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(Amended: 6.14.21)

Trinity Zoning Ordinance

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ARTICLE I

SHORT TITLE, AUTHORITY AND EFFECTIVE DATE

Section 1-1. Short Title.

This ordinance shall be known as "The Zoning Ordinance of the City of Trinity, North Carolina," and the map referred to which is identified by the title "Official Zoning Map, Trinity, North Carolina," shall be known as the "Zoning Map."

Section 1-2 Authority

Pursuant to authority granted by Chapter 160D of the General Statutes of North Carolina, and for the purpose of promoting the public health, safety, morals and general welfare; promoting the orderly development of the community; lessening congestion in the roads and streets; securing safety from fire, panic, and other dangers; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population; and facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, all in accordance with a reasonably maintained comprehensive plan pursuant to NCGS 160D-501.

Section 1-3. Effective Date.

This ordinance shall take effect and be in force from and after its passage and adoption and repeals all prior ordinances or portions of ordinances in conflict herewith.

Duly adopted by the City Council of the City of Trinity, State of North Carolina, on this the_____day of _____,_____.

ATTEST:

_____ _____

City Clerk Mayor

ARTICLE II

JURISDICTION

Section 2-1. Territorial Application.

The provisions of this ordinance shall apply within the corporate limits of the City of Trinity and within any area abutting to the City limits within which the City may exercise extraterritorial jurisdiction.

Section 2-2. Bona Fide Farm Uses Exempt.

The provisions of this ordinance shall not apply to bona fide farm uses. Bona fide farm purposes include production and activities relating to or incidental to production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry and all other forms of agricultural products having a domestic or foreign market. (See NCGSNCGS 160D Article 7)

This ordinance does not exercise any controls over crop lands, timber lands, pasture lands, idle or other farmlands, nor over any farmhouse, barn, poultry house, or other farm buildings, including tenant or other houses for persons working on said farms, as long as such houses shall be in the same ownership as the farm and located on the farm.

Property that is in a city's extraterritorial planning and development regulation jurisdiction and that is used for bona fide farm purposes is exempt from the city's zoning regulation to the same extent bona fide farming activities are exempt from county zoning pursuant to 160D-903(c). For purposes of complying with State or federal law, property that is exempt from municipal zoning pursuant to this subsection is subject to the county's floodplain regulation or all floodplain regulation provisions of the county's unified development ordinance.

ARTICLE III

INTERPRETATION OF WORDS AND TERMS

For the purpose of interpreting this Ordinance, certain words and terms are herein defined. The following words shall, for the purpose of this Ordinance have the meaning herein indicated.

Section 3-1. Interpretation of Commonly Uses Terms & Words.

A) Words used in the present tense include the future tense.

B) Words used in the singular number include the plural, and words used in the plural number include the singular, unless the natural construction of the wording indicates otherwise.

C) The word "person" includes a firm, association, corporation, trust and company, as well as an individual.

D) The words "used for" shall include the meaning "designed for."

E) The word "structure" shall include the word "buildings" and the word "sign."

F) The word "lot" shall include the words "plot," "parcel," or "tract."

G) The word "shall" is always mandatory and not merely directory.

ARTICLE IV

DEFINITIONS

NOTE: Definitions in the Flood Damage Prevention Ordinance are not included in this section, as they are defined in the Code of Federal Regulations and may vary from these definitions adopted by the Trinity City Council for interpretation of the zoning, subdivision, and storm water ordinances.

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 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.

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.

Accessory Use: A use customarily incidental and subordinate to the principal use or building and location on the same lot with such principal use or building. Accessory buildings are not permitted on lots absent a principal structure.

Adult Day Care: Relating to or providing supervision and facilities for senior adult persons primarily during the day. Care may include, but not be limited to, recreational activities, food preparation/dining, orthopedic exercise and physical therapy.

Adult Establishment: The definition of "adult establishments" for purposes of this ordinance shall be consistent with Chapter 14, Article 26A of the N.C. General Statutes as currently written or hereafter amended. Adult establishments include adult bookstores, adult motion picture theaters, adult mini motion pictures, adult live entertainment business and massage businesses as those terms are defined by G.S.14-202.10, and adult motels and adult cabarets. Also included in this definition is any establishments that does not allow people under the age of 18 to enter. This includes all establishments that do not allow people under the age of 18 without parental signature and is not specifically mentioned anywhere else in this ordinance.

"Adult motel" is defined as a hotel, motel or similar commercial establishment that: (a) offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions that depict or describe "specified sexual activities," or "specified anatomical areas" as one of its principal business purposes; or (b) offers a sleeping room for rent for a period of time that is less than ten hours; or (c) allows a tenant or occupant of a sleeping room to subagent the room for a period of time that is less than ten hours.

"Adult Cabaret" is defined as a nightclub, bar, restaurant or other commercial establishment that regularly features, exhibits or displays as one of its principal business purposes: (a) persons who appear nude or semi-nude, or (b) live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities," or (c) films, motion pictures, video cassettes, slides or other photographic reproductions which depict or describe "specified anatomical areas."

Adult Motion Picture Theater: An enclosed building or outdoor premises used for presenting motion pictures, a preponderance of which are distinguished or characterized by an emphasis on matter depicting, describing or relating to sexual activities or anatomical areas. Adult Video/Book Store: A video/book store: a. which receives a

majority of its gross income during any calendar year from the sale or rental of publications which are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or anatomical area, or b. having a preponderance of its publications, books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to sexual activities or anatomical areas.

Alcohol Establishment: A business operated for the primary function of serving alcoholic beverages for consumption on the premises. The establishment may also serve food or have entertainment. For defining an alcohol establishment, sales from all types of alcohol (beer, wine, liquor) will exceed 50% of gross sales. Also referred to as bar, pub, tavern, brewpub, night lounge, beer garden, roadhouse, cocktail lounge, cigar lounge, saloon, ale house, café, or wine bar.

Alley: A roadway which affords only a secondary means of access to abutting properly.

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.

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

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

Automobile Body Shop: An auto body shop repairs damage to the exterior and non-moving parts.

- Restores vehicles after minor or major collisions
- Repairs dents in the sheet metal
- Restores paint and repaints to match factory colors
- Replaces bumpers, damaged body panels, and other components that are not part of the engine
- Repairs or replaces glass

Automobile Repair Shop: An auto repair shop performs regular maintenance and repairs moving parts.

- Replaces brakes
- Replaces other parts that wear out with during normal driving
- Performs oil changes
- Repair’s engine components that wear out or become damaged during use
- Repairs other moving components of the vehicle

Automobile Service Station: A building or structure or where gasoline or other fuel, stored in tanks, is dispensed directly to motor vehicle users. The following activities are included as accessory uses to a service station: dispensing oil, grease, antifreeze, tires, batteries, and automobile accessories directly to motor vehicle users; tuning motors, minor wheel and brake adjustment, waxing and polishing and other minor servicing and repair to the extent of installation of the items listed above; and washing of automobiles. All other activities shall be prohibited, including, but not limited to, upholstering work, auto glass work, painting, welding, tire recapping, storage of automobiles not in operating condition, auto dismantling and auto sales.

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.

Bed and Breakfast (Tourist Home): Any dwelling occupied by the owner or operator in which rooms are rented for lodging of travelers for compensation.

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.

Bona Fide Farm -Bona fide farm purposes include production and activities relating to or incidental to production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry and all other forms of agricultural products having a domestic or foreign market.

Buffer (and screen): A horizontal distance between uses that provides a functional and visual separation.

Buffer strip: A solid fence or wall, or a planted strip at least ten (10) feet in width composed of living deciduous and/or evergreen trees spaced not more than ten (10) feet apart, and not less than one (1) row of dense, living evergreen shrubs spaced not more than five (5) feet apart, which shall be established and maintained in perpetuity by the owner of property when a buffer is required under this ordinance.

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.

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.

Cemetery: A place for burial of the dead. A cemetery can be a combination of one or more of the following, in a place used or to be used and dedicated or designated for such purposes:

a) a burial park for earth interment.
b) a mausoleum for burial above the ground.
c) a columbarium, a structure substantially above the ground, for interment of the cremated remains of a deceased person.

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

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

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))

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 or their unit and accessory space and have an undivided interest in the common areas and facilities. Residential condominiums are considered multi-family developments

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.

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

Dwelling Unit: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

> **Dwelling, Single Family**: A detached building containing one dwelling unit.
> **Dwelling, Two Family**: A detached building containing two dwelling units.
> **Dwelling, Multi-Family**: A building containing three or more dwelling units.

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 Operations: 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.

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).

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.

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

Flea Market: Sales area (indoors or outdoors) in which 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.

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

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

Garage, Private: An accessory structure used for storage, primarily of motor vehicles.

Garage, Repair: A garage in which machinery operated by mechanical power is installed which is designed for making major repairs to motor vehicles.

Governmental Services:

1. City Owned and/or Operated Facilities and Services: Land, government offices, buildings, structures, and other facilities owned and/or operated by the City for providing typical and customary governmental services. Such services may or may not be delivered directly at the same site on which the buildings and facilities are located. Related activities and structures (above or below ground) typically associated with these uses and accessory to their operation include, but are not to, offices, utility facilities, indoor/outdoor storage, and parking.

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.

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, by whatever name it is called (e.g. domiciliary home, home for the aged, rest home, etc.) other than a "family care home" as defined by this ordinance, which has support and supervisory personnel and which provides room, board and personal care in a family or group setting. Refer to NCGS 131 D-2.

Guest Home (Tourist Home): Any dwelling occupied by the owner or operator in which rooms are rented for lodging or transients and travelers for compensation.

Home Occupation: Any use conducted entirely within a dwelling and carried on by the occupants thereof

which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and in connection with which there is no display and no more than one (1) person, not a resident on the premises, is employed specifically in connection with the home occupation. A home occupation shall comply with the following criteria:

- It shall occupy no more than 25% percent of the gross floor area of a dwelling unit.
- No outside storage or display of items associated with the home occupation is permitted.
- Signage identifying a home occupation may not be illuminated is limited to one wall or one freestanding sign per zoning lot and a maximum display surface of four (4) square feet. A permit is required as provided by Article 11 Signs**.**
- The home occupation must be conducted entirely within a dwelling unit.
- Only one person may be employed who is not an occupant of the residence.
- Activities shall not generate traffic, parking, noise, odors, or electrical interference beyond what normally occurs in the zoning district.
- Instruction in music, dancing, art or similar subjects shall be limited to no more than five (5) students at one time.
- Permitted home occupations include, but are not limited to: typing services, telephone sales, barber/beauty services, doctor/dentist office, architects, accountants, music and art lessons, state licensed family day care (5 or fewer persons), food catering, and handcrafting, etc.

Hotel and Motel: A building, or other structure which is used, kept maintained, advertised as or held out to the public to be a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants, in which ten (10) or more rooms are furnished for the accommodation of such guests; and having or not having one (1) or more dining rooms, restaurants, or cafes where meals or lunches are served to such transients or permanent guests, such sleeping accommodations and dining rooms, restaurants, or cafes, if existing, being conducted in the same building or buildings in connection therewith.

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.

Indoor Shooting Range: Facility that's primary reason is the shooting of firearms, bows, and cross-bows at, or in conjunction with, both for-profit and non-profit facilities. It does not include incidental target practice by individuals on private property.

- Shall conform to NRA Guidelines, The National Institute of Building Sciences for Firing Ranges, and the Department of Energy Range Design Criteria.

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: The use of more than six hundred (600) square feet of any lot for the storage of junk (as defined below) for more than 15 days, including scrap metals or other scrap materials or the dismantling or abandonment of automobiles or other vehicles or machinery.

"Junkyard" shall also include the term "automobile graveyard" as defined in NCGS136-143(1) or hereafter amended: Any establishment or place of business which is maintained, used, or operated for storing, keeping, buying or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts. Any establishment or place of business upon which six (6) or more unlicensed, used motor vehicles which cannot be operated under their own power are kept or stored for a period of fifteen days or more.

The term “junk” shall mean old scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel, and other old scrap ferrous or nonferrous material.

Landfill-Land Clearing and Inert Debris (LCID): 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.

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, Sanitary: A place where trash and garbage are disposed of by compacting and covering with earth at the end of each day of operation.

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 words "peat" or "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 street 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, or a lot described by metes and bounds, the description of which has been so recorded.

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 (also known as a mobile 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 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.

Manufactured Home Space: The land in a manufactured home park allotted to or designed for accommodation of one (1) manufactured home.

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.

To qualify for a North Carolina State Residential Building Code label or seal, a single-family modular home must meet or exceed the following construction and design standards identified in NCGS143-139.1, or as hereafter amended:

1. Roof pitch. - For homes with a single predominant roofline, the pitch of the roof shall be no less than five feet rise for every 12 feet of run.
2. Eave projection. - The eave projections of the roof shall be no less than 10 inches, which may not include a gutter around the perimeter of the home, unless the roof pitch is 8/12 or greater.
3. Exterior wall. - The minimum height of the exterior wall shall be at least seven feet six inches for the first story.

4. Siding and roofing materials. - The materials and texture for the exterior materials shall be compatible in composition, appearance, and durability to the exterior materials commonly used in standard residential construction.
5. Foundations. - The home shall be designed to require foundation supports around the perimeter. The supports may be in the form of piers, pier and curtain wall, piling foundations, a perimeter wall, or other approved perimeter supports.

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.

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.

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.

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

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

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.

Planned Building Group: An area of land under unified control; developed for business, commercial or industrial uses; consisting of one or more principal structures or buildings and accessory structures or buildings on a plot not subdivided into customary streets or lots.

Planned Unit Development*:* An unconventional subdivision of land not subsequently subdivided into conventional streets and lots and designated for ownership by separate property owners. A PUD may include within it a variety of forms of residential occupancy and ownership such as single-family detached housing, single family attached housing and some multifamily units. Significant areas of common properties which may include open space or private streets are owned and maintained by private ownership associations.

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

Quasi-judicial Decision: A decision made after an evidentiary hearing to gather competent, material, and substantial evidence to make findings of facts regarding a specific application of a development regulation. A quasi-judicial decision requires the exercise of discretion when applying the standards of the regulation. Quasi-judicial decisions include but are not limited to variances,

special use permits, certificates of appropriateness, and appeals of administrative determinations as provided in G.S. 160D-102(28).

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."

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 the Trinity Subdivision Ordinance.

Reception House: A single family dwelling where a portion of the dwelling is available for receptions and other similar private functions. Meals may only be served to guests of receptions and other private functions. For purposes of this definition a private function means a pre=planned, organized social event for which one host of hostess is responsible. It has a defined beginning and ending times and is a celebration of a specific event such as a wedding, high school or college graduation, corporate event or a reception honoring a special person.

Recreational Vehicle Parks: Means any site, lot, field, or tract of land designed with facilities for short-term occupancy by recreational vehicles and or tiny homes only. Recreational vehicle parks and/or tiny home parks are prohibited inside the City of Trinity municipal limits.

Recycling Processing Facility: Includes uses engaged in the processing, sorting, assembly, breaking up, temporary storage and distribution of recyclables or reusable scrap and waste materials. The dismantling of junk vehicles or otherwise not capable of operating under their own power is not a permitted use. All recycling, scrap, storage and dismantling must be within an enclosed building. This use does not include landfills or other waste disposal sites.

Reservation: A reservation of land does not involve any transfer of property rights. It simply constitutes an obligation to keep property free from development for a stated period of time.

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.

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

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 small capacity underground collection system (approved by the Randolph County Health Department)

Shooting Range: The term "shooting range" shall mean an establishment or place either indoors or outdoors, used for the 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.

Sign: Any words, lettering, parts of letters, pictures, figures, numerals, phrases, sentences, emblems, devices, design, names, trade names, trademarks, identification, description, 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, Billboard: Signs regulated under N.C. Gen. Stat. Chapter 136 Transportation, Art. 11. Outdoor Advertising Control Act including electronic changeable copy signs. These signs are also known as outdoor advertising signs. N.C. Gen. Stat. Ann. § 136-128 (3) defines it this way: ""Outdoor advertising" means any outdoor sign, display, light, device, figure, painting, drawing, message, plaque, poster, billboard, or any other thing which is designed, intended or used to advertise or inform, any part of the advertising or information contents of which is visible from any place on the main-traveled way of the interstate or primary system, whether the same be permanent or portable installation."

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 and including 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.

Information Sign (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-Premise: A Sign that advertises goods, products or services which are not sold manufactured or distributed on or from the premises or facilities on which the sign is located.

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.[1]

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.

Social Service Facility, Temporary Stay: A residential facility with support and supervisory personnel that provides temporary room and board, housekeeping, personal care, or rehabilitation services for those needing emergency services, post-incarceration services, or drug or alcohol rehabilitation assistance (but not including those with mental illness who are dangerous to others). Examples include homeless shelters, orphanages, shelters for victims of domestic abuse, crisis centers, halfway houses, and drug and alcohol treatment facilities.

Solar Energy System (SES): the components and subsystems required to convert solar energy into electric or thermal energy suitable for use. The area of the system includes all the land inside the perimeter of the system, which extends to any fencing. The term applies but is not limited to solar photovoltaic (PV) systems, solar thermal systems, and solar hot water systems. A system fits into one of three system types: Level 1 SES, Level 2 SES, and Level 3 SES.

Level 1 Solar Energy Systems: Level I SESs include the following:

1. Roof mounted on any compliant structure.
2. Covering paved parking lot and other hardscape or impervious areas.
3. Building integrated solar (ex. Shingle, hanging solar canopy, etc…)
4. Ground mounted solar structures over softscape or pervious surface are not allowed.

Level 2 Solar Energy Systems: Level 2 SESs are ground mounted systems not included in Level 1 that meet the area restriction listed below:

1. Zoning: Residential Agriculture greater than 25Acres

Level 3 Solar Energy Systems: Level 3 SESs are systems that do not satisfy the parameters for a Level 1 or Level 2 SES.

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 twice in a calendar year.

Special Use Permit: A permit issued 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 judgement and discretion be exercised as well as compliance with specific standards. (G.S. 160D-102(30))

Subdivision: The 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 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 as specified in NCGS 160D-802.

Rural Roads

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.

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.

Public Street. A street located on a right-of-way dedication under the requirements of this Ordinance.

Private Street. 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. Emergency and other public services may not be provided over such private streets, and they shall be privately maintained.

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

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.

Major Subdivision. A subdivision with four (4) or more owner occupied lots created for the purpose of sale or building development.

Minor Subdivision. A subdivision with three (3) or fewer ~~owner occupied~~ lots created for the purpose of sale or building development with all lots having access to an existing state-maintained road.

Technical Review Committee: A committee authorized to review and provide analysis of planning and development projects. This committee shall include Trinity's planning and zoning official, and may include the city manager, and staff from appropriate county and state agencies.

Telecommunications Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers. The term includes radio and television transmission towers, personal communications service towers (PCS), microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like. This definition does not include any structure erectly solely for a residential non-commercial individual use, such as television antennas, satellite dishes or amateur radio antennas.

Townhouse: Two or more attached single-family residences contained within one or more residential structures with each unit located on a separate plot.

Truck Stop: a facility especially for truckers that is usually by a highway and that includes a diner, fuel pumps, sleeping and showering rooms, shopping store, and/or a garage.

Use: The purpose for which land or a building or structure is arranged, designed, or intended, or for which either land or a building or structure is, or may be, occupied or maintained.

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-Special: A use which is permitted in a district only if a permit therefore is expressly authorized by the Planning Board.

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.

Water Quality Critical Area (WQCA): Land located abutting to the shoreline of a public water supply reservoir, so designated by a Governmental authority, and is located from normal pool level extending from ½ to 1 mile from the reservoir high water mark depending on the size of the watershed, and specifically delineated on the official watershed map.

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

Watershed: An area in which all water drains to a particular body of water.

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 NCGSNCGS 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.

Zoning Vested Right: A right pursuant to NCGS160D-102; -100(d) to undertake and complete the development and use of property under the terms and conditions of an approved site development plan.

ARTICLE V

APPLICATION OF REGULATIONS

Section 5-1. Zoning Affects Every Building and Use.

No building or land shall hereafter be used, or its use changed, and no building or part thereof shall be erected, moved or altered except in conformity with the regulations herein specified for the district in which it is located.

Section 5-2. Reduction of Lot and Yard Areas Prohibited.

No yard or lot existing at the time of passage of this ordinance shall be reduced in size or area below the minimum requirements set forth herein, except for street widening. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

Section 5-3 Lot of Record

Single Lots of Record:

When a lot has an area or width which does not conform to the dimensional requirements of the district where they are located, but such lot was of record at the time of adoption of this Ordinance or any subsequent amendment which renders such lot nonconforming, then such lot may be built upon if compliance is achieved with regard to setback dimensions and other requirements, except lot area or width. Lots that cannot meet the setback and buffering requirements of this Ordinance may seek a variance from the Board of Adjustments.

Lots with Contiguous Frontage in One Ownership:

When two (2) or more adjoining lots with contiguous frontage are in one ownership and said lots individually have area or width which does not conform to the dimensional requirements of the district where located, but such lots were of record at the time of adoption of this Ordinance or any subsequent amendment which renders such lots nonconforming, for the purpose of development such lots must be combined to form a parcel of no less than 20,000 square feet. All lots must comply with the setbacks established for the zoning district in which they are located. Lots that cannot meet the setback and buffering requirements of this Ordinance may seek a variance from the Board of Adjustments.

Section 5-4. Relationship of Building to Lot.

Every building hereafter erected, moved or structurally altered shall be located on a lot and in no case shall there be more than one (1) principal building and its customary accessory buildings on any lot, except in the case of a specially designed complex of institutional, residential, church, commercial, governmental services or industrial buildings in an appropriate zoning district, i.e., school campus, shopping center, industrial park, and so forth, as permitted by this ordinance.

Section 5-5. Required Open Space Not Used for Other Building

No part of any yard, other open space, or off-street parking or loading space required for any building, structure or other use shall be considered to be a part of a required yard, open space, off street parking or

loading space for any other buildings, structures or use unless explicitly provided to the contrary in this Ordinance.

Section 5-6. Road Access

No building shall be erected on a new lot created after adoption of this amendment which does not have access, directly or by easement, to a road whether publicly or privately maintained. All private roads shall be constructed and maintained in accordance with the specifications adopted by the City of Trinity.

Section 5-7 Buildings and Land Used for Permitted Uses

Within the districts indicated on the zoning map, no building or land shall be used, and no building shall be erected or altered which is intended or designed to be used in whole or in part, for any use other than those listed as permitted for the district in this Article.

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ARTICLE VI

ESTABLISHMENT OF DISTRICTS AND DISTRICT BOUNDARIES

Section 6-1. Use District Names:

For the purpose of this ordinance, the City of Trinity is hereby divided into the following use districts with the designation and purposes as listed below:

HC	Highway Commercial District
M-1	Heavy Manufacturing District
M-2	Light Manufacturing District
O&I	Office and Institutional
RA	Residential Agricultural District
R-40	Residential District
R-20	Residential District
R-12	Residential District
RM	Mixed Residential District
RM-U	Residential Mixed – Urban

Overlay District Names:

MH-O	Manufactured Home Overlay District

Section 6-2. Official Zoning District Map.

The boundaries of the districts are shown on the map accompanying this ordinance and made a part hereof entitled "Official Zoning Map, Trinity, North Carolina." The zoning map and all the notations, references, and amendments thereto, and other information shown thereon are hereby made a part of this ordinance the same as if such information set forth on the map were all fully described and set out herein. The zoning map properly attested is posted at the City Hall in Trinity and is available for inspection by the public.

(A) Zoning district maps that are so adopted shall be maintained for public inspection in the Town Hall office. The maps may be maintained and in paper or a digital format, with current and prior zoning maps available for public inspection (NCGS 160D-105).

(B) Copies – Copies of the zoning district map may be reproduced by any method of reproduction that gives legible and permanent copies and, when certified by the Town clerk in accordance with G.S. 160A-79, shall be admissible into evidence and shall have the same force and effect as would the original map.

Section 6-3. Due Consideration Given to District Boundaries.

In the creation, by this ordinance, of the respective districts, careful consideration is given to the peculiar suitability of each district for the particular uses and regulations applied thereto, and the necessary and proper grouping and arrangement of various uses and densities of population in accordance with a well-considered comprehensive plan for the physical development of the community.

Section 6-4. Rules Governing Interpretation of District Boundaries.

(a) Where uncertainty exists as to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

1. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.

2. Where such district boundaries are indicated as approximately following street, alley, or highway lines, the centerline of said facilities shall be construed to be such boundaries.
3. Where district boundaries are so indicated that they are approximately parallel to the center line of streets, alleys or highways, or the rights-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the zoning map.

4. Where a district boundary line divides a lot or tract in single ownership, the district requirements for the least restricted portion of such lot or tract shall be deemed to apply to the whole thereof, provided such extensions shall not include any part of a lot or tract more than thirty-five (35) feet beyond the district boundary line. The term "least restricted" shall refer to zoning restrictions.

(b) The Zoning Administrator or Planning Director shall determine boundary interpretations based on the above criteria. Appeals from the decision of the Zoning Administrator or Planning Director shall be made to the Board of Adjustment (NCGS 160D-405). Appeals from the decision of the Board of Adjustment shall be made to Superior Court of Randolph County.

ARTICLE VII

DESCRIPTION AND PURPOSES OF DISTRICTS

Section 7-1 RA Residential Agricultural District

At the time of adoption of Trinity's initial Zoning Ordinance considerable land in Trinity is zoned Residential Agricultural. This is a carryover from its Randolph County zoning classification. This classification provides a place for agricultural operations and scattered non-farm residences on traditional rural lots. Only minor conventional residential subdivisions (three or fewer lots) are allowed in this district. Requests for higher intensity residential use or other uses, consistent with the Trinity Land Development Plan, are handled through the rezoning process.

ZONING REQUIREMENTS		
Topic	**Explanation**	**See Pages**
Exterior Building	Meet NC Building Code	NCGS 143.139.1 or Section 7-16.12 of the Zoning Ordinance
Enclosed Facilities	Depends on use.	See Section 8-8 or Article IV Definitions.
Parking Requirements	Depends on use.	See Section 8-8 to see if your particular use is listed with a requirement.
Paved Parking	Depends on use.	See Section 13-6.3.l
Buffering	Depends on use.	See Section 8-8 to see if your particular use is listed with a requirement.
Fencing	Depends on use. If a corner lot, visibility instructions in Section 12-3.	See Section 8-8 to see if your particular use is listed with a requirement. For general requirements, see Section 12-4.
Planting Area	None	
Curb & Gutter	None	
Setbacks & Lot Widths	Varies	Section 12-4
Sidewalks	None	
Signs	Varies	See Section 11-4 (don't need a permit) & 11-7 (need a permit).
Bona Fide Farm Uses Exempt See NCGS 160D-903		

Section 7-2 R-40 Residential District.

The R-40 Residential District is established for low density residential with some limited public, semi-public, and recreational uses permitted when they are compatible to low density residential developments.

ZONING REQUIREMENTS		
Topic	**Explanation**	**See Pages**
Exterior Building	Meet NC Building Code	NCGS NCGS143.139.1 or Section 7-16.12 of the Zoning Ordinance
Enclosed Facilities	Depends on use.	See Section 8-8 to see if your particular use is listed with a requirement or in Article IV Definitions.
Parking Requirements	Depends on use.	See Section 8-8 to see if your particular use is listed with a requirement.
Paved Parking	Depends on use.	See Section 13-6.3.l
Buffering	Depends on use.	See Section 8-8 to see if your particular use is listed with a requirement.
Fencing	Depends on use. If a corner lot, visibility instructions in Section 12-3.	See Section 8-8 to see if your particular use is listed with a requirement. For general requirements, see Section 12-4.
Planting Area	None	
Curb & Gutter	None	
Setbacks & Lot Widths	Varies	Section 12-4
Sidewalks	None	
Signs	Varies	See Section 11-4 (don't need a permit) & 11-7 (need a permit).
Open Space	None	

Section 7-3 R-20 Residential District

The R-20 Residential District is established for medium density residential uses, some public, semi-public, and recreational activities that are compatible with residential development. Public water and sewer are a pre-requisite to development in this district.

ZONING REQUIREMENTS		
Topic	**Explanation**	**See Pages**
Exterior Building	Meet NC Building Code	NCGS 143.139.1 or Section 7-16.12 of the Zoning Ordinance
Enclosed Facilities	Depends on use.	See Section 8-8 to see if your particular use is listed with a requirement or in Article IV Definitions.
Parking Requirements	Depends on use.	See Section 8-8 to see if your particular use is listed with a requirement.
Paved Parking	Depends on use.	See Section 13-6.3.l
Buffering	Depends on use.	See Section 8-8 to see if your particular use is listed with a requirement.
Fencing	Depends on use. If a corner lot, visibility instructions in Section 12-3.	See Section 8-8 to see if your particular use is listed with a requirement. For general requirements, see Section 12-4.
Planting Area	None	
Curb & Gutter	None	
Setbacks & Lot Widths	Varies	Section 12-4
Sidewalks	None	
Signs	Varies	See Section 11-4 (don't need a permit) & 11-7 (need a permit).
Open Space	None	

Section 7-4 R-12 Residential District

The R-12 Residential District is established for medium-to-high density residential uses with lot sizes a minimum of 12,000 square feet, some public, semi-public, and recreational activities that are compatible with residential development. Public water and sewer are a prerequisite to development in this district.

ZONING REQUIREMENTS		
Topic	**Explanation**	**See Pages**
Exterior Building	Meet NC Building Code	NCGS 143.139.1 or Section 7-16.12 of the Zoning Ordinance
Enclosed Facilities	Depends on use.	See Section 8-8 to see if your particular use is listed with a requirement or in Article IV Definitions.
Parking Requirements	Depends on use.	See Section 8-8 to see if your particular use is listed with a requirement.
Paved Parking	Required	See Section 13-6.3.l
Buffering	Depends on use.	See Section 8-8 to see if your particular use is listed with a requirement.
Fencing	Depends on use. If a corner lot, visibility instructions in Section 12-3.	See Section 8-8 to see if your particular use is listed with a requirement. For general requirements, see Section 12-4.
Planting Area	None	
Curb & Gutter	No, if impervious percentage is less than 24%. The storm water administrator's calculation is the final calculation. If greater than 24%, curb and gutter is required.	
Setbacks & Lot Widths	Front: 30 Ft; Side: 10 Ft; Rear: 25 Ft; Lot Width: 75 Ft.	Section 12-4
Sidewalks	None	
Signs	Varies	See Section 11-4 (don't need a permit) & 11-7 (need a permit).
Open Space	None	

Section 7-5 R-10 Residential District

The R-10 Residential District is established for high density residential uses with lot sizes a minimum of 10,000 square feet, some public, semi-public, and recreational activities that are compatible with residential development. Public water and sewer are a prerequisite to development in this district.

ZONING REQUIREMENTS		
Topic	**Explanation**	**See Pages**
Exterior Building	Meet NC Building Code	NCGS 143.139.1 or Section 7-16.12 of the Zoning Ordinance
Enclosed Facilities	Depends on use.	See Section 8-8 to see if your particular use is listed with a requirement or in Article IV Definitions.
Parking Requirements	Depends on use.	See Section 8-8 to see if your particular use is listed with a requirement.
Paved Parking	Required	See Section 13-6.3.l
Buffering	Depends on use.	See Section 8-8 to see if your particular use is listed with a requirement.
Fencing	Depends on use. If a corner lot, visibility instructions in Section 12-3.	See Section 8-8 to see if your particular use is listed with a requirement. For general requirements, see Section 12-4.
Planting Area	None	
Curb & Gutter	No, if impervious percentage is less than 24%. The storm water administrator's calculation is the final calculation. If greater than 24%, curb and gutter is required.	Section 13-10
Setbacks & Lot Widths	Front: 30 Ft; Side: 10 Ft; Rear: 25 Ft; Lot Width: 60 Ft.	Section 12-4
Sidewalks	None	
Signs	Varies	See Section 11-4 (don't need a permit) & 11-7 (need a permit).
Open Space	None	

Section 7-6 Mixed Residential District.

The purpose of this district is to provide a place for residential uses of all types (single family residences; multi-family dwellings. R-10 or less density development is permitted provided that water and sewer systems are made available and approved by the appropriate authorities.

ZONING REQUIREMENTS		
Topic	**Explanation**	**See Pages**
Exterior Building	If denser than R-10 residential development then all common building materials, aside from metal and cinderblock sidings, are acceptable except vinyl use is limited to no more than 30% of the front façade of the structure.	
Enclosed/Screened	Depends on use. If not specified, all outside storage not enclosed must be screened.	See Section 8-8 to see if your particular use is listed with a requirement or in Article IV Definitions.
Parking Requirements	Depends on use.	See Section 8-8 or Table 13.4 to see if your particular use is listed.
Paved Parking	Depends on use.	See Section 13-6.3.l
Buffering	Depends on use. Will need screening if buffering a single-family residentially zoned property.	See Section 8-8 to see if your particular use is listed with a requirement. For general requirements, see Section 12-4.
Fencing	Depends on use. If a corner lot, visibility instructions in Section 12-3.	See Section 8-8 and/or Section 12-4.
Planting Area	None	
Curb & Gutter	Mountable curbs are required.	Section 13-10.
Setbacks & Lot Widths	Varies	Section 12-4
Sidewalks	None	
Signs	Varies	See Section 11-4 (don't need a permit) & 11-7 (need a permit).
Open Space	Yes	Section 12-5

Section 7-7 Residential Mixed – Urban

This medium to high density predominately residential district is established to accommodate compact, walkable neighborhoods near mixed-use activity centers. Public water and sewer are necessary prerequisites for this type of development. Limited commercial activities are also permitted subject to issuance of a Special Use. Minor subdivisions consisting of single-family lots sized 10,000 s.f. or greater are exempt from the provisions of this section.

ZONING REQUIREMENTS		
Topic	**Explanation**	**See Pages**
Exterior Building	If denser than R-10 residential development or a non-residential use, then all common building materials, aside from metal and cinderblock sidings, are acceptable except vinyl use is limited to no more than 30% of the front façade of the structure.	
Enclosed/Screened	Depends on use. If not specified, all outside storage not enclosed must be screened.	See Section 8-8 to see if your particular use is listed with a requirement or in Article IV Definitions.
Parking Requirements	Depends on use.	See Section 8-8 or Table 13.4 to see if your particular use is listed with a requirement.
Paved Parking	Depends on use.	See Section 13-6.3.l
Buffering	Depends on use. Will need screening if buffering a single-family residentially zoned property.	See Section 8-8 to see if your particular use is listed with a requirement.
Fencing	Depends on use. If a corner lot, visibility instructions in Section 12-3.	See Section 8-8 or Section 12-4.
Curb & Gutter	Mountable curbs are required.	Section 13-10
Setbacks & Lot Widths	Varies	Section 12-4
Signs	Varies	See Section 11-4 (don't need a permit), 11-7 (if residential), and 11-10 (if non-residential).
Open Space	Yes	Section 12-5

Section 7-8 O&I Office and Institutional District.

