

## **Article 10     DEFINITIONS**

### **Sec. 10.1     Purpose**

The purpose of this Article is to establish a set of definitions applicable to this Ordinance. NOTE: Definitions in the Flood Damage Prevention Ordinance are not included in this section, as they are defined in the Code of Federal Regulations, included in the City of Trinity Water Management Ordinance, and may vary from these definitions adopted by the Trinity City Council for interpretation of the zoning, subdivision, and storm water ordinances.

### **Sec. 10.2     Meaning of Definitions**

Unless otherwise expressly stated, or unless the context clearly indicates a different meaning, the words and phrases in the following list of definitions shall, for the purposes of the Unified Development Ordinance, have the meanings indicated. All words and phrases not defined in this Article shall have their common meaning.

The definitions of some principal uses listed in this Article reference the NAISC (*North American Industrial Classification Manual 2022*). In making an interpretation regarding the classification of uses pursuant to this Article, the Zoning Administrator may refer to the appropriate NAISC classification number and accompanying descriptions contained in the latest edition of the manual. This manual may or may not be the final determination of the use.

### **Sec. 10.3     Definitions**

**Above Ground Liquid Storage Tank:** A container or vessel that holds liquids, compressed gases or other petrochemical, including any connected piping, designed to contain and store an accumulation of liquid.

**Abutting:** For purpose of notice for required legislative and quasi-judicial hearings, “abutting” means properties that have common, adjacent property boundaries or lot lines as well as properties separated from the subject property by street, railroad, or any other transportation corridors. (G.S. 160D-602)

**Access Corridors:** A strip of land lying between the side lot boundary lines of lake front lots offering access to lots one lot depth away from the water's edge.

**Access Lot:** A lot having lake or river frontage and road frontage which offers lake frontage and/or lake access to those lots not having direct lake frontage within a lake front subdivision.

**Accessory Structure or Use:** A structure or use customarily incidental and subordinate to the principal use or building and location on the same lot with such principal use or building..

**Accessory Dwelling Unit, Attached:** A secondary dwelling unit connected to the principal single-family detached residential dwelling on a lot, meeting the standards of this Ordinance.

**Accessory Dwelling Unit, Detached:** A secondary dwelling unit not attached or connected to the principal single-family detached dwelling on a lot, meeting the standards of this Ordinance.

**Activities of Daily Living:** Bathing, dressing, personal hygiene, ambulation, or locomotion, transferring,

toileting, and eating.

**Administrative Decision.** Decisions made in the implementation, administration, or enforcement of development regulations that involve the determination of facts and the application of objective standards set forth in NCGS 160D or local government development regulations. These are sometimes referred to as ministerial decisions or administrative determinations.

**Administrative Hearing.** A proceeding to gather facts needed to make an administrative decision.

**Adult Day Care Center:** An individual, agency, or organization providing supervision or care on a regular basis; usually for more than 6 adults in a place other than their usual place of residence.

**Adult Establishment:** Adult cabarets, adult bookstores, adult mini motion picture theaters, adult motels, adult entertainment businesses, and all other places contained in NCGS 14-202.10.

**Advanced Battery or Fuel Cell Manufacturing:** A facility where devices consisting of one or more electrochemical cells with external connections provided to power electrical devices such as flashlights, mobile phones, and electric vehicles ~~vehicles~~ are manufactured.

**Agricultural Production:** The use of land for the primary purpose of raising and harvesting row, field, or tree crops on a commercial basis.

**Agricultural Supply Sales (Feed, Seed, Fertilizer):** A retail store primarily engaged in the sale of feed, seed, fertilizer and similar agricultural supplies and products, which would not be better described as another use within this Ordinance.

**Airfield/Heliport:**

A site designed to facilitate the landing and takeoff of private aircraft, which may also include facilities for storing, servicing, or repairing aircraft. Commercial service airports shall not be considered airfields by this ordinance.

**Airport:** A site not better described as an airfield/heliport which is designed to facilitate the landing and takeoff of aircraft, which may also include facilities for storing, servicing, or repairing aircraft, and for receiving and discharging passengers or cargo.

**All-Weather Walkway:** A walkway dedicated to pedestrian access that has a width of at least four feet and includes a paved, all-weather surface (excluding gravel or cinders) that is graded and configured to ensure safe pedestrian movement.

**Alley:** A roadway which affords only a secondary means of access, primarily for vehicular service access, to abutting property.

**Alterations:** The word "alteration" shall include any of the following:

- a. Any addition to the height or depth of a building.
- b. Any change in the location of any of the exterior walls of a building.
- c. Any increase in the interior accommodations of a building.

**Amateur Communications Equipment:** Equipment related to the radio frequency spectrum used for the

purposes of non-commercial exchange of messages, also known as ham radio.

**Amphitheater (Outdoor):** An open-air theater, usually round, oval, or semi-circular, with or without fixed seating.

**Amusement Facility, Indoors:** Facility offering entertainment and amusement to patrons within enclosed buildings which would not be better classified as another use in this Ordinance, including arcades, bowling alleys, skating rinks, movie theaters, trampoline parks, escape rooms, murder mystery party venues, and similar establishments.

Amusement Facility, Outdoors: Facility or area for sports, entertainment, or recreation to the public. Examples may include, but are not limited to, game courts, water slides, miniature golf, practice, instructional fields, driving ranges and sports events such as a stadium or arena.

**Animal Grooming:** A facility which provides grooming and bathing services to domesticated animals such as cats and dogs. The principal use Animal Grooming shall not include facilities devoted to the boarding of animals (*see Kennel for boarding of animals*).

**Animal Husbandry:** The breeding, feeding, and tending of domestic animals, especially farm animals.

**Animal Shelter:** A facility operated by the public or a charitable organization which provides shelter to abandoned or lost animals. An animal shelter may also include facilities related to veterinary care, public education, and animal control.

**Animated Signs:** Any sign that uses or light or any other material to make it appear to move or have life in the display.

Antenna: Communications equipment that transmits, receives, or transmits and receives electromagnetic radio signals used in the provision of all types of wireless communications services.

**Antenna Collocation, Major:** A major collocation includes placement of antennas, antenna-support structures, and related telecommunications equipment on any of the following: a building's roof; a building's wall; a vertical projection such as a water tank, electric transmission tower, or similar vertical projection not constructed for the sole purpose of providing telecommunications services; or an existing or replacement telecommunications tower where the collocation requires a substantial modification, as defined in this Ordinance and Section 160D-931 of the North Carolina General Statutes

**Antenna Collocation, Minor:** A minor collocation includes placement of antennas, antenna-support structures, and related telecommunications equipment on an existing or replacement telecommunications tower, provided no substantial modification, as defined in this Ordinance and Section 160D-931 of the North Carolina General Statutes, is required. A minor collocation may also be referred to as an "eligible facility."

**Apartment:** A room or suite of one (1) or more rooms in a multi-family residence intended for use as a place of residence of a single-family or a group of individuals living together as a single housekeeping unit.

**Appeal:** An action initiated at the request of a citizen to challenge or overturn a decision of any administrative officer (e.g., Planning Director, Code Enforcement Officer, etc.) or Board (e.g., City Council, Board of Adjustment, etc.) following the procedures outlined in this Ordinance.

**Arboretum or Formal Garden:** A place where a variety of woody plants are cultivated for scientific, educational, and ornamental purposes.

**Arena:** A structure or facility designed and intended to be used primarily for athletic events and containing seating for spectators of those events, but not including a raceway or drag strip

**Assisted Living/Nursing Facility:** A residential facility for unrelated older adults or individuals with disabilities, in which housekeeping, meals, and other assistance is available to residents as needed. Such facility may or may not provide skilled nursing or other medical services.

**Asphalt or Concrete Plant:** A facility preparing asphaltic and/or concrete mixtures for delivery to construction sites or retail facilities.

**Auditorium:** A structure or facility designed, intended, or used primarily for public gatherings; indoor exhibitions, galleries, or conventions; or indoor spectator events.

**Automated Teller Machine (ATM):** An electronic banking device that allows customers to complete basic transactions without the aid of a branch representative or teller.

**Bakery (Large Scale):** An establishment that produces and sells foods baked in any type of oven, not better described as another use in this Ordinance.

**Banners:** A long strip of flexible material displaying a slogan, advertisement, etc. The material is suspended in the air by 2 to 4 points. A banner shall have no tears, be folded, or touching the ground.

**Bar or Cocktail Lounge:** An establishment where alcoholic drinks are served, which would not be better described as another use within this Ordinance.

**Battery:** A device consisting of one or more electrochemical cells with external connections provided to power electrical devices such as flashlights, mobile phones, and electric cars.

**Bed and Breakfast:** A use that takes place within a building that, prior to such an establishment, was a single-family residence, which consists of renting from one to eight dwelling rooms on a daily basis to tourists, vacationers, and business travelers, where meals are provided only to guests. The homeowner will reside on site and employment will not exceed two full time employees in addition to the owner(s).

