Monument Signs Along Indian Trail Road Downtown Corridor

[NO CHANGES TO INTRODUCTION TEXT HERE.]

- A. Allowed for businesses, **townhouses**, and **residential apartments** where the main entrance is setback at least 20 feet from the property line along Indian Trail Road.
- B. [NO CHANGES TO B THRU F.]

T. DEFINITION OF RECREATIONAL VEHICLES/EQUIPMENT

REASON FOR PROPOSED ADDITIONS AND REVISIONS

Planning and Code Enforcement Staff receive many questions about recreational vehicles. The revisions and additions below provide more details about how we will define recreational vehicles.

PROPOSED ADDITIONS AND REVISIONS

DIVISION 1000 PARKING

Chapter 1020 Off-Street Parking Requirements

1020.030 Parking, Loading, and Vehicle/Equipment Storage for **Household Living Residential Use**

A. [NO CHANGES TO A, AND C TO K.]

B. **General Residential Vehicles and Utility Trailers**

For the purposes of administering and enforcing the provisions in this Section 1020.030, general residential vehicles and utility trailers are defined as follows:

1. [NO CHANGES TO 1 AND 3.]

2. **Recreational Vehicles and Equipment**

Recreational vehicles and equipment include but is not limited to camping structures with or without their own propulsion, boats, jet skis, and trailers used for hauling recreation vehicles or equipment. Recreational vehicles with and without propulsion are defined in Section 1620.180 Definitions - "R" under "Recreation Vehicles (RV) – Motorized and Non-Motorized.

DIVISION 1600 TERMINOLOGY AND MEASUREMENTS**Chapter 1620 Definitions****1620.180 Definitions - "R"****Recreation Vehicles (RV) – Motorized and Non-Motorized**

A motorized or non-motorized vehicle designed or used as temporary living quarters for recreation, camping or travel. The following are examples of motorized and non-motorized vehicles:

A. **Motorized RV Examples (See Table 1600-1)**

1. Class A
Built on motorhome chassis with living quarters and driving compartment built as one shell.
2. Class B
A van converted for RV use including bathroom, kitchen and sleeping area.
3. Class C
Living quarters built by RV manufacturer on a van or truck chassis with original front cab.
4. Bus Conversion
New or used commercial or school bus converted for RV living.
5. Camper Van
A cargo or passenger van converted for RV use by a professional or do-it-yourself project.
May or may not have all the amenities as a Class B RV.

B. **Non-Motorized RV Examples (See Table 1600-2)**

1. Fifth Wheel (Fiver)
A trailer that connects to a hitch in a truck's bed. This is typically much larger than the other trailer types.
2. Travel Trailer
RV trailer that connects to a large or small vehicle depending on the range of sizes that are available.
3. Hybrid Trailer
This trailer has beds that pop-out similar to the pop-up/tent camper but large spaces like the Fifth Wheel and Travel Trailer above.
4. Pop-Up / Tent Camper
A camper with a roof that raises up and beds that slide out to provide more interior space. The camper folds down for travel and storage.
5. Truck Camper
This camper is designed to slide into the bed of a pickup truck to create a motorized RV. Sizes are from small to large units that can be similar to or larger than a Class C motorized RV.
6. Teardrop Camper
An ultralight, teardrop shaped travel trailer typically only holding a bed. The exterior may have a compartment that opens into a small kitchenette.

Table 1600-1 – Motorized RVs

<p>Bus Conversion</p>	
<p>Class A</p>	
<p>Class B</p>	
<p>Class C</p>	
<p>Camper Van</p>	

Table 1600-2: Non-Motorized RVs

Fifth Wheel (Fiver)	
Travel Trailer	
Hybrid Trailer	
Pop-Up / Tent Camper	
Truck Camper	
Teardrop Camper	

This concludes the proposed additions and revisions to the UDO.