The O & I Office and Institutional District is established to provide for business and professional office use, service occupations and light commercial uses. Because the Office and Institutional uses are subject to the public view, developers and operators of offices and business should provide an appropriate appearance, parking and design of entrances and exits to offices and businesses in a manner to minimize the traffic congestion.

ZONING REQUIREMENTS		
Topic	**Explanation**	**See Pages**
Exterior Building	Building exteriors may consist of any of the following materials: utility brick, standard brick, colored split faced brick, glass, stone, wood, concrete composite siding, or other similar high-quality material. - Stucco, synthetic stucco, iron, and steel may be used as secondary materials however they may not cover more than 20% of the surface area of any one elevation.	
Enclosed/Screened	Depends on use. If not specified, all outside storage not enclosed must be screened.	See Section 8-8 to see if your particular use is listed with a requirement or in Article IV Definitions.
Parking Requirements	Depends on use.	See Section 8-8 or Table 13.4 to see if your particular use is listed with a requirement.
Paved Parking	Depends on use.	See Section 13-6.3.l
Buffering	Depends on use. Will need screening if buffering a residentially zoned property.	See Section 8-8 to see if your particular use is listed with a requirement. For general requirements, see Section 14.
Fencing	Depends on use. If a corner lot, visibility instructions in Section 12-3.	See Section 8-8 to see if your particular use is listed with a requirement. For general requirements, see Section 14-2.
Planting Area	None	
Curb & Gutter	Mountable Curbs are required.	
Setbacks & Lot Widths	Varies	Section 12-4
Sidewalks	None	
Signs	Varies	See Section 11-4 (don't need a permit), and 11-8 through 11-10 (need a permit).
Open Space	No	

Section 7-9 HC Highway Commercial District.

The Highway Commercial District is established to provide for a compact neighborhood shopping district which provides convenience goods such as groceries and pharmacies and some types of personal services to the surrounding residential area. The regulations are designed to protect the surrounding residential districts and provide an appropriate community appearance. Parking and design of entrances and exits to businesses must be established in a manner to minimize traffic congestion.

ZONING REQUIREMENTS		
Topic	**Explanation**	**See Pages**
Exterior Building	Building exteriors may consist of any of the following materials: utility brick, standard brick, colored split faced brick, glass, stone, wood, concrete composite siding, or other similar high-quality material. - Stucco, synthetic stucco, iron, and steel may be used as secondary materials however they may not cover more than 20% of the surface area of any one elevation.	
Enclosed/Screened	Depends on use. If not specified, all outside storage not enclosed must be screened.	See Section 8-8 to see if your particular use is listed with a requirement or in Article IV Definitions.
Parking Requirements	Depends on use.	See Section 8-8 or Table 13.4 to see if your particular use is listed with a requirement.
Paved Parking	Depends on use.	See Section 13-6.3.l
Buffering	Depends on use. Will need screening if buffering a residentially zoned property.	See Section 8-8 to see if your particular use is listed with a requirement. For general requirements, see Section 14.
Fencing	Depends on use. If a corner lot, visibility instructions in Section 12-3.	See Section 8-8 to see if your particular use is listed with a requirement. For general requirements, see Section 14-2.
Planting Area	None	
Curb & Gutter	None	
Setbacks & Lot Widths	Varies	Section 12-4
Sidewalks	Yes, 5-ft	Section 13-8.B.
Signs	Varies	See Section 11-4 (don't need a permit), and 11-8 through 11-10 (need a permit).
Open Space	No	

Section 7-10 M-1 Heavy Manufacturing District.

The M-1 Heavy Manufacturing District is established for those areas of the community where the principle use of land is for manufacturing, industrial, and warehousing uses. These uses, by their nature, may create some nuisances which are not properly associated with residential, institutional, commercial and/or service establishments. These uses normally seek outlying locations on large tracts of land where the operations involved do not detract from the development potential of nearby undeveloped properties.

ZONING REQUIREMENTS		
Topic	**Explanation**	**See Pages**
Exterior Building	Meet NC Building Code	NCGS 143.139.1 or Section 7-16.12 of the Zoning Ordinance
Enclosed/Screened	Depends on use.	See Section 8-8 to see if your particular use is listed with a requirement or in Article IV Definitions.
Parking Requirements	Depends on use.	See Section 8-8 or Table 13.4 to see if your particular use is listed with a requirement.
Paved Parking	Depends on use.	See Section 13-6.3.l
Buffering	Depends on use. Will need screening if buffering a residentially zoned property.	See Section 8-8 to see if your particular use is listed with a requirement. For general requirements, see Section 14.
Fencing	Depends on use. If a corner lot, visibility instructions in Section 12-3.	See Section 8-8 to see if your particular use is listed with a requirement. For general requirements, see Section 14-2.
Planting Area	None	
Curb & Gutter	None	
Setbacks & Lot Widths	Varies	Section 12-4
Sidewalks	No	
Signs	Varies	See Section 11-4 (don't need a permit), and 11-8 through 11-10 (need a permit).
Open Space	No	

Section 7-11 M-2 Light Manufacturing District.

The M-2 Light Manufacturing District is established for manufacturing, industrial and warehousing located on planned sites with access to major highways and streets and with adequate utility facilities. This district is intended to allow a lower density of manufacturing and warehousing operations which create a more desirable appearance and less environmental pollution than a denser manufacturing zone. These uses by their nature may create some nuisance which is not properly associated with residential, institutional, commercial and or service establishments. These uses normally seek outlying locations on large tracts of land where the operations involved do not detract from the development potential of nearby development property. The purpose of these regulations is to control building and traffic congestion and to provide an appropriate community appearance.

ZONING REQUIREMENTS		
Topic	**Explanation**	**See Pages**
Exterior Building	Meet NC Building Code	NCGS 143.139.1 or Section 7-16.12 of the Zoning Ordinance
Enclosed/Screened	Depends on use.	See Section 8-8 to see if your particular use is listed with a requirement or in Article IV Definitions.
Parking Requirements	Depends on use.	See Section 8-8 or Table 13.4 to see if your particular use is listed with a requirement.
Paved Parking	Depends on use.	See Section 13-6.3.l
Buffering	Depends on use. Will need screening if buffering a residentially zoned property.	See Section 8-8 to see if your particular use is listed with a requirement. For general requirements, see Section 14.
Fencing	Depends on use. If a corner lot, visibility instructions in Section 12-3.	See Section 8-8 to see if your particular use is listed with a requirement. For general requirements, see Section 14-2.
Planting Area	None	
Curb & Gutter	None	
Setbacks & Lot Widths	Varies	Section 12-4
Sidewalks	No	
Signs	Varies	See Section 11-4 (don't need a permit), and 11-8 through 11-10 (need a permit).
Open Space	No	

Section 7-12 Overlay Districts – Establishments and Requirements

Overlay districts make regulations applicable to certain areas which are in addition to the regulations applicable to underlying general use district.

A. MH-O Manufactured Home Overlay District for Manufactured Home Subdivisions

The Manufactured home Overlay District sets forth regulations governing the development of subdivisions for manufactured homes in Trinity.

1) Criteria for Establishment of District – Manufactured homes may be permitted in a subdivision of single-family lots in a residential district, provided overlay district zoning is approved by the City Council. A minimum of ten contiguous lots, meeting the dimensional requirements of the applicable zoning district, excluding public street right-of-way, is required to establish a manufactured home subdivision in a Manufactured Home Overlay District.

2) Standards for Dwelling Units - Only manufactured dwellings meeting Class A criteria as defined in Article V Definitions of this Ordinance shall be permitted.

3) Manufactured Homes Front Entrance Requirements. Every manufactured home site shall have a minimum 5 ft. x 10 ft. x 4 in. thick concrete slab at the front door area or a 8 ft. x 12 ft. treated lumber deck or porch built of treated lumber and built to North Carolina Building Code specifications at the front entrance.

3) Rezoning – An application for a Manufactured home Overlay district shall be processed, considered and voted on in the same manner as for a rezoning.

4) Site Development and Parking – Consistent with Trinity subdivision requirements. All manufactured home subdivisions shall be located on roads constructed to North Carolina Department of Transportation, Division of Highways, subdivision road standards.

Section 7-13 Conditional Zoning Districts

General Requirements

1. Application: Only the property owner(s) of all the property to be included in the district shall apply for rezoning to an appropriate conditional zoning district. Specific conditions applicable to these districts may be proposed by the petitioner or the City or its agencies, but only those conditions mutually approved by the city and the petitioner may be incorporated into the zoning regulations or permit requirements.

2. Other Regulations Apply: Within a conditional zoning district, all requirements of any corresponding general zoning district, and all other requirements of this Ordinance, shall apply except to the extent that the approved conditions are more restrictive that those requirements.

3. Uses Within District: Within a parallel conditional zoning district, only those uses authorized by Section 7-15 (Permitted Uses in Zoning District) as allowed in the general zoning district to which the conditional zoning district corresponds shall be permitted. No use(s) shall be permitted except those use(s) authorized by the conditional zoning district approval.

4. Conditions: In a conditional zoning district, conditions may specify the location on the property of the proposed use(s); the number of dwelling units; the location and extent of supporting facilities such as parking lots, driveways, and access streets; the location and extent of buffer areas and other special purpose areas; the timing of development; the location and extent of rights-of-ways and other areas to be dedicated for public purposes; and other such matters as the applicant may propose as conditions upon request.

5. Approval Statement: A statement analyzing the reasonableness of the proposed rezoning shall be prepared for each petition for a rezoning to a conditional district or other small scale rezoning.

6. Compliance with Approved Plan: No permit shall be issued for any development activity within a conditional zoning district except in accordance with the approved conditional zoning site plan.

7. Violation of Conditions: Any violation of a condition in an approved conditional zoning district shall be treated the same as any other violation of this Ordinance and shall be subject to the same remedies and penalties as any such violation. Any violation of such a condition shall be deemed to be the same type of violation as the use of a property for a use not permitted under the district regulations, for the same reason that any use permitted in a conditional zoning district is permitted only subject to the specified conditions.

8. Cancellation of Site Plan Approval: If for any reason any condition imposed pursuant to theses regulations is found to be illegal or invalid, or if the applicant should fail to accept any condition, the approval of the conditional zoning site plan shall be null and void and of no effect and proceedings shall be instituted to rezone the property to its previous zoning classification.

Procedure

1. Processing Application: Applications for condition zoning districts shall be processed, considered, and voted upon in the same procedure as that required in Article XVII. No conditional zoning site plan shall be approved prior to approval of the conditional zoning district to which it applies.

2. Application Consideration: In considering applications for conditional zoning districts, the Planning & Zoning Board and City Council shall give due regard that the purposes and intent of this Ordinance shall be served.

3. Conditions Perpetually Binding: Any conditions in association with a conditional zoning district and so authorized shall be perpetually binding upon the property included in such conditional zoning district unless subsequently changes or amended as provided for in this Article.

4. Greater Restrictions: In approving a conditional zoning district the City Council may impose only more restrictive requirements upon such district as may be necessary to comply with the purpose and intent of this ordinance.

5. No removal of Other Requirements: No condition on a conditional zoning district application shall have the effect of removing or amending any requirements of this ordinance.

6. A conditional zoning site plan shall be submitted for review for any development made pursuant to any conditional zoning district to the Planning and Zoning Board and City Council. Site specific conditions must be shown on this plan. Three copies of a site plan shall be submitted on sheets no larger than 36" by 24" drawn to a scale of no less than 1" = 50'. The plans shall conform to the Community Development checklists.

7. Amendment of Conditions: The City Council may change or amend a conditional zoning district in the same procedure as that required for the original approval of the conditional zoning district. Specific conditions may be proposed by the petitioner or the local government or its agencies, but only those conditions approved by the local government and consented to by the petitioner in writing may be incorporated into the zoning regulations (160D-703(b)).

Timing of Amendment Proposal: No proposal to change or amend any conditional zoning district shall be considered within one (1) year after the date of the original approval of such district, or within one (1) year after the hearing of any previous proposal to change or amend

Section 7-13 Permitted Uses in Zoning Districts

Permitted Uses in Zoning Districts: In accordance with the applicable ordinance provisions, in each zoning district, land, building and structures shall only be used, and buildings and structures shall only be erected which are intended to be used for the uses, as listed in the Table of Permitted Uses, unless otherwise stated in Article IX. In the appropriate columns of the Table below, uses permitted by right in the various districts are indicated with an "X;" uses requiring a conditional zoning are indicated by a "C"; uses requiring a Special Use Permit are indicated by an "S;" uses requiring a Manufactured Home Overlay Zone are indicated with an "O."

Table of Permitted Uses:	**RA**	**R-40**	**R-20**	**R-12**	**R-10**	**RM**	**RM-U**	**O-I**	**HC**	**M-1**	**M-2**
Accessory Uses (Residential) – See Note 2	X	X	X	X	X	X	X	X	X	X	X

Table of Permitted Uses:	RA	R-40	R-20	R-12	R-10	RM	RM-U	O-I	HC	M-1	M-2
Accessory Uses (Commercial) ATM Movie Rental Kiosk Outdoor Storage							X X X X	X X X X	X X X X		
Adult Uses (see Sexually Oriented Businesses)										C	
Agricultural Uses – Field Crops	X	X	X					X	X	X	X
Agricultural Uses – Livestock, See Note 14	X										
Alcohol Establishment										C	
Amusements, indoor commercial (e.g. bowling alleys, skating rinks, pool halls, video arcades)									X	X	X
Antique Store/Mall							X		X		
Apparel & accessory sales							OT		X	X	X
Apartment Buildings						C	C				
Art Galleries							OT	X	X		
Athletic fields, recreational use buildings, playgrounds, swim, and racquet clubs (non-profit)	S	S	S	S	S	S	S				S
Auction sales, permanent facility										X	X
Automobile body shops (includes screened storage of wrecked vehicles - See Note 3										X	X
Automobile car wash (see below) Drive Through (Accessory Uses – existing gas station) Drive Through (standalone) Self Service Car Wash									 S S S	 X X X	 X X X

Table of Permitted Uses:	RA	R-40	R-20	R-12	R-10	RM	RM-U	O-I	HC	M-1	M-2
Automobile parts sales, (no open storage)									X	X	X
Automobile parking lots, (stand alone public/private)								X	S	X	X
Automobile repair service, See Note 3									S	X	X
Automobile sales, and rental (new & used)									C	C	C
Banks & Savings & Loans								X	X	X	X
Barber & Beauty Shops/Salons							S OT	X	X	X	X
Bed Breakfast/Tourist Home	S	S	S				X	X	X		
Boats, Recreational Vehicles (sales & service)									S	S	S
Bottling Plants										X	X
Cabinet Making										X	X
Cemeteries, Mausoleum	S	S					S				
Chemical Manufacturing										X	
Churches, religious congregations & their customary accessory uses	S	S	S	S	S		S	S			
Clinics, medical, dental, professional							OT	X	X		X
Clubs & lodges, (see "Athletic Fields")	S	S					S		S		X
Community centers, public/private non-profit, for assembly & recreation	S	S	S	S	S	S	S				S
Concrete & asphalt products plant										X	
Condominiums						C	C				
Convenience Store with gas pump									S	X	X
Day care facility, adult	S	S				S	S				
Day care facility, child and pre-School	S	S				S	S	S	S		
Day care, in-home 5 or fewer	X	X	X	X	X		X				
Dairy products, wholesale & processing										X	X

Table of Permitted Uses:	RA	R-40	R-20	R-12	R-10	RM	RM-U	O-I	HC	M-1	M-2
Doctors, Dentists Offices							OT	X	X		
Drive-in window services (banks, laundries, restaurants, pharmacies, etc.) where permitted								X	X	X	X
Dry cleaning & laundry (retail)							OT		X	X	X
Electronic Gaming Operation (See Article VIII , Section 8-8)										C	C
Emergency Services (Police, Fire, Ambulatory)	S	S	S	S	S	S	S		S		
Exterminating services									X	X	X
Fairs, amusements, carnivals, rides, Ferris wheels, etc., temporary	S	S							S	S	S
Family Care Homes – See Note 15	X	X	X	X	X	X	X				
Farm machinery sales/service									S	X	X
Farm supplies sales, (feed, seed, fertilizer, etc.)	S								S	X	X
Flea markets, (indoors)										X	X
Florists/Gift shops							OT	X	X		
Foundries, metal										X	
Funeral Homes							S	X	X		
Furniture refinishing										X	X
Golf, miniature									X		
Golf Courses	S	S	S	S							
Governmental Offices							X	X	X		
Governmental Services							X				
Grading and Utility Contractor										X	X
Grocery Stores							S		X	X	X
Group Homes	S	S				S	S	S			
Hardware, paint & garden supplies, See Note 4									S	X	X

Table of Permitted Uses:	RA	R-40	R-20	R-12	R-10	RM	RM-U	O-I	HC	M-1	M-2
Health Club/Spa								X	X	X	X
Hobby and Craft Stores							OT		X		
Home furnishing & appliance sales									X	X	X
Home and Garden Supply Retailer, over 25,000 sq. ft.									S	S	S
Home occupations – See Note 5	X	X	X	X	X		X				
Hotels & Motels									X		
Industrial Equipment sales/service										X	X
Junkyards										S	
Kennels, commercial with Outdoor Runs	S									S	S
Laboratory, medical & dental								X	X	X	X
Laboratory, research									X	X	X
Land Clearing and Inert Debris Landfill (LCID) - Minor	S										
Land Clearing and Inert Debris Landfill (LCID) - Major										S	S
Lawn and Garden supplies, See Note 4									X	X	X
Library, public							X	X	X		
Live-Work Units, See Note 6							S OT				
Locksmith, gunsmith							OT		X		
Machine shop, welding shop										X	X
Manufactured Home Park – See Note 7						C					
Manufactured Home on Individual Lot (Class A only), See Section 7-13A, 9-3						O					
Manufactured Home Class A, See Notes 7,9 & Sections 7-13A, 9-3						O					
Manufactured Home Class B, See Notes 7,9 & Sections 7-13A, 9-3						S					

Table of Permitted Uses:	RA	R-40	R-20	R-12	R-10	RM	RM-U	O-I	HC	M-1	M-2
Manufactured Home Subdivision, See Section 7-13A						O					
Manufactured Home Sales										S	S
Manufactured structures temporary, See Note 8								X	X	X	X
Manufacturing, apparel, soft goods, textiles										X	X
Manufacturing, brick, tile/cement										X	
Manufacturing, furniture and upholstery										X	X
Manufacturing, machine tools										X	
Manufacturing, fertilizers, metal plating, milling (feed, flour, etc.), paper goods, etc.										X	
Manufacturing, sawmills										X	
Mini warehouse, Storage Buildings						S			S	X	X
Monument, cut stone manufacture & sales										X	
Nursery & plant cultivation sales, See Note 4	X						X		X	X	X
Nursing & rest homes	C	C				C	C		C		
Office supply sales							X		X		
Outdoor storage yards (primary use) See Note 4									S	X	X
Pet Grooming							X	X			
Pharmacy & drug store							X	X	X		
Photographic Studio							S	X	X	X	X
Planned Building Groups, Commercial or Industrial								X	C	C	C
Post Office, Public Buildings							X	X	X	X	X
Printing and copy shops								X	X		
Professional & business offices							S	X	X		
Public Events, See Note 10	X	X	X	X	X	X	X	X	X	X	X

Table of Permitted Uses:	RA	R-40	R-20	R-12	R-10	RM	RM-U	O-I	HC	M-1	M-2
Public utility substations & facilities, See Note 11	S	S	S	S	S	S	S	S	S	S	S
Radio-control model races-car track (electric model cars)									C	C	C
Radio or television studio									X	X	X
Radio or television tower	S	S								S	S
Reception House	S	S					X				
Recycling Convenience Site	S	S						S		S	S
Recycling Processing Facility, Indoors										X	X
Repair, rental & service of products sold within the same district, conducted indoors							X		X	X	X
Residence, duplex	X	X				S	X				
Residence, single-family detached, site built and modular, See Note 12	X	X	X	X	X	X	X				
Restaurants							OT		X		X
Retail and Membership Warehouse Establishments, over 25,000 sq. ft.									C	C	C
Retail (less than 25,000 sq/ft)(music, books, electronics, household and similar sales)							X		X		
Rooming House (see B &B)						S	X				
Schools, elementary and secondary	S	S	S	S	S	S	S				
Schools, business/trade									X	X	X
Seafood sales									X		
Service stations									C	X	X
Sheet metal fabrication										X	X
Shooting Range, Outdoor	C	C									
Sign, (manufacturing)									X	X	X

Table of Permitted Uses:	RA	R-40	R-20	R-12	R-10	RM	RM-U	O-I	HC	M-1	M-2
Social Service Facility, Temporary Stay	S	S						S			
Solar Energy Systems Level 1	X	X	X	X	X	X	X	X	X	X	X
Solar Energy Systems Level 2	C										
Solar Energy Systems Level 3											
Storage, above ground flammable liquids for distribution										S	S
Studios, for artist, dancers, gymnastics, martial arts, designers, musicians, photographers							S OT	X	X		
Swimming Pool, as Accessory use – See Notes 2,13	X	X	X	X	X	S	X		X		
Tailor Shop							X	X	X		
Tattoo and body piercing										X	
Taxidermy									X		
Telecommunications Towers	S									S	S
Temporary offices, (mobile structures for use during construction), See Note 8							X	X	X	X	X
Theatre, indoor									X		
Tire recapping										X	
Townhouse Developments						C	C				
Trailer rentals/sales (semi-tractor-trailers)										X	X
Truck Stops											C
Trucking terminal										X	
Urgent Care Clinic								X	X		
Veterinary clinic with Outdoor Run	S									S	S
Veterinary Clinic, No Outdoor Run							OT	X	X	X	X

Table of Permitted Uses:	RA	R-40	R-20	R-12	R-10	RM	RM-U	O-I	HC	M-1	M-2
With the exclusion of wine and spirits, warehousing/wholesaling and packaged food products											X

Section 7-14 Development Standards for Particular Uses - Notes to the Table of Permitted Uses

1. **Accessory Dwelling Unit:** Accessory dwelling units within single-family houses or on single-family lots shall be encouraged and designed to meet housing needs.
   a. The accessory dwelling unit shall be subordinate to the primary living quarters.
   b. Not more than one accessory dwelling unit is permitted per lot.
   c. Any accessory dwelling unit shall be located in the rear yard of a single-family use lot subject to the requirements of this Section.
   d. Accessory dwelling units may be created as a second story within detached garages provided that the height of the secondary dwelling unit and/or garage does not exceed the height of the principal structure on the lot. There shall be a two-story height maximum.
   e. The accessory dwelling unit may not be larger than fifty percent of the gross floor area of the principal structure. The minimum habitable area of the secondary dwelling shall not be less than 300 square feet. Maximum building footprint for a secondary dwelling unit shall be 750 square feet.
   f. No additional parking spaces are required for the accessory dwelling unit provided the number of spaces for the principal structure (per Article XIII, Section 13-4) is satisfied.
   g. Accessory dwelling units shall be architecturally compatible to the principal building (e.g. pitch of roof, wall or trim materials, architecture style, window details).
   h. The property owner(s) on which the accessory dwelling unit is to be located shall occupy at least one of the dwelling units on the premises.
   i. Home occupations may be conducted in an accessory dwelling unit.

2. **Accessory Uses**
   a. For swimming pools as an accessory structure see Note 13 and Article XII, Section 12-4(g).
   a. Accessory Structures
      - Location: Detached accessory buildings shall be located at least 10 feet behind the front plane of the primary structure.
      - Height: Accessory buildings shall not exceed the roofline of the existing primary structure as measured from the center of the building.
      - Building Footprint: The gross square footage of the accessory building shall not exceed the gross floor area of the first floor of the principal building. The total built footprint of the lot shall not exceed twenty four percent (24%) including all development.

- Utilities: Water, sanitary sewer, gas and electric utilities shall be provided by branching service from the principal building.
- Larger Structure: A request for a larger structure than permitted under this section or for separate utilities connection shall be approved as a special use permit by the city council. The applicant shall follow the procedure for application of a special use permit and supply a site plan depicting existing conditions as well as proposed development. The applicant shall also submit in writing reasons for exceeding the size requirement or why a separate utility connection is requested, or both.
- Exterior Building Materials: Accessory structures placed in a side yard shall utilize exterior building materials that match and/or complement the primary structure. The developer shall present a plan to the Zoning Administrator for use of exterior building materials which must be approved prior to issuance of a zoning permit.
- Limit: There shall be no more than two (2) accessory structures per lot. Accessory structures are only permitted on lots where a principal structure exists.
- Size: Lots measuring 40,000 sq. ft. or smaller: 1,500 sq. ft. or the size allowed by limiting built-upon area of the lot to 24%, whichever is smaller.
  Lots larger than 40,000 sq. ft. but smaller than 2.5 acres: 2,000 sq. ft. or the size allowed by limiting built-upon area of the lot to 24%, whichever is smaller.

b. Structures associated with Bona Fide farms or lots 2.5 acres and larger shall be excluded from this section.

d. Residential use shall be permitted in an accessory structure in the RA and R-40 district; however, the accessory structure shall not be more than 40% of gross floor area of the first floor of the primary building.

e. Outside storage as an accessory use is permitted only in the Heavy Manufacturing district, provided it is enclosed by a fence at least six feet high.

f. Portable Storage Containers

General

- Portable Storage Containers shall be allowed in the City of Trinity and Extra Territorial Jurisdiction (ETJ) only in accordance with a Temporary Use Permit issued by the Planning and Zoning Administrator.

- A Portable Storage Container is not a building or structure.

- A Portable Storage Container is designed for the storage of personal property and transport by commercial vehicle. Portable Storage Containers are typically rented for household moving or temporary storage at a central, secure location.

- Portable Storage Containers when on site shall be in a vehicular parking area and shall not obstruct any required parking space or public safety installation.

Household or Personal Use

- Portable Storage Containers for Household or Personal use shall be for household moving or storage of personal property at a separate location. The Temporary Use Permit shall be valid for fifteen (15) days with one fifteen (15) day extension.

Contractor Use

- Contractors may use Portable Storage Containers for the storage of construction materials and equipment at a site with a valid Building Permit. The Temporary Use Permit shall be in the name of the Contractor and will expire with the Building Permit.

- A portable storage container may also be used for storage of household items for the duration of a renovation project. If a building permit is required for the project, the Temporary Use Permit shall be in the name of the Contractor and will expire with the Building Permit. If no Building Permit is required, the Temporary Use Permit shall expire in 90 days.

3. **Automobile Body Shop; Automobile Repair Service** – Outdoor servicing, repair or disassembly is not allowed. Junkyards, automobile graveyards, or the outside storage of secondhand material for resale are prohibited in any form. All vehicles stored overnight must be stored every night behind the front lot line. Temporary storage of more than 10 vehicles is permitted only if an opaque screened enclosure at least 6 feet high is provided. All fence locations must conceal vehicles from public right-of-way and the fenced location must be approved by the Trinity Zoning Administrator.

4. **Builders Supply Sales, Contractors Yards, Sales and Rental with Outdoor Storage –** All outside storage shall be completely screened from view from all streets. Security fencing, a minimum of six feet in height, shall be provided around all outside storage yards. All storage areas shall be maintained in a manner to limit dust from drifting onto adjoining properties. Where storage yards abut a residential use, the storage area shall be screened and buffered by plantings at least six feet tall.

5. **Home Occupations (including renting of rooms).** Home occupations are permitted only as an incidental use to the home and must operate within the following guidelines:
   - A home occupation shall occupy no more than 25% percent of the gross floor area of a dwelling unit.
   - No outside storage or display of items associated with the home occupation is permitted.
   - Signage identifying a home occupation may not be illuminated and is limited to one wall or one freestanding sign per zoning lot and a maximum display surface of four (4) square feet. A permit is required as provided by Article 11 Signs**.**
   - The home occupation may be conducted entirely within a dwelling unit.
   - An accessory structure not to exceed 25% of the gross floor area of the primary residence is allowed to host the home occupation, provided the same materials and design of the primary residence are incorporated into the structure.
   - Only one person may be employed who is not an occupant of the residence.
   - Activities shall not generate traffic, parking, noise, odors, or electrical interference beyond what normally occurs in the zoning district.
   - Instruction in music, dancing, art or similar subjects shall be limited to no more than five (5) students at one time.

- Permitted home occupations include, but are not limited to: typing services, telephone sales, barber/beauty services, doctor/dentist office, architects, accountants, music and art lessons, family day care (5 or fewer persons), food catering, and handcrafting, etc.

Home Occupation – (Grading and Contractors Operation)

- The minimum lot or parcel size shall be five (5) acres.
- All buildings shall be set back a minimum of fifty (50) feet from any side lot line and 200 feet from the street right of way.
- The operator of the home occupation must reside on the same parcel of land upon which the home occupation is located.
- No outdoor storage of materials is permitted.
- No more than five (5) commercial and/or employee vehicles may be parked at the property at one time. Vehicles with three axels or more are prohibited.
- One home occupation shall be permitted.
- The home occupation shall not create smoke, odor, dust or noise which would cause health hazard or nuisance to surrounding property.
- The home occupation shall not be operated on site between the hours of 9 p.m. to 6 a.m.
- The property owner shall screen the use to the highest extent possible from adjoining properties and roadways using location of the building, existing vegetation, and new vegetation. New vegetation shall include a row of Leland cypress or similar trees to obstruct the view of the building.
- The residence must be approved for occupancy and a site plan shall be present prior to permits being issued to ensure compliance with the above conditions.

6. **Live-Work Unit:** Construction shall meet requirements of residential and commercial building codes, and the following:
   - Non-residential use areas shall meet accessibility requirements of the North Carolina Accessibility Code (including site access and parking).
   - The maximum total size of Live-Work unit is 3000 square feet and three stories in height.
   - The work area shall occupy 50% or less of the total unit.
   - Permitted Uses within live-work buildings include retail uses permitted in RM-U district as well as home occupations.

7. **Manufactured Home Parks** –
   <u>New Manufactured Home Parks</u> - See Special Use provisions parks.

   <u>Existing Manufactured Home Parks</u> – Replacement of Homes:
   Manufactured Homes may be replaced in existing manufactured home parks by Class A or B homes and must meet the following requirements:

   - Underpinning Requirement. Manufactured homes entering approved manufactured home parks shall, after the adoption of this Ordinance, and upon installation of the unit, may have a permanent masonry foundation or vinyl, aluminum, galvanized metal or simulated rock/masonry panels, underpinning installed.

- Tying Down Manufactured Homes. Every manufactured home placed in the park must be tied down to resist overturning in the event of high winds. All such tie downs shall be in accordance with the State of North Carolina Regulations for Manufactured Homes.

- Wheel and Axle Removed. Every manufactured home placed in the park must have wheels and axles removed.

- Manufactured Homes Front Entrance Requirements. Every manufactured home placed in the park shall have a concrete pad (5ft x 10ft x 4in) or a deck or porch (8ft x 12ft) built of treated lumber and built to North Carolina Building Code specifications at the front entrance.

8. **Manufactured Structures, Temporary –** Manufactured structures are allowed as temporary facilities in specific situations:
   a. As temporary office quarters but not for human habitation; and
   b. As temporary classroom units where, public schools are permitted if the units are approved by the N.C. Department of Insurance. The Zoning Administrator shall issue temporary use permits for 12 months, renewable for successive six-month periods if the specific conditions which created the need for the temporary unit exist.

9. **Manufactured Home, Class B -** Class B manufactured homes are permitted in manufactured home parks, not on individual lots unless otherwise stated in the Zoning Ordinance.

10. **Public Events –** Temporary public events of a civic, religious or of a nonprofit nature may be issued a temporary zoning permit. Such events shall include but not be limited to outdoor concerts, revivals, fundraisers, and festivals. Such permits shall be issued for a fixed period, not to exceed 30 days. Public Events shall be permitted in all zoning districts with issuance of a temporary permit.

    To receive this permit the applicant must present a site plan showing where the event will take place, adequate parking, and points of ingress and egress. The applicant must be the coordinator and contact person for the event. The applicant must also present a letter of approval to use the property if the applicant is not the property owner. This permit must be applied for before any tents, equipment or utilities are set up.

11. **Public Utility Substations Including Transformer Stations, Pump and Lift Stations, etc. -** The entire facility shall have a security fence at least six feet high unless the structure is secured and built of brick or concrete. If the installation abuts a residence, it must be at least 50 feet from the residence and shall be screened from the residence with a thick buffer of evergreen shrubbery or trees which will reach at least six feet in height. Equipment producing noise in excess of 70 decibels shall be located at least 100 feet from the nearest residence.

12. **Residence Single Family Detached (Site Built and Modular) -** NCGS 143-139.1 as currently written or hereafter amended identifies the following construction and design standards for modular homes to qualify for a North Carolina State Residential Building Code seal or label**.**

    - Roof pitch. - For homes with a single predominant roofline, the pitch of the roof shall be no less than five feet rise for every 12 feet of run.
    - Eave projection. - The eave projections of the roof shall be no less than 10 inches, which may not include a gutter around the perimeter of the home, unless the roof pitch is 8/12 or greater.

- Exterior wall. - The minimum height of the exterior wall shall be at least seven feet six inches for the first story.
- Siding and roofing materials. - The materials and texture for the exterior materials shall be compatible in composition, appearance, and durability to the exterior materials commonly used in standard residential construction.
- Foundations. - The home shall be designed to require foundation supports around the perimeter. The supports may be in the form of piers, pier and curtain wall, piling foundations, a perimeter wall, or other approved perimeter supports.

In addition, the following appearance standard shall apply to all new site-built and modular residential structures in Trinity:

- Foundation Materials - A continuous masonry curtain wall at the foundation shall be required, un-pierced except for required access and ventilation points. Acceptable facing materials include brick, decorative concrete masonry units or similar masonry material as approved by the Zoning Administrator.

Residential structures which cannot meet this standard may appeal to the Board of Adjustment under the provisions of Article XVI.

Single Family detached, site built and modular homes are allowed under Mixed Residential (RM) but only with a Planned Unit Development and only when a special use permit is issued.

13. **Swimming Pools (as accessory uses)** - Pools shall be located so as to comply with the minimum setback requirements for accessory structures for the district in which it is located. Pools which are not an integral part of the principal building shall be located a minimum of ten feet from the principal building. Security Fencing: Swimming pools located outdoors shall be protected by a fence, or equal enclosure four feet high and equipped with a self-closing and positive self-latching gate provided with hardware for permanent locking.