**Board of Adjustment:** The City Council will act as a quasi-judicial board empowered to hear appeals from decisions of the Zoning Administrator and grant variances under the Zoning Ordinance, and to grant minor variances from provisions of the Stormwater Ordinance.

**Bottle Shop:** An establishment selling alcoholic beverages in unopened containers for consumption elsewhere.

**Bottling Plant:** A facility where various beverages may be bottled for distribution.

**Bowling Alley:** A building containing one (1) or more bowling lanes, which may also include facilities for repairing and selling bowling-related items, and preparing and serving food and drinks.

**Broadcasting Studio:** A facility where television or radio programs are recorded and broadcast.

**Bufferyard:** A landscaped area which is established to provide screening and visual separation intended to improve the compatibility of adjoining land uses.

**Building:** Any structure used or intended for supporting or sheltering any use or occupancy.

**Building, Accessory:** A subordinate building, whose use is incidental to that of a principal building on the same lot.

**Building, Principal:** The building in which the lot's principal use is conducted.

**Building Setback Line:** A line establishing the minimum allowable distance between the main portion of any building and the street or highway right-of-way line when measured perpendicularly thereto. Covered porches, patios and carports, whether enclosed or unenclosed, shall be considered as a part of the main building and shall not project into the required yard.

**Bus Station:** A facility designed to accommodate the arrival and departure of buses used for commercial or public transportation, which may or may not include a waiting area or other passenger service areas.

**Campground:** Establishments engaged in seasonal or overnight recreational housing and conducting a variety of educational and athletic activities. These establishments may provide accommodation facilities, such as cabins, fixed campsites, parking pads and utility connections for recreational vehicles, food services, on-site recreational facilities and equipment, and organized recreational activities. Examples include but are not limited to: Religious institution camps or retreats, Boy Scout Camps, and Girl Scout Camps.

**Car Wash or Automobile Detailing:** A facility where motor vehicles are washed, cleaned, and/or waxed by hand or with manually operated equipment or automatic machinery.

**Caregiver:** An individual eighteen years of age or older who (i) provides care for a mentally or physically impaired person and (ii) is a first- or second-degree relative of the mentally or physically impaired person for whom the individual is caring.

**Cemetery, Columbarium, or Mausoleum:** Land and facilities used for burial of the dead either meeting the requirements of a perpetual care cemetery under State law including any burial ground, mausoleum, or columbarium operated by an entity meeting licensing requirements of the State; or land and facilities including municipal, private family, farm, church or animal cemeteries, which have not been licensed and do not meet the licensing requirements of a perpetual care cemetery under State law.

**Certificate of Occupancy:** A statement, signed by an administrative officer, setting forth that the building, structure or use complies with this ordinance and that the same may be used for the purposes stated therein.

**Chemical Manufacturing:** A facility that is used for the transformation of organic and inorganic raw materials via chemical processes into another type of material.

**Child or Adult Care, Incidental:** A childcare or adult care home day care for three or more children or adults which is permitted as an accessory use to an occupied residential dwelling unit, which complies with Article 7 of Chapter 110 of the North Carolina General Statutes, and the Summary of North Carolina Child Care Laws and Rules pamphlet prepared by the NC Department of Health and Human Services.

**Child Day Care Center:** An individual, agency, or organization providing supervision or care on a regular basis for children who are not related by blood or marriage to, and who are not the legal wards or foster children of, the supervising adults; usually serving more than 10 children at a time.

**Clerk of Superior Court:** Clerk of Superior Court of Randolph County, North Carolina.

**Close Familial Relationship:** For the purposes of this Ordinance, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

**Cluster Development:** A type of development that devotes a significant amount of its total land area to commonly-owned, permanently-protected open space in exchange for flexibility in lot sizes and dimensions..

**Coffee Shop:** A dining establishment serving coffee and limited food items.

**College or University:** A use, whether privately-owned or publicly-owned, providing academic education beyond the high school level, except where said education is vocational in nature.

**Commercial Parking Lot:** A parking lot or parking structure where patrons pay to store vehicles on short- or long-term basis.

**Commercial Stable:** A building in which horses are kept or fed, which may or may not include separate stalls for individual animals, and which is not used for personal activities..

**Community Garden:** A garden established on public or private property for the purposes of cultivating crops for consumption by members of the community.

**Community/Youth/Senior Center:** A public facility that is primarily used to host recreational or social activities for members of the general public, youth, or senior citizens, not better meeting the definition of any other use described in this Ordinance.

**Comprehensive Plan.** A comprehensive plan that has been officially adopted by the Board of Commissioners pursuant to NCGS 160D-501.

**Comprehensive Transportation Plan (CTP).** A long-term, long-range transportation plan for municipalities, counties and large metropolitan areas (MPOs)

**Computer Services:** An establishment providing personal or business services related to the use of a computer, the information stored in the computer, or the personnel supporting the computer, including data processing, and storage functions.

**Concrete Monuments:** Concrete monuments shall be as described on page 20 of the Manual of Practice for Land Surveying, with the exception that they may have a 611-center steel pin extending 1/21' above the surface of the top of the monument. At least one monument in the boundary of each subdivision should contain a metal plat.

**Conditional Zoning:** A legislative zoning map amendment with site-specific conditions incorporated into the zoning map amendment (G.S. 160D-102(7))

**Conditional Zoning District:** Pursuant to NCGS 160D-102(7) and 703(b), a zoning district that does not have any inherent permitted or conditional uses and corresponds with an existing general use zoning district. May also be referred to as CONDITIONAL DISTRICT in this article. Development activities are restricted to those specifically approved by the City Council following a legislative public hearing. Conditions to development can be imposed if they are volunteered or consented to by the applicant.

**Condominium Development:** Two or more single units in a multi-unit structure with common areas and facilities on one tract of land. Unit owners own only the interior portion of their unit and accessory space and have an undivided interest in the common areas and facilities. Residential condominiums are considered multi-family developments

**Conservation Subdivision:** A residential subdivision that devotes a significant amount of its total land area to commonly-owned, permanently-protected open space in exchange for flexibility in lot sizes and dimensions.

**Continuing Care Retirement Community (CCRC):** A type of life care community that offers more than one level of care and accommodates residents as their care needs shift over time. Such a community usually provides both independent living and skilled nursing care.

**Contractor Services and Sales:** An establishment providing general contracting and/or building construction services for residential, farm, industrial, or commercial uses, and which may involve outdoor storage of products or equipment used as part of the contracting operation. For the purposes of this Ordinance, contractors shall include, but not limited to, general contractors, electrical contractors, and landscaping contractors.

**Convenience Store (With Gasoline Sales or Restaurant):** Any retail establishment offering for sale any combination of gasoline, diesel fuel, kerosene, automotive products, prepackaged food products, household items, and/or other goods commonly associated with the same.

**Convenience Store (Without Gasoline Sales or Restaurant):** A retail establishment offering for sale any combination of prepackaged food products, household items, and/or other goods commonly associated with the same.

**Correctional Institution:** A jail or other institutional facility used to confine and provide treatment or rehabilitation to violators of criminal laws, including facilities for persons who are participating in supervised work-release programs, whether such facilities provide confinement for all of each 24-hour period or only a portion thereof; but not including temporary holding facilities that are accessory to a police station.

**Council** means the City Council of Trinity, NC. The term “City Council” or “Governing Body” shall always indicate the City Council of the City of Trinity, North Carolina. see also Governing Board

**Cultural Facility, Library, or Museum:** An establishment used primarily for the display, rather than the sale, of works of art or cultural artifacts; or for the storing and lending of books, newspapers, periodicals, and other media.

**Dedication:** A gift, by the owner, of his property to another party without any consideration being given for the transfer. Since a transfer of property is involved, the dedication is made by written instrument and is completed with an acceptance.

**Detached Garage or Carport:** A roofed structure, which may be either enclosed or open, which is detached from the main structure on a parcel and is designed to accommodate one or more motor vehicles.

**Dental or Medical Office:** A use or structure intended or used exclusively by physicians, dentists, and similar professionals for the treatment and examination of patients solely on an outpatient basis.

**Determination:** A written, final, and binding order, requirement, or determination regarding an administrative decision.

**Development Permit:** An administrative permit issued by the Development Services Department that specifies how a property may be developed, based on an approved preliminary plat, approved site plan, conditional zoning, or special use permit.

**Dish Antenna (Large):** A receiver or transmitter of electromagnetic energy, especially microwaves or radio waves, which consists of a reflector shaped like a shallow dish, which is greater than one (1) meter in diameter.

**Dormitory, Private:** A building which is occupied or intended to be occupied as the dwelling for more than six persons who are not related by blood, marriage, or adoption but who are enrolled in, affiliated with, or employed by the same educational, religious, or health institution. "Dormitory" will not include a boarding house, motel, hotel, home, or health institution.

**Drive-Through:** A building element which allows customers to conduct business with an establishment while in their vehicles, usually consisting of a dedicated travel lane and a window or other aperture in the building façade which allows goods and payment to be exchanged between the customer and a business employee.

**Driveway:** An access, with no specified development standards, to a *single* lot from either a public or

private roadway.

**Drug/Alcohol Treatment:** A type of medical facility that provides treatment for drug/alcohol addiction and dependency on an in-patient or out-patient basis.

**Dwelling:** Any building, structure, manufactured home, mobile home, or part thereof, used and occupied for human habitation or intended to be used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. For this Ordinance, the term does not include any manufactured home, manufactured home, or recreational vehicle, if used solely for a seasonal vacation purpose.

**Dwelling Unit:** A single unit providing complete, independent living, sleeping, eating, cooking and sanitation.

**Easement:** A grant of one or more of the property rights for a specific purpose by the property owner to, or for the use by, the public or another person.

**Electric Vehicle Charging Station:** An accessory use consisting of equipment, also known as a charge point or electric vehicle supply equipment (EVSE), that supplies electrical power for charging plug-in electric vehicles, for use by members of the general public.

**Electrical/Plumbing Fabrication:** A manufacturing process involving the cutting, bending, and welding of wire and pipe to create electrical and plumbing systems or components.

**Electronic Changeable Copy Sign:** Any sign on which the copy changes automatically on a lamp bank, such that the message or display does not run continuously in the travel mode and any message or display remains stationary for a minimum of five seconds. Any sign on which the message or display runs continuously in the travel mode and/or on which any message or display does not remain stationary for a minimum of five seconds shall be considered a flashing sign.

**Electronic Gaming Operation:** Any business enterprise, as a principal use, where persons utilize electronic machines, including, but not limited to computers and gaming terminals, to conduct games including but not limited to sweepstakes, and where cash, merchandise, or other items of value are redeemed or otherwise distributed, whether the value of such distribution is determined by electronic games or by predetermined odds. Electronic gaming operations may include, but are not limited to, internet cafés, internet sweepstakes, electronic gaming/machine operations, or cybercafés otherwise meeting the preceding definition. This definition does not include any lottery endorsed, approved, or sponsored by the State of North Carolina.

**Equipment and Tool Rental:** An establishment which rents or leases machinery, equipment and tools of various kinds and sizes for a limited period of time to businesses and individuals.

**Event Venue:** A facility that may be rented by individuals or groups for private functions including banquets, fundraisers, weddings, parties, and other events. Said facility may include on-site food preparation or catering facilities.

**Evidentiary Hearing:** A hearing to gather competent, material, and substantial evidence to make findings for a quasi-judicial decision required by a development ordinance or regulation adopted under G.S. 160D.

(G.S.160D-102(16))

**Family:** Any number of related persons living together as a single housekeeping unit.

**Family Care Home:** A home defined and described in Article 3 of NCGS 168 as having support and supervisory personnel, that provides room and board, personal care and habitation services in a family environment for not more than six resident handicapped persons. A handicapped person is defined as person with a temporary or permanent physical emotional or mental disability including but not limited to mental retardation, cerebral palsy, epilepsy, autism, hearing and sight impairments, emotional disturbances and orthopedic impairments but not including mentally ill persons who are dangerous to others as defined in NCGS 122-58.2(l)(b).

**Family Health Care Structure:** A transportable residential structure providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person according to the standards of NCGS 160-915 and this Ordinance.

**Farm, Bona Fide:** Any tract of land used for agricultural activities as set forth in G.S. 160D-903. Except as provided in G.S. 106-743 for farms that are subject to a conservation agreement, bona fide farm purposes include the production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture, as defined in G.S. 106-581.1, and which may include facilities for the sale of such products from the premises where produced. Bona fide farms shall be regulated in accordance with G.S. 160D-903.

**Farm Machinery:** Vehicular implements or attachments that are designed for use in farming whether planting, cultivating, or harvesting farm products.

**Farm Machinery Sales:** An establishment where vehicles such as tractors and implements or attachments designed for planting, harvesting, or cultivating farm products are sold and serviced.

**Fence:** An outdoor structure placed around all or part of a parcel of land constructed of masonry, metal, plastic, or wood which provides either a physical barrier or visual screen.

**Fence, Temporary:** Any temporary fencing on, in, or around a construction site shall be installed to keep erosion from leaving the site. Temporary fencing shall not remain in place longer than is necessary to perform its function. Common forms of temporary fencing include plastic silt fences, panels constructed steel or wire, or any fence deemed temporary by the City of Trinity Planning Director. If no construction is being performed on the site after 15 days, the temporary fence shall be removed. Temporary fencing is not permitted as permanent fencing.

**Fiber Cement Board:** A dense, smooth-surfaced composition board composed of highly compressed fibers, designed to imitate wood or concrete construction. Varieties include Masonite.

**Financial Institution With Drive-Through Service:** An establishment engaged in the business of providing financial services to customers who maintain a credit, deposit, trust, or other financial account or relationship with the institution, which includes a means of providing services to customers in motor vehicles.

**Financial Institution Without Drive-Through Service:** An establishment engaged in the business of providing financial services to customers who maintain a credit, deposit, trust, or other financial account or relationship with the institution, which does not include a means of providing services to customers in motor vehicles.

**Fire/EMS/Police Station:** A facility established for public law enforcement purposes, emergency medical services purposes, or public fire protection and prevention purposes.

**Firearm Sales and Service:** An establishment whose primary purpose is the service and sale of firearms, ammunition, and related supplies.

**Firearms Manufacturing:** A facility engaged in processes related to the manufacture of guns, ammunition, and related devices.

**Fitness Center:** A commercial establishment where users pay a fee to use fitness facilities and equipment, not better described as another use within this Ordinance.

**Flashing Sign:** Any sign which gives off light in intermittent bursts at a rate that is faster than 5 seconds.

**Flea Market (Indoor):** A retail establishment in which space inside a building is set aside or rented, and which is intended for use by one or more individuals to sell a variety of articles such as those which are either homemade, handcrafted, used, old or obsolete.

**Flea Market (Outdoor):** A retail establishment in which outdoor space is set aside or rented, and which is intended for use by one or more individuals to sell a variety of articles such as those which are either homemade, handcrafted, used, old or obsolete.

**Food Truck:** A licensed, motorized vehicle or trailer that is designed and equipped in preparing and serving food and non-alcoholic beverages on private property to the general public on a recurring basis.

**Foot-candle:** A quantitative unit measuring the amount of light cast onto a given point, measured as one (1) lumen per square foot.

**Foundry:** A manufacturing establishment that produces metal castings where liquid metal is poured or injected into a mold to make a desired shape or product.

**Fraternal Club or Lodge:** A building or land used for the activities of a private club or social organization, and not adjunct to, or operated as, or in connection with a public tavern, cafe, or other place open to the general public.

**Fraternity or Sorority House:** A residence occupied by and maintained for the use of fraternal, sororal, social, honorary, or professional organizations.

**Frontage:** All the property abutting on one (1) side of a street between two (2) intersecting streets, measured along the street line.

**Fuel Oil/Bottled Gas Distributor:** An establishment primarily engaged in the sale and distribution of

fuel oil or bottled gases such as propane or liquid petroleum.

**Funeral-Related Services:** An establishment engaged in undertaking services, such as preparing the human dead for burial and in arranging and managing funerals. This definition includes crematories and mortuaries.

**General Retail:** An establishment primarily engaged in general retail sales, where the majority of display and/or storage of merchandise being sold occurs within an enclosed structure. The definition for this use shall not encompass uses which would be better described as Retail, Bulky Item; Retail, Second Hand, Lawn and Garden Center, Large Format Retail, Grocery Store, or any other use within this Ordinance.

**Golf Course:** A facility designed for golf, including a Par 3 golf course, having at least nine (9) holes, each with a tee, fairway, green, and may include one or more hazards. A clubhouse, pool, practice facility, and other facilities associated with a country club built around a golf course are considered part of the golf course.

**Golf Driving Range:** A facility where golfers may practice their golf shots and swings, which may be equipped with distance markers, tee boxes, and a pro shop selling golf supplies and paraphernalia.

**Government Office:** A building, use, or facility serving as a governmental agency, but not including a vehicle storage yard, correctional facility, sanitary landfill, solid waste transfer or disposal facility, wastewater treatment facility, educational or health institution, university, group home, or housing for persons who are participating in work release programs or who have previously served and completed terms of imprisonment for violations of criminal laws.

**Governing Board.** The City Council of the City of Trinity, North Carolina.

**Greenhouse:** A building, usually chiefly constructed of glass, in which the temperature or humidity is maintained within a desired range, used for cultivating tender plants or growing plants out of season.

**Greenways:** A series of independent and interconnected paths, officially designated by the City, that will allow bikers, walkers, joggers, etc., to go from one area of the City to another without driving their car or using City roads or streets.

**Grocery Store:** An establishment engaged in the sale of food, both fresh and prepackaged, as well as nonfood household goods, such as paper towels, toilet paper, cleaning products, personal care products and medicine. This use shall not include establishments better described as a Convenience Store or Large Format Retail.