14. **Agricultural Uses-Livestock** - A minimum lot size of 2 1/2 acres shall be required to keep livestock. Appropriate fencing shall be required to contain the livestock. A zoning permit shall be required for the construction of any accessory structures associated with livestock use. All livestock shall be maintained in accordance with the City of Trinity Animal Control Ordinance.

15. **Family Care Homes** – No family care home shall be in a multi family residence (townhouse, condominium or apartment.

16. **Recycling Processing Facilities.** Recycling Processing Facilities are subject to the following additional standards and requirements:

    a. All outside storage shall be enclosed in a structure or a truck trailer. Areas used for storage shall be screened from view from public Local Roads and Local Streets as well as all adjoining properties that are zoned for residential use or contain an existing, legal residential use. Required screening shall employ fencing a minimum of eight (8) feet in height. To supplement required fencing, a row of evergreen trees selected from the recommended List of Recommended Species shall be planted in a staggered pattern for every fifteen (15) feet of fencing used along public Local Roads and Local Streets. Required plantings shall be between the fence and the public road right-of-way. All fence gating shall be maintained in a operational manner and all gating shall be closed and secured outside of business hours.

b. A minimum separation of five feet shall be maintained along the interior perimeter between all required screening and stored materials.

c. Outside storage shall not extend into any portion of the Front Yard or any Side Yard fronting on a public Local Road or Local Street.

d. Recycling Processing Facilities shall be maintained in a manner to limit dust from drifting onto adjoining properties. Weeds and grass heights shall be controlled within the property and along public rights-of–way.

ARTICLE VIII

CONDITIONAL ZONING

Section 8-1 Objectives and Purposes

The rezoning of land to a conditional zoning is intended to provide the landowner and the City the ability to prepare for the challenges that come with high-density development. This includes, but not limited to, timing, transportation, landscaping, sewer, trash, lighting, and environmental standards. Some environmental impacts to be looked are wetland location, buffering, stormwater, and recreational areas.

Items in Section 8-3 are required for that land use in a conditional rezoning. However, additional conditions or restrictions on the range of allowable uses, use standards, development intensities, development standards, and other regulations applicable to the property. This enables the City and the landowner to tailor a zoning classification to accommodate desirable development while avoiding or addressing anticipated problems that may arise from development otherwise allowed.

Section 8-2 Application

The process for a conditional use rezoning is the same as a regular rezoning. Development in a conditional zoning shall be subject to all the use and development standards and requirements that apply to the general rezoning. However, specific requirements are required certain land types, and those uses are specifically detailed below in Section 8-3.

As part of the conditional use rezoning, a site plan will be required of the proposed development along with any other studies/reports that are required by the City of Trinity before going in front of City Council.

Section 8-3 Land Uses that Require a Conditional Rezoning.

Use:	**Adult Establishments**
Zoning District:	M-1
Information Required for Special Use Permit Application:	The following information is required for the Conditional Zoning: a) Name, address, and age of the applicant; or if a partnership, the names, addresses and ages of the persons who constitute such partnership; or if a corporation, the names, addresses and ages of its directors, officers, and principal stockholders. Each application shall also include the names, ages and addresses of all present employees. b) A complete statement of convictions of any person whose name is required to be given in paragraph (a) for any crime other than traffic violations, including but not limited to, any felony, prostitution or violation of any local ordinance or state law related to adult establishments, pornography, or indecent exposure. c) A description of any other business to be operated on the same premises or on adjoining premises owned by or controlled by anyone listed in (a) above.
Location Restrictions:	No adult establishment may be located within 1500 feet of residence, school, church, community center, community college, community recreational facility, government owned facility, or another adult establishment All measurements shall be made by drawing straight lines from the nearest point of the lot line where the proposed adult establishment is to be located to the nearest point of the lot line or boundary of the closest residence or other use enumerated above.
Light and Noise:	Flashing lights or fluttering devices designed and used to attract attention are not permitted. Amplification of sound directed outside the building used by the establishment is also not permitted.
Verification of Application Information:	The application for a special use permit for an adult establishment shall be acted on as prescribed by this ordinance. In addition, a) The City shall be given 30 days from receipt of a properly completed application form to verify the information contained in the application before any further steps are taken. b) The application must contain no misstatement of fact. c) The applicant, or any person having a legal or beneficial interest in the establishment, or any employee cannot have been convicted of any crime or ordinance violation involving sexual misconduct, including but not limited to G.S.14-177, G.S. 14-202.1, G.S.14-203, G.S. 14-208, or any local, state or federal

law related to racketeering or the possession, sale or distribution of a controlled substance.

Compliance with applicable ordinances and codes: The applicant must conform to all requirements of applicable law, including building and fire prevention codes and the approval has been obtained pursuant to zoning requirements provided by law.

Use:	**Alcohol Establishment**
Zoning District:	M-1, M-2
Information Required for Special Use Permit Application:	The following information is required for Conditional Zoning: a) Name, address and age of the applicant; or if a partnership, the names, addresses and ages of the persons who constitute such partnership; or if a corporation, the names, addresses and ages of its directors, officers and principal stockholders. Each application shall also include the names, ages, and addresses of all present employees. b) A description of any other business to be operated on the same premises or on adjoining premises owned by or controlled by anyone listed in (a) above.
Location Restrictions:	No such establishment shall be located within 1500 feet of a church, school, daycare, or publicly owned property, or 500 feet from residentially zoned property. No such establishment shall be located within 500 feet of any other alcohol establishment
Light and Noise:	Flashing lights or fluttering devices designed and used to attract attention are not permitted. Amplification of sound directed outside the building used by the establishment is also not permitted.
Street Location:	The main entrance of the building shall be toward a street zoned predominately for non-residential uses.
Fencing:	A minimum 6-foot-high opaque fence shall be erected adjacent to the property line of abutting residences.
Parking:	Parking areas related to the establishment shall be located no closer than 30 feet to the property line of abutting residences.

Use:	**Apartments**.
Zoning District:	RM, RM-U
Density	Density: 12,000 square feet, plus 3,000 square feet for each additional unit over 2.
Site Plan	Site Plan: The site plan shall show the location of the building, streets, walkways, parking, (as per Article XII) recreational areas and facilities within the site; all existing buildings and structures within one hundred (100) feet; and public or private easements or rights-of-way adjoining or intersecting such property.
Design Standards Included in Site Plan:	**Timing:** Proposed schedule of development phases. **Circulation:** Proposed points of ingress and egress and proposed pattern of internal automobile and pedestrian circulation. **Landscaping:** When a proposed apartment complex abuts a residentially zoned lot, the complex must adhere to the following landscaping requirements. a. At least two (2) rows of evergreen trees which may be selected from the recommended List of Recommended Species (on file with the Zoning Administrator) shall be planted. Trees shall have a minimum height of three feet (3') when planted. The rows shall be spaced seven feet (7') apart and centered within the buffer strip. Tree spacing shall be eight feet (8') off centered with trees in adjacent rows offset (staggered) four feet (4'); and a solid visual barrier fence six feet (6') in height shall be erected around any loading, unloading, or outdoor storage areas; and b. Earth berms may be used in conjunction with planting to satisfy height requirements; but slopes shall not exceed one foot (1') to two feet (2') horizontal. c. At least one (1) deciduous tree shall be planted along the street no less than ten feet (10') off of the right-of-way (on private property), for each forty feet (40') of street frontage or fraction thereof for new construction or extensive rehabilitation. Each tree shall be at least one and one-half inches (1 ½") in caliper and may be selected from the List of Recommended Species or otherwise approved by the Zoning Administrator and shall be provided with adequate space for water percolation and root growth. In lieu of this requirement, the developer shall provide a **Landscaping Plan and detailed plant list,** approved by the Planning Director or Zoning Administrator, which provides for a variety of plantings which achieve the desired aesthetic goals of the buffering requirement.

Traffic: A developer shall present a traffic analysis on projected traffic counts at peak hours and proposed plans to mitigate any congestion associated with the development.

Utilities: Proposed provisions for storm drainage and sanitary sewerage, approved by a N.C. certified registered engineer.

Proposed solid waste storage facilities consisting of a minimum 10' X 20' concrete pad with vehicle apron and a six foot (6') high stockade fence on minimum of three (3) sides with six foot (6') high ballads to protect said fence.
Proposed water system and firefighting facilities such as hydrants or sprinkler connections.

All plans showing utility construction details must meet the current specifications of the City of Trinity.

Types of surfacing, slope, grade and cross section of drives, sidewalks, malls, etc. Private streets shall be designed to assure proper access and turn around for service and emergency vehicles.

Buffering: Location and heights of all fences, walls, and hedges.

Environmental Impact:

Lighting plan: A lighting plan shall be provided that shows the type, height and density of all outdoor lighting.

When abutting a residential district lighting shall be designed so as not to create a nuisance on abutting property owners. The maximum illumination at the edge of the property line adjacent to a residential zoning district is ½ foot candles.

Recreation Area: Location and amount of recreation area, if any.

Signage: Size and proposed location of any freestanding signs.

Placement of Buildings: There shall be maintained at least twenty (20) linear feet of open space between individual and unattached buildings of one story and thirty (30) linear feet between building two stories or greater in an apartment development;

Setbacks from public street right-of-ways shall be the same as required by the zoning district where the apartments are located; and

Any group of buildings forming a courtyard shall have at least twenty-five (25%) percent of the perimeter of such courtyard open for access by emergency vehicles.

Use:	**Automobile Sales (New or Used) or Rental/Leasing**
Zoning District:	HC; M-2; M-1
Plans:	Plans shall be presented which show: Setbacks Location and layout of all buildings Fencing, screening, and landscaping Provision for minimizing and slowing runoff from the site.
Sales Facilities:	Sales facilities shall be in permanent site-built structure. Buildings shall consist of at least 80% of the following materials: utility brick, stucco, synthetic, colored split faced block, tile, or other similar high-quality materials.
Setback:	Vehicles for sale, rent, or lease, shall be set back from public streets and adjoining property lines a minimum of one-half (1/2) the minimum building setback.
Parking:	All sales and parking lots shall be paved.
Lighting:	All lighting shall be directed away from adjoining residential properties.

Use:	**Condominiums**
Zoning District:	RM & RM-U
Density	Density: 12,000 square feet, plus 3,000 square feet for each additional unit over 2.
Site Plan	The site plan shall show the location of the building, streets, walkways, parking, recreational areas and facilities within the site; all existing buildings and structures within one hundred (100) feet; and public or private easements or rights-of-way adjoining or intersecting such property.
Design Standards Included In Site Plan:	Timing: Proposed schedule of development likely to be followed shall be submitted. Common Areas: All condominium developments shall contain commonly owned land for the use of residents of the development. Landscaping: When a proposed apartment complex abuts a residentially zoned lot, the complex must adhere to the following landscaping requirements. a. At least two (2) rows of evergreen trees whish may by selected from the recommended List of Recommended Species (on file with the Zoning Administrator) shall be planted. Trees shall have a minimum height of three feet (3') when planted. The rows shall be spaced seven feet (7') apart and centered within the buffer strip. Tree spacing shall be eight feet (8') off centered with the trees in adjacent rows offset(staggered four feet (4'); and a solid visual barrier fence six feet (6') in height shall be erected around any loading, unloading, or outdoor storage areas; and b. Earth berms may be used in conjunction with planting to satisfy height requirements; but slopes shall not exceed one foot (1') to two feet (2') horizontal. c. At least one (1) deciduous tree shall be planted along the street no less than ten feet (10') off of the right of way (on private property), for each forty feet (40') of street frontage or fraction thereof for new construction or extensive rehabilitation. Each tree shall be at least one and one-half inches (1 ½) in caliper and may be selected from the List of Recommended Species or otherwise approved by the Planning and Zoning Enforcement Officer and shall be provided with adequate space for water percolation and root growth. In lieu of this requirement, the developer shall provide a Landscaping plan and detailed

plant list, approved by the Planning and Zoning Enforcement Officer, which provides for a variety of plantings which achieve the desired aesthetic goals of the buffering requirements.

Traffic: A developer shall present a traffic analysis on projected traffic counts at peak hours and proposed plants to mitigate any congestion associated with the development.

Plans and Declaration: Before a declaration establishing a unit, ownership development may be recorded in the office of the Randolph County Register of Deeds as prescribed in the North Carolina Unit Ownership Act, the declaration and plan shall be approved by the City Council. No unit shall be conveyed until the declaration and plan have been approved by the City Council and recorded in the Office of the Randolph County Register of Deeds.

Homeowners Association: The establishment of a homeowners association shall be mandatory.

The homeowners association shall be organized and established as a legal entity before or as a part of the final plat is approved and recorded. Membership in the homeowners association is mandatory for each original purchaser and each successive purchaser of a residential site.

The homeowners association shall be responsible for payment of premiums for liability insurance, local taxes, maintenance for recreational and other facilities located on the common areas, payment of assessments for public and private capital improvements made to or for the benefit of the common areas, maintenance and repair to the exterior of all attached residences located within the development or other common area facilities. It shall be further provided that upon default by the homeowners association in the payment to the governmental authority of any ad valorem taxes levied against the common areas or assessments for a period of six (6) months, then each owner of a residential site in the development shall become obligated to pay to the taxing or assessing governmental authority a portion of such taxes or assessments in an amount determined by dividing the total taxes and/or assessments due to the governmental authority by the total number of residential sites in the development. If the sum is not paid by the owner within thirty (30) days following receipt of notice of the amount due, then the sum shall become a continuing lien on the residence of the then owner, his heirs, governmental authority may either bring an action at law against the owner obligated to pay the same or may elect to foreclose the lien against the residence of the owner.

The homeowners association shall be empowered to levy assessments against the owners of residential sites within the development for the payment of expenditures made by the homeowners association for the items set forth in the preceding subparagraph and any such assessment not paid by the owner

against whom such are assessed shall constitute a lien on the residence of the owner.

Homeowners Association Documents To Be Submitted:

Proposed Articles of Incorporation. Such Articles of Incorporation shall provide for homeowners control when over 50% of the dwelling units are sold.

Proposed bylaws. Such bylaws shall provide for annual meetings of the association, election of officers, and distribution of an annual financial accounting to members.

Proposed annual budget. The association shall have an annual budget showing monthly assessments. The monthly assessments must be set at a sufficient level to insure success of the association.

Proposed restrictions and covenants. for the common area and residential sites.

Declaration:

The Declaration shall be a complete legal document prepared in accordance with the North Carolina Unit Ownership Act and shall be submitted along with a plan drawing described below.

The plan of the proposed development shall be prepared and shall contain the following particulars:

The unit designation of each unit and a statement of its location, approximate area, number of rooms, and immediate common area to which it has access and any other data necessary for its proper identification.

Description of the general common areas and facilities as defined in the North Carolina Unit Ownership Act and the proportionate interest of each unit owner therein;

Description of all boundary lines between portions of the structures designed for different ownership;

Description of all garages, balconies, patios, etc., which form a part of each unit;

Description of any special common areas and facilities stating what units shall share the same and in what proportion;

Proposed water system and firefighting facilities such as hydrants or sprinkler connections;

Types of surfacing, slope, grade and cross section of drives, sidewalks, malls, etc. (private streets shall be designed to assure proper access and turn around for service and emergency vehicles);

The location and amount of parking spaces as per Article XII;

The location and heights of all fences, walls, and hedges shall be shown;

Location and amount of recreation area;

Signs: Size and proposed location of any freestanding signs along the public street

Utilities: All plans showing utility construction details must meet the current specifications of the City of Trinity; and

Proposed provision for storm drainage and sanitary sewerage, approved by a N.C. certified registered engineer.

Solid Waste: Proposed solid waste storage facilities consisting of a minimum 10' x 20' concrete pad with vehicle apron and a six foot (6') high stockade fence on minimum of three (3) sides with six foot (6') high ballards to protect said fence;

Lighting plan: A lighting plan shall be provided that shows the type, height and density of all outdoor lighting.

When abutting a residential district lighting shall be signed so as not to create a nuisance on abutting property owners. The maximum illumination at the edge of the property line adjacent to a residential zoning district is ½ foot candles.

Placement of Buildings: Space Between Buildings: There shall be maintained at least twenty (20) linear feet of open space between individual and unattached buildings of one story and thirty (30) linear feet between building two stories or greater in a condominium development;

Setbacks: Setbacks from public street right-of-ways shall be the same as required by the zoning district where the condominium development is located; and

Courtyards: Any group of buildings forming a courtyard shall have at least twenty-five (25%) percent of the perimeter of such courtyard open for access by emergency vehicles.

Construction; Final Engineering Survey Because a "final" plan may not be possible until an engineering survey has been made of the constructed condominium, City Council may permit the applicant to build under conditional zoning providing all items other than the final engineering survey data of the boundary line have been provided by the applicant and approved by Council.

Recording of Declaration and Plan No declaration and plan shall be recorded until all final boundary description have been added to the plan and approved by the Zoning Administrator.

Use: **Electronic Gaming Operations**

Zoning District: M-1, M-2

Standards for Evaluation The following specific standards shall be used to evaluate an application for approval of this use:

(a) Electronic Gaming Operations are not allowed as an accessory use.
(b) Minors are not allowed on the premises of any Electronic Gaming Operation.
(c) No Electronic Gaming Operation shall be established within:
    i. Five hundred (500) feet of a residentially zoned lot line or lot line of a parcel in residential use; or
    ii. One thousand (1,000) feet of any place of worship, school, park, playground, convent, or library; or
    iii. A one thousand (1,000) foot radius of another Electronic Gaming Operation.

The location and amount of parking spaces as per Article XII;

The location and heights of all fences, walls, and hedges shall be shown;

Location and amount of recreation area;

Signs: Size and proposed location of any freestanding signs along the public street

Utilities: All plans showing utility construction details must meet the current specifications of the City of Trinity; and

Proposed provision for storm drainage and sanitary sewerage, approved by a N.C. certified registered engineer.

Solid Waste: Proposed solid waste storage facilities consisting of a minimum 10' x 20' concrete pad with vehicle apron and a six foot (6') high stockade fence on minimum of three (3) sides with six foot (6') high ballards to protect said fence;

Lighting plan: A lighting plan shall be provided that shows the type, height and density of all outdoor lighting.

When abutting a residential district lighting shall be signed so as not to create a nuisance on abutting property owners. The maximum illumination at the edge of the property line adjacent to a residential zoning district is ½ foot candles.

Placement of Buildings: Space Between Buildings: There shall be maintained at least twenty (20) linear feet of open space between individual and

unattached buildings of one story and thirty (30) linear feet between building two stories or greater in a condominium development;

Setbacks: Setbacks from public street right-of-ways shall be the same as required by the zoning district where the condominium development is located; and

Courtyards: Any group of buildings forming a courtyard shall have at least twenty-five (25%) percent of the perimeter of such courtyard open for access by emergency vehicles.

Construction; Final Engineering Survey

Because a "final" plan may not be possible until an engineering survey has been made of the constructed condominium, City Council may permit the applicant to build under the conditional zoning, providing all items other than the final engineering survey data of the boundary line have been provided by the applicant and approved by Council.

Recording of Declaration and Plan

No declaration and plan shall be recorded until all final boundary description have been added to the plan and approved by the Zoning Administrator.

Use:	**Manufactured Home Parks**
Zoning District:	RM
Minimum Lot Size:	a) 40,000 sq. ' with individual well and septic tank; 40,000 sq.' inside watershed b) 15,000 sq. ' with individual septic tank and public or community water system; 40,000 sq. ' inside watershed c) 7,500 sq. ' with individual well and public community sewer; 12,500 sq. ' inside watershed d) 7,500 sq. ' with public or community water and sewer system; 12,500 sq. ' inside watershed Any and all lot sizes may be increased by the City Council to protect public health, safety and welfare
Class A and Class B Homes Permitted; Tie Downs and Appearance	Class A and Class B manufactured homes may be placed in a manufactured home park. Class C manufactured homes are a nonconforming use and may not be placed in a manufactured home park. Additional criteria: (a) Underpinning Requirement. Manufactured homes entering approved manufactured home parks shall, after the adoption of this Ordinance, and upon installation of unit, have vinyl, aluminum, galvanized metal or simulated rock/masonry panels, underpinning installed. (b) Tying Down Manufactured Homes. Every manufactured home placed in the park must be tied down to resist overturning in the event of high winds. All such tie downs shall be in accordance with the State of North Carolina Regulations for Manufactured Homes. (c) Wheel and Axle Removal. Every manufactured home placed in the park must have wheels and axles removed. (d) Manufactured Homes Front Entrance Requirements. Every manufactured home placed in the park shall have a concrete pad (5ft. x 10ft. x 4in.) or a deck or porch (8ft. x 12ft.) built of treated lumber and built to North Carolina Building Code specifications at the front entrance.
Setbacks:	a) *Park* Setback Requirements. Front 30 ft. *from street lines* Rear exterior 25 ft., *from rear property line*

Side interior 10 ft., *from adjoining parcels*

Side street 30 ft. *from side street line*

b) A manufactured home shall be sited so that:
   - It is located at least twenty-five feet (25) from adjacent homes and
   - A minimum five (5) foot setback from adjacent home spaces is maintained.

c) Parking spaces shall be at least five (5) feet from adjacent home spaces.

Parking: Each park shall provide at least two (2) parking spaces per home. The minimum size of each space shall be eight and one-half feet (8 ½) feet by eighteen (18) feet. Parking spaces shall be at least five (5) feet from adjacent home spaces.

Signage :
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Each manufactured home park shall have located at its entrance, perpendicular to the public road, a permanent sign not to exceed sixteen (16) sq. ft. and not less than twelve (12) sq. ft., indicating the park name in a minimum of six (6) inch letters on both sides of the sign.

- The sign shall be bordered with shrubs or other year-round plantings that are maintained so as to enhance the park entrance.
- Any lighting of the sign shall be directed so that adjacent properties are not subject to glare.

All signage must comply with the Randolph County 911 addressing requirements.

Identification of Spaces: Each proposed home space in a manufactured home park shall be clearly marked by a permanent home space number sign or marker. The home space number shall be of a size, reflectivity and color and in a location which is readily identifiable by emergency personnel and inspectors. All home space number signs shall be consistent within a park and must be approved by the Randolph County 911 addressing requirements.

Spaces Staked: Mobile home spaces shall be properly staked.

Open Space: Each park containing ten (10) or more home spaces shall provide at least one (1) specifically designated passive recreational area amounting to 200 sq. ft. per home space.

Landscaping:

a) Internal -Landscaping shall be provided throughout the park with ample trees and shrubs to provide shade and break up open areas. All banks and open areas shall be grassed.

b) External – A continuous border of trees or shrubs shall be planted along the perimeter of the park to provide a visual break between the park and adjacent uses.

Roads and Streets:

a) Each manufactured home park shall have public access. Entrance from a public highway shall meet all North Carolina Department of Transportation specifications.

b) Roads shall be constructed to North Carolina Department of Transportation, Division of Highways, minimum standards. All interior streets shall be retained as private streets on manufactured home park property

c) All roads shall be paved.

d) All roads within new parks or additions to existing parks shall have a forty-five (45) foot minimum right-of-way and maintain a four (4) inch minimum stabilized base.

e) Cul-de-sacs shall be provided with a turnaround for emergency service and vehicles, having forty (40) foot radius.

No Development in Flood Plain:

Manufactured home parks shall not be located in a designated flood plain, and those located on ground that is susceptible to flooding should be graded so as to prevent any water from ponding or accumulating on the premises. Where storm drainage pipes are located in adjacent streets, underground drainage facilities with connections to the storm drainage system shall be provided for the manufactured home park. Topographic information and National Flood Insurance elevations shall be provided to determine areas susceptible to flooding.

Preliminary Plan Review:

A preliminary plan shall be submitted to the Planning Board for review and the City Council for review and approval. Such preliminary plan shall be drawn at a scale of not less than one-hundred (100) feet to the inch and shall show the following on one or more sheets:

1) The name of the manufactured home park, the names and addresses of the owner(s) and the designer of the park; date, approximate north arrow and scale; and the boundary line of the tract with accurate linear and angular dimensions drawn to scale;

2) Locations of existing and platted property lines, streets, buildings, water courses, railroads, bridges, water mains, sewers, culverts, drain pipes and any utility easement on the land to be developed as a manufactured home park. The names of owners of adjoining properties shall also be shown.

3) The names, proposed location and approximate dimensions of proposed streets, alleys, driveways, entrances, exits, walkways, easements, recreation areas, parks and other

spaces, reservations, trailer spaces and building lines within the park. This information should be graphical only, not requiring detailed computations or field work above that required to obtain the above information; and

4) Plans of proposed utility layouts (sewer lines, water lines, storm drainage, etc.) showing feasible connections to existing and proposed utility systems; plan for location and height of electric lighting; and the location and number of garbage receptacles;

Final Plan Review and Public Hearing:

Two copies of the final plan shall be submitted to the Planning Board for review and to the City Council for final approval, pending public hearing for the Conditional Zoning. It shall conform with the preliminary plan as approved. If desired by the applicant, it may constitute only that portion of the approved preliminary plan to be developed at the time; provided, however, that such portion conforms to the minimum requirements of this Section. The final plan shall be submitted on mylar (reproducible sheets) either fifteen (15) inches by twenty-one (21) inches or twenty (20) inches by twenty-four (24) inches in size, to a scale of not less than one (1) inch equals one-hundred (100) feet. It shall contain the following:

1) A site plan with the same graphical information required for the preliminary plan;

2) Name of the manufactured home park, names and address of owner(s) and park designer.

3) Date, approximate north arrow and scale;

4) Boundary line of the tract with accurate linear and angular dimensions drawn to scale;

5) Names, location and dimensions of proposed streets, driveways, entrances, exits, walkways, easements, recreation areas, and other open spaces, reservations, manufactured home spaces and building lines within the park. The information should be drawn accurately with detailed computations and field work completed.

6) Final engineering plans of proposed utility layouts (sewer lines, water lines, storm drainage, etc.) showing feasible connections to existing and proposed utility systems; plan for location and height of electric lighting; and location and number of garbage receptacles.

Notice shall be given and a public hearing held according to the provisions of this Article.

Procedure after Conditional Zoning is Approved.

(a) The Zoning Administrator shall send a copy of the survey plat to the Land Quality Section, Division of Environmental Management, North Carolina Department of Environment, Health and Natural Resources, when it is deemed necessary.

(b) Following the issuance of the permit, the Health Department shall release improvement permits to the developer, who may then begin development.

(c) After road construction has been completed, the Zoning Administrator shall verify that all new roads have been built as required in section 75.3(e).

(d) When all improvements as required by this Ordinance have been completed, a Certificate of Manufactured Home Park Operation shall be issued. The Certificate of Manufactured Home Park Operation shall be signed by the Zoning Administrator and Mayor certifying that the manufactured home park is in compliance with all city, county and state regulations. This shall apply to new parks or expansions to existing parks. The manufactured home park developer may then begin placing manufactured homes in the park.

(e) The manufactured home park developer may begin placing manufactured homes in the park before all improvements have been completed and a Certificate of Manufactured Home Park Operations has been issued if the Planning Board grants a waiver allowing the posting of a performance bond that insures completion of improvements. The bond shall be 100% of the cost of completion as determined by the Zoning Administrator. In granting this waiver, the Planning Board shall find that the public welfare, safety and health will not be endangered. In those cases where improvements have not been installed within the terms set by the Planning Board, the Board may declare the bond in default and require all improvements to be installed. The City will take such actions necessary to collect on the defaulted bond and provide for the required improvements.

Compliance with Requirements of Permit:

A permit to develop a manufactured home park may be revoked by the City Council upon a finding of fact, after notice and hearing, that a violation of the requirements of this Ordinance exists. The Owner, Lessee, or other responsible person shall be notified in writing of such violation, and shall accept service personally or by certified mail with signed return receipt. The date for hearing shall be set no earlier than thirty (30) days from the date or receipt of said notice. Upon correction of said violation satisfactory to the Zoning Administrator, the Notice of Hearing may be withdrawn and the hearing canceled, or the Owner, Lessee or other responsible person may re-apply for the required permit.

Requirements Applicable to Manufactured Home Park Owners

And

Criteria Applicable to All Homes in Manufactured Home Parks

Requirements Applicable to Park Management

A) Erosion Control - An erosion control plan which provides information as specified in the regulations of Land Quality Section of the North Carolina Department of Natural Resources and Community Development shall be submitted to the state agency for all manufactured home parks where one or more acres of land is disturbed.

B) Manufactured Home Park Ownership -Manufactured home park operators shall be required under this ordinance to specifically comply with GS 105-316(a)(1), which requires that each year manufactured home park operators furnish the County Tax Supervisor with the name of the owner and a description of each manufactured home located in the park.

C) Sale of Parks or Lots - Manufactured home parks may not be sold or transferred unless the existing water and sewer systems meet Health Department standards. Individual spaces in a manufactured home park may not be sold unless the individual lot size and road construction meet all county and state regulations.

D) Animal Control - Manufactured home park owners shall establish park regulations to insure adequate control of animals.

E) Garbage Disposal - The collection of trash and garbage and their disposal shall be provided for in such a manner as to maintain a clean and orderly appearance. Junked vehicles, appliances, furniture, and similar materials shall not be allowed to accumulate on manufactured home park premises.

F) Fencing of Private Sewage Treatment Plants - Private sewage treatment plants as approved by the North Carolina Division of Environmental Management shall be required to be enclosed with a chain link fence a minimum of seven feet in height and locked when the plants are unattended.

G) Water Supply - All Manufactured Home Parks with less than 15 spaces or less than 25 people, shall provide a safe, potable and adequate water supply. Safe shall be defined as free of bacteria and chemicals that are detrimental to public health; and adequate being defined as providing enough water for normally accepted standards of domestic use.

H) 911/Addressing. All manufactured home parks must comply with the County 911/Addressing Regulations.

I) Commercial Operations within a Manufactured Home Park. Commercial operations are prohibited within a manufactured home park.

J) Roads. All access roads must be maintained in a manner as to provide adequate and safe egress and ingress.

K) Certificate of Manufactured Home Park Operation. All manufactured home parks shall obtain a Certificate of Operation.

L) Inspections. All manufactured home parks shall be inspected bi-annually for compliance by the City Zoning Administrator.

M) Electrical Releases. All manufactured home parks shall be required to be in full compliance with the regulations of this section prior to issuance of electrical service for individual manufactured homes.

N) Conflict with Health Department Regulations. In the event the State or County Board of Health has adopted or adopts regulations governing manufactured homes or manufactured home parks, the requirements of this ordinance or the requirements of the State or County Board of Health, whichever is more stringent, shall govern.

Criteria Applicable to New and Replacement Homes in Existing Manufactured Home Parks

O) Class A and B – Only a Class A home or a Class B home may be placed in a manufactured home park. Class C homes are a nonconforming use. If a Class C home exists, it may not be replaced with another Class C home.

P) Underpinning Requirement. Manufactured homes entering approved manufactured home parks shall, after the adoption of this Ordinance, and upon installation of unit, have vinyl, aluminum, galvanized metal or simulated rock/masonry panels, underpinning installed.

Q) Tying Down Manufactured Homes. Every manufactured home placed in the park must be tied down to resist overturning in the event of high winds. All such tie downs shall be in accordance with the State of North Carolina Regulations for Manufactured Homes.

R) Wheel and Axle Removal. Every manufactured home placed in the park must have wheels and axles removed.

S) Manufactured Homes Front Entrance Requirements. Every manufactured home placed in the park shall have a concrete pad (5ft. x 10ft. x 4in.) or a deck or porch (8ft. x 12ft.) built of treated lumber and built to North Carolina Building Code specifications at the front entrance.

Use: **Nursing Homes, Assisted Living**

Zoning District: RA, R-40, RM,

Plans Required:

a. Structures - Location and approximate size of all existing and proposed buildings and structures within the site and on the lots adjacent thereto.
b. Circulation - Proposed points of access and egress and pattern of internal circulation
c. Parking and Loading - Layout of parking spaces

Parking and Loading: One space for each assisted living unit; plus one space for each 3 resident nursing beds; plus staff parking.

Operation:

a. The facility shall provide centrally located shared food preparation, service and major dining areas.

b. Common recreation, social and service facilities shall be provided at a minimum rate of thirty (30) square feet per dwelling unit or per rooming unit.

c. All facilities shall be solely for the use of residents and their guests.

d. Facilities for administrative services and limited medical services for the exclusive use of the resident shall be located on the site.

Other Requirements: Must meet all requirements for licensing by the State of North Carolina. Where located in a residential district, there must be ample site area, adequate open space on all sides of the proposed structure and other considerations, including landscaping, to the character of the neighborhood so that its residential nature will be preserved.

Use: **Planned Building Groups, Commercial or Industrial**

Zoning District: OI, HC, M-1, M-2

Site Plan: The site plan shall show the location of the buildings, streets, walkways, parking areas, easements or rights-of-way adjoining or intersecting the property, and shall also include:

(1) Proposed provisions for storm drainage and sanitary sewerage, approved by a N.C. certified registered engineer;

(2) Size and proposed location of any freestanding signs;

(3) Proposed solid waste storage facilities consisting of a minimum 10' X 20' concrete pad with vehicle apron and a six foot (6') high stockade fence on minimum of three (3) sides with six foot (6') foot high ballards to protect said fence;

(4) Proposed water system and fire fighting facilities such as hydrants or sprinkler connections;

(5) The location and heights of all fences, walls, and hedges shall be shown;

(6) Lighting plan: All lighting shall be directed away from all residential zoned areas; and the location and height of all lighting shall be shown;

(7) All plans showing utility construction details must meet the current specifications of the City of Trinity.

Parking: As required by Article 13.

Timing: Developer shall submit a proposed schedule of development likely to be followed.

Use:	**Radio Controlled Race Car Tracks**
Zoning District:	M-1, M-2
Plans Required:	Plans shall be submitted which show layout and placement of the track and any buildings; parking, ingress, and egress, plans for controlling stormwater runoff from the site, signage and landscaping.
Storage:	No outside storage is permitted on-site.
Operation:	The City and the operator shall mutually agree on days and hours of operation which shall be written into the Conditional Zoning and posted on site. Violation of the hour's operation shall be a violation of the Zoning Ordinance.
Lighting:	Lights shall be arranged so that no light or glare is directed into a residence.
Screening:	An opaque screen at least eight feet high shall be provided along each property line adjoining a residentially zoned district.