**Gross Floor Area:** The interior floor area of a building exclusive of stairways, storage, closets, and elevators shafts.

**Group Home:** A residential facility for not more than 12 persons licensed by the State of North Carolina which is not a "family care home" as defined by this ordinance, and which has support and supervisory personnel and provides room, board and personal care in a family or group setting.

**Guard House or Gatehouse:** A structure located at the entrance to a development used to control access

to said development.

**Halfway House:** A residential facility for between 13 and 20 persons licensed by the State of North Carolina which is not a "family care home" as defined by this ordinance, and which has support and supervisory personnel and provides room, board and personal care in a family or group setting.

**Heavy Equipment Sales and Service (Excluding Farm Machinery Sales):** An establishment engaged in the sales and service of equipment such as backhoes, bulldozers, cranes, excavators, construction equipment, and similar equipment or vehicles. Establishments primarily selling tractors and other agricultural equipment shall be considered Farm Machinery Sales by this Ordinance.

**Hair, Nails, and Skin-Related Services:** An establishment engaged in services related to the care and beautification of the hair, nails, and skin, including hair salons, barber shops, nail salons, manicurists, cosmetologists, makeup artists, massage therapists and tattoo artists. This use shall not include the offices of dermatologists, podiatrists, or similar medical providers.

**Home Occupation:** A business, profession, occupation, or trade which is conducted within a residential building or accessory structure for the economic gain or support of a resident of the dwelling, and which is incidental and secondary to the residential use of the building. A home occupation shall not be so insubstantial or incidental as to be regarded as an accessory use, but shall be conducted without any significantly adverse impact on the surrounding neighborhood.

**Homeowners Association:** An organization in a subdivision, planned unit development or planned community that is responsible for making and enforcing rules for the property under their control as defined by the organizing documents. The Association is also responsible for the maintenance of any off-site septic areas within the area under their control.

**Horse or Pet Show:** An exhibition where horses or other animals are displayed for the purposes of judging or sales. Such shows may include competitions between animals entered in the show along with other related events and services.

**Horticulture:** The practice of propagating and cultivating ornamental plants such as trees, bushes, flowers, and shrubs.

**Hospital:** A health care facility the purpose of which is to provide for care, treatment, testing for physical, emotional, or mental injury, illness, or disability, and overnight boarding of patients, either on a for-profit or not-for-profit basis; but not including group homes.

**Hotel and Motel:** A building containing more than four individual rooms for the purpose of providing overnight lodging facilities to the general public for compensation, with or without meals, and which has common facilities for reservations and cleaning services, combined utilities, and on-site management and reception services, with entries to a room from an interior or exterior space.

**Impervious Area:** Is a surface composed of any material that impedes or prevents natural infiltration of water into the soil. Impervious surfaces may include, but are not limited to roofs, streets, parking areas, tennis courts, driveways, patios, sidewalks, or any concrete, asphalt or compacted gravel surface. Public roads are excluded from computations of impervious area.

**Independent Living Facility:** Congregate living facilities designed for older persons or disabled persons who do not require medical and nursing care, but which may offer resident amenities such as central dining facilities and transportation services located on-site. Each living unit may be self-contained and shall be physically accessible to older or disabled persons. Independent Living Facilities shall be distinguished from apartment building(s) by the provision of communal services.

**Itinerant Merchant Sales:** A business enterprise where the proprietor engages in the short-term, temporary sale of goods at a particular location. Itinerant merchant sales may take place within a building or outdoors.

**Junked Motor Vehicle:** A motor vehicle that is partially dismantled or wrecked cannot be self-propelled or moved in the manner originally intended and does not display a current license plate.

**Junkyard:** *See Salvage or Junkyard.*

**Kennel, Indoor or Small Outdoor:** An indoor or outdoor facility located on a tract of land no less than one acre in size and primarily used for the purpose of boarding animals. Such kennels may conduct incidental activities, including the sale, breeding, treatment, training, grooming or cleaning of animals, and the sale of pet supplies.

**Kennel, Large Outdoor:** An outdoor facility located on a tract of land that is ten acres or more in size primarily used for the purpose of boarding animals. Such kennels may conduct incidental activities, including the sale, breeding, treatment, grooming or cleaning of animals, and the sale of pet supplies.

**Laboratory and Laboratory Services:** An establishment primarily engaged in providing testing services such as calibration and certification of instruments, food testing services, forensic laboratories, metallurgical testing, testing of medical samples and specimens, and industrial X-ray inspection services.

**Land Clearing Debris:** Solid waste that is generated solely from land-clearing activities per NCGS 130A-290 (a) (15) and as may be amended.

**Land Development Plan:** A long-range plan for the desirable use of land in Trinity which has been adopted by the Trinity City Council. The purpose of the plan is to serve as a guide in the zoning of land, in the subdividing and use of undeveloped land, and in the acquisition of rights-of-way or sites for public purposes such as parks, public buildings, streets.

**Landfill, LCID (Land Clearing and Inert Debris):** A disposal site for stumps, limbs, leaves, concrete, brick, untreated wood and uncontaminated earth. Disposal of any other types of wastes must be approved by the State Division of Solid Waste Management.

**Landfill, Sanitary:** A solid waste disposal facility designed to meet the minimum standards of the State of North Carolina wherein refuse and other waste defined by State standards is disposed of by utilizing acceptable landfill engineering technology.

**Landowner Or Owner.** The holder of the title in fee simple. Absent evidence to the contrary, the Town may rely on the county tax records to determine who is a landowner. The landowner may authorize a person holding a valid option, lease, or contract to purchase to act as his or her agent or representative for the purpose of making applications for development approvals.

**Large Format Retail:** Retail establishments, including but not limited to supermarkets, home improvement stores, department stores, and home decorating stores, greater than 50,000 square feet of gross floor area.

**Laundry/Dry Cleaning:** An establishment where clothes may be laundered using chemical solvents, soap and water, or similar methods. This use shall include facilities such as coin-operated laundromats, commercial dry-cleaners, and related facilities.

**Legislative Decision:** The adoption, amendment, or repeal of a regulation under NCGS 160D or an applicable local act. The term also includes decisions to approve, amend, or rescind a development agreement consistent with the provisions of NCGS 160D, Article 10.

**Legislative Hearing:** A hearing to solicit public comment on a proposed legislative decision.

**Library:** *See Cultural Facility, Library, or Museum.*

**Livestock Sales:** A business enterprise devoted to the temporary confinement and sale of farm animals. Livestock sales may take place within a building or outdoors.

**Lot:** A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same and which is intended as a unit for transfer of ownership. The word "lot" includes the word "parcel."

**Corner Lot:** A lot abutting upon two streets at their intersections. The street line forming the least frontage shall be deemed the front of the lot.

**Double-Frontage Lot:** A continuous (through) lot which is accessible from both of the parallel streets upon which it fronts.

**Lot Depth:** The depth of a lot is the mean distance of the lines of the lot measured from the midpoint of the front lot line to the midpoint of the rear lot line.

**Lot Front:** That part of the lot abutting to the street or land access.

**Lot of Record:** A lot, which is part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds of Randolph County prior to the adoption of this Ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this Ordinance.

**Lot Width:** The distance between side lot lines measures at the building setback line.

**Reverse Frontage Lot:** A continuous (through) lot which is accessible from only one of the

parallel streets upon which it fronts.

**Major Arterials, Roads, and Highways:** Major arterials, roads, and highways are those public streets and highways designated, or hereafter designated, as major streets and highways on a major Thoroughfare Plan for the County, approved by the North Carolina Department of Transportation, or that may hereafter be approved by the North Carolina Department of Transportation.

**Manufactured Home:** A residential dwelling unit, built to HUD Standards, designed for transportation after fabrication on its own wheels or on flatbeds, or other trailers, and arriving at the site where it is to be occupied as a dwelling unit complete and ready for occupancy except for minor unpacking and assembly operations. Travel trailers and campers shall not be considered mobile homes. Manufactured homes as defined in this Ordinance and the North Carolina General Statutes are for residential dwelling purposes only and may not be used for an accessory storage building.

**Manufactured Home, Class A:** A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following additional criteria:

- (a) The manufactured home has a length not exceeding four times its width (e.g. a “doublewide” unit); and
- (b) The pitch of the manufactured home's roof has a minimum vertical rise of two and two tenths’ feet for each twelve feet of horizontal run (2.2 ft: 12 ft) and the roof is finished with shingles; and
- (c) The exterior siding consists predominately of vinyl or aluminum horizontal lap siding, wood, or hardboard; and
- (d) A continuous, permanent masonry foundation, unpierced except for ventilation and access is installed under the manufactured home; and
- (e) The tongue, axles, removable towing apparatus, and transporting lights are removed after final placement on the site.

**Manufactured Home, Class B:** A manufactured home constructed after July 1, 1976, that meets or exceeds the standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction, but which does not meet the definition of a Class A manufactured home.