Use:	**Retail and Membership Warehouses, Building, Home and Garden, and Other Retail Stores over 25,000 sq. ft. in Size**
Zoning District:	HC, M-1, M-2
Plans Required:	Plans shall be submitted which show layout and placement of buildings, ingress, and egress, plans for minimizing stormwater runoff from the site, parking, signage and landscaping.
Parking:	(a). Parking shall be distributed around the principal building with significant parking areas at the side and rear of the building to reduce parking area between the front façade of the principal building and the street. (b). There shall be a landscaped planting yard at least 10 feet wide between the street and all off-street parking areas. (c). Parking areas shall be interspersed with trees and planting areas absorb stormwater and break up the view of hard surfaces and parked cars.
Stormwater Control:	The site design shall incorporate features such as grassy and/or planted berms, swales, and planting areas throughout parking lots and other hard surfaces to retain dispersed rainfall on site and significantly reduce runoff.
Storage:	Outside storage shall be completely screened from view from all streets. Security fencing, a minimum of six feet in height, shall be provided around all outside storage yards. All storage areas shall be maintained in a manner to limit dust from drifting onto adjoining properties. Where storage yards abut a residential use, the storage area shall be screened and buffered by plantings at least six feet tall.
Lighting:	Lights shall be arranged so that no light or glare is directed into a residence.
Screening:	Where the retail establishment is adjacent to residential uses, an earth berm planted with evergreen trees is required.

Use:	**Service Stations, Convenience Stores with Gas Pumps**
Zoning District:	HC
Lot Area and Frontage:	Each such station shall have a minimum lot area of 6000 square feet with a frontage of not less than 100 feet.
Automobile Storage:	Outdoor automobile storage is not permitted in conjunction with service stations in these districts.
Setbacks:	No portion of a service station building, or fixtures shall be nearer than 25 feet from the curb line.
Landscaping:	A six-foot-high fence and suitable landscaping shall be provided when a service station abuts a residential district or use.

Use: **Shooting Ranges, Outdoor**

Zoning District: RA & R-40

Site Plan: The site plan shall show:

a. Location of any and all buildings on the site and adjacent properties
b. Proposed shooting range(s) and targets and their proximity to adjacent properties.
c. Firing line requirements.
d. Backstop requirements.
e. Operating hours of shooting range.

Minimum Acreage A five (5) acre minimum site is required for new shooting range operations.

Siting Requirements: Primary backstops shall be required, located one hundred (100) yards or less from the firing point, at least eight (8) feet high, ten (10) feet thick at the base and two (2) feet thick at the top and sufficiently wide to extend five (5) feet beyond both sides of the center of the target. For each additional one hundred (100) yards of distance from the firing point, two (2) feet in height and one (1) foot in width shall be added to the dimensions of the backstop.

A site location having special conditions of natural topography for a primary backstop and meeting the above dimensions shall be considered for meeting minimum requirements. These backstop requirements shall not apply to the shot gun shooting activities which do not involve the use of slugs (i.e. skeet, trap and sporting clays.)

Setback: No outdoor firing line shall be located closer than 300 ft. of any exterior property line.

Hours of Operation: The discharge of firearms at outdoor shooting ranges shall be prohibited between sunset and sunrise. Sunday discharge of firearms shall be allowed from Noon until 9:00 p.m. only.

Temporary Activities: Firing ranges established on a temporary basis for the purpose of firearms safety training shall be allowed. Training shall be conducted by a certified or equivalent instructor utilizing normally accepted standards for safe firearms training. A permit shall be obtained from the Zoning Administrator after his approval of the site to be used. This permit will be good for seventy two (72) hours.

Unregulated Activities: The standards of these requirements do not regulate or prohibit an individual's right to discharge firearms on their property for target practice, sighting or hunting; nor shall the standards apply to those lands legally used by Private Hunting Clubs for traditional hunting activities.

Use: **Social Service Facility, Temporary Stay**

Zoning District: RA, R-40, O&I

House Plan:

A. Minimum 50 square feet of gross floor for each person being housed or sheltered
B. Minimum 250 square feet of common area to be used as a recreation room, living room, lounges, dining room, or other gathering areas.
C. Bathroom, laundries, hallways, lobby areas, vending areas, and kitchens shall not be counted as common area.
D. Manual fire alarm system
E. Automatic, commercial, monitored, smoke detection system.
  a. Smoke alarm shall be single and multi-station
F. Exit signs and emergency lighting required

Management: On-site management shall be provided on a 24-hour basis.

Drug & Alcohol Treatment Facility: Allowed in O&I Zone only.

Property Size: Minimum of 1 acre

Buffer Distance: Another social service facility cannot be within ½ mile of another social service facility.

Use: **Solar Energy Systems, Level 2**

Zoning District: RA

Site Plan: The site plan shall show:

A. Setback and height limitations.
B. If impervious percentage goes over 24%, a stormwater plan is needed.
C. Lighting
D. Signage locations
E. Fence
F. Tree buffering

Minimum Acreage A twenty-five (25) acre minimum site is required.

Height: Twenty-five (25) feet.

Setback: No solar panels can be put within 100 feet of the property line.

Lighting: If lighting is provided at the site, it shall be shielded and downcast such that the light does not spill onto adjacent properties. Motion sensor control is preferred.

Signage: Public signage as permitted by Zoning Ordinance. Security, safety, and/or warning signage need to be placed every 500 feet.

Tree Buffering: Two rows of approved trees will need to be placed between the fence and solar panels where the property abuts a non-vacant property or is within 60 feet of a state or city-maintained road.

Decommissioning Plan: A decommissioning plan signed by the party responsible for decommissioning and the landowner (if different) addressing the following shall be submitted with permit application. Requirements for the decommission plan are below.

A. Anticipated life of the solar farm
B. Estimated decommissioning costs in current dollars
C. Method for ensuring that funds will be available for decommissioning and restoration.
D. Anticipated manner in which the solar farm project will be decommissioned, and the site restored.

Following a continuous six-month period in which no electricity is generated, the permit holder will have six months to complete decommissioning of the solar farm. Decommissioning includes removal of solar panels, buildings, cabling, electrical components, and any other associated facilities below grade as describe in the approved decommissioning plan.

Prior to the issuance of a zoning compliance certificate, the applicant must provide the City with a performance guarantee as provided below. The amount of the guarantee shall be one and a quarter times the estimated decommissioning cost minus the salvageable value, or

$500,000.00, whichever is greater. Estimates for decommissioning the site and salvage value shall be determined by a North Carolina licensed engineer or a licensed contractor. It is the responsibility of the applicant to provide the City with the certified cost estimate.

Performance Guarantee

A surety or performance bond that renews automatically, includes a minimum 60-day notice to the City prior to cancellation, is approved by the Finance Director, and is from a company on the U.S. Department of Treasury's Listing of Certified Companies. A bond certificate must be submitted to the finance department each year verifying the bond has been properly renewed.

Use: **Townhouse Development**

Zoning District: RM

Density: Density: 12,000 square feet, plus 3,000 square feet for each additional unit over 2.

Exterior: All common building materials besides metal and cinderblock is acceptable except vinyl use is limited to no more than 30% of the front façade.

Site Plan: A site plan shall be submitted that shows the location of the buildings, streets, alleys, walkways, parking areas, recreational areas and facilities, numbered and dimensional residential sites and common areas within the site and all existing buildings and structures within one hundred (100) feet in addition to public or private easements or rights-of-way adjoining or intersecting such property.

Design Standards Included in Site Plan: Timing: Proposed schedule of development phases.

Circulation: Proposed points of ingress and egress and proposed pattern of internal automobile and pedestrian circulation.

Landscaping: When a proposed apartment complex abuts a residentially zoned lot, the complex must adhere to the following landscaping requirements.

a. At least two (2) rows of evergreen trees whish may by selected from the recommended List of Recommended Species (on file with the Zoning Administrator) shall be planted. Trees shall have a minimum height of three feet (3') when planted. The rows shall be spaced seven feet (7') apart and centered within the buffer strip. Tree spacing shall be eight feet (8') off centered with the trees in adjacent rows offset(staggered four feet (4'); and a solid visual barrier fence six feet (6') in height shall be erected around any loading, unloading, or outdoor storage areas; and
b. Earth berms may be used in conjunction with planting to satisfy height requirements; but slopes shall not exceed one foot (1') to two feet (2') horizontal.
c. At least one (1) deciduous tree shall be planted along the street no less than ten feet (10') off of the right of way (on private property), for each forty feet (40') of street frontage or fraction thereof for new construction or extensive rehabilitation. Each tree shall be at least one and one-half inches (1 ½) in caliper and may be selected from the List of Recommended Species or otherwise approved by the Planning Director or Zoning Administrator and shall

be provided with adequate space for water percolation and root growth. In lieu of this requirement, the developer shall provide a Landscaping plan and detailed plant list, approved by the Planning Director or Zoning Administrator, which provides for a variety of plantings which achieve the desired aesthetic goals of the buffering requirements.

Traffic: A developer shall present a traffic analysis on projected traffic counts at peak hours and proposed plants to mitigate any congestion associated with the development.
Storm Drainage: Proposed provisions for storm drainage and sanitary sewerage, approved by a N.C. certified registered engineer;

Signs: Size and proposed location of any freestanding signs;

Solid Waste: Proposed solid waste storage facilities consisting of a minimum 10' X 20' concrete pad with vehicle apron and a six foot (6') high stockade fence on minimum of three (3) sides with six foot (6') foot high ballards to protect said fence;

Water System: Proposed water system and firefighting facilities such as hydrants or sprinkler connections;

Lighting plan: A lighting plan shall be provided that shows the type, height and density of all outdoor lighting.

When abutting a residential district lighting shall be signed so as not to create a nuisance on abutting property owners. The maximum illumination at the edge of the property line adjacent to a residential zoning district is ½ foot candles.

Recreation Area: Location and amount of recreation area, if any; and All plans showing utility construction details must meet the current specifications of the City of Trinity.

Common Areas: Areas not shown as lots on the site development plan shall be designated as common areas and on any subdivision plan as areas to be held in separate ownership for the use and benefit of residents of the development.

Easements over the common areas for access, ingress, and egress from and to public streets and walkways and easements for enjoyment of the common areas, as well as for parking, shall be granted to each owner of a residential site.

All common walls between individual residences shall be party walls and provisions for the maintenance thereof and restoration in the event of destruction or damages shall be established.

Homeowners Association Documents to Be Submitted: The establishment of a homeowners association shall be mandatory. The homeowners association shall be organized and established as a

legal entity prior to or as a part of the final plat approval and recording process. Membership in the homeowners association shall be mandatory for each original purchaser and each successive purchaser of a residential site.

Responsibilities of Homeowners Association - The homeowners association shall be responsible for the payment of premiums for liability insurance, local taxes, maintenance or recreational and other facilities located on the common areas, payment of assessments for public and private capital improvements made to or for the benefit of the common areas, maintenance and repair to the exterior of all attached residences located within the development or other common area facilities.

It shall be further provided that upon default by the homeowners association in the payment to the governmental authority of any ad valorem taxes levied against the common areas or assessments in an amount determined by dividing the total taxes and/or assessments due to the governmental authority by the total number of residential sites in the development. If the sum is not paid by the owner within thirty (30) days following receipt of notice of the amount due, then the sum shall become a continuing lien on the residence of the then owner, his heirs, governmental authority may either bring an action at law against the owner obligated to pay the same or may elect to foreclose the lien against the residence of the owner.

Assessments - The homeowners association shall be empowered to levy assessments against the owners of residential sites within the development for the payment of expenditures made by the homeowners association for the items set forth in the preceding subparagraph and any such assessment not paid by the owner against whom such are assessed shall constitute a lien on the residence of the owner.

Proposed Articles of Incorporation - Such Articles of Incorporation shall provide for homeowners control when over 50% of the dwelling units are sold.

Proposed bylaws - Such bylaws shall provide for annual meetings of the association, election of officers, and distribution of an annual financial accounting to members.

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Proposed annual budget - The proposed annual budget shall show monthly assessments. The monthly assessments must be set at a sufficient level to insure success of the association.

Proposed restrictions and covenants - A document containing proposed restrictions and covenants for the common area and residential sites shall be submitted along with the previously mentioned documents.

Use:	**Truck Stops**
Special Use District:	M-2
Lot Area and Frontage:	Each such station shall have a minimum lot area of 8 acres with a frontage of not less than 200 feet.
Location:	Hopewell Church Rd/I-85 Regional Center or the Employment Center of the ETJ. Also, must have frontage on or be located within a 1/4 mile of I-85 or US Hwy 70.
Automobile Storage:	Outdoor automobile storage is not permitted in conjunction with service stations in these districts.
Setbacks:	No portion of a service station building, or fixtures shall be nearer than 50 feet from the curb line or any abutting residentially zoned property.
Landscaping:	A six-foot-high fence and suitable landscaping shall be provided when a service station abuts a residential district or use. Landscaping in the form of deciduous trees, proper fencing, bushes, berms, and/or a combination of the group will be used along the road that the truck stop has its main driveway located off. Landscaping will be approved by the Planning Director or his/her designee.

SPECIAL USES

Section 8-4 Objectives and Purposes

Permitting Special Uses adds flexibility to the Zoning Ordinance. Subject to high standards of planning and design, certain property uses which would otherwise be undesirable in certain districts can be developed to minimize any bad effects they might have on surrounding properties.

The uses for which Special Use Permits are required are listed in the Table of Permitted Uses. A detailed description of the procedures which must be followed in the issuance of each permit is contained in the following pages. Uses specified in this section shall be permitted only upon the issuance of a Special Use Permit by the City Council.

Section 8-5 Application

The applicant for a Special Use Permit is the owner or owners of all property covered by the request. It is recommended that the applicant, or his/her representative, meet with the Zoning Administrator before beginning the application process to discuss the proposed plans and the special use process.

In applying for a Special Use Permit, the burden is on the applicant to present sufficient evidence to allow the City Council to make a finding that all of the required specific standards will be met.

The owner(s) of all property included in the petition for a Special Use Permit shall submit a complete application to the Zoning Administrator at least 20 days before the meeting of the City Council at which it is to be first considered. Such application shall include all of the requirements pertaining to it in this section and without such information cannot be processed for consideration. Applications shall include site plans and shall be prepared to provide a full and accurate description of the proposed use including its location, appearance, and operational characteristics. Three copies of a site plan shall be submitted on sheets no larger than 36” by 24” drawn to a scale of no less than 1” = 50’. The plans shall conform to the Community Development checklists.

At the time of submission, applicants shall pay a fee established by the City Council.

Section 8-6 City Council Review; Notice; Recommendations.

When deciding special use permits the City Council shall follow quasi-judicial procedures.

The City Council shall review the application. During its review, the City Council shall consider the site plan, all requirements for the particular use, the compatibility of the proposed use with the zoning district and surrounding properties, and its compatibility with Trinity’s Land Development Plan.

At the meeting during which the application is considered, the Planning Board shall conduct a public hearing. Notice of the hearing shall be sent by first class mail to the owner of the property and to owners of abutting properties as listed in the Randolph County tax registry; it shall be posted on the property for which the Special Use Permit is sought and run in a newspaper of local distribution once weekly for two consecutive weeks. At the hearing, substantial, competent, and material evidence shall be presented under oath.

The City Council decision shall be done by applying the land-use impact facts of the proposed special use to the following standards:

a) that the use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare.

b) that the use or development complies with all required regulations and standards of this ordinance and with all other applicable regulations.

c) that the use or development is located, designed, and proposed to be operated so as not to substantially injure the value adjoining or abutting property, or that the use or development is a public necessity; and

d) that the use or development will be in harmony with the area in which it is to be located and conforms with the general plans for the land use and development of City of Trinity and its environment.

Section 8-7 City Council Hearing; Notice; Action

When deciding special use permits, the City Council shall follow quasi-judicial procedures.

On receiving the application, the City Council shall give notice of a public hearing on the application. Notice of the public hearing shall be sent by first class mail to the owner of the property and to owners of property within six hundred (600) feet as listed in the Randolph County tax registry; posted on the property for which the special use permit is sought and run in a local newspaper once weekly for two consecutive weeks before the public hearing.

In exercising these powers, the Board shall follow statutory procedures for quasi-judicial development decisions as set forth in G.S. 160D-102(28). The Board must hold an evidentiary hearing to gather competent, material, and substantial evidence to establish the facts of the case. The evidentiary hearing must have testimony under oath and must establish written findings of fact and conclusions of law as provided in G.S. 160D-406. All evidence presented at the public hearing shall be under oath, and evidence shall be competent, substantial, and material. The Chairman of the Board of Adjustment is authorized to administer oaths or affirmations to any witnesses in any quasi-judicial matter coming before the Board.

The applicant, the local government, and any person who would have standing to appeal the decision under G.S. 160D-1402(c) shall have the right to participate as a party at the evidentiary hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the board. Objections regarding jurisdictional and evidentiary issues, including, but not limited to, the timeliness of an appeal or the standing of a party, may be made to the board. The board Chair shall rule on any objections, and the chair's rulings may be appealed to the full board. These rulings are also subject to judicial review pursuant to G.S. 160D-1402. Objections based on jurisdictional issues may be raised for the first time on judicial review. In the case of an appeal of administrative or staff decision, the official who made the decision (or the successor if no longer employed) must appear as a witness in the appeal.

The City Council shall consider the application and comments at the public hearing and may grant or deny the special use permit requested. If the Council grants the special use permit, the approval shall include approval of plans as may be required. In granting the permit, the City Council shall make a written decision that: (a) identifies the key facts of the case, and (b) applies these facts to the following standards:

a) that the use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare.

b) that the use or development complies with all required regulations and standards of this ordinance and with all other applicable regulations.

c) that the use or development is located, designed, and proposed to be operated so as not to substantially injure the value adjoining or abutting property, or that the use or development is a public necessity; and

d) that the use or development will be in harmony with the area in which it is to be located and conforms with the general plans for the land use and development of City of Trinity and its environs.

The concurring vote of four-fifths of the Board shall be necessary to grant a variance. The affirmative vote of most of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made to the Board.

For this section, vacant positions on the Council and member who are disqualified from voting on quasi-judicial matter shall not be considered members of the Council for calculation of the requisite majority.

In granting the Permit, the Council may designate only those conditions, in addition and in connection therewith, as will, in its opinion, assure that the use in its proposed location will be harmonious with the area in which it is proposed to be located, with the spirit of this ordinance and clearly in keeping with the public welfare. The Council may not impose conditions on special-use permits that the local government does not otherwise have statutory authority to impose per NCGS 160D-705(c). All such additional conditions shall be entered into the minutes of the meeting at which the Special Use Permit is granted, on the Special Use Permit itself and on the approved plans, written consent to conditions related to a special use permit must be obtained from the applicant/landowner to ensure enforceability. Unless provided otherwise by law, all rights, privileges, benefits, burdens, and obligations created by development approvals made pursuant to NCGS 160D attach to and run with the land.

If the Council denies a request for a Special Use permit, it shall enter the reasons for its action in the minutes of the meeting at which the action was taken.

Section 8-8 Conflicts of Interest

A governing board member shall not vote on any legislative decision regarding a development regulation adopted pursuant to NCGS 160D-109 where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A governing board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

A member of any board exercising quasi-judicial functions pursuant to this Chapter shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

Section 8-9 Appeal of Decisions

No appeal may be taken from the action of the City Council in granting or denying a Special Use Permit, except through Superior Court of Randolph County. Any petition for review shall be filed with the Clerk of Superior Court within 30 days after decision of the Council is filed in the office of the City Clerk, or after a written copy of the decision is delivered to every aggrieved party who has filed a written request for such copy with the clerk at the time of the hearing of the case, whichever is later. The Council's decision may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested.

An appeal of a notice of violation or other enforcement order stays enforcement action, including fines, during the appeal (NCGS 160D-405 unless a stay would cause imminent peril to life or property or, because the violation is transitory in nature, a stay would seriously interfere with enforcement of the development regulation.

Section 8-10 Failure to Comply with Plans or Conditions

In the event of failure to comply with the plans approved by the City Council or Board of Adjustment or with any other conditions imposed upon the special use permit, the permit shall thereupon immediately become void and of no effect. No building permits for further construction or certificates of occupancy under this special use permit shall be issued. If a failure to comply with conditions in a special use permit occurs after occupancy, the owner, lessee, or other responsible person shall be notified in writing of the violation. No earlier than five days after the receipt of the written notice, the body issuing the special use permit may issue a finding of fact that a violation of the requirements of this ordinance exists. If such finding of fact is made, it shall be unlawful for any person, firm or corporation to continue the special use until the responsible party makes the necessary corrections and the body authorized to issue the permit conducts a public hearing and finds that the violation no longer exists.

Section 8-11 Regulations for Special Use Permits

Detailed regulations for the special uses subject to this section are set forth in the following regulations for special uses and the notes related to those provisions.

Use: Athletic Fields, Swim and Tennis Clubs, Community Centers, Parks and Playgrounds, Campgrounds, Clubs and Lodges

Special Use District: RA, R-40, R-20, R-12, R-10, RM-U, M-2, for Athletic Fields, Parks and Playgrounds, Community Centers, Swim and Tennis Clubs, etc.
RA, R-40, & RM-U for Clubs and Lodges

Required Plans: The applicant shall submit plans which show:

a) location and approximate size of all existing and proposed buildings and structures on the site and within 500 feet of the site;

b) proposed points of ingress and egress and the proposed pattern of internal circulation;

c) proposed parking areas;

d) proposed provision for storm and sanitary sewer; and the proposed treatment of ground cover, slopes, banks, and ditches.

Setbacks: All activities and facilities shall be located at least 20 feet from any property line.

Planted Buffers: There shall be a planted buffer at least three feet thick and six feet high between this property and adjoining properties.

Lighting: Lighting shall be located and shielded so as not to adversely affect abutting property.

Fenced Swimming Pool: A swimming pool area shall be enclosed by a fence at least five feet high approved by the Zoning Administrator.

Use:	**Automobile Car Wash**
Special Use District:	HC
Plans:	Plans shall be presented which show: Setbacks Location and layout of all buildings Fencing, screening and landscaping Provision for minimizing and slowing runoff from the site.
Setback:	Building(s) shall be at least 75 feet from any interior, side or rear property line which adjoins residentially or public-institutionally zoned property.
Screening:	A minimum six foot high opaque fence shall be provided abutting to all residentially-zoned property. In addition, shrubs or trees with a height of six feet at maturity shall be planted on the side of the fence abutting to the residential property.
Operational Requirements:	All washing operations shall be contained in a building. Specific areas shall be provided for the manual drying, waxing, polishing and vacuuming of vehicles where these services are offered on the site. These areas shall not conflict with on-site circulation patterns. Hours of operation shall be between 8:00 a.m. and 8:00 p.m. when adjoining developed residentially zoned property. Adequate provision shall be made for the safe and efficient disposal and/or recycling of waste products and runoff.
Condition of Property:	The entire property shall be kept in a clean, neat and orderly condition.

Use:	**Bed and Breakfast (Tourist Home) & Rooming House**
Special Use District:	RA, R-40, R-20, & RM-U for Bed and Breakfast / Tourist Home RM for Rooming House
Required Plan:	Applicant shall submit a plat showing the location of parking, buildings, abutting uses, accessibility to thoroughfares, and buffering. The plat shall show or state the type of buffering.
Parking and Buffering:	a. Parking shall be allowed in the rear yard at one space per each room to be rented plus one space for each employee, plus two spaces for permanent occupants of the dwelling. b. All parking shall be buffered from abutting properties by a buffer strip consisting of a screened fence or a planted strip at least five feet in width, composed of deciduous or evergreen trees or a mixture of each, less than one row of dense shrubs, spaced not more than five feet apart.
Use Separation:	No bed and breakfast or other similar use shall locate within four hundred (400) feet of a rooming house, boarding house or another tourist home.
Operation:	a. The facility must be owned by the landowner who also resides on the property. b. The use shall be in a structure which was originally constructed as a dwelling. c. Meals served on premises shall be only for guests of the facility.
Signs:	Signs identifying the operation shall be non-illuminated and shall be either wall or yard signs, no more than 2 square feet in area. One sign per zoning lot.

Use:	**Cemeteries (as a principal use, not accessory to a church or synagogue)**
Special Use District:	RA, R-40, RM-U
Plans Required Must Show:	The applicant shall present plans which show: (a). topography of the area and assures a well-drained site with adequate storm drainage facilities. (b). location of signs, entrances and exits and buildings. (c). proposed points of access and egress and pattern of internal circulation. (d). proposed restrictions, if any.
Street Access and Parking:	a) Adequate off-street room shall be provided for funeral processions. b) The site shall have direct access to a collector or arterial street.
Buffer:	A screen of dense plant material at least six feet high shall be provided when a cemetery abuts a residential lot.

Use:	**Churches and Religious Congregations with Their Customary Accessory Uses**
Special Use Districts:	RA, R-40, R-20, R-12, R-10, RM-U, O&I
Plans Required Must Show:	The applicant shall present plans which show: (a). topography of the area and assures a well-drained site with adequate storm drainage facilities. (b). location of signs, entrances, and exits and buildings. (c). proposed points of access and egress and pattern of internal circulation. (d). proposed restrictions, if any.
Street Access and Parking:	(a). The site shall have direct access to a collector or arterial street.
Buffer:	A screen of dense plant material at least six feet high shall be provided when a church/synagogue abuts any residential lot.

Use:	**Day Care, Child, as Principal Use** **Day Care Adult, as Principal Use**	
Special Use District:	Child Day Care Adult Day Care	RA, R-40, RM-U, RM, OI, & HC RA, R-40, RM, & RM-U

Required Plans: Plans required, must show:

1. Location and approximate size of all existing and proposed buildings and structures within the site; also, location of buildings on abutting lots.

2. Proposed points of access and egress and pattern of internal circulation.

3. Layout of parking spaces or arrangements for on-street parking if off street parking is not available.

4. Location and extent of open play area.

Fenced Play Area: For child day care centers:

1. The facility must meet state regulations for minimum square footage per child for interior and outdoor play space.

2. The aggregate play area must be surrounded by sturdy fence at least four feet high.

Screening: Suitable screening must be provided to avoid any nuisance to adjoining residential properties. Where property abuts residentially zoned land, screening shall incorporate plantings at least six feet high that retain foliage year-round.

Hours of Operation: In residential districts, day care centers shall not be operated between 7:00 pm and 6:00 am.

Licensing Requirements: All required state licensing requirements must be met, and permits obtained.

Use: **Emergency Services (Fire, Police, Ambulatory)**

Special Use Districts: RA, R-40, R-20, R-12, R-10, RM, RM-U & OI

Plans Required Must Show: The applicant shall present plans which show:

(a). topography of the area and storm drainage facilities that assure a well-drained site with adequate storm drainage;

(b). location of signs, entrances and exits and buildings;

(c). proposed points of access and egress; and

(d). parking for on-duty fire fighters beside or behind the fire station

Street Access and Parking: The site shall have direct access to a collector or arterial street.

Buffer: A screen of dense plant material at least six feet high shall be provided when a fire station abuts a residential lot.

Use:	**Fairs and Carnivals (including community and nonprofit carnivals)**
Special Use District:	RA, R-40, OI, M-1, M-2
Required Plans:	The applicant must submit plans which show: (a) internal circulation patterns and provisions for parking (b) how noise, dust and traffic will be controlled - and the visual impact of the fair or carnival (c) size and location of signage (d) surrounding land uses within 500 feet of the property
Facilities:	Adequate bathroom facilities shall be provided.
Trash Removal:	The applicant shall coordinate with the city to provide for trash removal.
Days of Operation:	The special use permit shall specify the number of days of operation for the event.

Use: **Golf Courses**

Special Use District: RA, R-40, R-20, R-12, R-10

Required Site Plan: A site plan must be submitted showing:

(a) property boundaries
(b) proposed buildings and parking areas
(c) proposed points of ingress and egress
(d) proposed pattern of internal automobile and pedestrian circulation
(e) size and proposed location of signs
(f) lighting plan
(g) proposed schedule of development phases, if applicable

Runoff and Erosion Control: Plans must be submitted which demonstrate how run-off and erosion will be minimized and controlled. The plans must include proposed provisions for storm drainage and sanitary sewer approved by an N.C. certified registered engineer.

Use:	**Group Care Facility (Group Home)**
Special use District:	RA, R-40, RM, RM-U, OI
Operation:	All group homes shall be licensed and/or sponsored by the appropriate state or local agency. The facility shall be limited to no more than thirty (30) persons.
Property Separation:	No Such facility shall be located within one-half (1/2) mile of an existing group care facility.
Parking:	One space for every five (5) residents or fraction thereof, plus one parking space for each employee on the premises.
Signage:	One sign permitted, not to exceed three square feet in area.

Use: **Junkyards**

Special Use District: M-1

Minimum Acreage: Ten (10) acres minimum are required for new junkyard/automobile graveyard facilities.

Site Plan: The site plan shall show the location of the buildings, proposed storage areas as well as the following details:

(1) A solid fence or wall not less than eight (8') feet in height shall be placed and maintained around all setback boundaries; an open space setback of at least fifty (50') feet shall be maintained around the enclosure; such area shall not be used for storage and shall be grassed and maintained in natural vegetation outside the enclosed area.

(2) Weeds and grasses shall be controlled within the junkyard/automobile graveyard.

(3) The height of items inside the junkyard/automobile graveyard shall not exceed the height of the barrier fence.

(4) Items shall not be stored closer than five hundred (500') feet to any adjoining residential occupancy.

Copies of the site plan and application shall be sent to the appropriate State agencies.

Stormwater and Erosion Control: Stormwater runoff and erosion control measures shall be installed around the site in accordance with state standards.

Monitoring Well: A monitoring well shall be installed on the site, if applicable. The applicant shall have the well tested at least once a year by an approved company or laboratory. Results of all tests shall be forwarded to the City of Trinity and appropriate state agencies.

Tire Storage: All unmounted tires (200 maximum) shall be stored in an enclosed building to prevent the accumulation of storm water within the well of the tire.

Financial Responsibility: The owner understands that he/she will be financially responsible for any contamination of the site and/or its environs.

Use: **Land Clearing and Inert Debris Landfill (Minor):**

Special Use Districts: RA

Required Plans:

1) Maximum Area: Two (2) acres.
2) Maximum Duration: Landfills are limited to a maximum period of operation of three (3) years from the date of issuance of the Certificate of Occupancy by City of Trinity, provided that the Planning Board may upon request grant one (1) or more three-year renewals.
3) Use separation: One hundred (100) feet minimum from any property line to the edge of the fill area and three hundred (300) feet minimum from any residence not on the same tract as the landfill.
4) Buffer: Where possible a minimum fifteen (15) foot tree buffer shall be retained around the exterior property line.
5) Access: Access to the landfill shall be from a state maintained paved road, provided that the Planning Board may grant a waiver to the paving requirement upon reasonable conditions and shall be controlled with gates, chains, fences, ditches and/or trees to prevent unregulated dumping.
6) Dust: All unpaved areas shall be maintained in a manner which prevents dust from leaving the property.
7) Operation:
    a) No filling is permitted in the 100-year floodplain of any stream. Filling to the edge of the 100-year floodplain is permitted only if the back slope is stable and no steeper than 3:1;
    b) No filling is permitted in minor drainage ways unless the drainage has been piped or otherwise diverted in accordance with approved plans; and
    c) No filling is permitted in utility easements, except electrical transmission easements for 44kv or greater lines.
8) Closure: Landfills shall be closed with a minimum of one (1) foot of clean soil, graded to a maximum slope of three to one (3:1), and stabilized with vegetation or by other approved means.

Use: **Land Clearing and Inert Debris Landfill (Major):**

Special Use Districts: M1 & M2

Required Plans:

Setbacks & Buffers

1) Use separation: One hundred (100) feet minimum from any property line to the edge of the fill area and three hundred (300) feet minimum from any residence not on the same tract as the landfill.
2) Buffer: Where possible a minimum fifteen (15) foot tree buffer shall be retained around the exterior property line.

Access

1) Access to the landfill shall be controlled with gates, chains, fences, ditches and/or trees to prevent unregulated dumping.
2) Dust: All unpaved areas shall be maintained in a manner which prevents dust from leaving the property.

Operation

1) No filling is permitted in the 100-year floodplain of any stream. Filling to the edge of the 100-year floodplain is permitted only if the back slope is stable and no steeper than 3:1;
2) No filling is permitted in minor drainage ways unless the drainage has been piped or otherwise diverted in accordance with approved plans; and
3) No filling is permitted in utility easements, except electrical transmission easements for 44kv or greater lines.

Closure

1) Landfills shall be closed with a minimum of one (1) foot of clean soil, graded to a maximum slope of three to one (3:1), and stabilized with vegetation or by other approved means.

Use:	**Manufactured Home, Boat, Travel Trailer, Camper and Recreational Vehicle Sales and Service**
Special Use District:	M-1, M-2
Plan Required:	A placement plan for the manufactured homes shall be approved by the city before the sales lot opens.
Open Space:	At least 60% of the property must be open land.
Setbacks and Separation Between Structures:	(a) A setback of at least 15 feet from any exterior boundary line is required. (b) Front yard and corner lot setbacks must be met. (c) There shall be a 20-foot separation between manufactured homes and between a manufactured home and any other structure.
Proximity to Other Sales Lots:	No manufactured home sales and display lot may be located within 5000 feet of another manufactured home sales lot.
Parking:	There shall be off-street parking at a ratio of one parking space per two manufactured homes and a minimum of five spaces.
Signs:	Banner type signs are not permitted.

Use:	**Mini Warehouses**
Special Use District:	HC**,** RM
Plans Required:	Plans shall be submitted which show layout and placement of buildings, ingress and egress, plans for minimizing stormwater runoff from the site, signage and landscaping.
Maximum Height:	20 feet not exceeding one story
Storage:	a. No outside storage is permitted b. Storage of hazardous, toxic, or explosive substances is prohibited.
Operation:	No business activity other than the rental of storage units shall be conducted on the premises.
Lighting:	Lights shall be arranged so that no light or glare is directed into a residence.
Screening:	An opaque screen at least eight feet high shall be provided along each property adjoining a residentially zoned district, and six feet high along any public right-of-way.

Use:	**Public Utility Facilities and Substations / Public Works Facilities Essential to the Immediate Area (transformer stations, pumping stations, water towers, and telephone exchanges)**
Special Use District:	RA, R-40, R-20, R-12, R-10, RM, RM-U, OI, HC, M-1, M-2
Setbacks and Landscaping:	All buildings and apparatus shall be set back at least 20 feet from all property lines. They shall be designed, landscaped and maintained in accordance with other public facilities
On-site Storage:	Vehicles or material shall be stored on the premises inside a building or under cover. Outside storage of apparatus and equipment is permitted only in the M-1 district and must be enclosed by a solid fence at least 6 feet high.
Fenced facilities:	Such facilities as water towers, pumping stations and so forth shall be surrounded by a chain link fence six feet high.

Use: **Reception Facility**

Special Use District: RA, R-40

Site Plan: The site plan shall show the location of parking, buildings, abutting uses, accessibility to thoroughfares, and buffering. The plat shall show or state the type of buffering. The application and site plan must also satisfy the following requirements.

Design Standards Included in Site Plan:

(1) Parking

(a) Parking shall be allowed at one space per 3 guests plus one per employee.

(b) All parking shall be buffered from abutting properties by a buffer strip consisting of a screened fence or a planted strip at least five feet in width, composed of deciduous or evergreen trees or a mixture of each, less than one row of dense shrubs, spaced not more than five feet apart.

(c) A parking plan shall be presented to show adequate parking for a variety of events and guests as well as space for overflow parking.

(2) Use Separation

(a) No reception house or other similar uses shall locate within four hundred (400) feet of a rooming house, boarding house or another tourist home.

(3) Operation:

(a) An owner or manager shall be on the premises for every event.

(b) The use shall be located in a structure which was originally constructed as a single-family dwelling or an approved accessory structure.

(c) Meals served on premises shall be only for guests of the facility.

(d) The reception house shall meet all applicable health, fire safety and building codes and shall be operated so as not to give the appearance of being a business. Minimal outward modifications of the structure or grounds may be made only if such changes are compatible with the character of the area or the neighborhood.

(e) No additional dwellings shall be placed on the same lot as the reception house unless otherwise permitted.

(f) Outdoor activity hours: Special functions conducted outdoors, and outdoors activities related to special functions are prohibited after 10:00 pm on Sunday through Thursday nights. Friday and Saturday and evenings before national holidays, outdoor activities are prohibited after 11:00 pm. All activities shall comply with the Noise Ordinance of the City of Trinity.

(4) Signs:

(a) Signs identifying the operation shall be non-illuminated and shall be either wall or yard signs, no more than 4 square feet in area. One sign per zoning lot.

Use: **Recycling Convenience Site**

Special Use District: RA, R-40, OI, HC, M-1, M-2

Required Plans: The applicant must submit plans which show:

a. Location and approximate size of all existing and proposed buildings and structures on the site.

b. Proposed points of access and egress and pattern of internal circulation;

c. Layout of parking spaces;

Operation:

a. The facilities shall only be operated by a local government or by a non profit.

b. The use must be secondary to another primary use such as a school, fire station or other government facility.

Use: **Schools, Elementary and Secondary**

Special Use District: RA, R-40, R-20, R-12, R-10, RM, RM-U, O&I

Required Plans: The applicant must submit plans which show:

a. location and approximate size of all existing and proposed buildings and structures on the site and on the lots which adjoin the site;

b. proposed points of access and egress and pattern of internal circulation;

c. layout of parking spaces;

d. location and extent of playgrounds and athletic fields;

e. estimated number of students at opening and capacity for additional students;

f. parking for elementary and middle schools - 5 spaces, plus 1 space per classroom employee and staff member

g. parking for senior high schools - 1 space per four students, plus 1 space for each classroom, administrative and non-educational employee

Building Height

The maximum building height for any school building shall be 50 feet

Use:	**Storage of Above Ground Bulk Oil or Petroleum Products for Wholesale or Retail Distribution**
Special Use District:	M-1, M-2
Minimum Lot Size:	The minimum size lot, tract or parcel must be one acre.
Setbacks and Buffers:	a) All storage tanks and loading facilities shall be located at least 25 feet from any side or rear property line. b) The minimum building setback line is 40 feet. c) All storage tanks and loading facilities shall be located a minimum of 85 feet from any exterior property line bordering a residential district. d) A buffer strip is required for side or rear lot lines that abut a residential or office district.
General Health and Safety Conditions:	a) The proposed site shall not endanger the safety of properties in the area, and vehicular access shall not require the use of minor residential access streets. b) All facilities shall comply with the American Insurance Association's Flammable and Combustible Liquid's Code. c) Facilities must meet all E.P.A. and state environmental requirements.

Use:	**Telecommunications Towers** **Radio or Television Towers**
Special Use District:	RA, M-1, M-2
Standards:	See Appendix A - A Local Ordinance Regulating the Siting of Wireless Telecommunications Towers and Facilities

Use: **Veterinary Clinics and Kennels with Outside Runs**

Special Use District: RA, M1 & M-2

Construction Requirements:

1. Three sides of each run must have four-foot-high walls of block concrete.
2. A concrete floor is required.
3. The open side of the run must be screened from the public.

Noise: There shall be no noise generated activities between sunset and sunrise.

Plan Approval: The city must approve a site plan of the kennel and runs and a waste treatment plan.

ARTICLE IX

NONCONFORMITIES

Section 9-1 Purpose and Intent

If, within the districts established by this ordinance, or by amendments that may later be adopted, there exist lots, structures and use of land and structures which were lawful before this ordinance was passed or amended, but which would be prohibited under the terms of this ordinance, it is the intent of this ordinance to permit these nonconformities to continue until they are removed but not to encourage their continuance. Such nonconformities are declared by this ordinance to be incompatible with permitted uses in the districts in which they are located.

It is further the intent of this ordinance that nonconformities shall not be enlarged upon, expanded or used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Section 9-2 Nonconforming Lots of Record

Single Lots of Record

When a lot has an area which does not conform to the dimensional requirements of the district where they are located, but such lot was of record at the time of adoption of this Ordinance or any subsequent amendment which renders such lot nonconforming, then such lot may be built upon if compliance is achieved with regard to setback dimensions, width, and other requirements, regardless of lot area. Lots that cannot meet the setback, width, and/or buffering requirements of this Ordinance may seek a variance from the Board of Adjustments.

Section 9-3 Nonconforming Uses of Land

1) Extensions of Use. Nonconforming uses of land shall not be enlarged or extended in any way unless otherwise stated in this section.

2) Change of Use. When a non-conforming use of land has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.

3) Nonconforming Residential Uses of Land - In the case of a residence that is a nonconforming use of land in a commercial or industrial zone, such residence may be repaired, rebuilt or added to as long as the dimensional requirements of the district are met. Minor variances in setbacks due to lot size may be presented to the Board of Adjustment for consideration. This policy is adopted in the interest of maintaining an adequate stock of housing in Trinity.

4) Manufactured Homes as Nonconforming Residential Uses - Manufactured homes on individual zoning lots, are a nonconforming use in Trinity. However, in the interest of maintaining an adequate housing stock in the community, existing manufactured homes are allowed to continue and in certain instances may be replaced.

    (a) Continuation of a Manufactured Home on An Individual Lot – A manufactured home on an individual lot may be continued, provided that within six months from the date of adoption of this Ordinance it shall be tied down to resist overturning in the event of high winds. All tie downs shall be in accordance with the State of North Carolina Regulations for Manufactured Homes.

(b) Replacing a Manufactured Home on an Individual Lot

1. Replacements can be made only in zones R-A, R-40 & RM.

2. No replacements will be allowed on property that contains another principal use.

3. In the interest of preserving housing stock within Trinity, a single wide manufactured home may be replaced by a Class A or a Class B manufactured home.

4. A permit must be obtained from the Zoning Administrator.

5. The permit applicant must be the property owner and occupant of the manufactured home being replaced. Rental units may only be replaced if destroyed by natural causes.

6. The manufactured home shall have a continuous, permanent masonry underpinning or simulated rock/masonry panels, unpierced except for ventilation and access.

7. It shall be tied down to resist overturning in the event of high winds. All such tie downs shall be in accordance with the State of North Carolina Regulations for Manufactured Homes.

8. It shall have a front entrance with a minimum 4 ft. x 8 ft. x 4 in. thick concrete slab at the front door area, or a 5 ft. x 10 ft. treated lumber deck or porch built of treated lumber and built to North Carolina Building Code specifications at the front entrance

Section 9-4 Nonconforming Uses of Structures

This category of nonconformities consists of structure used, at the time of passage of this ordinance, for purposes not permitted in the district in which they are located.

(1) A nonconforming use of a structure may be changed to a conforming use.

(2) A nonconforming use of a structure shall not be changed to another nonconforming use.

(3) When a nonconforming use of a structure has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.

(4) Normal maintenance and repair of a building occupied by a nonconforming use is permitted and encouraged provided it does not extend the non-conforming use.

(5) A nonconforming use of a structure shall not be extended or enlarged beyond the structure in existence at the time the use became nonconforming. Extensions of the structure to accommodate expansion of a nonconforming use are not permitted.

(6) When a nonconforming use of a structure is discontinued for a continuous period of 180 days, any future use of the structure shall be limited to those uses permitted in that district under the provisions of this ordinance.

Section 9-5 Nonconforming Structures

When a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on lot coverage, height, yard size or setbacks, the structure may be continued as long as it remains otherwise lawful, subject to the following provisions:

1) No structure may be enlarged or altered in a way that increases its nonconformity.

2) Normal maintenance and repair of a nonconforming structure is permitted and encouraged provided it does not extend the nonconformity.

Section 9-6 Repairs and Maintenance

Buildings or structures other than single-family houses that are destroyed by any means to an extent of more than 60% of assessed value, exclusive of land value, shall not be reconstructed except in conformity with the provisions of this ordinance. Nonconforming single family houses that are damaged or destroyed may be rebuilt on the same lot as long as the amount of nonconformity is not increased.

Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any officials charged with protecting the public safety, upon order of such official.

Section 9-7 Nonconformities Created by Changes in Zoning Boundaries or Regulations

Any nonconformance created by a change in district boundaries or ordinance regulations after the date of passage of this ordinance shall also be governed by the provisions of this Article.

Section 9-8 Nonconforming Signs: See Section 11-12.

ARTICLE X

ZONING VESTED RIGHTS AND DEVELOPMENT AGREEMENTS

Section 10 -1 Vested Right Conferred

A vested right is conferred pursuant to NCGS 160D-102; -100(d) to undertake and complete the development and use of property according to the terms and conditions of a site specific development plan, approved as provided for in this Article.

Section 10-2 Obtaining a Vested Right

A developer may obtain a vested right as provided by NCGS 160D-102-100(d)to commence a project at a future date. A vested right is obtained:

(1) automatically when a special use permit is granted by virtue of approval of a special use by the City Council, and

(2) when the City Council approves a site-specific development plan submitted by a developer in conjunction with an application for a zoning permit with vested rights.

Section 10-3 Term.

The right to commence a project authorized by any of the above means vests from the date the applicable permit is authorized and remains vested for two years.

Section 10-4 Zoning Permit Required

A zoning permit is required before commencing work on any project in which a vested right exists.

(1) The Zoning Administrator shall issue the zoning permit for a project in which the vested right has been conferred by a special use permit.

(2) In any other case, an applicant shall apply for a zoning permit with vested rights as outlined in Section 10-5 below.

Section 10-5 Application for a Zoning Permit with Vested Rights.

The applicant shall submit seven copies of a site-specific development plan drawn to scale describing with reasonable certainty the type and intensity of use of the specific parcel or parcels of land. The plan shall include:

(1) boundaries of the site;

(2) significant topographical and other natural features affecting the development of the site;

(3) location on the site of the proposed buildings, structures and other improvements;

(4) dimensions, including height of the proposed buildings and other structures;

(5) location of all existing and proposed infrastructure on the site including water, sewer, roads and walkways; and

(6) such other information as the Zoning Administrator may determine to be necessary in order to determine the specifics of the plan

Section 10-6 Action by City Council.

Upon receipt of a properly prepared site-specific development plan, the Zoning Administrator shall arrange to bring the plan to the Planning Board for its recommendations and then to the City Council.

(a) Public Hearing - The City Council shall conduct a public hearing with notice given as provided for in Section 17-1(2) of this Ordinance.

(b) Considerations - In considering an application for a zoning permit with vested rights, the City Council shall give due regard to whether issuance of the permit would serve the purpose and intent of this ordinance, secure public safety and welfare and do substantial justice. If the Council should find, after public hearing, that the proposed permit should not be granted, the permit should be denied.

(c) Findings. In granting a zoning permit with vested rights the City Council shall make the following affirmative findings:

(1) the use requested is among those permitted in the district in which the property is located and complies with all the requirements of this and other applicable ordinances;

(2) the requested permit is either essential or desirable for the public convenience or welfare;

(3) the requested permit will not impair the integrity or character of the surrounding or adjoining districts and will not be detrimental to the health, safety, or welfare of the community;

(4) adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided.

(d) Additional Conditions - In granting a zoning permit with vested rights, the City Council may impose such additional restrictions and requirements upon the permit as it may deem necessary in order that the purpose and intent of this ordinance are served, public welfare secured, and substantial justice done. Approval of a site-specific development plan with the condition that a variance or modification be obtained shall not confer a vested right unless and until the necessary variance or modification is obtained.

(e) Acceptance by Applicant - If all requirements and conditions are accepted by the applicant, the Council shall authorize the issuance of the permit; otherwise, the permit shall be denied. Any permit so authorized shall remain vested for two years from the date of the action granting the Permit.

Section 10-7 Violations

Any violation of a term of condition involved the granting of a zoning permit with vested rights shall be treated the same as a violation of this ordinance and shall be subject to the same remedies and penalties as any such violation. In addition, the City Council may, after public hearing, revoke any such vested rights for failure to abide by any such term or condition.

Section 10-8 Other Ordinances Apply.

The establishment of a vested right shall not preclude the application of overlay zoning which imposes additional requirements but does not affect the allowable type or intensity of use, or ordinances or regulations which are general in nature and are applicable to all property subject to land use regulation, including, but not limited to, building, fire, mechanical, electrical and plumbing codes.

Section 10-9 Changes or Amendments.

No change or amendment to any zoning permit with vested rights shall be made except after public hearing and except as provided for in this ordinance for the original issuance or such permit. If, at the time of consideration of a proposed change or amendment to an existing permit, the permit or proposed change or amendment could not be lawfully made under ordinance conditions existing at that time, the proposed change or amendment shall be denied. In addition, in no case shall there be an extension of the two-year time period for which the development right is vested. Nothing herein shall exempt plans related to the permit from subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with the original approvals.

Section 10-10 Types and Duration of Statutory Vested Rights

Amendments to Trinity development regulations shall not be applicable or enforceable regarding development that has been permitted or approved pursuant to NCGS 160D-108 if one of the types of approvals listed in this subsection remains valid and unexpired. Each type of vested right listed in this subsection is defined by and is subject to the limitations provided in this section. Vested rights established under this section are not mutually exclusive. The establishment of a vested right under this section does not preclude the establishment of one or more other vested rights or vesting by common law principles. Vested rights established by Trinity approvals are as follows:

A. Six months - Building permits. - Pursuant to NCGS 160D-1109, a building permit expires six months after issuance unless work under the permit has commenced. Building permits also expire if work is discontinued for a period of 12 months after work has commenced.

B. One year - Other local development approvals. - Pursuant to NCGS 160D-403(c), unless otherwise specified by statute or local ordinance, all other local development approvals expire one year after issuance unless work has substantially commenced. Expiration of a local development approval shall not affect the duration of a vested right established under this section or vested rights established under common law.

C. Two years - Site-specific vesting plans.

1. Duration. - A vested right for a site-specific vesting plan shall remain vested for a period of two years. This vesting shall not be extended by any amendments or modifications to a site-specific vesting plan unless expressly provided by Trinity ordinance.

2. Relation to building permits. - A right vested as provided in this subsection shall terminate at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed. Upon issuance of a building permit, the provisions

of NCGS 160D-1109 and NCGS 160D-1113 shall apply, except that the permit shall not expire or be revoked because of the running of time while a vested right under this subsection exists.

3. Requirements for site-specific vesting plans. - For the purposes of this section, a "site-specific vesting plan" means a plan submitted to the Town of Trinity describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. The plan may be in the form of, but not be limited to, any of the following plans or approvals: a planned unit development plan, a subdivision plat, a site plan, a preliminary or general development plan, a special use permit, a conditional zoning, or any other development approval as guided by Town of Trinity ordinance. What constitutes a site-specific vesting plan shall be defined by the relevant development regulation, and the development approval that triggers vesting shall be so identified at the time of its approval. At a minimum, the regulation shall designate a vesting point earlier than the issuance of a building permit. In absence of a Town of Trinity regulation setting forth what constitutes a site-specific vesting plan, any development approval shall be considered to be a site-specific vesting plan. A variance shall not constitute a site-specific vesting plan and approval of a site-specific vesting plan with the condition that a variance be obtained shall not confer a vested right unless and until the necessary variance is obtained. If a sketch plan or other document fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property, it may not constitute a site-specific vesting plan.

4. Process for approval and amendment of site-specific vesting plans. - If a site-specific vesting plan is based on an approval required by the Town of Trinity development regulations, a notice and hearing is required for that underlying approval. If the duration of the underlying approval is less than two years, that shall not affect the duration of the site-specific vesting plan established under this subdivision. If the site-specific vesting plan is not based on such an approval, a legislative hearing with notice as required by NCGS 160D-602 shall be held. The Town of Trinity may approve a site-specific vesting plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety, and welfare. Such conditional approval shall result in a vested right, although failure to abide by its terms and conditions will result in a forfeiture of vested rights. The Town of Trinity shall not require a landowner to waive vested rights as a condition of developmental approval. A site-specific vesting plan shall be deemed approved upon the effective date of the local government's decision approving the plan or such other date as determined by the governing board upon approval. An approved site-specific vesting plan and its conditions may be amended with the approval of the owner and the local government as follows: any substantial modification must be reviewed and approved in the same manner as the original approval; minor modifications may be approved by the Zoning Administrator, if such are defined and authorized by local regulation.

D. Seven years - Multiphase developments. - A multiphase development shall be vested for the entire development with the zoning regulations, subdivision regulations, and unified development ordinances in place at the time a site plan approval is granted for the initial phase of the multiphase development. This right shall remain vested for a period of seven years from the time a site plan approval is granted for the initial phase of the multiphase development. For purposes of this subsection, "multiphase development" means a development containing 100 acres or more that (i) is submitted for site plan approval for construction to occur in more than one phase and (ii) is subject to a master development plan with committed elements, including a requirement to offer land for public use as a condition of its master development plan approval.

E. Indefinite - Development agreements. - A vested right of reasonable duration may be specified in a development agreement approved under NCGS 160D-1001.

Section 10-11 Annexation Declaration

Any landowner who signs an annexation petition to the City pursuant to NCGS 160A-31 or NCGS 160A-58.1 shall, as part of that petition, file a signed statement declaring whether or not vested rights with respect to the property subject to the petition have been established under NCGS160D-102;-100(d). If the statement declares that such rights have been established, the City may require petitioners to provide proof of such rights. A statement which declares that no vested rights have been established by law shall be binding on the landowner and any such vested right shall be terminated.

Section 10-12 Development Agreements

A. Purpose
The purpose of this Article is to establish standards and procedures for the Town to enter into Development Agreements for long-term, large-scale developments, in recognition of the following findings and statements of intent:

1. *Large-Scale Development Projects and Long-Term Commitment of Resources*
Large-scale development projects often occur in multiple phases extending over a period of years, requiring a long-term commitment of both public and private resources.
2. *Potential Community Impacts*
Such large-scale developments often create potential community impacts and potential opportunities that are difficult or impossible to accommodate within traditional zoning processes.
3. *Careful Integration between Public Capital Facilities Planning, Financing, Schedules*
Because of their scale and duration, such large-scale projects often require careful integration between public capital facilities planning, financing and construction schedules and the phasing of the private development.
4. *Stable Development Standards*
Because of their scale and duration, such large-scale projects involve substantial commitments of private capital by private developers, which private developers are unwilling to risk without sufficient assurances that development standards will remain stable through the extended period of the development.
5. *Nontraditional Development Types*
Because of their size and duration, such developments often permit communities and developers to experiment with different or nontraditional types of development concepts and standards, while still managing the impacts on the surrounding areas.
6. *Negotiating Flexibility*
To better structure and manage development approvals for such large-scale developments and ensure their proper integration into local capital facilities programs, local governments need the flexibility in negotiating such developments.
7. *Plan Consistency*
In negotiating for such developments, it is the intent of the Town to remain consistent with the adopted plans, policies, and goals of the Town as they relate to land use and capital improvements.

B. Authority
The Town may enter into a Development Agreement with a developer, subject to the procedures and standards of this Article. In entering into such a Development Agreement, the Town may not exercise any authority or make any commitment not authorized by general or local act and may not impose any tax or fee not authorized by otherwise applicable law. If more than one local government is made party to an agreement, the agreement must specify which local government is responsible for the overall administration of the Development Agreement.

C. Relationship to Prior Development Approvals
Although an application for a Development Agreement generally is submitted and reviewed before,

or in conjunction with, the first development approval required for the proposed development (e.g., a Mixed-Use Development), such an application may be submitted and decided at any stage of the development. If the application is submitted after development approvals have been granted, either the Development Agreement should incorporate the terms and conditions of those prior approvals or any approval of the Development Agreement shall be contingent upon any amendments to those prior approvals necessary to ensure conformance between the Development Agreement and applicable development approvals.

D. Initiation

An application for a Development Agreement may be initiated by any person who may submit applications in accordance with the provisions of this Article. Applications for development approvals may be made by the landowner, a lessee or person holding an option or contract to purchase or lease land, or an authorized agent of the landowner. An easement holder may also apply for development approval for such development as is authorized by the easement.

E. Procedures

1. Application Contents

An application for a Development Agreement shall include a proposed Development Agreement that shall, at a minimum, include all of the following:

a) A legal description of the property subject to the agreement and the names of its legal and equitable property owners.

b) The duration of the agreement.

c) A development schedule, including commencement dates and interim completion dates at no greater than five-year intervals.

d) The development uses permitted on the property, including population densities and building types, intensities, placement on the site, and design.

e) A description of public facilities that will service the development, including who provides the facilities, the date any new public facilities, if needed, will be constructed, and a schedule to assure public facilities are available concurrent with the impacts of the development.

f) If the Development Agreement provides that the Town shall provide certain public facilities, the Development Agreement shall provide that the delivery date of such public facilities will be tied to successful performance by the developer in implementing the proposed development (such as meeting defined completion percentages or other performance standards).

g) A description, where appropriate, of any reservation or dedication of land for public purposes and any provisions to protect environmentally sensitive property.

h) A description of all local development permits approved or needed to be approved for the development of the property together with a statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction does not relieve the developer of the necessity of complying with the law governing their permitting requirements, conditions, terms, or restrictions.

i) A description of any conditions, terms, restrictions, or other requirements determined to be necessary by the Town for the public health, safety, or welfare of its citizens.

j) A description, where appropriate, of any provisions for the preservation and restoration of historic structures.

k) An indemnification and "hold harmless" clause whereby the developer/property owner holds the Town and its agents harmless from liability for damages, injury, or death that may arise from the direct or indirect operations of the owner, developers, contractors, and subcontractors that relate to the project.

The proposed Development Agreement may include the following:

1) A provision that the entire development or any phase of it be commenced or completed within a specified period of time.
2) Other defined performance standards to be met by the developer.
3) Other matters not inconsistent with law.

The application shall include a master plan that depicts the general configuration and relationship of the principal elements of the proposed development, including major uses, general building types, pedestrian and vehicular circulation, open space, public facilities, and phasing.

2. *Review and Report by Town Manager or Administrator*
   As part of the staff review of the application, the Manager/Administrator or the designee may negotiate revisions to the proposed Development Agreement consistent with the provisions of Subsection H Development Agreement Standards.

3. *Review and Recommendation by Planning Board*
   Following staff review, preparation of a staff report, and provision of public notification in accordance with Subsection g. Development Agreement Standards, the staff shall recommend that:
   - the Town enter into the Development Agreement as submitted;
   - the Town enter into the Development Agreement application subject to modifications agreed to by the applicant, in writing; or
   - the Town does not enter into the Development Agreement.

4. *Review and Action by Governing Board*
   Following Planning Board review, the governing body shall conduct a legislative public hearing on the application in accordance with public hearing guidance. Thereafter the Board may vote:
   - To enter into the Development Agreement as submitted;
   - To enter into the Development Agreement, subject to modifications agreed to by the applicant, in writing;
   - Not to enter into the Development Agreement; or
   - Remand the application to the Planning Board for further consideration.

DEVELOPMENT AGREEMENT PROCEDURES DIAGRAM

F. Recording the Agreement
Within 14 days after entering into a Development Agreement, the Town shall record the agreement with the Register of Deeds.

G. Development Agreement Standards
In consideration of the Town's participation in a Development Agreement, a development subject to the agreement must meet the following criteria:

1. *Planned Development*
The information regarding the property subject to the Development Agreement shall contain details of the property and the planned development in accordance with NCGS 160D Article 10 Development Agreements.

2. *Phasing and Duration of Development*
   The development shall demonstrate phasing and participation in the proposed agreement shall be of reasonable terms that shall be specified in the agreement.
3. *Impact on Capital Improvements*
   The development shall demonstrate the impact on existing and future provisions of capital improvements by the Town including at least one of the following: transportation, potable water, sanitary sewer, solid waste, stormwater management, educational, parks and recreational, and health systems and facilities.

H. Effect of Development Agreement

1. *Burdens and Benefits*
   The burdens of the Development Agreement are binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.
2. *Rights and Obligations*
   Rights and obligations established by a Development Agreement shall not preclude or supersede rights and obligations established pursuant to other law regarding building permits, site specific development plans, phased development plans or other provisions of law.
3. *Building Code*
   A Development Agreement shall not exempt the property owner or developer from compliance with the State Building Code.
4. *Subsequently Enacted Laws*
   Unless the Development Agreement specifically provides for the application of subsequently enacted laws, the laws applicable to development of the property subject to a Development Agreement are those in force at the time of execution of the agreement.
5. *Application of Subsequently Adopted Laws*
   Except for grounds specified in Section 160D-1-(e) of the North Carolina General Statutes, the Town may not apply subsequently adopted ordinances or development policies to a development that is subject to a Development Agreement.
6. *Change in State or Federal Law*
   If State or Federal law is changed after a Development Agreement has been entered into and the change prevents or precludes compliance with one or more provisions of the Development Agreement, the Town, by ordinance after notice and a hearing, may modify the affected provisions, upon a finding that the change in State or Federal law has a fundamental effect on the Development Agreement.
7. *Vested Rights*
   This Ordinance does not abrogate any rights preserved by NCGS 160D-1-8, or that may vest pursuant to common law or otherwise in the absence of a Development Agreement.

I. Approval of Debt
If any of the obligations of the Town in the Development Agreement constitute debt, the Town shall comply, at the time of the obligation to incur the debt and before the debt becomes enforceable against the Town, with any applicable constitutional and statutory procedures for the approval of this debt. The agreement shall be signed by the Town Attorney, Finance Director, and Town Manager.

J. Periodic Review and Breach of Agreement

1. *Annual Review*
   During any period of time in which a development permit is active, the Town shall review the development at least once every 12 months for compliance with the agreement. The developer shall be required to demonstrate good faith compliance with the terms of the Development Agreement. The failure to meet a commencement or completion date specified in the Development Agreement shall not, in and of itself, constitute a material breach of the agreement, but must be judged based upon the totality of the circumstances.
2. *Material Breach*
   If the Town finds and determines that the developer has committed a material breach of the terms or conditions of the Development Agreement, the Town shall serve written notice of the breach upon the developer within a reasonable time after the periodic review. Such notice shall set forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination and shall provide the developer a reasonable time in which to cure the material breach.
3. *Failure to Cure Material Breach*
   If the developer fails to cure the material breach within the time given, then the Town unilaterally may terminate or modify the Development Agreement.
4. *Appeal*
   The notice of termination or modification may be appealed to the Board of Adjustment for review and decision in accordance with Section 7-13(D Appeals.

K. Amendments to Development Agreement

1. *Mutual Consent*
   A Development Agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest.
2. *Major Modification*
   Consideration of a proposed major modification of a Development Agreement shall follow the same procedures as required for initial approval of the agreement.
3. *Minor Modification*
   The Planning Director may approve minor modifications of the Development Agreement with the mutual consent of the other parties to the agreement, without following the same procedures as required for initial approval of the agreement, upon making written findings that the proposed modifications would not significantly change the use, intensity, or design of the development, would be consistent with the purposes and goals of the agreement, would comply with this Ordinance, and would not adversely affect the public health, safety, or general welfare.

L. Assumption of Jurisdiction Over Development Agreements

1. *Town Assumes Planning Jurisdiction*
   If the Town assumes planning jurisdiction over property subject to a Development Agreement established by another jurisdiction, such development agreement shall be valid for the duration of the agreement, or eight years from the effective date of the Town's assumption of planning jurisdiction over the subject property, whichever is earlier.
2. *Rights and Obligations*
   The parties to the development agreement and the Town shall have the same rights and obligations with respect to each other regarding matters addressed in the Development Agreement as if the property had remained in the previous jurisdiction.
3. *Modification or Suspension*
   The Town may modify or suspend the provisions of the Development Agreement if the Town determines that the failure to do so would place the residents of the area subject to the Development Agreement, or the residents of the Town’s planning jurisdiction, or both, in a condition dangerous to their health or safety, or both.

ARTICLE XI

SIGNS

Section 11-1. Findings, Purpose, Intent, & Interpretations

(a) The intent of this Article is to authorize use of signs whose types, sizes, and arrangements are compatible with their surroundings; appropriate to the type and intensity of activity to properties or occupants of products or on the community as a whole; legible in the circumstances in which they are seen; and appropriate to traffic safety.

(b) Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this article is to regulate the size, color, illumination, movement, materials, location, height, and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment on historic convenience to citizens and encouraging economic development. This article allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs. This article must be interpreted in a manner consistent with the First Amendment guarantee of free speech.

(c) If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this article which can be given effect without the invalid provision.

(d) A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein is deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building, or use to which they are appurtenant and are adequate for the intended purpose while balancing the individual and community interests identified in this section.

(e) These regulations do no regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the City. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.

(f) These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

(g) This ordinance is not intended to and does not apply to signs erected, maintained or otherwise posted, owned or leased by the State of North Carolina, the federal government or this City. The inclusion of "government" in describing some signs does not intend to subject the government to regulation, but instead helps illuminate the type of sign that falls within the immunities of the government from regulation.

Section 11-2 . General Limitations on All Signs

(a) Unless specifically exempted, no sign visible from a public right-of-way, whether exterior or interior to a structure, shall be erected, displayed or substantially altered except in accord with the provisions of this Article and until a permit has been issued by the City.

(b) No sign, including the supports, frames, and embellishments, shall be located on a public right-of way unless otherwise exempted Section 11-4.g.

(c) No sign shall obstruct a door, fire escape, stairway, ladder, or opening intended to provide ingress or egress for buildings, structures or lots.

(d) No sign shall have more than two (2) display surfaces.

(e) Illuminated signs may have either an exterior or interior source of illumination. Exterior illumination shall be beamed down and away or shielded from any public street or right of way, residential district, or from abutting properties or oncoming traffic. Internal illumination, where the source of illumination is from within the sign itself, shall not present a glare such that it distracts traffic or is a nuisance to nearby property owners. All wiring, grounding, etc. for illuminated signs shall meet the requirements of the National Electric Code.

(f) All signs shall be maintained in a state of good repair. No sign shall be continued which becomes structurally unsafe or endangers the safety of the public or property. When evidence of an unsafe sign is brought to the attention of the Zoning Officer, he shall order that such sign be made safe or be removed. A period of forty-eight (48) hours following receipt of the notice by the person or firm owning or using the sign shall be used for compliance.

Section 11-3 Prohibited Signs

Unless otherwise permitted under this Article, the following signs are prohibited in all zoning districts:

(a) Any sign not authorized by the Code of Ordinances[2]; and

(b) Any sign not constructed pursuant to a valid building permit where one is required.

(c) Animated rotating, flashing or other moving or apparently moving signs (except as permitted in the O&I zoning district),

(d) Signs and/or devices consisting of wind-blown propellers, strung light bulbs, balloons more than three feet in diameter, gas filled figures and similar devices (except as permitted in the non-residential temporary sign section (Section 11-9(b)).

(e) Sign which encroaches over a public right-of-way, except that projecting signs, shall clear sidewalks, and pedestrian paths by a height of at least eight (8) feet.

[2] "The Code of Ordinances" is intended to mean the code of the city and is not intended to be limited to this Sign Code ordinance. Other City ordinances mention signs and/or have the potential to do so in the future.

(f) Signs that are attached to or mounted on vehicles that are parked in the same location visible to the general public for more than seven days in one year and it are evident that the principal use of the vehicle is for advertising rather than transport.

(g) Signs or lights of any type that make use of the words "STOP," "SLOW," "CAUTION," "DANGER," or any other word, phrase, symbol or character in such a manner as is reasonably likely to be confused with traffic directional and regulatory signs and do not conform the Uniform Manual of Traffic Control devices, published by the N.C. Dept. of Transportation;

(h) Signs located in such a manner as to obscure, or physically interfere with the effectiveness of an official traffic sign, signal or device, obstruct or physically interfere with the driver's view of approaching, merging or intersecting traffic;

(i) Mobile or portable signs (including A and T shaped signs).

(j) Snipe signs, including but not limited to signs affixed to or painted on a utility pole, light standard, traffic control post or painted on trees, rocks, or other natural features.

(k) Graffiti.

Section 11-4 Signs Not Authorized in All Zoning Districts

The following signs are exempt from permit requirements provided they comply with Section 11-2:

(a) Signs bearing only property identification numbers and names, post office box numbers of occupants of the premises or other identification of premises so that public safety agencies can easily identify the property from a public street. In cases where the building is not located within view of the public street, the identifier shall be located on a mailbox or other suitable device visible from the street. Such signs shall not be illuminated. The size and location of the identifying numerals and letters (if any) must be proportional to the size of the building and the distance from the street to the building and in no case larger than two (2) square feet in area per display surface. Two (2) signs per zoning lot are permitted;

(b) Government signs which form the expression of that government are allowed in every zoning district when erected and maintained pursuant to law. Examples include, but are not limited to, flags and insignia of government, legal notices, bankruptcy, estate and legal sale signs, and traffic directional or regulatory signs as allowed under the Manual of Uniform Traffic Control Devices, published by the N.C. Dept. of Transportation, most recent edition as erected by or on behalf of a governmental body ;

(c) Memorial signs or tablets, and names and construction dates of buildings when cut into any masonry surface or affixed to a building;

(d) Traffic control devices on private or public property erected and maintained to comply with the Manual on Uniform Traffic Control Devices adopted in this state and if not adopted by this state with the Manual on Uniform Traffic Control Devices adopted by the N.C. Department of Transportation.