**Manufactured Home, Class C:** A manufactured home that does not meet the definition of either a Class A or a Class B manufactured home.

**Manufactured Home Park:** A plot of ground, *under unified control*, which has been planned or improved for the placement of three or more manufactured homes for dwelling or sleeping purposes, regardless of whether a charge is made for the unit or the land. This definition shall not include manufactured home sales lots.

**Manufacturing, Heavy, Not Otherwise Categorized:** A manufacturing establishment whose operations, including storage of materials; processing, fabrication, or assembly of products; and loading and unloading of new materials and finished products may occur either inside an enclosed building or outside on the premises. Noise, odor, dust, vibration, or visual impacts, as well as potential public health problems in the event of an accident, could impact adjacent properties.

**Manufacturing, Light, With or Without Accessory Sales:** A manufacturing establishment whose operations, including storage of materials; processing, fabrication, or assembly of products; and loading and unloading of new materials and finished products occurs completely within an enclosed building or structure. This use shall not generate noise, vibration, glare, fumes, odors, or electrical interference beyond what normally occurs in the zoning district in which it is located. This use may also include sales of products manufactured on-site.

**Master Development Plan.** A plan depicting phases of development and general configuration and relationship of the principal elements of the proposed development and uses. The plan will include delineated areas where particular types of development or groups of buildings will be located, along with access and internal circulation through the development. A MASTER DEVELOPMENT PLAN is required for the approval of a Group Development and for any development involving multiple phases.

**Meat Packing and Processing:** An establishment engaged in the slaughtering, processing and packaging of meat for the purposes of distribution and sale.

**Medical/Dental Office:** A room, suite of rooms, or building in which a person or persons receive medical or dental treatment or care, which would not be better described as another use within the Health Care use category in the Principal Use Table.

**Mentally Impaired Person:** A person who is a resident of this State and who requires assistance with two or more activities of daily living as certified in writing by a physician licensed to practice in this State.

**Metal Fabrication and Welding:** A manufacturing process involving the creation of metal structures through cutting, bending, welding, and other assembling processes.

**Microbrewery or Microdistillery:** A facility, no larger than twelve thousand (12,000) square feet of gross floor area, for the brewing of beer or the distilling of alcoholic beverages. Said facility may include a tasting room or taproom, as well as a retail space to sell the beer or liquor to patrons on site.

**Mixed Occupancy:** A type of residential development containing two (2) or more of the individual residential uses listed in Table XX.

**Modular Home.** - A factory-built structure that is designed to be used as a dwelling, is manufactured in accordance with the specifications for modular homes under the North Carolina State Residential Building Code, and bears a seal or label issued by the Department of Insurance pursuant to NCGS 143- 139.1. The following types of modular homes are included here for clarity, however all modular home types are regulated in the same way.

**Modular Home, Conventional:** A factory-built structure which is constructed in accordance with the North Carolina State Building Code with wood frame construction and set-up on a brick foundation.

**Modular Home, On-Frame:** A factory-built structure which is constructed in accordance with the North Carolina State Building Code on a metal frame and is set-up on block piers with brick underpinning.

**Multi-Phased Development.** - A development containing 25 acres or more that is both of the following:  
(a) Submitted for development permit approval to occur in more than one phase.  
(b) Subject to a master development plan with committed elements showing the type and intensity of use of each phase.

**Multi-Family Dwelling:** A building or portion thereof, constructed under the North Carolina Commercial Building Code, which is used or designed as a residence for multiple families living independently of each other, with separate housekeeping and cooking facilities for each unit. This use shall include apartments and condominiums.

**Museum:** *See Cultural Facility, Library, or Museum.*

**NPDES Phase II Stormwater Program** – The storm water program implemented by the City of Trinity in compliance with the City of Trinity’s “PERMIT NO. NCS000502 TO DISCHARGE STORMWATER UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM”, as issued by the State of North Carolina Department of Environment and Natural Resources, Division of Water Quality, effective October 1, 2005, as may be re-issued from time to time.

**Nightclub or Dance Hall:** Any commercial establishment serving alcoholic beverages and/or providing entertainment for patrons, including bars, lounges, taverns, cabarets, and similar establishments.

**Nonconforming Use:** A structure or land lawfully occupied by an existing use which does not conform with the permitted uses for the zoning district in which it is situated, either at the effective date of this ordinance, or as a result of subsequent amendments to this ordinance.

**Notice of Violation:** A written notification of a violation of this Ordinance, delivered to a violator by the Planning Director or designated Code Enforcement Officer, indicating the nature of the violation and prescribing a period for taking corrective measures.

**Nursery/Lawn and Garden Center:** A retail establishment where plants (which are primarily grown off-site), planting supplies, gardening tools, and similar products are sold directly to consumers.

**Obstruction:** Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in this Ordinance.

**Office:** A room, suite of rooms, or building in which a person or persons transact the affairs of a business, profession, service, industry, or government. When listed as a permitted or special use, an office shall serve as the primary use of the property. Offices that are accessory to another permitted or special use shall not be included in this definition.

**Open Space:** The land used for active or passive recreation, natural resource protection, amenities and/or buffer yards. Open space may include, but is not limited to, walkways, passive recreation areas, active recreation areas, playgrounds, wooded areas, greenways and water courses.

**Outdoor Display or Sales:** An outdoor area devoted to the display or sale of goods associated with the

business activity taking place on-site.

**Outdoor Sales, Excluding Nursery/Lawn and Garden Center:** An enterprise engaged in the retail sale of various products, not better described as a Nursery/Lawn and Garden Center or other use defined in this Ordinance.

**Outdoor Seasonal Sales:** A business engaged in the short-term, temporary sale of agricultural products such as Christmas trees, pumpkins, pine needles and similar natural products.

**Outdoor Storage:** The commercial storage or keeping of building materials, equipment, fuel, vehicles, goods, commodities or raw materials outside of a building or structure. Outdoor storage includes all goods and materials not returned to an enclosed building at the end of each business day; regardless of whether such goods or materials are kept on the premises for retail sale, wholesale sale, storage, or use by a business on or off the lot.

**Outdoor Storage Yard:** An establishment or part of an establishment intended to be used for outdoor storage purposes.

**Outpatient Treatment Facility:** A facility, located in or apart from a hospital, which provides either diagnosis or treatment, or both, to ambulatory patients in need of medical, surgical, or mental care.

**Owner.** See Landowner.

**Packaging and Printing:** A facility offering services related to any lithographic, letterpress, or other type of printing that results in identifying or beautifying paper, paperboard, or cardboard products to be used as containers, enclosures, wrappings, or boxes. This use shall also encompass facilities where printed or digital materials may otherwise be copied or printed.

**Park:** Any land used for active or passive recreational purposes or as a refuge for wildlife.

**Parking Lot, Commercial:** *See Commercial Parking Lot.*

**Parking Lot:** An area, not within a building, where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking. A parking area also includes all areas for storage and trash facilities.

**Parking of Recreational Vehicles or Equipment:** The parking and/or storage of vehicles including motor-powered recreational vehicles, recreational trailers or campers, and boats used solely for recreational purposes.

**Parking Space:** A surfaced area not less than nine (9) feet wide and eighteen (18) feet long either within a structure or in the open, exclusive of driveways or access drives.

**Parking Structure:** A partially or wholly enclosed structure where motor vehicles may be parked on a temporary basis.

**Performance Bond or Guarantee:** A financial commitment from a developer of a subdivision to ensure that

Randolph County will have funds available to complete any required infrastructure in the event the developer fails to do so.

**Pharmacy:** A retail establishment where over-the-counter and prescription medications, medicinal supplies and appliances, and pharmaceutical products are sold, not better defined as another use within this Ordinance.

**Physically Impaired Person:** A person who is a resident of this State and who requires assistance with two or more activities of daily living as certified in writing by a physician licensed to practice in this State.

**Planned Unit Development:** A tract of land under single, corporation, partnership, or association ownership, planned and developed as an integral unit in a single development operation or a definitely programmed series of development operations and according to an approved development plan.

**Planning Board:** The City of Trinity Planning Board appointed by the City Council to carry out the duties set forth in NCGS 160D-301.

**Police/Fire Training Facility:** A facility operated by the City of Trinity or Randolph County offering training for law enforcement or public safety personnel. Such facilities may include firearm shooting ranges, driving courses, and structures for practicing fire suppression techniques.

**Pool Hall:** An establishment where pool or billiards are played, where alcoholic beverages may be served.

**Portable Storage Container:** A transportable unit designed and used primarily for temporary storage of household goods, commodities, building materials, and other items on a limited basis. Portable storage containers are not intended to be used for long-term on-site storage and any such long-term use in any zoning district is expressly prohibited.

**Post Office:** A facility or structure used for the collection, sorting, and distribution of mail within several zip code areas, having retail postal services for the general public, such as stamps, postcards, or postal insurance.

**Principal Use:** The primary purpose or function that a lot serves or is proposed to serve.

**Private Club (Not Classified as an Adult Use):** A bar, cocktail lounge, or other similar establishment, requiring membership, where alcoholic beverages are served.

**Private Swimming Pool:** An indoor or outdoor structure, chamber or tank containing a body of water for swimming, diving, or bathing, not accessible to members of the general public.

**Professional Office:** A use or structure in which business or professional services are conducted or rendered.

**Public Art:** Sculpture, statues, monuments, murals, fountains, and the like that accentuates a public space or streetscape.

**Public Recreation Facility:** Any facility owned by the City of Trinity or Randolph County intended for

recreational use by the public or for support of such recreational use, not better described as another use contained in this Ordinance.

**Public Works Facility:** A facility that serves to accommodate offices and activities typically associated with a public agency or department that is responsible for the installation and maintenance of public utilities, rights-of-way (including streets and pedestrian facilities), sanitation, landscaping and related public services, or which manages the contractors who conduct such activities.

**Quarrying or Mining:** An operation for the dredging, digging, extraction, mining, or quarrying of stone, sand, gravel, or minerals for commercial purposes.

**Quasi-Judicial Decision:** A decision involving the finding of facts gained through sworn testimony regarding a specific application of a development regulation and that requires the exercise of discretion when applying the standards of the regulation. The term includes, but is not limited to, decisions involving variances, special use permits, and appeals of administrative determinations.

**Racetrack:** An establishment where cars, trucks, motorcycles, or similar vehicles are driven competitively for the entertainment of spectators. The race track surface may or may not be paved, and the racetrack may include permanent seating and buildings to accommodate concessions and ticketing, vehicle storage, and similar functions.

**Rail Yard:** An establishment which is connected to an adjacent rail line or spur that provides facilities for storing, sorting, loading, and unloading rail cars and locomotives.

**Recreational Vehicle (RV):** A vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projection; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Recycle:** Processing, including disassembling, dismantling, and shredding of photovoltaic modules or other equipment from utility-scale solar projects, or their components, to recover usable product. This term does not include any process that results in the incineration of such equipment. Photovoltaic modules determined to be hazardous shall comply with applicable hazardous waste requirements even when recycled.

**Recycling Center, Convenience Stop:** A facility less than three (3) acres in size at which recoverable resources, such as newspapers, glassware, and metal and aluminum cans, are collected, stored, flattened, crushed, or bundled within a completely enclosed building. This use does not include establishments engaged in the recycling of used motor vehicle parts

**Recycling Center, Processing:** A facility of three (3) acres in size or greater at which recoverable resources, such as newspapers, glassware, and metal and aluminum cans, are collected, stored, flattened, crushed, or bundled within a completely enclosed building. This use does not include establishments engaged in the recycling of used motor vehicle parts.

**Religious Institution:** A church, synagogue, temple, mosque, or other place of religious worship, including any customary accessory use or structure, such as a school, day care center, or dwelling, located

on the same lot.

**Repair Shop:** An establishment where various items (such as jewelry, clocks or other antiques, and outdoor power tools) may be repaired. This use shall not encompass establishments better defined by other principal uses within this Ordinance, including Vehicle Repair and Servicing.

**Reservation:** A reservation of land constitutes an obligation to keep property free from development for a stated period of time and not involving any transfer of property rights.

**Residence:** Any building, or portion thereof, which is designed for living and/or sleeping purposes. The term "residence" shall not be deemed to include a hotel, motel, tourist home, or other building designed for transient residence. Neither shall it include travel trailers, campers, motor homes, nor other vehicles designed for transient residence. The term "residence" shall include the term "dwelling unit."

**Restaurant:** A building or operation, the purpose of which is to accommodate the consumption of food and beverages.

**Restaurant, Drive-Through/Drive Up Service:** A building or operation, the purpose of which is to accommodate the consumption of food and beverages, which includes a means of delivering these items to customers in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises. This use shall not include establishments which would be better defined as another restaurant use within this Ordinance, but which offer curbside pickup of food or beverages.

**Restaurant, Indoor or Outdoor Seating:** A building or operation, the purpose of which is to accommodate the consumption of food and beverages, which includes an indoor or outdoor seating or dining area, but which does not include drive-through service.

**Restaurant, Walk-Up Only:** A building or operation, the purpose of which is to accommodate the consumption of food and beverages, which does not include an inside seating or dining area, or drive-through service.

**Retail, Bulky Item:** An establishment engaged in the sale of bulky items such as home appliances, furniture, or similar large and heavy items.

**Retail, Second Hand:** A building, property, or activity the principal use or purpose of which is the sale of previously used goods, products, or merchandise directly to the consumer.

**Riding Academy:** An establishment which includes outdoor areas where equestrian instruction takes place, along with stables and other related facilities.

**Road, Private:** A vehicular right-of-way indicated on an approved survey plat and recorded in the Office of the Register of Deeds intended to serve residential subdivision of lots or tracts and not offered for dedication as a public road. Private roads shall require a subdivision road disclosure statement in accordance with NCGS 136-102.6, shall be privately maintained and meet the design standards for private roads in Article 8 Subdivision.

**Rooming House:** A building which contains more than three (3), but fewer than ten (10) guest rooms which are let to individuals for compensation.

**Rotating Sign:** Any sign or portion of a sign that turns around on an axis or center.

**Salvage or Junkyard:** The use of land for outdoor storage and sales of inoperable or broken machinery, vehicles, construction equipment, used building materials, scrap metal, and similar items.

**Scenic Corridor Plan:** A site plan that describes unique qualities, conditions, boundaries, and requirements of a road corridor that creates a visually pleasing impression.

**School, Elementary:** A public or private school providing instruction to students in kindergarten through grade five (5).

**School, High/Middle:** A public or private school providing instruction to students in grades six (6) through twelve (12).

**School, Vocational:** A use, whether privately-owned or publicly-owned, that trains persons in specific trades or occupations such as mechanics, computers, or similar skills.

**Septage:** As defined by NCGS 130A-290a32 meaning solid waste that is a fluid mixture of untreated and partially treated sewage solids, liquids, and sludge of human or domestic origin which is removed from a septic tank system.

**Septage Land Application Site:** As regulated under the State requirements set forth in NCGS 130A-291.1; NC, Septage Management Rules, and meaning the area of land on which septage is applied.

**Sewage Disposal System:** An approved sewage disposal system which, depending upon ownership and/or capacity may be:

- (a) a municipal system
- (b) a "community" system designed for surface discharge and/or a 300+ gallon capacity (approved by the authorized State agency)
- (c) a privately owned small capacity underground collection system (approved by the Randolph County Health Department)

**Shooting Range (Indoor):** An establishment or place used for the indoor discharge of firearms at targets that is available to the public, individual property owners and their guests and/or law enforcement personnel and other governmental employees. An establishment that is open to the public or private, used on a regular basis (12 or more times per year or where operation continues for more than two (2) weeks) and operated for profit, private or non-profit use shall be deemed to be a shooting range within the meaning of this Ordinance.

**Shooting Range (Outdoor):** An establishment or place used for the outdoor discharge of firearms at targets that is available to the public, individual property owners and their guests and/or law enforcement personnel and other governmental employees. An establishment that is open to the public or private, used on a regular basis (12 or more times per year or where operation continues for more than two (2) weeks)

and operated for profit, private or non-profit use shall be deemed to be a shooting range within the meaning of this Ordinance.

**Short Term Rental:** A residential dwelling, or portion thereof, which may be rented for periods of thirty days or less.

**Sign:** Any words, lettering, parts of letters, pictures, figures, numerals, phrases, sentences, emblems, devices, design, names, trade names, trademarks, identification, description, slogans display which is affixed to, painted, or represented directly or indirectly, upon a building, or other outdoor surface, or surface visible from outside of a building, which directs attention to or is designed or intended to direct attention to the sign, sign face or to an object, product, place, activity, person, institution, organization or business.

Signs located completely within an enclosed building, and not exposed to view from a street, are not considered to be signs. Each display surface of a sign or sign face is a sign.

**Sign Area:** The space enclosed within the extreme edges of the sign for each sign face, not including the supporting structure or where attached directly to a building wall or surface, the space within the outline is enclosing all the characters of the words, numbers or design. In computing area, only one (1) side of a double-faced sign shall be considered.

**Sign, Animated:** Any sign that uses or light or any other material to make it appear to move, flash or have life in the display, including signs on which the message or display runs continuously in the travel mode and/or on which any message or display does not remain stationary for a minimum of five seconds.

**Sign, Announcement:** Any sign that lets the public know a new residential subdivision or commercial property has vacant land that has been approved by the City of Trinity to be built on.

**Sign, Banner:** A long strip of flexible material displaying a slogan, advertisement, etc. The material is suspended in the air by 2 to 4 points. A banner shall have no tears, be folded, or touching the ground.

**Sign, Flashing:** Any sign which gives off light in intermittent bursts at a rate that is faster than 5 seconds.

**Sign, Freestanding:** a sign attached to, erected on, or supported by a freestanding frame, mast pole or structure whose primary function is to support a sign and which is not itself attached to any building. This definition includes ground-mounted or monument signs.