(e) Premise signs are permitted on private property with the permission of the property owner, provided such signs do not exceed nine square feet in area per display surface. The material of the signs must be permanent in nature. Signs cannot be made up of aluminum, fiberglass, cardboard, or plastic without a metal frame around the sign to protect it from weathering. Grass cannot be allowed to cover the message of the signs. Off-premise signs are not allowed to be illuminated.

(f) One sandwich board sign, per street frontage per business, in any of the commercial districts as
   a. The total area of the signboard shall not exceed eight square feet per side.
   b. Any sandwich board shall not exceed two linear feet in width, width with a maximum height of 48 inches.
   c. The sign shall be located within the storefront of the business installing the sign, and its location shall not interfere with pedestrian or vehicular traffic.
   d. The sign must be constructed of materials that present a finished appearance. The sign lettering should be professionally painted or applied; however, chalkboard signs shall be permitted.
   e. The sign shall be removed at the end of the day.
   f. Any person erecting a sandwich board sign shall indemnify and hold harmless the City of Trinity and its employees from any claim arising out of the presence of the sign on city property or right-of-way.

(g) Signs erected in the right of way.
   a. During the period beginning on the 30th day before the beginning date of "one stop" early voting and ending on the 10th day after the primary or election day, person may place signs in the right-of-way of the State highway system or City Street as provided in this section. Signs must be placed in compliance with subsection i (below) and removed by the end of the period prescribed herein.

      i. Sign Placement – The permittee must obtain the permission of any property owner of a residence, business or religious institution fronting the right-of-way where a sign would be erected. Signs must be placed in accordance with follow:
         1. No sign shall be permitted in the right-of-way of a fully controlled access highway.
         2. No sign shall be closer than three feet from the edge of the pavement of the road.
         3. No sign shall obscure motorist visibility at an intersection.
         4. No sign shall be larger than 864 square inches.
         5. No sign shall obscure or replace another sign.
         6. No sign shall be higher than 42 inches above the edge of the pavement of the road.

Section 11-5. Signs Requiring a Permit

Unless specifically exempted, no sign visible from a public right-of-way, whether exterior or interior to a structure, shall be erected, displayed or substantially altered except in accord with the provisions of this Article and until a permit has been issued by the City.

Section 11-6. Permit Application.

(a) Application for sign permits shall be submitted on forms obtained at the Trinity City Hall. Each application shall be accompanied by plans which:

(1) Indicate the proposed site by identifying the property by ownership, location and use;

(2) Show the location of the sign on the lot in relation to property lines and buildings, zoning district boundaries, right-of-way lines, and existing signs; and

(3) Show (drawing to scale) size, character, complete structural specifications and methods of anchoring and support.

(b) The Zoning Administrator may also require such additional information as will enable a determination that the sign can or cannot be erected in conformance with this ordinance.

(c) A fee established by the City shall be charged to erect a sign in the City of Trinity.

Section 11-7. Specific Sign Regulations in Agricultural and Residential Districts.

The following signs require a permit from the Zoning Administrator. With the exception of signs generally permitted in Section 11-4 and 11-9, no sign shall be erected or displayed in any residential district except as provided below:

(a) For Residential Developments (including identification of a subdivision, multi-family development, or planned development, or the name, name of management firm and telephone number of an apartment group) the maximum size and number of signs that the owner(s) may erect and maintain at the entrance(s) to the development must meet the following standards:
   (1) No more than two freestanding entrance signs per access, sixty (60) square feet in area per display surface, with a maximum height of eight (8) feet if ground mounted or no higher than the roof line if wall mounted.
   (2) One announcement sign for subdivisions with open lots is allowed. The ground mounted post(s) may have a max of 2 signs, maximum size of each sign is 50 square feet, and the maximum height of the sign is 15 feet. The announcement sign must be removed 30 days after the last lot has been sold.
   (3) One information sign may be allowed in a subdivision entrance at a model home location. The information sign maybe free standing or on a wall. The ground mounted post(s) or wall may have no more than 2 signs, each sign can be no larger than 16 square feet in area. And no higher than 10 feet or the roof line if wall mounted. These signs must be removed 30 days after the model home has been sold.

(b) Home occupation signs identifying a home occupation, provided such signs are not illuminated and are limited to one wall or one freestanding sign per lot and a maximum display surface of four (4) square feet; and

(c) Nonresidential signs identifying nonresidential uses permitted as a principal or special use in residential districts; provided such signs are limited to one freestanding sign per zoning lot or one wall sign per lot and thirty-two (32) square feet in area and 10 feet high. Such signs may be illuminated upon review and approval of the Zoning Administrator.

(d) <u>Off-Premise Signs facing the Interstate (Outdoor Advertising Signs)</u> – Off-premises signs (outdoor advertising signs) are permitted within, 400 feet of Interstate-85 right-of-way. If within the 400 feet distance to the right-of-way, billboard signs are allowed with a maximum height of

60 feet, maximum area of display surface of 672 square feet (14 feet by 48 feet), minimum distance apart of 1,320 feet or ¼ of a mile; and are oriented to face the travel lane(s) of the interstate. The parcel that the sign is located on must not have a housing density greater than one house per 2.5 acres and the sign location must be more than 100 feet from the house or any other structure. The minimum parcel size must be 2.5 acres.

(e) Off-Premises Signs not facing the Interstate – Off-premise signs not facing the interstate will have a max area of display of nine (9) square feet, and a maximum height of 6 feet. All signs must have a frame around them unless approved by the Zoning Administrator or Code Enforcement Officer. Signs cannot be in the right-of-way, they cannot be partially or completed covered by grass/weeds, and they cannot be illuminated.

(f) Location: Permitted signs may be anywhere on the premises, except in a required side yard or within a site triangle, or within street right-of-way.

Section 11-8. Signs Permitted in O-I, HC, RM-U, M-1, & M-2.

(a) The following signs require a permit from the Zoning Administrator. With the exception of signs generally permitted in Section 11-4, no sign shall be erected or displayed in the above listed districts except as provided below for the type of sign and the zoning district in which it is located.

(b) Where a zoning lot contains more than one principal use or establishment, the provisions below shall apply to the zoning lot as a whole, and the owner(s) of the zoning lot shall be responsible for allocating permitted signs and display surface areas among the individual uses or establishments. The sign plan submitted for such zoning lot shall show all signs located or proposed thereon and shall be designed so that all signs are in harmony and consistent with each other.

(c) Freestanding Signs - On premise freestanding signs may be erected and displayed on a zoning lot in compliance with the maximum dimensional limitations stated below, provided:

(1). The zoning lot on which a freestanding sign is located shall be accessible by automobile and contain off-street parking for the principal uses(s);

(2). Freestanding signs shall be limited to one sign per street frontage for each zoning lot;

(3). No freestanding sign shall be permitted on the same lot frontage where there is a projecting sign;

(4). Freestanding signs shall clear driveway and parking areas by a height of at least fourteen (14) feet and shall clear sidewalks and pedestrian paths by a height of least nine (9) feet.

(5). Announcement Signs – One announcement sign is allowed outside of the normal advertising freestanding sign as long as all lots/or building sites located on the site plan have not been built on. The ground mounted post(s) may have a max of 2 signs, maximum size of each sign is 50 square feet, and the maximum height of the sign is 15 feet. The announcement sign must be removed 30 days after the last lot/or building site has been sold.

(d) Projecting Signs - Projecting signs may be erected and displayed on a zoning lot in compliance with the maximum area per display surface limitations contained below provided:

(1). The building to which a projecting sign is attached shall be twenty (20) feet or more in width;

(2). Projecting signs shall be limited to one sign per street frontage, and shall not be located closer than fifty (50) feet to any other projecting sign;

(3). No projecting sign shall be permitted on the same street frontage where there is a freestanding sign;

(4). Projecting signs shall clear sidewalks and pedestrian paths by a height of at least ten (10) feet and shall project no more than five (5) feet from the building to which they are attached, and shall not extend beyond the inner edge of the curb line;

(5). No projecting sign shall extend above the soffit, parapet or eave line, as appropriate, of the building to which it is attached;

(6). Projecting signs shall not be located at the intersection of building corners except at right angles to a building façade; and

(7). The message of projecting signs shall be limited to the names(s) of the establishment(s) located on the zoning lot and/or the name of a multi-use development located thereon.

(e) Wall Signs - Wall signs may be erected and displayed on a zoning lot in compliance with the requirements below:

(1). Posters and paper signs displayed on or through windows are exempt;

(2). Wall signs placed in the space between windows on different stories of a building shall not exceed in height two-thirds (2/3) of the distance between the top of a window and the sill of the window above;

(3). No wall sign shall protrude more than twelve (12) inches from the wall to which it is attached nor exceed 150 square feet per principle business;

(4). No wall sign shall extend above the peak of the roof of the building to which it is attached;

(5). The display area of wall signs painted on, affixed to or otherwise displayed on or through a façade window shall not exceed 15% of the area of the window;

(6). Wall signs, or portions of wall signs, placed between window spandrels shall not exceed in height two-thirds of the height of the spandrel;

(7). In industrial zones, wall signs on the side of buildings abutting to lots zoned residential are permitted only when the building is at least fifty (50) feet from the side lot line of the residential lot; and

(8). Wall signs on the side of buildings in the O&I zone are not permitted. However, individual letters that identify the name of said building are permitted;

(9). Wall signs shall not cover or interrupt major architectural features.

(f) Marquee or Awning Signs - Marquee signs may be erected and displayed on a zoning lot in compliance with the requirements below:

(1) Signs hung below a marquee or awning shall conform in size and appearance to existing signs under the same marquee or awning. Where there are no such existing signs under a marquee or awning, signs being under them shall be no more than ten (10) inches high and three (3) feet long;

(2) Marquee and awning signs shall not be illuminated; and

(3) Signs below a marquee or awning shall not be less than nine (9) feet above the ground or sidewalk.

(g) Off-Premises Signs facing the Interstate (Outdoor Advertising Signs) – Off-premises signs (outdoor advertising signs) are permitted within, 400 feet of Interstate-85 right-of-way. If within the 400 feet distance to the right-of-way, billboard signs are allowed with a maximum height of 60 feet, maximum area of display surface of 672 square feet (14 feet by 48 feet), minimum distance apart of 1,320 feet or ¼ of a mile; and are oriented to face the travel lane(s) of the interstate.

(h) Off-Premise Signs not facing the Interstate – Off-premise signs not facing the interstate will have a max area of display of nine (9) feet, and a maximum height of 6 feet. All signs must have a frame around them unless approved by the Zoning Administrator or Code Enforcement Officer. Signs cannot be in the right-of-way, they cannot be partially or completed covered by grass/weeds, and they cannot be illuminated.

(i) Animated signs are allowed in O&I zoning as long as the sign meets the other requirement described in section 11-8 and 11-10.

Section 11 – 9 Temporary Signs

Temporary signs are allowed at any time without a permit under section 11-4 may receive a permit from the zoning administrator provided they meet the standards of this section:

(a) Residential Zoning Districts:
   a. The signs may be erected only with the permission of the property owner;
   b. Temporary sign permits may be issued for no more than thirty days each;
   c. Temporary sign permits may be issued for no more than six times per year for each property;
   d. The total area of all temporary signs may be no larger than six square feet. Signs may be no taller than four feet.[3]
   e. This section does not authorize snipe signs.

(b) Non-Residential Zoning Districts:
   a. The signs may only be erected with the permission of the property owner;

[3] For example, three 2-foot square signs are permitted.

b. Temporary signs permits may be issued for no more than thirty days each are allowed, this includes banners, flags, and pennants;
c. Temporary sign permits may be issued no more than six times per year for each property
d. The total area of all temporary signs may be no larger than thirty-two square feet. Signs may be no taller than eight feet.[4]
e. This section does not authorize snipe signs.

(c) Signs in residential properties that open the property up to the public are allowed, provided such signs do not exceed one sign per street frontage per zoning lot or one sign per four hundred (400) feet of street frontage, or six (6) square feet in area per display surface for residential properties. For non-residential properties, said signs can be used when the property is open to the public during abnormal business hours or when the company/entity is closed. Said sign can be thirty-two (32) square feet in size. Said signs are to be removed in no more than seventy- two (72) hours after the property has been closed to the public.[5]

(d) Construction site identification signs whose message is limited to identification of architects, engineers, contractors and other individuals or firms involved with the construction, the name of the building, the intended purpose of the building, and the expected completion date, provided such signs do not exceed thirty-two (32) square feet in area per display surface, are not erected before issuance of a Building Permit, and are removed within seven (7) days of issuance of a Certificate of Occupancy. Construction signs in residential zones shall not be illuminated or reflectorized.

Fence wraps displaying signage when affixed to perimeter fencing at a construction site are permitted until the certificate of occupancy is issued for the final portion of any construction at that site. No fence wrap affixed pursuant to this subsection may display any advertising other than advertising sponsored by a person directly involved in the construction project and for which monetary compensation for the advertisement is not paid or required.[6]

(e) One temporary sign may be located on the owner's property when the property owner is opening the property to the public; provided, however, the owner may not use this type of sign for more than three (3) consecutive days. This Section does not authorize snipe signs.[7]

(f) During the 40-day period December 1 to January 10, a property owner may place unlimited temporary signs on the property to decorate the property even if the lights might be arranged to form a sign. This Section does not authorize snipe signs.

[4] For example, two 16 square foot signs are permitted.
[5] This Section offers an opportunity for a person to put a "for sale" sign on the property. A "for sale" sign will allow for the public to look at a property when it normally wouldn't be able to when it was not "for sale".
[6] Fence wraps were added to NC Gen Stat. 160A-381(j) in 2015. (160D-908)
[7] This Section offers an opportunity for signs for garage sales, yard sales and the like.

Section 11-10. Sign Area and Height Limitations.

	Freestanding Signs		Projecting Signs	Wall Signs
District	Maximum Area Per Display Surface	Maximum Height to Top of Sign	Maximum Area Per Display Surface	Maximum Percentage Façade Coverage
HC	100 sq/ft**	50*	32 sq. ft.	5%
RM-U	32 sq. ft.	15 ft.	32 sq. ft.	5%
OI	50 sq. ft.**	15 ft.	32 sq. ft.	5%
M-1	100 sq. ft.**	10 ft.	32 sq. ft.	5%
M-2	100 sq. ft.**	10 ft.	32 sq. ft.	5%

* Except where the sign is located within four hundred (400) feet of an interstate right-of-way or interchange, in which case, the maximum height shall be sixty (60) feet.
** Two free standing signs are allowed if abutting two roads.

Section 11-11. Calculating Area and Number

(a) The area of a display surface of a sign shall be computed as including the entire area, within a regular geometric form or combination of forms, comprising of all the display area of the surface and including all of the elements of the matter displayed and the sign frame. Structural members not bearing advertising matter shall not be included in the computation of a sign area.

(b) For the purpose of determining number of signs, a sign shall be considered to be a single display device containing elements organized, related, and composed to form a unit.

Section 11-11. Calculating Area and Number

(c) The area of a display surface of a sign shall be computed as including the entire area, within a regular geometric form or combination of forms, comprising of all the display area of the surface and including all of the elements of the matter displayed and the sign frame. Structural members not bearing advertising matter shall not be included in the computation of a sign area.

(d) For the purpose of determining number of signs, a sign shall be considered to be a single display device containing elements organized, related, and composed to form a unit.

Section 11-12. Nonconforming Signs

(a) It shall be unlawful for any person to erect or place any sign which does not conform to the requirements of this Article.

(b) Minor repairs and maintenance of nonconforming signs such as repainting and electrical repairs are permitted. However, no repair in excess of 50% of a sign's original cost shall be made in any twelve-month period without complying with the provisions of this ordinance.

(c) A nonconforming sign shall not be replaced by another nonconforming sign except that the substitution or interchange of poster panels, painted boards or demountable material on nonconforming signs shall be permitted.

(d) If any sign is erected or maintained in violation of this section, the Zoning Administrator shall notify the owner of such violation and the manner in which such violation is to be remedied. If the violation is not remedied within a reasonable time as set forth in this notice, or the sign is not removed after notice of violation, the City Council shall have the right to have the sign removed at the expense of the owner for which the City shall bear no liability.

ARTICLE XII

AREA, YARD AND HEIGHT REQUIREMENTS

Section 12-1 Front Yard Averaging

The front yard requirements of this ordinance for dwellings shall not apply to any lot where the average setback of existing buildings located wholly or partially within one-hundred (100) feet on either side of the proposed dwelling and on the same side of the street in the same block and use district as such lot is less than the minimum required front yard depth. In such case, the front yard on such lots may be less than the required front yard but not less than the average of the existing front yard on the aforementioned lots, or a distance of ten (10) feet from the street right-of-way, whichever is greater.

Section 12-2 Height Limitations.

The height limitations of this ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy; monuments, water towers, observation towers, chimneys, masts, aerials and similar structures, smoke stacks, conveyors, and flag poles, except as otherwise provided in the vicinity of airports.

Section 12-3 Visibility at Intersections.

On a corner lot in any residential district no planting, structure, sign, fence, wall or obstruction to vision more than three (3) feet in height measured from the center line of the street may be placed or maintained within the triangular area formed by the intersecting street right-of-way lines and a straight line connecting points on said street right-of-way lines, each of which is thirty-five (35) feet distant from the point of intersection.

Section 12-4 Yard, Area and Height Requirements

Table 12-4 AREA, YARD & HEIGHT REQUIREMENTS						
District	**Minimum Lot Size, (Sq. ft.)**	**Min. Lot Width at Bldg. Line (ft.)**	**Min. Front Yard Setback (ft.)**	**Min. Side Yard Setback (ft.)**	**Min. Rear Yard Setback (ft.)**	**Max Height (ft.)**
RA Residential Agricultural Single Family Two Family	2.5 acres	100 100	40 40	10[a] 10[a]	25[e][g] 25[e][g]	35 35
R-40 Residential Single-Family Two-Family	40,000 50,000	100 100	40 40	10[a] 10[a]	25[e][g] 25[e][g]	35 35
R-20 Residential Single-Family	20,000	80	30	10[a]	25[e][g]	35
R-12 Residential (3 units/acre) Single-Family	12,000	75	30	10[a]	25[e][g]	35
R-10 Residential (4 units/acre) Single-Family	10,000	60	30	10[a]	25[e][g]	35
RM Mixed Residential Single Family Two Family(1) Multi Family (Special use)(1) Townhomes	10,000 **(4 units/acre)** 20,000 12,000+ 3,000 for each unit over 2 Same as multi-family	60 80 N/A N/A	30 30[d] N/A 15	10[a] 10[a] 10[a] 10[a]	25(e)(g) 25(e)(g) 25(e)(g) 25(e)(g)	35 35 35 35 (not to exceed 2 stories)
RM-U Mixed Residential Urban Single Family Two Family(1) Multi Family (Special use)(1) Townhomes	10,000 **(4 units/acre)** 20,000 12,000+ 3,000 for each unit over 2 Same as multi-family	N/A	10	10 between buildings	25	35

Non-Residential	N/A					

District	Minimum Lot Size, (Sq. ft.)	Min. Lot Width at Bldg. Line (ft.)	Min. Front Yard Setback (ft.)	Min. Side Yard Setback (ft.)	Min. Rear Yard Setback (ft.)	Max Height (ft.)
Office & Institutional Commercial/Professional Office	N/A	75	25(d)	8(a)	20(e)(g)	50
HC Business	N/A	50	15(b)(d)	5(h)	20(e)(g)	50
M-1 Manufacturing	N/A	(f)	50(c)(d)	20	20	50
M-2 Manufacturing	N/A	(f)	50(c)(d)	15(a)	20	50

(a) Corner lot add five (5') feet on street side.

(b) Minimum required front yard setback shall be developed for sidewalks, grass and/or plants and the necessary entrance driveways.

(c) Except for the necessary drives and walks, the front yard shall not include off street parking, other than for visitors and office employees. All other employees parking and loading shall be behind or beside the structure.

(d) Front yard shall also be landscaped in grass and ornamental shrubs and trees.

(e) Detached accessory structures may be placed no closer than five (5') feet from the rear lot line.

(f) In these zoned districts, the frontage on an individual lot on a public street shall not be below seventy-five (75') feet.

(g) In all zoned districts, where a swimming pool is an approved accessory to a primary residence or other structure there shall be provided around the perimeter, an enclosed fence with a minimum height of four (4') feet, with all gates provided being self-closing and all vertical or horizontal openings being no more than four (4") inches, which would deter and/or prevent the accidental or unauthorized use of said swimming pool. Fences which enclose the rear yard of the property shall be approvable if they totally secure that area in and around the swimming pool structure.

(h) One side lot line may be zero (0') feet while the opposite line may be no closer than fifteen (15') feet.

(i) Fences shall be allowed in all yards, but any fence located in a front yard area shall neither exceed a height of four (4') feet nor impede vehicular visibility or movement at any intersection or driveway entrance nor shall it encroach upon the right-of-way of any street. Stockade type privacy fences in residentially zoned areas shall not exceed eight (8') feet in side and rear yard areas. All fences in side yard areas adjoining a public street shall be set back at least 5 feet from the right-o-way of the public street to provide adequate sight visibility for vehicular and pedestrian traffic.

(j) When subdividing large lots within older residential subdivisions as per Trinity Subdivision Regulations, it shall be demonstrated by the developer prior to plat approval by the Zoning Administrator, that all newly constructed dwellings will conform to the same setback as existing structures located on either side of the lot being subdivided.

(k) Placement of Manufactured Homes in the RM zone must conform to Section 7-11B Manufactured home Overlay District.

(l) Requirements of Trinity's Watershed Ordinance supersede the Zoning Ordinance in cases where the Watershed Ordinance is more restrictive.

- Note: Line of sight landscaping shall not be allowed within any public right-of-way unless written permission is granted by the City of Trinity and the NC Department of Transportation.
    - Lot areas and setbacks shall be increased if required by County Health Department regulations
    - Lot areas in designated watersheds are controlled by the City of Trinity Watershed Ordinance.

ARTICLE XIII

Parking & Transportation

Section 13-1. General Off-Street Parking Requirements.

1. Parking, Stacking and Loading Space Required: When any building or structure is erected, modified, enlarged or increased in capacity, or any open use is established, modified or enlarged, the requirements of this Article shall be met. For enlargements, modifications, or increases in capacity, the requirements of this Article apply only to such enlargements, modifications, or increases in capacity.

2. Required Number: The minimum number of required off-street parking, stacking, and loading spaces are indicated in Section 13-4 of this Article. In cases of mixed occupancy, the minimum number of off-street parking, stacking, and loading spaces shall be the cumulative total of individual use requirements unless otherwise specified.

3. Handicapped Spaces: Spaces for the physically handicapped shall be provided as required by the NC State Building Code.

4. Reduction of Minimum Requirements: Unless there is a change in use requiring a lesser number of spaces, the number of spaces shall not be reduced below the minimum requirements of this Ordinance.

5. Maintenance: All parking, stacking, and loading facilities shall be permanently maintained by the owners or occupants as long as the use they serve exists.

6. Access: All parking, stacking, and loading facilities shall have vehicular access to a publicly dedicated street, road or highway maintained by either the North Carolina Department of Transportation or the City of Trinity.

7. Use for No Other Purpose: Land used to provide required parking, stacking, loading shall not be used for any other purposes, except for temporary events. If such land is devoted to any other purpose, it shall be a violation of this Zoning Ordinance.

8. Change in Size: Only those portions of existing buildings or structures enlarged after the adoption of this Ordinance shall comply with the requirements of this section.

Section 13-2 Parking for Unlisted Uses

For any use not specifically listed in this Section, the parking, stacking, and loading requirements shall be those of the most similar use.

Section 13-3 Parking Requirements for Change in Use

If a change in use causes an increase in the required number of off-street parking, stacking, or loading spaces, such additional spaces shall be provided in accordance with the requirements of this Ordinance; except that if the change in use would require an increase of less than five percent (5%) in the required number of parking spaces or fewer than five (5) spaces, no additional off-street parking shall be required.

Section 13-4. Minimum Off-Street Parking Requirements

The following off-street parking shall be required

TABLE 13.4 OFF STREET PARKING REQUIREMENTS	
USE	**SPACES REQUIRED**
Amusement parks, fairgrounds; skating rinks	1/200 sq. ft. of activity area
Athletic fields	1 space / each 4 fixed seats. Without fixed seats, 2.5 spaces / 100 sq. ft., plus 1 space for each 100 sq. ft. of floor or ground area used for assembly.
Auditorium; assembly halls; coliseums; convention centers; stadiums	1/5 persons based on designed capacity of building(s)
Automobile repair or services	3/service bay plus 1/wrecker or service vehicle plus 2/3 employees on largest shift
Banks and financial institution	*1/200 sq ft gross floor area plus stacking for 4 vehicles at each drive-through window or automatic teller machine.
Barber and Beauty shop	3/operator
Batting cages, driving ranges; miniature golf; shooting ranges	1/cage, tee, or firing point
Bed & breakfast; boarding and rooming house	1/bedroom plus 2/3 employees
Bowling centers	4/lane
Car Washes, full-service	*Stacking for 30 vehicles or 10/approach lane, whichever is greater plus 3 spaces in the manual drying area plus 2/3 employees on largest shift
Car washes, self-service	3 stacking spaces/approach lane plus 2 drying spaces/stall
Churches	1/4 seats in main assembly room/sanctuary
Clubs, lodges, coin-operated amusement, fitness centers; similar indoor recreation	1/200 sq. ft. of gross floor area
Communication towers; demolition debris landfills; heliports; utility lines or substations	No required parking
Congregate care or group care facilities	1/4 beds plus 1/employee and visiting specialist plus 1/vehicle used in operation
Convenience stores	*1/200 sq ft gross floor area plus 4 stacking spaces at pump islands
Day care, child or adult	1/employee plus 1.5 /5 children
Delivery services	2/3 employees on largest shift plus 1/vehicle used in operation

TABLE 13.4 OFF STREET PARKING REQUIREMENTS	
USE	**SPACES REQUIRED**
Drive-through (Not otherwise classified)	*Stacking for 4 vehicles at each window lane, or machine in addition to use requirement
Equipment rental and leasing	1/200 sq. ft gross floor area
Fire stations; police stations	1/employee on largest shift
Flea markets; open air sales, salvage yards	2/10,000 sq. ft. site area plus 2/3 employees on largest shift
Fuel oil sales	2/3 employees on largest shift plus 1/vehicle used in operation
Funeral homes or crematoria	1/4 seats in main chapel plus 2/3 employees on the largest shift plus 1/vehicle used in operation
Furniture; floor covering sales	1/1,000 sq ft gross floor area
Furniture market showroom	1/1,000 sq. ft. gross floor area
Grocery stores	1/200 sq ft gross floor area
Golf courses	4/tee
Government offices; post offices	1/150 sq. ft. of public service area plus 2/3 employees on largest shift
Home occupations	minimum 1 space, maximum 3 space in addition to required resident spaces
Hospitals	1/4 in-patient or out-patient beds plus 2/3 employees on largest shift plus 1/staff doctor
Hotels and motels containing 5,000 square feet or less ancillary space, i.e. restaurant, meeting rooms, lounge, lobby, or a restaurant/lounge containing 3,000 square feet or less	1/rental unit
Hotels or motels containing more than 5,000 square feet of ancillary space, i.e. restaurant, meeting rooms, lounge or lobby or a restaurant/lounge containing over 3,000 square feet	1.25/rental unit
Kennels or pet grooming	1/300 sq. ft. of sales, grooming or customer waiting area plus 2/3 employees on largest shift
Laboratories	*2/3 employees on largest shift plus 1/250 sq. ft. of office space
Laundromats, coin operated	1/4 pieces of rental equipment
Laundry & dry cleaning services	2/3 employees on largest shift plus 1/vehicle used in operation plus stacking for 4 vehicles/pickup station

TABLE 13.4 OFF STREET PARKING REQUIREMENTS	
USE	**SPACES REQUIRED**
Libraries, museums, and art galleries	1/450 sq. ft. gross floor area for public use plus 2/3 employees on largest shift
Manufacturing and industrial uses	2/3 employees on largest shift plus 1/200 sq. ft. of retail sales or customer service area plus 1 vehicle used in operation
Medical, dental or related offices	3/examining room plus 1/employee including doctors
Motor vehicle, motorcycle, or recreational vehicle sales or display rental; manufactured home sales	5 spaces plus 1/10,000 sq. ft. of display area plus 2/3 employees on largest shift
Nursing homes, assisted living	1/4 beds plus 1/employee and visiting specialist plus 1/vehicle used in operation
Offices (Not Otherwise Classified	1/250 sq. ft. gross floor area
Reception House	1 per 3 guest plus one per employee
Recycling Processing Facility, Indoors	1/250 sq. ft of office space, plus 1 space per 2,000 sq/ft of floor space plus 1 per vehicle used in operation
Residences, apartments, condominiums 1 bedroom unit 2 bedroom units 3+ bedroom units	 1.50/unit 1.75/unit 2.00/unit
Residences, single family detached and duplex	2/dwelling unit on the same lot
Residences, townhomes	2/unit
Restaurants & Alcohol Establishments	*1/4 seats plus 2/3 employees on largest shift For drive-up service, 11 total stacking spaces with minimum 5 spaces at or before ordering station
Retail stores over 25,000 sq. ft. in size	1/250 sq. ft. of gross floor area
Retail sales not otherwise classified	1/200 sq. ft. gross floor area
Schools, elementary, middle & kindergartens	5 spaces, plus 1 space per classroom employee and staff member
Schools, senior high schools	1 space per four students, plus 1 space for each classroom, administrative and non educational employee
Self-storage warehouses	5 spaces for employees and office customers
Service stations	*3/service bay plus 1/wrecker or service vehicle plus 2/3 employees on largest shift plus 4 stacking spaces at pump islands
Services and repairs not otherwise classified	1/250 sq ft gross floor area plus 1/vehicle used in operation

TABLE 13.4 OFF STREET PARKING REQUIREMENTS	
USE	**SPACES REQUIRED**
Shopping Centers< 250,000 sq. ft. gross floor area	1/200 sq. ft. gross floor area in main building(s) (excluding theaters) plus parking as required for outparcels or theaters
Shopping Center > 250,000 sq. ft. gross floor area	1,250 spaces plus 1/225 sq. ft. gross floor area above 250,000 sq. ft.
Swimming pools as principal use	1/100 sq. ft. of water & deck space
Theaters	1/4 seats
Transportation, warehousing and utility uses (not otherwise classified)	2/3 employees on largest shift plus 1/vehicle used in operation
Veterinary services	4/doctor plus 1/employee including doctors
Wholesale uses	2/3 employees on largest shift plus 1/200 sq. ft. of retail sales or customer service area plus 1/vehicle used in operation

*NOTE: NCDOT may require additional stacking space on state or federal highways.

Section 13-5. Off-Street Loading and Unloading Space.

All structures erected for business or industry shall provide space (see below) for off-street loading and unloading. The space shall have access to an alley or a street. An off-street loading space shall have be a minimum of 12 feet by 60 feet with an overhead clearance of 14 feet above street level.

Retail Operations	One (1) loading space for each twenty thousand (20,000) square feet of gross floor area or fraction thereof.
Industrial and Wholesale Operations	One (1) loading space for each twenty thousand (20,000) square feet of gross floor area or fraction thereof.

Section 13-6 Design Standards for Parking, Stacking, and Loading

1. Design: Parking facilities shall be designed and constructed to:

    a. Allow unobstructed movement into and out of each parking space without interfering with fixed objects or vehicles.

    b. Minimize delay and interference with traffic on public streets and access drives; and

    c. Maximize sight distances from parking lot exits and access drives; and

    d. Require all spaces in parking lots to have access from parking lot driveways and not directly from streets.

2. Dimensional Requirements: Parking facilities shall be designed and constructed to meet minimum parking space dimensions, aisle dimensions and other standards found in this Article.

3. Paving

a. paved parking spaces, access drives, and loading areas shall be paved and maintained with concrete, asphalt, or similar material of sufficient thickness and consistency to support anticipated traffic volumes and weights;

b. Access drives shall be paved and maintained from the edge of the public road to a point at least ten (10) feet beyond the public right-of-way line for all parking and loading facilities, whether paved or unpaved; and

c. Where parking facilities are paved, curb and gutter or an equivalent drainage system shall be provided except where it is determined by the Zoning Administrator that such system is not practical for storm drainage purposes;

d. Facilities shall be graded, drained, stabilized, and maintained to minimize dust and erosion;

e. All parking spaces and stacking lanes shall be clearly identified with paint lines, bumper guards, curbs, or similar treatment;

f. All parking spaces shall be provided with wheel guards or curbs located so that no part of the parked vehicle will extend beyond the property line or encroach more than two (2) feet into a required planting area;

g. Properly constructed load bearing concrete pads for stationary refuse containers shall be located beneath and in the approach to each container.

h. Parking lots shall be designed and constructed such that walkways shall maintain a minimum unobstructed width of 4 feet. (Vehicle encroachment is calculated as two (2) feet beyond curb.)

i. Parking areas shall provide for unobstructed movement into and out of each space without interfering with fixed objects such as lighting fixtures, dumpsters, signs, or vehicles.

j. Except for single family dwellings, duplexes, and multi-family developments of four (4) units or less, all maneuvers associated with parking and loading must occur in the off-street parking area. Private alleys may be used to conduct parking maneuvers.

k. All parking areas shall provide for internal circulation such that each space is accessible to all other parking spaces without requiring use of a public street or alley.

l. Paving shall not be required for:

    i. Parking facilities used on an irregular basis for churches, private clubs, or similar nonprofit organizations;

    ii. Parking for residential uses where six (6) or fewer spaces are required;

    iii. Parking areas for agricultural uses in properly zoned areas;

iv. Parking areas in the Heavy Manufacturing (M-1) District, or for manufacturing and industrial uses in the Light Manufacturing (M-2) District, provided they are constructed with gravel graded to a minimum of 4 inches of crushed rock.