**Sign, Government.** A government sign is a sign that is constructed, placed or maintained by the federal, state or local government or a sign that is required to be constructed, placed or maintained by the federal, state or local government either directly or to enforce a property owner's rights.

**Sign, Electronic Changeable Copy:** Any sign on which the copy changes automatically on a lamp bank, such that the message or display does not run continuously in the travel mode and any message or display remains stationary for a minimum of five seconds. This definition includes digital billboards.

**Sign, Information (in reference to a subdivision):** An information sign for a subdivision helps give guidance to the public on which parcels within a subdivision are still for sale and which have not been built on. They can also contain general information for the entire subdivision such as general cost for each lot, covenants, etc. These signs are usually placed at a model home.

**Sign, Marquee/Awning:** A sign attached to and hanging under a canopy, marquee or awning.

**Sign, Off-Premises:** A Sign that advertises messages for goods, products or services which are not sold manufactured or distributed on or from the premises or facilities on which the sign is located. Large off-premises signs may also be referred to as Billboards

**Sign, Projecting:** A sign attached to and supported by a building and extending beyond the building to which it is attached at a right angle.

**Sign, Political:** Any sign that advocates for political action. This does not include a commercial sign. (NC Gen Stat § 136-32 (c))

**Sign, Sandwich:** A temporary sign not secured or attached to the ground or any building or structure, composed of a sign panel and supporting structure or one or more panels that form both the structure and sign face, and that is intended to be placed in a sidewalk or pedestrian way.

**Sign, Snipe** means any small sign, generally of a temporary nature, made of any material, when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences, or other objects not erected, owned and maintained by the owner of the sign.

**Sign, Temporary:** A banner, poster, or advertising display constructed of paper, cloth, canvas, plastic sheet, cardboard, wallboard, plywood, or other like materials and that is intended or determined by a code official to be displayed for a limited amount of time.

**Sign, Wall:** A sign attached to or painted on a wall of a building, with the exposed display surface of the sign in a plane parallel to the plan of the wall to which it is attached or painted, and including signs affixed to or otherwise displayed on or through a facade window.

**Graffiti** means any unauthorized inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property by any graffiti implement, to the extent that the graffiti was not authorized in advance by the owner or occupant of the property, or, despite advance authorization, is otherwise deemed a public nuisance by the City/County/Town. Graffiti includes snipe signs.

**Graffiti implement** means an aerosol paint container, a broad-tipped marker, gum label, paint stick or graffiti stick, etching equipment, brush or any other device capable of scarring or leaving a visible mark on any natural or manmade surface.<sup>1</sup>

**Holiday lights or mini lights** mean light fixtures that use bulbs that are sized C6, C7, or C9 or LED bulbs that are 8 mm or smaller.

**Rope light** means a light that has Holiday lights or mini lights inside of a PVC tube.

**String lights** means a lighting fixture that is composed of electrical wiring encased in plastic with sockets for bulb placement.

**Single-Family Attached Dwelling:** A residential building which contains two or more dwelling units constructed under the North Carolina Residential Building Code, except that condominium units shall be considered multifamily development by this Ordinance regardless of their construction. Each single-family attached dwelling unit shall occupy one zoning lot. This use shall allow development types such as twin homes and townhomes.

**Single-Family Detached Dwelling:** A residential building which contains one dwelling unit and which occupies its own zoning lot.

**Site Plan.** A scaled drawing and supporting text showing the relationship between lot lines and the existing or proposed uses, buildings, or structures on the lot. The site plan shall include site-specific details such as building areas, building height and floor area, setbacks from lot lines and street rights-of-way, intensities, densities, utility lines and locations, parking, access points, roads, and stormwater control facilities that are depicted to show compliance with all legally required development regulations that are applicable to the project and the site plan review. Site Plans shall be prepared by a registered surveyor, architect, landscape architect, draftsman or engineer. This definition distinguishes a Site Plan from a Site-Specific Development Plan or Subdivision Plat.

**Site-Specific Vesting Plan.** A plan which has been submitted to the City by a landowner in which the applicant requests vesting, describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property pursuant to NCGS 160D-108.1 and the requirements of Article 4 Procedures.

**Sleeping Unit.** A room or space in which people sleep, which can also include permanent provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a *dwelling unit* are not sleeping units.

**Small Wireless Facility:** A wireless facility that meets both of the following requirements:  
(a) Each antenna is located inside an enclosure of no more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all its exposed elements, if enclosed, could fit within an enclosure of no more than six cubic feet, and;  
(b) All other wireless equipment associated with the facility has a cumulative volume of no more than twenty-eight cubic feet.

Electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cut-off switches, vertical cable runs for the connection of power and other services, and other support structures are not included in the calculation of allowed volume for a small wireless facility.

**Solar Energy System (SES) (Small-Scale):** A solar energy system meeting the requirements of Section XX of this Ordinance.

**Solar Farm:** A facility where sunlight is converted into electricity by photovoltaic (PV), concentrating solar thermal devices (CST), or other conversion technology, for the principal purpose of wholesale sales of generated energy.

**Special Event:** A sporting, cultural, business, or other type of unique activity, occurring for a limited or fixed duration (one-time, annual). A special event cannot be done more than [insert XX number here] in a calendar year.

**Special Use Permit.** A permit issued under quasi-judicial procedures to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific standards. (G.S. 160D-102(30))

**Sports Facility, Indoor:** Swimming pools, tennis courts, ball fields and ball courts which are enclosed in buildings and are operated on a commercial or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. This use shall include any accessory uses, such as snack bars, pro shops, and club houses which are designed and intended primarily for the use of patrons of the principal use.

**Sports Facility, Outdoor:** Swimming pools, tennis courts, ball fields and ball courts which are not enclosed in buildings and are operated on a commercial or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. This use shall include any accessory uses, such as snack bars, pro shops, and club houses which are designed and intended primarily for the use of patrons of the principal use.

**Stable, Commercial:** *See Commercial Stable.*

**Stadium:** A structure or facility designed, intended, or used primarily for athletic events or other performances and containing seating for spectators of those events, but not including a raceway or drag strip.

**Storage Structure:** An accessory structure incidental to the principal use on a property which provides additional storage space for the principal structure on the lot.

**Subdivider:** Any person, firm, corporation, or official agent thereof, who subdivides or develops any land deemed to be a subdivision.

**Subdivision:** All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development, whether immediate or future, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this Article:

- (a) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the local government as shown in its subdivision regulations.
- (b) The division of land into parcels greater than 10 acres where no street right-of-way dedication is

involved.

- (c) The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.
- (d) The division of a tract in single ownership whose entire area is no greater than 2 acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the local government, as shown in its subdivision regulations.
- (e) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

**Street (Road)** A right-of-way for vehicular traffic which affords the principal means of access to abutting properties.

**Specific Types of Rural and Urban Streets:**

**Cul-de-sac.** A short street having but one end open to traffic and the other end being permanently terminated and a vehicular turn-around provided.

**Frontage Road.** A local street or road that is parallel to a full or partial access-controlled facility and functions to provide access to abutting land.

**Alley.** A strip of land, owned publicly or privately, set aside primarily for vehicular service access to the back or site of properties otherwise abutting on a street.

**Expressway.** An expressway is a street or road usually with a median which serves through traffic with full or partial control of access and generally with grade separations at intersections; however, infrequent at-grade crossings may be permitted.

**Freeway.** A freeway is a divided street or road which serves through traffic with full control of access and with grade separations at all intersections.

**Private Street (Road).** An undedicated private right-of-way which affords access to abutting properties and requires a subdivision streets disclosure statement in accordance with NCGS 136-102. 6.

**Principal Arterial.** A rural link in a network of continuous routes serving corridor movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel and existing solely to serve traffic. This network would consist of interstate routes and other routes designated as principal arterials.

**Minor Arterial.** A rural link in a network joining cities and larger Cities and providing intrastate and intercounty service at relatively high (85 mph) overall travel speeds with minimum interference to through movement. This network would primarily serve traffic.

**Major Collector.** A road which serves major intracounty travel corridors and traffic generators and provides access to the arterial system.

**Minor Collector.** A road which provides service to small local communities and links the

locally important traffic generators with their rural hinterland.

**Local Road.** A local road primarily serves to provide access to abutting land and for travel over relatively short distances.

**Major Thoroughfares.** Major thoroughfares consist of Interstate, other freeway and expressway links, and major streets that provide for the expeditious movement of high volumes of traffic within and through urban areas.

**Minor Thoroughfares.** Minor thoroughfares are important streets in urban systems and perform the function of collecting traffic from local access streets and carrying it to the major thoroughfare system. Minor thoroughfares may be used to supplement the major thoroughfare system by facilitating a minor through-traffic movement and may also serve abutting property.

**Local Street.** A local street is any link not a part of a higher-order urban system and serves primarily to provide direct access to abutting land and access to higher systems. It offers the lowest level of mobility and through traffic is usually deliberately discouraged.