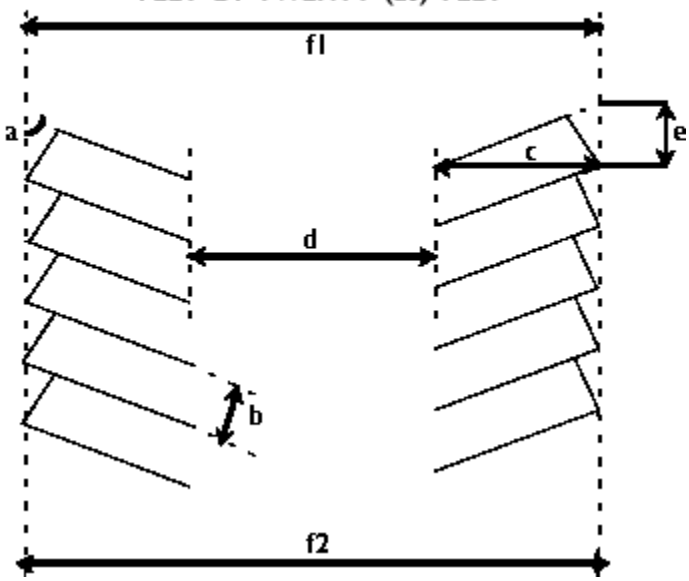
v. Parking areas for tracked heavy construction equipment, skid-mounted and similar equipment, provided they are constructed with gravel graded to a minimum of four (4) inches of crushed rock, comparable all-weather surface;

Table 13.6 Parking Space Geometric Design Standards

a Parking Angle (degrees)	b Stall Width (*)	c Stall to Curb (ft.)	d Aisle Width (ft.)	e Curb Length (ft.)	f1 ----------f2 Center-to-Center Width of Two Row Bin With Access Road Between (ft.)	
					Curb-to-Curb	Overlap C-C
0	7'-6"	7.5	12.0	23.0	27.0	
	8'-6"	8.5	12.0	23.0	29.0	-
	9'-0"	9.0	12.0	23.0	30.0	-
	9'-6"	9.5	12.0	23.0	31.0	-
	10'-0"	10.0	12.0	23.0	32.0	-
30	7'-6"	16.5	11.0	17.5	44.0	41.0
	8'-6"	16.9	11.0	17.0	44.8	37.4
	9'-0"	17.3	11.0	18.0	45.6	37.8
	9'-6"	17.8	11.0	19.0	46.6	38.4
	10'-0"	18.2	11.0	20.0	47.8	38.7
45	7'-6"	17.0	11.0	10.5	43.0	48.1
	8'-6"	19.4	13.5	12.0	52.3	46.3
	9'-0"	19.8	13.0	12.7	52.6	46.2
	9'-6"	20.1	13.0	13.4	53.2	46.5
	10'-0"	20.5	13.0	14.1	54.0	46.9
60	7'-6"	17.7	14.0	8.7	47.4	44.0
	8'-6"	20.7	18.5	9.8	59.9	55.6
	9'-0"	21.0	18.0	10.4	60.0	55.5
	9'-6"	21.2	18.0	11.0	60.4	55.6
	10'-0"	21.2	18.0	11.5	61.0	56.0
90	7'-6"	17.0	20.0	7.5	54.0	
	8'-6"	19.0	25.0	8.5	63.0	-
	9'-0"	19.0	24.0	9.0	62.0	-
	9'-6"	19.0	24.0	9.5	62.0	-
	10'-0"	19.0	24.0	10.0	62.0	-

(*) 9'-0" recommended (*) 8'-6" minimum (*) 7'-6" compact cars only, for non-required spaces only

STACKING SPACE GEOMETRIC DESIGN STANDARDS
STACKING SPACES SHALL BE TWELVE (12)
FEET BY TWENTY (20) FEET



Section 13-7. **Alternatives and Incentives.**

A. Purpose – The purpose of this section is to encourage the property owner to reduce the amount of impervious surface cover needed for parking by providing a variety of alternatives and incentives. Any parking alternative proposed or incentive utilized by the property owner must be approved by the Zoning Administrator and shall accomplish the following:

(1) Intent. The intent of the parking requirements is preserved.

(2) Sufficient parking. The parking provided will be sufficient to serve the use for which it is intended; and

(3) Impact. The modification will not be detrimental to the public health, safety, or welfare.

B. Shared Parking

(1) Reduction of Parking Requirements. The Zoning Administrator may authorize a reduction of the parking requirements or parking spaces for any mixed use project or nearby uses where peak parking demand characteristics or hours of operation are distinctly different in accordance with this section. All reductions of parking requirements authorized by the Zoning Administrator within the City of Trinity must also receive approval from the City Manager.

(2) Requirements. A request for approval of shared parking shall be accompanied by such information determined by the Zoning Administrator as necessary to evaluate the relevant

factors listed in the section below, including, but not limited to, a description of the uses, a site plan, and a transportation engineering report.

(3) Accessibility. All shared parking spaces shall be located in a parking facility providing reasonably equivalent accessibility and usability to all uses which the parking is intended to serve.

(4) Ownership. In cases where the uses for which shared parking is requested are located on lots under different ownership, a contract approved by the City Attorney shall be provided.

(5) Conditions. In determining whether to approve a reduction for shared parking, the Zoning Administrator shall consider all relevant factors, including the following:

(a). Peak Parking Demand. The characteristics of each use and the differences in projected peak parking demand, including days or hours of operation;

(b). Reduction in Vehicle Movements. Potential reduction in vehicle movements afforded by multi-purpose use of the parking facility by employees, customers, or residents of the uses served; and,

(c). Potential Improvements. Potential improvements in parking facility design, circulation, and access afforded by a shared parking facility.

(C) Park and Shuttle Lots in Business and Industrial Zoning Districts

(1) Conditions. The Zoning Administrator may authorize any business use(s), or zoning lot which has a minimum of one hundred and seventy-five (175) contiguous parking spaces to establish a park and shuttle lot provided that:

(a). Maximum. Not more than ten percent (10%) of the required parking spaces for the use(s) or for the zoning lot may be designated as a park and shuttle lot.

(b). Location. All designated park and shuttle spaces shall be located n outlying areas of the parking lot so as not to interfere with customer or employee parking needs.

(2) Short-term Parking. All designated park and shuttle areas shall be for short-term (less than twenty-four [24] hours) parking for commuters of any public carpooling, vanpooling, or transit program.

(D) Reduction in the OI Districts

(1) In the OI District:

(a). Amount Required. For any permitted use in the OI District, the required amount of parking may be reduced by (15%). This reduction shall not affect the required disabled parking or loading spaces for that use.

(b). Location. All off-street parking shall be provided to the rear or to the side of the principal structure with the exception of two (2) parking spaces which may be

located in the front of the structure. The side parking area may be no closer to the street than the principal structure.

(E) Parking Reduction for Required Landscaping in Motor Vehicle Use Areas - For all uses, the property owner may reduce the number of required parking spaces for the installation of required interior planting areas up to a maximum of ten percent (10%). Up to an additional five percent (5%) reduction is permitted where an area which would otherwise be devoted to parking cannot be used in order to preserve an existing tree with a diameter of six (6") inches or greater.

Section 13-8. Sidewalks, Multi-Use Paths and Bicycle Lanes

(A) Sidewalks-Residential.

A sidewalk with a minimum width of five (5) feet may be installed within the right-of-way. New sidewalks must adjoin existing sidewalks on abutting property. Access for handicapped persons must be provided to side walk facilities at appropriate locations, including street intersections.

If a developer chooses to build a sidewalk, then the location of the sidewalk should be based on whether or not the street has a curb. If the street has a curb, then the sidewalk can be built up to the road. If the street has no curb, then the sidewalk must have at least four (4) feet of vegetation in between the sidewalk and the street.

(B) Sidewalks Commercial.

A sidewalk with a minimum width of five (5) feet may be installed within the public right-of-way or on private property within a recorded public access easement. New sidewalks must be installed to connect existing sidewalks. Sidewalks shall be constructed in compliance with the latest version of the Americans with Disabilities Act.

If a developer chooses to build a sidewalk, then the location of the sidewalk should be based on whether or not the street has a curb. If the street has a curb, then the sidewalk can be built up to the road. If the street has no curb, then the sidewalk must have at least four (4) feet of vegetation in between the sidewalk and the street.

(C) Multi-Use Paths.

These trails are designed to accommodate several different users, including walkers, joggers, bicyclists, equestrians, and in-line skaters and would have an improved surface of concrete, asphalt, crushed stone, compacted dirt or grass. A multi-use path with dimensions and allowed users shall be specified by the City shall be installed within the public right-of-way or on private property within a recorded public access easement. Multi-use paths shall be required when indicated on official City of Trinity transportation plans/maps, pedestrian plans/maps.

1. Multi-use paths shall be either concrete, asphalt or other suitable material as specified by the City of Trinity.
2. Multi-use path users shall be specified by the City of Trinity on a case by case basis.

(D) Bicycle Lanes.

Bicycle lanes shall be established within the right-of-way or on private property within a recorded public access easement in accordance with approved City of Trinity transportation plans/maps.

Unless otherwise specified, bicycle lanes shall be a minimum of five (5) feet in width, well-marked with striping and have adequate signage for the safety of pedestrians, bicyclists and motorists.

Section 13-9 Traffic Analysis

When sufficient information on a proposed development is available, the City may require that the developer provide preliminary North Carolina Department of Transportation (NCDOT) review for driveway and development entrances to NCDOT maintained roads and a proposed traffic count for the new development or redevelopment. If required by the City, this information shall be submitted with a preliminary plat, special use permit application or conditional rezoning application. It is recommended that developers of new major subdivisions, multi-family developments and commercial and industrial developments that exceed one acre in size provide the above information.

Section 13-10 Curb and Gutter

Mountable curb (such as valley curb) and gutter is required in Residential Mixed & Residential Mixed - Urban (RM-U) zoning district and on public road ways abutting multifamily development. All construction within a North Carolina Department of Transportation (NCDOT) right of way shall comply with NCDOT construction standards and permits.

Section 13-11 General Parking Requirements

The purpose of this ordinance is to promote the health, safety, and general welfare of Trinity residents and citizens residing in the City's extraterritorial zoning jurisdiction while protecting the livelihood of owner-operator independent truck drivers by prohibiting Tractor and Trailer parking in residential zoning districts and terminating through attrition owner-operator Tractor and Trailer parking existing as of March 18, 2010.

1. Definition: Tractor shall be defined as a truck with three or more axles or any truck intended for use as an over-the-road commercial freight hauler. Trailer shall be defined as being more than 80 inches wide and more than 25 feet in length and intended to be used to transport freight when powered by a tractor.

2. It shall be unlawful to park Tractors and/or Trailers on public streets and rights-of-way in all zoning districts subject to the following:

    A. Exceptions: Temporary parking of Tractors and/or Trailers may be permitted in all zoning districts under certain conditions which include:

        1. Loading and unloading of vehicles.

        2. Emergency service vehicles in response to an urgent situation.

        3. Lawn care and other home service vehicles while providing contract services to a nearby home or property.

3. It shall be unlawful to park Trailers containing hazardous materials in all zoning districts.

4. Illicit Discharges: In conformance with the City's adopted Stormwater Ordinance, in all zoning districts it shall be unlawful to allow the discharge, emission, disposal, pouring, or pumping directly or indirectly to any stormwater conveyance, the waters of the State, or upon the land in

manner and amount that the substance is likely to reach a stormwater conveyance or the water of the State, any liquid, solid, gas, or other substance, other than stormwater.

5. It shall be unlawful to park Tractors and/or Trailers in residential zoning districts subject to the following:

   A. Exception: Notwithstanding the provisions of any and all City ordinances, Tractors or Tractors and Trailers may be permitted to park on property zoned residential if ALL of the following conditions are met:

      1. The owner or leaseholder of the Tractor or Tractor and Trailer is also:

         i. The owner of the property or spouse of the property owner or child of the property owner; and

         ii. Resides at the property.

      2. The owner or leaseholder of the Tractor or Tractor and Trailer certifies that the Tractor or Tractor and Trailer was parked at the property between February 16, 2010 and March 18, 2010.

      3. The owner or leaseholder of the Tractor or Tractor and Trailer applied to the City between February 16, 2010 and March 18, 2010 for a permit to continue parking the Tractor or Tractor and Trailer at the property.

      4. The owner or leaseholder of the Tractor or Tractor and Trailer possesses a valid and current North Carolina Commercial Drivers License.

   B. Permit to Park: The City will issue a permit to park a Tractor and Trailer depending on which existed on the property between February 16, 2010 and March 18, 2010 if all of the following conditions are met:

      1. The applicant shall be in compliance with provisions 5-A 1, 2, 3, and 4 of this ordinance.

      2. Permit fees shall be paid in full in accordance with the City's adopted Fee Schedule.

      3. There shall be no outstanding City code violations existing at the property.

      4. The Tractor or Tractor and Trailer shall be properly licensed, insured, operational, and in compliance with NC Division of Motor Vehicles laws.

   C. Applicants for Permits to Park shall present to the City Planning Department documentation necessary to verify ownership of the Tractor no later than June 1, 2010 after which permit eligibility shall expire.

   D. Permits shall not be issued for more than one Tractor and Trailer per applicant.

   E. Permits to Park are not transferrable to future owners of the property or to other

properties.

F. Nothing in this ordinance shall prohibit the replacement of a permitted Tractor or Trailer by the permit holder.

G. While a Permit to Park is under consideration, code enforcement action by the City specific to the Request shall be suspended.

H. Permits to Park shall be revoked if the permit holder is issued more than two citations for violations of this ordinance.

6. Effective Date: This ordinance shall be effective April 20, 2010.

7. Enforcement: This ordinance shall be enforced through the general penalties section of Trinity's Code of Ordinances.

ARTICLE XIV

BUFFERING AND LANDSCAPING REQUIREMEMTS

Section 14-1 Purpose of Buffering Requirements

The purpose of this section is to protect an abutting property from less desirable characteristics of the property for which buffering is required due to a dissimilar district, use, and/or primary transportation route(s) thereby promoting the general public's health and welfare. Such characteristics may include but are not limited to visually incompatible structures and land uses, overhead lighting, wind and dust, and increased activity associated with commercial, industrial, institutional and other land uses. In addition the buffering/landscaping requirements of this section will encourage the preservation of existing trees and the planting and maintenance of others, both of which constitute an important aesthetic resource for the City of Trinity.

Section 14-2. Buffering Between Zoning Districts and/or Uses.

A buffer strip shall be provided in all Commercial, Office/Institutional, Light Industrial, and Heavy Industrial zoning districts and/or uses. Unless an existing buffer meets requirements of this section and sufficiently shields and protects the abutting property as determined by the Planning Director or Zoning Administrator, buffer strips shall meet the following requirements:

1. Where the abutting lot is zoned residential or has been developed with a residential use and shares a common lot line with a lot or one acre or greater whose use requires buffering, a buffer of twenty feet (20') in width shall be placed according to one or a combination of the following methods:

    (a). At least two (2) rows of evergreen trees which may be selected from the recommended List of Recommended Species (on file with the Zoning Administrator) shall be planted. Trees shall have a minimum height of three feet (3') when planted. The rows shall be spaced seven feet (7') apart and centered within the buffer strip. Tree spacing shall be eight feet (8') off centered with trees in abutting rows offset (staggered) four feet (4'); and a solid visual barrier fence six feet (6') in height shall be erected around any loading, unloading, or outdoor storage areas; and

    (b). Earth beams may be used in conjunction with planting to satisfy height requirements; but slopes shall not exceed one foot (1') to two feet (2') horizontal.

2. Where the abutting lot is not residentially zoned or used but shares a common lot line with the lot on one acre or greater whose use requires buffering, the required buffer strip of twenty feet (20') in width shall be planted:

    (a). Two (2) rows of evergreen trees planted in a staggered pattern and located approximately in the center of the buffer strip. The two (2) rows shall be no more than seven feet (7') apart and the trees shall be planted no more than eight feet (8') apart within each row. The evergreens used in this planting shall be at least three feet (3') in height and must be healthy, nursery grown plants which meet the requirements set forth in the American Standard for Nursery Stock, which are staked when planted and protected.

3. If the lot whose use requires buffering is less than one acre, the buffer strip shall be a minimum of twelve feet (12') wide and placed in the manner(s) outlined previously.

4. The buffer strip shall be placed on the commercial, office/institutional and industrial properties such that it fulfills the intent of this Article.

Section 14-3 Landscaping for Community Shopping, Highway Commercial and Office & Institutional Districts

At least one (1) deciduous tree shall be planted along the street no less than ten feet (10') off of the right-of-way (on private property), for each forty feet (40') of street frontage or fraction thereof for new construction or extensive rehabilitation. Each tree shall be at least one and one-half inches (1 ½") in caliper and may be selected from the List of Recommended Species or otherwise approved by the Planning and Zoning Administrator and shall be provided with adequate space for water percolation and root growth. In lieu of this requirement, the developer shall provide a **Landscaping Plan and detailed plant list,** approved by the Planning Director or Zoning Administrator, which provides for a variety of plantings which achieve the desired aesthetic goals of the buffering requirement.

Section 14-4 Buffering Between Single Family Housings & Planned Developments

In each Planned Unit Development located in any residential district where the project abuts single family housing, a buffer shall be provided in accordance with the buffer requirements presented in Section 14-2.

Section 14-5 Buffering Off-Street Parking Areas

1. Each off-street parking area designed for one hundred (100) or more spaces, which has been issued a zoning permit after the effective date of this section and each existing area to which spaces are added totaling one hundred (100) or more spaces after the effective date of this ordinance shall have provided and maintained one (1) tree for each twenty (20) spaces constructed. Areas designed and designated for truck maneuvering are exempt from the requirement.

2. Each planting area shall have an unobstructed width dimension of not less than seven and one-half feet (7 ½') and shall not be less than one hundred ten (110) square feet in area for each required tree.

3. Each planting area shall be protected by curbing, ballards, or parking barriers and contain at least one (1) tree which may be selected from the List of Recommended Species. The minimum caliper of each tree shall not be less than one and one-half inches (1 ½"). No barrier is required if the trees are set back at least eight feet (8') from the edge of pavement.

4. Planting areas shall be located within the parking area as islands, or around the perimeter of the parking area within sixteen feet (16') of the pavement or curb. At least fifty percent (50 %) of the planting areas shall be islands within the parking area. Curbing along the parking area perimeter is not required if the trees are set back at least five feet (5') from the edge of the pavement.

Section 14-6 Protection of Existing Trees in Required Buffer Strips

1. Preservation of existing trees is strongly recommended.

2. When healthy, well-shaped existing trees, three inches (3") in caliper, are successfully preserved, a consideration will be given to crediting said tree toward a portion of the buffer required by this section.

2. Monument trees are to be given special consideration.

3. A plan to preserve existing trees shall be prepared and submitted for approval by the Planning and Zoning Administrator before the issuance of the Zoning Permit.

Section 14-7 Utility Equipment

1. Utility meters, transformers and fixed trash disposal receptacles which cannot be located out of sight shall be screened by fencing or landscaping.

2. New subdivisions over 25 lots must use underground utility lines.

Section 14-8 Maintenance of Buffering

1. Evergreen trees shall be maintained so that dense branching begins at ground level and continues to the top of each plant.

2. Unhealthy or dead plants shall be promptly replaced.

2. Each required fence shall be maintained in good repair, including periodic painting or finishing.

3. Failure to maintain the plantings, earth berms, and/or fences in good condition shall constitute a violation of this section.

4. When attempting to comply with these requirements, the property owner shall contact all public utility agencies in order to protect public utilities buried underground.

Section 14-9 Documentation & Variances

1. Graphic documents indicating compliance with the requirements set forth herein shall be submitted prior to the issuance of a Zoning Permit.

2. Variances to the requirements of this section may be appealed to the Board of Adjustment for review.

ARTICLE XV

ZONING ADMINISTRATOR, PERMITS REQUIRED, AND ENFORCEMENT

Section 15-1 Zoning Administrator

The City Manager shall appoint a zoning administrator to enforce this ordinance.

Section 15-2 Duties of the Zoning Administrator

The Zoning Administrator shall:

1. establish and publish application procedures for permits, appeals, and actions pursuant to this Ordinance and forms implementing the same;

2. issue permits and certificates pursuant to this Ordinance;

3. review and approve all development plans and permits to assure that the permit requirements of this Ordinance have been satisfied;

4. interpret the applicability of the provisions of this Ordinance in matters where the text does not clearly provide guidance;

5. maintain all records pertaining to the provisions of this Ordinance in his office(s) and make said records open for public inspection;

6. periodically inspect properties and activities for which permits have been issued to determine whether the use(s) is being conducted in accordance with the provisions of this Ordinance; staff are authorized to enter any premises within the jurisdiction of the local government at all reasonable hours for the purposes of inspection or other enforcement action, upon presentation of proper credentials; provided, however, that the appropriate consent has been given for inspection of areas not open to the public or that an appropriate inspection warrant has been secured (G.S. 160D-403(e)).

7. cause to be investigated violations of this Ordinance;

8. enforce the provisions of this Ordinance;

9. issue notice of corrective action(s) when required;

10. use the remedies provided in this Ordinance to gain compliance;

11. be authorized to gather evidence in support of said activities;

12. receive appeals and forward cases to the appropriate body; and perform other duties as may be assigned by the City Council.

Section 15-3 Questions of Enforcement and Interpretation

All questions arising from the enforcement of this ordinance shall be presented initially to the Zoning Administrator. If not satisfactorily resolved, the aggrieved party shall appeal to the Board of Adjustment. If the matter is still not resolved, the aggrieved party's only recourse is to take the matter to court as

provided by law. The City Council shall not resolve disputed questions that may arise from the enforcement of this ordinance. The City Council's duties shall be limited to granting of special uses specifically assigned it by the ordinance; amending the ordinance; or repealing the entire ordinance.

Section 15-4 Permits and Required Submissions

A Zoning Permit – A zoning permit issued by the Zoning Administrator is required when a building, sign or other structures is to be erected, moved, added to or structurally altered. All buildings that exceed 100 sq/ft shall be required to have a zoning permit. No zoning permit shall be issued except in conformity with the provisions of this ordinance except after written order from the Board of Adjustment. A development approval shall be in writing and may contain a provision requiring the development to comply with all applicable State and local laws. Applications for development approvals may be made by the landowner, a lessee or person holding an option or contract to purchase or lease land, or an authorized agent of the landowner. An easement holder may also apply for development approval for such development as is authorized by the easement (160D-403(a)).

1. Application and Site Plan - All applications for a zoning permit shall be accompanied by two sets of site plans which show:
   - dimensions and shape of the parcel to be built upon
   - exact sizes, uses and locations on the parcel of buildings already existing, if any
   - location and dimensions of the proposed building or alterations
   - location of driveways, means of egress and ingress and parking
   - signage
   - landscaping and buffering
   - other information necessary to determine conformance with and provide for enforcement of this ordinance.

B Certificate of Occupancy - A certificate of occupancy issued through the Randolph County Inspections Department is required before a building is occupied or used, erected, altered or moved.

1. Application - A certificate of occupancy either for the whole or a part of a building shall be applied for at the same time as the application for a zoning permit and shall be issued within 10 days after completion of the erection or structural alteration of the buildings or part of a building. A certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this ordinance. If the certificate of occupancy is denied, the Zoning Administrator shall state in writing the reasons for refusal and the applicant shall be notified of the refusal. A record of all certificates shall be kept on file in the office of the Zoning Administrator.

Section 15-5 Violations

Any of the following shall be a violation of this Ordinance and shall be subject to the enforcement remedies and penalties provided by this Article and by state law.

1. Development Without Permit - To engage in any development, use, construction, remodeling or other activity of any nature upon the land or improvements thereon subject to the jurisdiction of this Ordinance without all required permits, certificates or other forms of authorization as set forth in this Ordinance.

2. Development Inconsistent With Permit -To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with any approved plan,

permit, certificate, or other form of authorization granted for such activity.

3. Violation by Act or Omission - To violate, by act or omission, any term, variance or waiver, condition, or qualification placed by the governing body or its agent boards upon any required permit, certificate or other form of authorization for the use, development or other activity upon land or improvements thereon.

4. Use in Violation - To erect, construct, reconstruct, alter, repair, convert, maintain or use any building or structure or to use any land in violation of this Ordinance, or any other regulation made under the authority conferred thereby.

Section 15-6 Enforcement Procedure

When the Enforcement Officer or his agent finds a violation of this Ordinance, it shall be his duty to notify the owner or occupant of the land, building, structure, sign, or use of the violation. The owner or occupant shall immediately remedy the violation.

Written Notice of Violation (NOV) - If the owner or occupant of the land, building, sign, structure, or use in violation fails to take prompt corrective action, the Zoning Administrator shall deliver the NOV to the holder of the development approval and to the landowner of the property involved, if the landowner is not the holder of the development approval, by personal delivery, electronic delivery, or first-class mail and may be provided by similar means to the occupant of the property or the person undertaking the work or activity. The notice of violation may be posted on the property. The person providing the notice of violation shall certify to the local government that the notice was provided, and the certificate shall be deemed conclusive in the absence of fraud (G.S. 160D-404(a)).

(a). that the land, building, sign, structure, or use is in violation of this Ordinance

(b). the nature of the violation, and citation of the section of this ordinance violated; and

(c). the measures necessary to remedy the violation.

2. Appeal – If the owner or occupant disagrees with the Notice of Violation, he/she may appeal to the Board of Adjustment within 10 days of receipt of a Written Notice of Violation. The Board of Adjustment shall either find in favor of the owner/occupant or issue and Order of Corrective Action requiring correction of the violation.

3. Failure to Comply - If the owner or occupant fails to comply with a Notice of Violation from which no appeal has been taken, or an Order of Corrective Action following an appeal, he/she shall be subject to such remedies and penalties as may be provided for by state law and this Ordinance. If the owner or occupant fails to comply with the remedies and penalties prescribed, enforcement shall be sought through an order of a court of competent jurisdiction.

4. Continuing Violation - Each day that any violation continues after receipt of the final written notice of such violation, except when appealed, shall constitute a separate violation and a separate offense for purposes of the penalties and remedies specified herein.

Section 15-7 Technical Review Committee (TRC)

A Technical Review Committee shall be established to assist the staff, Planning Board, and City Council in review of site development plans. The purpose of the TRC shall be to determine whether or not proposed developments meet the standards established in the Ordinance and all other applicable regulations within the City of Trinity and to provide guidance as how to provide for the betterment of public safety and welfare. The TRC review of development plans shall be of a technical nature only, and shall not involve negotiation with developers. All development requests that require review from the Planning Board and City Council shall first be reviewed by the TRC.

1. TRC Membership - A member shall represent the TRC from City Administration, Planning Department, Public Works, Stormwater, Local Fire Protection Agency and the NC Department of Transportation and any other department and/or professional that would be beneficial for technical review.

2. TRC Chair - The Planning and Zoning Administrator shall serve as chair of the TRC. A secretary shall be appointed to compile notes on all projects reviewed by the TRC.

3. TRC Meetings - The TRC shall meet every Wednesday as needed. After receipt of a development proposal, the TRC shall complete its review within 30 days.

4. Powers and Duties
    a) To review and consider commercial, industrial, and multi-family site plans for development within the City and its zoning limits.
    b) To review and consider site plans that are a permitted use by right as per Section 6.4.
    c) To review and consider site plans that requires a conditional or special use.
    d) To approve, approve with conditions, table, or disapprove site plans through a majority vote of those present at the TRC meeting. In the event of a tie, the Chair shall have the final and deciding vote.

5. Appeal of TRC Decision - Appeals shall be to the City Council after review and recommendation from the Planning and Zoning Board provided the appeal is made by the applicant within thirty (30) days of the TRC determination. All decisions on appeals made by the City Council are final.

Section 15-8 Staff Conflict of Interest

No staff member shall make a final decision on an administrative decision required by NCGS 160D if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance.

No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under NCGS 160D unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the local government, as determined by the local government (160D-109(c)).

ARTICLE XVI

PLANNING BOARD, BOARD OF ADJUSTMENT AND ROLE OF THE CITY COUNCIL IN PLANNING

Section 16-1 Planning Board

A. There is hereby created a planning agency, pursuant to NCGS 160D-301to be known as the Planning Board.

B. Powers and Duties. The City of Trinity Planning Board shall have certain powers and duties to be carried out in accordance with this Ordinance which include, but are not limited to the following:

(1) to review and make recommendations to the City Council on all matters relating to land use planning and zoning within the jurisdiction of the City of Trinity, whenever such matters require the attention of the City Council;

(2) to adopt such rules of procedure necessary for the administration of its responsibilities consistent with this Ordinance; and

(4) to assume any other duties assigned by the City Council.

C. Number of Board Members; Appointment. The Planning Board shall consist of five (5) who shall be citizens and residents of the City of Trinity. They shall be appointed by the City Council of the City of Trinity.

D. Length of Terms. Length of terms for Planning Board members shall be three year staggered terms.

E. Vacancies. The City Clerk shall notify the City Council of all vacancies occurring for reasons other than term expiration. Such vacancies shall be filled by appointment of the City Council for the period of the unexpired term.

E. Open Meetings; Minutes - All meetings and hearings of the Planning Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question and the absence or failure of any member to vote. Minutes must be kept of proceedings for each board (NCGS 160D-308). Minutes shall be maintained by the City Clerk and shall be available for public review.

F. Notice. The Board shall not make recommendations for a special use permit until a public hearing is held. Notice of such public hearing shall be posted on the property for which the petition is sought and in a local newspaper at least ten (10) days and no more than twenty-five (25) days prior to the public hearing.

G. Conflict of Interest –A Planning Board member shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to G.S. 160D-109 where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. Nor shall member vote on a recommendation regarding a rezoning or text amendment, if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business or other associational relationship. "Close familial relationship" means a spouse, parent, child, brother,

sister, grandparent, or grandchild."

H. Oath of Office - All members appointed to boards under 160D-309 shall, before entering their duties, qualify by taking an oath of office as required by G.S. 153A-26 and G.S. 160A-61.

Section 16-2 Board of Adjustment Created.

A. A Board of Adjustment is hereby created. The individuals to serve on the City Council shall also serve as the Board of Adjustment.

B. Number of Members; Appointment - The Board shall consist of six (6) members of the City Council.

C. Length of Terms - Upon adoption of this amendment to the Trinity City Zoning Ordinance, length of terms for Board of Adjustment members shall coincide with length of terms for City Council members.

D. Vacancies - Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term.

E. Officers, Rules, and Regulations - The Board shall elect such officers, and adopt such rules and regulations for its own government as it deems necessary to carry out the provisions of this article. The Mayor or in his/her absence, the Mayor Pro Tempore, may administer any oaths and compel attendance of witnesses by subpoena. All meetings of the Board shall be open to the public

F. Conflict of Interest– A Board of Adjustment member when exercising any quasi-judicial function shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. "Close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild, the step, half and in-law relationships. (NCGS 160D-109)

G. Oath of Office - All members appointed to boards under 160D-309 shall, before entering their duties, qualify by taking an oath of office as required by G.S. 153A-26 and G.S. 160A-61.

Section 16-3 Voting

The concurring vote a simple majority of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter which it is required to pass under the Zoning ordinance. A four fifths (4/5) vote is required to affect any variance in the Zoning Ordinance.

For the purpose of this section, vacant positions on the Board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the Board for calculation of the requisite supermajority if there are no qualified alternates available to take the place of such members.

Section 16-4 Quasi-Judicial Proceedings of the Board of Adjustment

In exercising these powers, the Board shall follow statutory procedures for quasi-judicial development decisions as set forth in G.S. 160D-102(28). The Board must hold an evidentiary hearing to gather competent, material, and substantial evidence to establish the facts of the case. The evidentiary hearing must have testimony under oath and must establish written findings of fact and conclusions of law as provided in G.S. 160D-406.

The applicant, the City, and any person who would have standing to appeal the decision under G.S. 160D-1402(c) shall have the right to participate as a party at the evidentiary hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the board.

Objections regarding jurisdictional and evidentiary issues, including, but not limited to, the timeliness of an appeal or the standing of a party, may be made to the board. The board chair shall rule on any objections, and the chair's rulings may be appealed to the full board. These rulings are also subject to judicial review pursuant to G.S. 160D-1402. Objections based on jurisdictional issues may be raised for the first time on judicial review.

All hearings of the Board shall be open to the public. The Board shall keep minutes, showing the vote of each member upon each question, and the absence or failure of any member to vote.

Section 16-5 Appeals from Decisions of the Zoning Administrator

Appeals to the Board of Adjustment may be taken by any person aggrieved by a decision of the Zoning Administrator or other authorized official, based on this ordinance. Such appeal shall be taken within 15 days by filing with the Zoning Administrator a written notice of appeal specifying the grounds. The Zoning Administrator shall immediately transmit to the Secretary of the Board all papers constituting the record upon which the action appealed was taken.

(1) Hearing - Notice and Representation. The Board of Adjustment shall schedule a hearing of an appeal within 30 days from the filing of the notice of appeal. At least 10 days but not more than 25 days before the date of the hearing, the City shall mail written notice of the hearing to all parties in interest and to all adjoining property owners. and any other persons entitle to receive notice related to the appeal. Within the same time period suitable notice shall also be published in the local paper and posted on site. At the hearing, any party may appeal in person, or by an agent or attorney.

(2) Fees. A fee established by the City Council shall be paid to cover administrative costs for each appeal to the Board of Adjustment. Payment of the fee shall be a prerequisite to the filing of the appeal with the Board of Adjustment.

Section 16-6 Appeal Stays All Proceedings

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board after the notice of appeal shall have been filed with him by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, or because the violation charged is transitory in nature and a stay would interfere with enforcement of the ordinance. In such case, proceedings shall not be stayed otherwise than by a restraining order issued by the Board or by a court of record,

Section 16-7 Powers and Duties of the Board of Adjustment

The Board shall have the following powers:

(a). Administrative Review. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by the Zoning Administrator or other duly authorized official.

(b). Variances. To authorize upon appeal in specific cases such variance from the terms of this ordinance that will not be contrary to the public interest where, owing to special conditions a literal enforcement of the provisions of this ordinance will result in undue hardship, that the spirit of this ordinance shall be observed, substantial justice done and provided no change in permitted uses be authorized by variance.

(c). Variances for Watershed Overlay Districts. To authorize variances from the specific requirements of the watershed overlay districts, provided that the notice required in Section 16 - 1(G) of this Article shall also be mailed by first class mail to all other local governments having watershed regulation jurisdiction in the particular watershed where the variance is requested and to each entity using that water supply for consumption; provided that favorable action by the Board of Adjustment on any major variance, as defined in this ordinance, shall constitute a favorable recommendation but such major variance shall not become effective unless authorized by the Environmental Management Commission in accordance with their rules and procedures. Unfavorable action by the Board of Adjustment on a major variance shall constitute a denial.

(d). to hear and decide appeals and requests for variances from the requirements of the Flood Control Ordinance.

Section 16-8 Variances - Determinations and Findings

When practical difficulties or unnecessary hardships would result from carrying out the strict letter of the zoning ordinance, the board of adjustments shall have the power to vary or modify any of the regulations or provisions of the ordinance so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. No change in permitted uses may be authorized by variance. Appropriate conditions, which must be reasonably related to the condition or circumstance that gives rise to the need for a variance, may be imposed on any approval issued by the Board.