**Subdivision:** A Subdivision shall include all divisions of a tract or parcel of-land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale or building development, and shall include all divisions of land involving the dedication of a new public street or a change in existing public streets with certain exceptions referenced in State law and listed in the Trinity Subdivision Ordinance.

**Subdivision, Conservation:** *See Conservation Subdivision.*

**Subdivision, Major:** A subdivision with four (4) or more lots created for the purpose of sale or building development or a subdivision that requires the creation of a new public or private street.

**Subdivision, Minor:** A subdivision of three (3) or fewer lots created for the purpose of sale or building development with all lots having direct access to an existing state or City maintained road.

**Technical Review Committee:** A committee authorized to review and provide analysis, recommendation and approval for certain planning and development projects. This committee shall include Trinity's planning and zoning official, , city public services director, city engineer, and staff from appropriate county and state agencies.

**Telecommunications Tower, Major:** A tower facility, either roof or ground mounted, that includes, but is not limited to, radio and television transmission towers or similar utilities, microwave towers, and cellular telephone communication towers and similar structures for wireless communication, not otherwise meeting the definition of Telecommunications Tower, Minor or Concealed. This term shall not include radio transmission facilities for use by ham radio operators or two-way local radio facilities for business or governmental purposes.

**Telecommunications Tower, Minor or Concealed:** A telecommunications tower and associated

equipment that is either designed to appear as something other than a traditional telecommunications facility, or to appear as a small-scale version of a traditional telecommunications facility.

**Temporary Disaster Housing:** A housing unit in which individuals and families who have been displaced from their homes due to an emergency receive shelter. Temporary disaster housing may take the form of a structure meeting the requirements of the State Building Code, a manufactured home meeting HUD Code requirement, or a Recreational Vehicle.

**Temporary Dwelling:** A housing unit which meets all applicable State Building Code requirements and which is allowed to remain on a lot while the principal residential dwelling is under construction, renovation, or repair, or is otherwise uninhabitable.

**Temporary Educational Structure:** A nonpermanent structure designed to contain instructional or other school-related activities on a temporary basis.

**Temporary Real Estate Office:** A facility within a new subdivision where prospective homebuyers may meet with real estate agents and receive additional information on the development being marketed. A temporary real estate office may exist within a stand-alone structure or within another structure within the subdivision such as a neighborhood clubhouse or model home.

**Temporary Wireless Telecommunications Facility:** A portable wireless facility intended or used to provide personal wireless services on a temporary or emergency basis, such as a large-scale special event in which more users than usual gather in a confined location, or when a disaster disables permanent wireless facilities.

**Theater (Film or Live Performance Not Classified as an Adult Use):** An indoor theater, auditorium, or other building or structure designed, intended, or used primarily for motion picture screening and exhibition; or for musical, dance, dramatic, or other live performances.

**Theater, Drive-In:** An outdoor space designed, intended, or primarily used for motion picture screening and exhibition, along with ancillary buildings or structures for ticketing, concessions, and similar amenities.

**Transfer Station:** A facility where solid waste is temporarily staged in the course of its eventual journey to a landfill, recycling facility, or waste-to-energy facility.

**Transit Shelter:** A covered structure or facility located at a designated transit stop which provides protection from the elements for waiting passengers.

**Truck Terminal:** Land and buildings used as a relay station for the transfer of a load of goods from one roadgoing vehicle to another or one party to another.

**Urgent Care:** A medical care facility designed to treat injuries or illnesses which require immediate attention but which do not rise to the level of severity which would require hospitalization.

**Use:** The purpose or activity for which land or structures are designed, arranged or intended, or for which land or structures are occupied or maintained, including any such activity with respect to the requirements of this article.

**Use, Accessory:** A use or activity which is customarily incidental to a specific principal use, and which is located on the same zoning lot as the associated principal use except for off-site parking or other use provided for by this article.

**Use, Non-Conforming:** Any use not permitted in the zoning district in which it is located, which lawfully exists by virtue of the fact that it existed on 9-17-2001, or lawfully existed as of the effective date of this article or subsequent amendments, and which has not been discontinued under the provisions of this article.

**Use, Principal:** Those uses of land listed in the Table of Uses in Section XXX.

**Use-Principal Permitted:** A use which is permitted outright in a district for which a Zoning Permit may be issued by the Zoning Enforcement Officer.

**Use, Temporary:** A use which may be in a zoning district not allowing the use on a permanent basis, after issuance of a permit specifying a limited duration for the use.

**Utility Substation:** A facility which is part of an energy generation, transmission, and distribution system which transforms energy from its high-level transmission state to its lower-level distribution state, or performs another related function.

**Variance:** A modification of the dimensional requirements of the Zoning Ordinance by the Board of Adjustment when strict enforcement of this Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

**Vehicle Painting/Body Shop:** An establishment providing collision repair and paint-related services for automobiles, trucks, motorcycles, camping trailers, boats, or other recreational vehicles.

**Vehicle Parts and Accessory Sales:** An establishment selling parts and accessories for automobiles, trucks, motorcycles, camping trailers, boats, or other recreational vehicles.

**Vehicle Repair and Servicing (Without Painting or Bodywork):** An establishment for automobiles, trucks, motorcycles, camping trailers, boats, or other recreational vehicles are repaired and serviced.

**Vehicle Sales or Rentals:** An establishment devoted to the sale or rental of automobiles, trucks, motorcycles, camping trailers, boats, or other recreational vehicles, including supplementary maintenance or sale of parts and accessories.

**Vehicle Sports:** An outdoor commercial recreation facility which incorporates vehicles such as go-karts, bumper boats, bumper cars, or similar vehicles. The use Vehicle Sports does not include racetracks, dragstrips, or similar facilities.

**Vehicle Towing and Storage Lot:** A lot used for the temporary storage of vehicles which have been

towed by a towing company or for impounded vehicles, but which does not include permanent vehicle storage or dismantling of vehicles.

**Vested Right.** A right pursuant to NCGS 160D-102, -108(c), and -108.1 to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan.

**Veterinary Clinic:** A use or structure intended or used primarily for the testing and treatment of the physical disorders of animals; not principally used for the overnight boarding or grooming of wild animals; not permitting outdoor cages, pens, or runs for the confinement of animals unless expressly permitted in the district; and not used for the training of animals.

**Warehouse, Distribution:** A facility where product is kept in between its arrival from its point of origin and its delivery to a retail business or customer.

**Warehouse - Self-Storage Facilities:** A building or buildings containing separate enclosed storage spaces of varying sizes leased or rented on an individual basis.

**Warehouse, Storage:** The indoor storage of goods, materials, or merchandise for shipment to, or processing on, other property.

**Water Storage Facility:** All facilities, including land, necessary for an above-ground or in-ground reservoir to store water. Such facilities may be publicly owned, privately owned, investor-owned, or cooperatively held.

**Water Supply System:** An approved water supply system which, depending upon ownership and/or number of hook-ups, may be:

- (a) a municipal system
- (b) a privately owned well serving an individual dwelling
- (c) a privately owned system serving an extended geographic area (extensions approved by the Department of Human Resources, Division of Health Services)
- (d) a private well serving up to 14 hook-ups in a mobile home park (approved by the County Health Department)
- (e) a "community" system with 15 or more connections (approved by the Department of Human Resources, Division of Health Services)

**Water Treatment Facility:** A facility operated by a licensed utility, in compliance with all applicable state, county, and city regulations, and intended or used for the treatment and surface or subsurface disposal of wastewater and which serves more than one use or more than four dwelling units; or a facility intended or used for the treatment and subsurface disposal of wastewater which serves only one use or up to four dwelling units.

**Wholesale Trade:** An establishment primarily engaged in selling durable and nondurable goods to retailers; to industrial, commercial, institutional, farm, construction contractors, or professional business uses; or to other wholesalers. Wholesale Trade may include physically grouping and sorting goods into large lots for redistribution or resale purposes.

**Wood Fabrication:** The process of converting raw timber into products such as unfinished lumber and finished wood such as flooring and decorative trim.

**Yard**

- (a) Front: An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the front line of the lot and the front line of the building projected to the side lines of the lot. Where a lot abuts more than one street, the Zoning Enforcement Officer shall determine the front yard for purposes of this Ordinance.
  
- (b) Rear: An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the sideline of the lot.
  
- (c) Side: An open, unoccupied space on the same lot with a principal building, situated between the building and the side lot line, and extending from the rear line of the front yard to the front line of the rear yard.

**Zoning Administrator:** The City of Trinity employee(s) responsible for enforcement of zoning, subdivision, floodplain, erosion and sedimentation control and other planning related ordinances authorized by NCGS/NCGS 160D and adopted by the City of Trinity.

**Zoning Lot:** A parcel or contiguous parcels of land under single ownership containing sufficient land area for the proposed development including well and septic tank repair area.

**Zoning Permit:** A permit issued by the Zoning Administrator which must be obtained prior to establishment of a use within a zoning district.