These regulations may provide that the Board of Adjustments may determine and vary their application in harmony with the general purpose and intent and in accordance with general or specific rules therein contained, provided no change is permitted uses may be authorized by variance.

(1) Determination that Variance Will Not Violate Other Ordinance Provisions. In considering all proposed variances to this ordinance, the Board shall, before making any finding in a specific case, first determine that the proposed variance will not allow the establishment of a use not otherwise permitted in a district by this ordinance; extend in area or expand a non-conforming use of land; change the district boundaries shown on the zoning map; impair any adequate supply of light and air to abutting property; materially increase the public danger of fire; materially diminish or impair established property values within the surrounding area; or in any other respect impair the public health, safety, morals, and general welfare.

(2) Findings. A variance may be granted in an individual case of unnecessary hardship upon a finding by the Board of Adjustment that the following conditions exist:

(a). Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.

(b). The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.

(c). Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents in the district in which the property is located.

(d). A literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.

(e). The requested variance will be in harmony with purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare.

(f). The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.

(g). The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.

(h). The variance is not a request to permit a use of land, building or structure which is not permitted by right or by conditional zoning in the district involved.

(i). The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.

(3) Conditions. In granting a variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violations of the conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance punishable under Section 18-3 of this ordinance.

Section 16-9 Re-hearings

The Board shall refuse to hear an appeal or application previously denied, if it finds there have been no substantial changes in conditions or circumstances bearing on the appeal or application.

Section 16-10 Review by Certiorari

A decision by the Board is subject to review by certiorari as provided by law. Any appeal shall be made to the Randolph County Superior Court within 30 days after the decision of the Board is filed with the City or a written copy thereof is delivered to the appellant by personal service or registered mail, whichever is later.

Section 16-11 Decisions of the Board of Adjustment

In exercising the abovementioned powers, the Board of Adjustment may reverse or affirm, wholly or in part, or may modify and order requirements, decisions or determinations as ought to be made, and to that end shall have the powers of the administrative official from whom the appeal is taken.

Section 16-12 Role of City Council in Planning

The City Council shall have certain powers and duties to be carried out in accordance with this Ordinance which include, but are not limited to, the following:

(1) to initiate and make amendments to the text of this Ordinance and to the Zoning Maps;

(2) to hear, review and adopt or reject amendments to the text of this Ordinance and to the Zoning Map;

(3) to appoint members of the Planning Board and establish their terms, and;

(4) to take such other action not delegated to the Planning Board as the City Council may deem desirable and necessary to implement the provision of this Ordinance.

Conflict of Interest– A City Council member when exercising any quasi-judicial function shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. "Close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild, the step, half and in-law relationships. (NCGS 160D-109)

ARTICLE XVII
AMENDMENTS AND CHANGES

Section 17-1 Motion to Amend.

(1) Council Authority to Amend - The City Council may, on its own motion or upon the recommendation of the Planning Board, staff or upon petition by any person within the zoning jurisdiction, after public notice and hearing, amend, or repeal the regulations or the maps which are a part of this ordinance. No regulation or maps shall be amended, supplemented, changed, modified or repealed until after a public hearing in relation thereto, at which all parties in interest and citizens shall have an opportunity to be heard. Third-party down-zonings shall be prohibited.

(2) Notice and Public hearing on Amendment
Planning and Zoning Board Review

a. Posting of Property – When a zoning map amendment is proposed, the local government shall prominently post a notice of the hearing on the site proposed for the amendment or on an adjacent public street or highway right-of-way. The notice shall be posted within the same time period specified for mailed notices of the hearing. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required but the local government shall post sufficient notices to provide reasonable notice to interested persons.

b. Mailed Notice – Notice to abutting property owners shall be sent no less than ten (10) days prior to the public hearing but not more than twenty (25) days. For the purpose of this section, properties are "abutting" even if separated by a street, railroad, or other transportation corridor (NCGS 160D-602).

City Council Public Hearing

c. Hearing with Published Notice. - Before adopting, amending, or repealing any ordinance or development regulation authorized by 160D-601(a), the governing board shall hold a legislative hearing. A notice of the hearing shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date scheduled for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included.

d. Mailed Notice – Notice to abutting property owners shall be sent no less than ten (10) days prior to the public hearing but not more than twenty (25) days.

(3) Information and Fee Required from Applicant and Processing of Information - Applicants must present the following information:

1. a completed rezoning application;
2. an accurate survey of the property to be rezoned, and;
3. a deed or legal description which establishes ownership.
4. if the proposed zoning boundary splits an existing parcel a metes and bounds description shall be required in addition to the survey

A rezoning fee established by the City Council shall be required. Processing of zoning amendment applications shall begin within ninety (90) days from submission to the City Clerk. However, this requirement is not intended to prevent the Planning Board or City Council from delaying action after review by either body. If more than one tract or parcel is being sought for rezoning at the same time by a single applicant, each parcel having a different zone shall constitute a separate rezoning request.

(4) Planning Board Review – Subsequent to initial adoption of a zoning ordinance, all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comments. Any development regulation other than a zoning regulation that is proposed to be adopted pursuant to 160D-604 may be referred to the planning board for review and comment. If no written report is received from the Planning and Zoning Board within thirty (30) days of referral of the amendments to the Board, the City Council may proceed in its consideration of the amendment without the Planning Board report. The Council is not bound by the recommendation, if any, of the Board.

(5) Plan Consistency - The Planning Board shall advise and comment on whether the proposed amendment is consistent with any comprehensive plan that has been adopted and any other officially adopted plan that is applicable.

The Planning Board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive plan shall not preclude consideration or approval of the proposed amendment by the governing board. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the planning board statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the recommendation made.

(6) Council Statement – Prior to adopting or rejecting any zoning amendment, City Council must adopt a statement describing whether its action is consistent with an adopted comprehensive plan and explaining why the Council considerers the action taken to be reasonable and in the public interest. When adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the governing board (NCGS 160D-605).

(7) Withdrawal of Request - Any applicant for rezoning, may withdraw his/her petition anytime prior to consideration by the Planning Board. If the applicant should choose to withdraw his/her petition after being reviewed by the Planning Board but before it is to be considered by the City Council, he/she must do so in writing no later than 5 p.m. on the first Friday following the last Planning Board meeting where the item was dispensed. Failure to withdraw the rezoning petition by that time, shall cause it to advance automatically to the City Council for consideration at their next regular session, provided however that City Council may in its discretion, allow the withdrawal of a rezoning petition at anytime for cause upon request by an applicant.

(8) Resubmission of Application - Should a petition for the amendment of these regulations and/or maps be denied by action of the City Council, the applicant may resubmit an application for rezoning for the same tract or parcel within the same calendar year so long as the request for rezoning is dissimilar to the original request denied by the City Council. Should the second request be denied by the City Council, the applicant must withhold all petitions for rezoning said tract or parcel for a period of twelve (12) months from the date of the second denial by the City Council.

ARTICLE XVIII

LEGAL PROVISIONS

Section 18-1 Interpretation, Purpose and Conflict.

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, prosperity, and general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, provided, however, that where this ordinance imposes a greater restriction or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants or agreements, the provisions of this ordinance shall govern, provided that nothing in the ordinance shall be construed to amend or repeal any other existing ordinance of the City.

Section 18-2 Validity

Should any section or provisions of this ordinance be declared by the courts to be invalid, such declaration shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 18-3 Remedies

Anyone or all of the following procedures may be used to enforce the provisions of this Ordinance.

1. Denial of Permit or Certificate – If the violation is related to a permit that has been issued or is pending, the Zoning Administrator may withhold or deny the permit, certificate of occupancy or other form of authorization.

2. Conditional Permit or Temporary Certificate – If the violation is related to a permit, the Zoning Administrator may condition the authorization of any permit or certificate upon the correction of the deficiency, payment of civil penalties within a specified time, or the posting of a compliance security approved by appropriate governmental authority.

3. Stop Work Orders - Whenever a building, sign, or structure, or part thereof is being constructed, reconstructed, altered or repaired in violation of this Ordinance, the Zoning Administrator may order the work to be immediately stopped. The stop order shall be in writing and directed to the owner, occupant, or person doing the work. The stop order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Such action shall be in accordance with NCGS 160D-404(b);-1112, as applicable, or the NC Building Code.

4. Revocation of Permits - In addition to initiation of enforcement actions under G.S. 160D-404, development approvals may be revoked by the local government issuing the development approval by notifying the holder in writing stating the reason for the revocation. The local government shall follow the same development review and approval process required for issuance of the development approval, including any required notice or hearing, in the review and approval of any revocation of that approval. Development approvals shall be revoked for any substantial departure from the approved application, plans, or specifications; for refusal or failure to comply with the requirements of any applicable local development regulation or any State law delegated to the local government for enforcement purposes in lieu of the State;

or for false statements or misrepresentations made in securing the approval. Any development approval mistakenly issued in violation of an applicable State or local law may also be revoked. The revocation of a development approval by a staff member may be appealed pursuant to G.S. 160D-405. If an appeal is filed regarding a development regulation adopted by a local government pursuant to this Chapter, the provisions of G.S. 160D-405(e) regarding stays shall be applicable.

5. Criminal Penalty - Any violation of this Ordinance shall be a misdemeanor as provided by NCGS 14-4. Each calendar day during which a violation continues shall constitute a separate offense.

6. Civil Penalty. Any violation of this ordinance shall also subject the offender to a civil penalty of $50.00. If the offender fails to pay the penalty within 10 days of receiving final written Notice of a Violation, the penalty may be recovered by the City in a civil action in the nature of a debt. A civil penalty may not be appealed to the Board of Adjustment if the offender received a final written notice of violation and did not appeal to the Board of Adjustment as prescribed in Section 16-5 above. Each calendar day during which a violation continues shall constitute a separate offense.

7. Injunction - Any violation of this Ordinance or of any condition, order, or requirement, or remedy adopted pursuant hereto may be restrained, corrected, abated, mandated, or enjoined by other appropriate proceeding pursuant to state law.

APPENDIX A

A LOCAL ORDINANCE REGULATING THE SITING OF WIRELESS TELECOMMUNICATIONS TOWERS AND FACILITIES

Section 1. Purpose and Legislative Intent.

The Telecommunications Act of 1996 affirmed the City of Trinity's authority concerning the placement, construction and modification of Wireless Telecommunications Facilities. The City of Trinity finds that Wireless Telecommunications Facilities may pose significant concerns to the health, safety, public welfare, character and environment of the City of Trinity and its inhabitants. The City also recognizes that facilitating the development of wireless service technology can be an economic development asset to the City and of significant benefit to the City and its residents. In order to insure that the placement, construction or modification of Wireless Telecommunications Facilities is consistent with the City's land use policies, the City is adopting a single, comprehensive, Wireless Telecommunications Facilities application and permit process. The intent of this Local Ordinance is to minimize impact of Wireless Telecommunications Facilities, establish a fair and efficient process for review and approval of applications, assure an integrated, comprehensive review of the visual and environmental impacts of such facilities, and protect the health, safety and welfare of the residents and Visitors of the City of Trinity.

Section 2. Title.

This Ordinance shall be known and cited as the Wireless Telecommunications Facilities Siting Ordinance for the City of Trinity.

Section 3. Severability.

A) If any word, phrase, sentence, part, section, subsection, or other portion of this Ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed Application thereof, shall be severable, and the remaining provisions of this Ordinance, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

B) Any Special Use Permit issued under this Ordinance shall be comprehensive and not severable. If part of a permit is deemed or ruled to be invalid or unenforceable in any material respect, by a competent authority, or is overturned by a competent authority, the permit shall be void in total, upon determination by the City Council.

Section 4. Definitions.

For purposes of this Ordinance, and where not inconsistent with the context of a particular section, the defined terms, phrases, words, abbreviations, and their derivations shall have the meaning given in this section. When not inconsistent with the context, words in the present tense include the future tense, words used in the plural number include words in the singular number and words in the singular number include the plural number. The word "shall" is always mandatory, and not merely directory.

A) "**Accessory Facility** or **Structure**" means an accessory facility or structure serving or being used in conjunction with Wireless Telecommunications Facilities, and located on the same property or lot as the Wireless Telecommunications Facilities, including but not limited to, utility or transmission equipment storage sheds or cabinets.

B) **"Applicant"** means any Wireless service provider submitting an Application for a Special Use Permit for Wireless Telecommunications Facilities.

C) **"Application"** means all necessary and appropriate documentation that an Applicant submits in order to receive a Special Use Permit for Wireless Telecommunications Facilities.

D) **"Antenna"** means a system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals.

E) **"City"** means the City of Trinity, North Carolina

F) **"Co-location"** means the use of an existing Tower or structure to support Antenna for the provision of wireless services.

G) **"Commercial Impracticability"** or **"Commercially Impracticable"** means the inability to perform an act on terms that are reasonable in commerce; the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficacy of the project. The inability to achieve a satisfactory financial return on investment or profit, standing alone, shall not deem a situation to be "commercial impracticable" and shall not render an act or the terms of an agreement "commercially impracticable".

H) **"Completed Application"** means an Application that contains all information and/or data necessary to enable an informed decision to be made with respect to an Application.

I) **"Council"** means the City Council of Trinity, North Carolina..

J) **"DAS"** or **"Distributive Access System"** means a technology using antenna combining technology allowing for multiple carriers or Wireless Service Providers to us the same set of antennas.

K) **"FAA"** means the Federal Aviation Administration, or its duly designated and authorized successor agency.

L) **"FCC"** means the Federal Communications Commission, or its duly designated and authorized successor agency.

M) **"Height"** means, when referring to a Tower or structure, the distance measured from the pre-existing grade level to the highest point on the Tower or structure, even if said highest point is an Antenna or lightening protection device.

N) **"Modification"** or **"Modify"** means, the addition, removal or change of any of the physical and visually discernable components or aspects of a wireless facility, such as antennas, cabling, equipment shelters, landscaping, fencing, utility feeds, changing the color or materials of any visually discernable components, vehicular access, parking and/or an upgrade or change-out of equipment for better or more modern equipment. Adding a new

wireless carrier or service provider to a Telecommunications Tower or Telecommunications Site as a co-location is a modification. A Modification shall not include the replacement of any components of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without adding, removing or changing anything.

O) **"Need"** means anything that is technically required for the wireless service to be provided primarily and essentially within the City and creates the least physical and visual impact. This does not necessarily mean the internal design standards of the applicant, as companies' standards can vary greatly and normally reflect preferences. Rather, Need relates to the ability of the user-equipment to function as designed.

P) **"NIER"** means Non-Ionizing Electromagnetic Radiation.

Q) **"Person"** means any individual, corporation, estate, trust, partnership, joint stock company, association of two (2) or more persons having a joint common interest, or any other entity.

R) **"Personal Wireless Facility**" See definition for 'Wireless Telecommunications Facilities'.

S) **"Personal Wireless Services"** or **"PWS"** or **"Personal Telecommunications Service"** or **"PTS"** shall have the same meaning as defined and used in the 1996 Telecommunications Act.

T) **"Repairs and Maintenance"** means the replacement or repair of any components of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without the addition, removal or change of any of the physical or visually discernable components or aspects of a wireless facility that will add to the visible appearance of the facility as originally permitted.

U) **"Special Use Permit"** means the official document or permit by which an Applicant is allowed to file for a building permit to construct and use Wireless Telecommunications Facilities as granted or issued by the City.

V) "**Stealth"** or **"Stealth Technology"** means to minimize adverse aesthetic and visual impacts on the land, property, buildings and other facilities abutting to, surrounding, and in generally the same area as the requested location of a Wireless Telecommunications Facility, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances. Stealth technology expressly includes such technology as DAS or its functional equivalent.

W) **"State"** means the State of North Carolina .

X) **"Stealth"** or **"Camouflage"** means disguising a tower or wireless telecommunications facility so as to make it less visually obtrusive and not recognizable to the average person as a wireless telecommunications facility.

Y) **"Telecommunications"** means the transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

Z) **"Telecommunication Site"** See definition for Wireless Telecommunications Facilities.

AA) **"Telecommunications Structure"** means a structure used in the provision of services described in the definition of 'Wireless Telecommunications Facilities'.

BB) **"Temporary"** means temporary in relation to all aspects and components of this Ordinance, something intended to, or that does, exist for fewer than ninety (90) days.

CC) **"Tower"** means any structure designed primarily to support an antenna for receiving and/or transmitting a wireless signal.

DD) "**Wireless Telecommunications Facilities"** means and includes a **"Telecommunications Site"** and **"Personal Wireless Facility".** It means a structure, facility or location designed, or intended to be used as, or used to support Antennas or other transmitting or receiving devices. This includes without limit, Towers of all types, kinds and structures, including, but not limited to buildings, church steeples, silos, water towers, signs or other structures that can be used as a support structure for Antennas or the functional equivalent of such. It further includes all related facilities and equipment such as cabling, equipment shelters and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, SMR, paging, 911, Personal Communications Services (PCS), commercial satellite services, microwave services and any commercial wireless telecommunication service not licensed by the FCC.

Section 5. Overall Policy and Desired Goals for Special Use Permits for Wireless Telecommunications Facilities.

In order to ensure that the placement, construction, and modification of Wireless Telecommunications Facilities protects the City's health, safety, public welfare, environmental features, the nature and character of the community and neighborhood and other aspects of the quality of life specifically listed elsewhere in this Ordinance, the City hereby adopts an overall policy with respect to a Special Use Permit for Wireless Telecommunications Facilities for the express purpose of achieving the following goals:

A) Requiring a Special Use Permit for any new, co-location or modification of a Wireless Telecommunications Facility.

B) Implementing an Application process for person(s) seeking a Special Use Permit for Wireless Telecommunications Facilities.

C) Establishing a policy for examining an application and issuing a Special Use Permit for Wireless Telecommunications Facilities that is both fair and consistent.

D) Promoting and encouraging, wherever possible, the sharing and/or co-location of Wireless Telecommunications Facilities among service providers.

E) Requiring, promoting and encouraging, wherever possible, the placement, height and quantity of Wireless Telecommunications Facilities in such a manner, including but not

limited to the use of stealth technology, to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities abutting to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.

F) In granting a Special Use Permit, the City has found that the facility shall be the most appropriate site as regards being the least visually intrusive among those available in the City.

Section 6. Exceptions from a Special Use Permit for Wireless Telecommunications Facilities.

A) No Person shall be permitted to site, place, build, construct, modify or prepare any site for the placement or use of a Wireless Telecommunications Facility within the control of the City's Police Powers as of the effective date of this Ordinance without having first obtained a Special Use Permit for a Wireless Telecommunications Facility as defined in Section Four (4) of this ordinance or an administratively granted authorization granted under Section Nine (9) of this ordinance, whichever is applicable. Notwithstanding anything to the contrary in this section, no Special Use Permit shall be required for those non-commercial exceptions noted in Section Seven (7), unless deemed in the public interest by the City.

B) If constructed as required by permit, all legally permitted Wireless Telecommunications Facilities that existed on or before the effective date of this Ordinance shall be allowed to continue as they presently exist, provided however, that any visible modification of an existing Wireless Telecommunications Facility will require the complete facility, including the tower if applicable, and any new installation to comply with this Ordinance, as will anything changing the structural load.

C) Any Repair and Maintenance of a Wireless Facility does not require an application for a Special Use Permit. However, no additional construction or site modification will be permitted.

D) Notwithstanding any other provisions of this section and all subparts thereof, the co-location and/or shared use of antennas on existing telecommunication towers or other tall structures or compatible use structures, such as utility poles, water towers, and other towers, shall be exempt from the Public Hearing requirement otherwise required for a tower, and shall be subject only to an administrative review process by the City and its designee.

Section 7. Exclusions. The following shall be exempt from this Ordinance:

A) The City's fire Department, Police's, Sheriff's or other public service facilities owned and operated by the City.

B) Any facilities expressly exempt from the City's siting, building and permitting authority.

C) Over-the-Air reception Devices including the reception antennas for direct broadcast satellites (DBS), multi-channel multipoint distribution (wireless cable) providers (MMDS) receive-only equipment mounted on subscriber property, television broadcast

stations (TVBS) and other customer-end antennas that receive and transmit fixed wireless signals that are primarily used for reception, but not including microwave dishes.

D) Facilities used exclusively for private, non-commercial radio and television reception and private citizen's bands, licensed amateur radio facilities shorter than 90' and other similar non-commercial Telecommunications.

E) Facilities used exclusively for providing unlicensed spread spectrum technologies, such as IEEE 802.11a, b, g services (e.g. Internet Access Hot spots and Bluetooth) where the facility does not require a new tower.

Section 8. Special Use Permit Application and Other Requirements for a New Tower or for Increasing the Height of the Structure to be Attached to or the size of the Profile of an attachment.

A) All Applicants for a Special Use Permit for Wireless Telecommunications Facilities or any modification of such facility shall comply with the requirements set forth in this Ordinance. The City Council is the officially designated agency or body of the City to whom applications for a Special Use Permit for Wireless Telecommunications Facilities must be made, and that is authorized to review, analyze, evaluate and make decisions with respect to granting or not granting or revoking special use permits for Wireless Telecommunications Facilities. The City may at its discretion delegate or designate the City's Planning Board or other official agencies or officials of the City or expert consultants to accept, review, analyze, evaluate and make recommendations to the City Council with respect to the granting or not granting or revoking Special Use Permits for Wireless Telecommunications Facilities.

B) The non-refundable Application fee for attaching to an existing Tower or other structure without increasing the height shall be as set forth in the City's Schedule of Fees.

C) All Applicants shall closely follow the instructions for preparing an Application that shall be provided prior to the submittal of an Application or at any time upon request. Not closely following the instructions without permission to deviate from such may result in the Application being returned without action and forfeiting the Application fee, but not the escrow deposit.

D) When placing wireless facilities on government-owned property or facilities, only non-commercial wireless carriers and users are exempt from the permitting requirements of this Ordinance.

E) The City may reject applications not meeting the requirements stated herein or which are otherwise not complete.

F) No Wireless Telecommunications Facilities shall be installed, constructed or modified until the Application is reviewed and approved by the City, and the Special Use Permit has been issued.

G) Any and all representations made by the Applicant to the City on the record during the Application process, whether written or verbal, shall be deemed a part of the Application and will be deemed to have been relied upon in good faith by the City. Any verbal misrepresentation shall be treated as if it were made in writing.

H) An Application for a Special Use Permit for Wireless Telecommunications Facilities shall be signed on behalf of the Applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information.

I) The Applicant must provide documentation to verify it has the right to proceed as proposed on the Site. This requires an executed copy of the lease with the landowner or landlord or a signed letter of agency acknowledging authorization. If the applicant owns the site, a copy of the ownership record is required.

J) The Applicant shall include a statement in writing:

1) That the applicant's proposed Wireless Telecommunications Facilities shall be maintained in a safe manner, and in compliance with all conditions of the Special Use Permit, without exception, unless specifically granted relief by the City in writing, as well as all applicable and permissible local codes, ordinances, and regulations, including any and all applicable City, State and Federal Laws, rules, and regulations; and

2) That the construction of the Wireless Telecommunications Facilities is legally permissible, including, but not limited to the fact that the Applicant is authorized to do business in the State.

K) Where a certification is called for in this Ordinance, such certification shall bear the signature and seal of a Professional Engineer licensed in the State.

L) In addition to all other required information as stated in this Ordinance, all applications for the construction or installation of new Wireless Telecommunications Facilities or modification of an existing facility shall contain the information hereinafter set forth. Note that an Applicant will be granted permission for anything that it can conclusively prove the technical need for, but that there is often a significant difference between 'need' and 'want' or 'desire'. For example, an assertion that the 'need' is based on an Applicant's own design criteria shall not suffice to prove the technological need for what is requested. For purposes of permitting under this Ordinance, 'need' shall mean what is technologically needed for the equipment to function as designed by the manufacturer and that anything less will result in prohibiting or acting in a manner that prohibits the provision of service as intended and described in the narrative of the Application.

Proof of <u>Need</u> for the Facility

1) A *<u>detailed</u>* narrative description and explanation of the specific objective(s) for the new facility, or the modification of an existing wireless facility, expressly including and explaining the purpose and need for the facility, such as coverage and/or capacity needs or requirements, and the specific geographic area of intended coverage;
2) Technical documentation that proves the *<u>need</u>* for the Wireless Telecommunications Facility to provide service primarily and essentially within the City of Trinity. Such documentation shall include a propagation study of the proposed site and all adjoining planned, proposed or existing sites, that demonstrates a significant gap in coverage and/or, if a capacity issue is involved, to include an analysis of the current and projected usage (traffic studies) using generally accepted industry methods and standards so as to *conclusively* prove

the need for what is proposed. A desire to change, upgrade, or improve the technology or the service shall not be deemed a need in the context of this Ordinance;

3) All of the modeling information (i.e. data) inputted into the software used to produce propagation studies, including, but not limited to any assumptions made, such as ambient tree height;
4) A copy of the FCC license applicable for the intended use of the Wireless Telecommunications Facility, as well as a copy of the five (5) and ten (10) year build-out plan required by and filed with the FCC;
5) The frequency, modulation and class of service of radio or other transmitting equipment;
6) The maximum transmission power capability of all radios, as designed, if the Applicant is a cellular or functional equivalent carrier, or the maximum transmission power capability, as designed, of all transmission facilities if the Applicant is not a cellular or functional equivalent carrier;
7) The actual intended transmission power stated as the maximum effective radiated power (ERP) both in dBm's and watts;

Note: In effect what is needed is the information that the Company used to make its determination as regards the need for the facility in the first place, the need and reason for the requested location and the need for the height requested.

Ownership and Management

8) The Name, address and phone number of the person preparing the Application;
9) The Name, address, and phone number of the property owner and the Applicant, including the legal name of the Applicant. If the owner of the structure is different than the applicant, the name and all necessary contact information shall be provided;
10) The Postal address and tax map parcel number of the property;
11) A copy of the FCC license applicable for the intended use of the Wireless Telecommunications Facilities;

Zoning and Planning

12) The Zoning District or designation in which the property is situated;
13) The size of the property on which the structure to be attached to is located, stated both in square feet and lot line dimensions, and a survey showing the location of all lot lines;
14) The location, size and height of all existing and proposed structures on the property on which the structure is located and that is the subject of the Application;
15) If attaching to an existing Tower, a site plan showing the vertical rendition of the Tower identifying all users and attachments to the Tower and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting;
16) If attaching to a building or other structure, a site plan showing the proposed attachments and all related fixtures, structures, appurtenances and apparatus, including height above the roof or balustrade, whichever is appropriate;
17) The azimuth, size and center line height location of all proposed and existing antennas on the supporting structure;
18) The number, type and model of the Antenna(s) proposed, along with a copy of the specification sheet(s) for the antennas; The Type, locations and dimensions of all

proposed and existing landscaping, and fencing;

19) The number, type and design of the Telecommunications Tower(s) and Antenna(s) proposed and the basis for the calculations of the Telecommunications Tower's capacity to accommodate multiple users;
20) The applicant shall disclose in writing any agreement in existence prior to submission of the Application that would limit or preclude the ability of the Applicant to share any new Telecommunication Tower that it constructs;

Safety

21) If attaching to an existing Tower, the age of the tower in years, including the date of the grant of the original permit or authorization for the Tower;
22) If attaching to an existing Tower, a description of the type of tower, e.g. guyed, self-supporting lattice or monopole;
23) If attaching to an existing Tower, the make, model, type and manufacturer of the Tower and the structural design calculations, certified by a Professional Engineer licensed in the State, proving the tower's capability to safely accommodate the facilities of the Applicant without change or modification;
24) If any change or modification of the Tower or other structure to be attached to is needed, a detailed narrative explaining what changes are needed, why they are needed and who will be responsible to assure that the changes are made;
25) If the structure proposed to be attached to is a Tower that has not previously been permitted under this Law, or unless the Applicant can provide proof that this was provided at the time of the initial application for the Tower or other structure, the Applicant shall provide a copy of the installed foundation design, as well as a geotechnical sub-surface soils investigation, evaluation report and foundation recommendation for the tower site or other structure;
26) If increasing the height of an existing structure, or a Tower that is five (5) years old or older, or for a guyed Tower that is three (3) years old or older, a copy of the latest ANSI Report done pursuant to the latest edition of ANSI-EIA/TIA 222F – Annex E for any self-supporting Tower. If an ANSI report has not been done pursuant to the preceding schedule, an ANSI report shall be done and submitted as part of the Application. No Building Permit shall be issued for any Wireless Facility where the structure being attached to is in need of remediation, unless and until all remediation work needed has been completed or a schedule for the remediation work has been approved by the Planning Department;
27) If not attaching to an existing Tower, a Structural Report signed by a Professional Engineer licensed to do business in the State and bearing that engineer's currently valid stamp, showing the structural adequacy of the structure to accommodate the proposed Wireless Facility(s), including any equipment shelter, unless the equipment shelter is located on the lowest floor of a building;
28) If attaching to a structure and thereby increasing the height of the structure, other than a Tower, to which the public has or could reasonably have or gain access to, documentation shall be provided, including all calculations, proving that the potential exposure to RF Radiation (i.e. NIER or Non-Ion Emitting Radiation), will be in compliance with the most recent Federal Communications Commission regulations governing RF Radiation and exposure thereto, and further denoting the minimum distance from any antennas an individual may safely stand without being exposed to RF radiation in excess of the FCC's permitted standards and any portion(s) of the structure that would be exposed to RF radiation in excess of the FCC's permitted standards . In compliance with the FCC's regulations, in such an instance the RF Radiation from all wireless facilities at that location shall

be included in the calculations to show the cumulative effect on any area of the building or structure deemed accessible by the public or workers. Such report or analysis shall be signed and sealed by a Professional Engineer licensed in the State; or

29) In an instance involving a Tower where the new Wireless Facilities will be ten (10) meters or more above ground level, signed documentation such as the FCC's "Checklist to Determine whether a Facility may Categorically Excluded" shall be provided to verify that the Wireless Telecommunication Facility with the proposed installation will be in full compliance with the current FCC's RF Emissions regulations. If not categorically excluded, a complete RF Emissions study is required to enable verification of compliance, pursuant to subsection (E)(21) of this section, including providing all calculations so that such may be verified;
30) In certain instances, the City may deem it appropriate to have an RF survey of the facility done after the construction or modification and activation of the Facility, such to be done under the direction of the City or its designee, and an un-redacted copy of the survey results provided, along with all calculations;
31) If any section or portion of the structure to be attached to is not in compliance with the FCC's regulations regarding RF radiation, that section or portion must be barricaded with a suitable barrier to discourage approaching into the area in excess of the FCC's regulations, and be marked off with yellow and black plastic chain and striped warning tape, as well as placing RF Radiation signs as needed and appropriate to warn individuals of the potential danger;
32) A signed statement that the Applicant will expeditiously remedy any physical or RF interference with other telecommunications or wireless devices or services.

M) The applicant will provide a written copy of an analysis, completed by a qualified individual or organization, to determine if the proposed new Tower or existing structure intended to support wireless facilities is in compliance with Federal Aviation Administration Regulation Part 77 and if it requires lighting. This requirement shall also be for any existing structure or building where the application increases the height of the structure or building. If this analysis determines that an FAA determination is required, then all filings with the FAA, all responses from the FAA and any related correspondence shall be provided with the application.

N) Application for New Tower versus Co-location

1) In the case of a new Tower, the Applicant shall be required to submit a written report demonstrating its meaningful efforts to secure shared use of existing Tower(s) or the use of alternative buildings or other structures within the City that are at or above the surrounding tree height or the tallest obstruction and are within one (1) mile of the proposed tower. Copies of written requests and responses for shared use shall be provided to the City in the Application, along with any letters of rejection stating the reason for rejection.

2) In order to better inform the public, in the case of a new Telecommunication Tower, the applicant shall hold a "balloon test" prior to the initial public hearing on the application. The Applicant shall arrange to fly, or raise upon a temporary mast, a minimum of a ten (10) foot in length brightly colored balloon at the maximum height of the proposed new Tower.

3) At least fourteen (14) days prior to the conduct of the balloon test, a sign shall be erected so as to be clearly visible from the road nearest the proposed site and shall be removed no later than fourteen (14) days after the conduct of the balloon test. The sign shall be at least four feet (4') by eight feet (8') in size and shall be readable from the road by a person with 20/20 vision.

4) Such sign shall be placed off, but as near to, the public right-of-way as is possible.

5) Such sign shall contain the times and date(s) of the balloon test and the date, time and location of the required Planning Board hearing, as well as a copy of the proposed site plan.

6) The dates, (including a second date, in case of poor visibility or wind in excess of 15 mph on the initial date) times and location of this balloon test shall be advertised by the Applicant seven (7) and fourteen (14) days in advance of the first test date in a newspaper with a general circulation in the City and as agreed to by the City of Trinity. The Applicant shall inform the City in writing, of the dates and times of the test, at least fourteen (14) days in advance. The balloon shall be flown for at least four (4) consecutive hours between 10:00 am and 2:00 p.m. on the dates chosen. The primary date shall be on a weekend, but the second date, in case of poor visibility on the initial date, may be on a weekday. A report with pictures from various locations of the balloon shall be provided with the application.

7) The Applicant shall notify all property owners and residents located within one-thousand five hundred feet (1,500) of the nearest property line of the subject property of the proposed construction of the Tower and Wireless Facility and of the date(s) and time(s) of the balloon test. Such notice shall be provided at least fourteen (14) days prior to the conduct of the balloon test and shall be delivered by US Certified Mail.

8) The Tower shall be structurally designed to accommodate at least five (5) additional Antenna Arrays equivalent to those of the Applicant as regards the load and stress created on the tower, and located as close to the Applicant's Antenna as possible without causing interference. A claim of interference because of a need to have greater than six feet (6') of vertical clearance between facilities, measured from the vertical centerline of one array to the vertical centerline of another, must be proven by technical data and not merely verbal or written assertions. This requirement may be waived, provided that the Applicant, in writing, demonstrates that the provisions of future shared usage of the Tower is not technologically feasible, is Commercially Impracticable or creates an unnecessary and unreasonable burden, based upon:

    a) The kind of Wireless Telecommunications Facilities site and structure proposed;

    b) Available space on existing and approved Towers;

    c) The need for more than six feet (6') of vertical clearance between antenna arrays, measured from the vertical centerline of one array to the vertical centerline of another, such that there would not be adequate vertical space to accommodate a total of four (4) carriers.

9) The owner of a proposed new Tower, and his/her successors in interest, shall negotiate in good faith for the shared use of the proposed Tower by other Wireless service providers in the future, and shall:

   a) Respond within 60 days to a request for information from a potential shared-use Applicant;

   b) Negotiate in good faith concerning future requests for shared use of the new Tower by other Telecommunications providers;

   c) Allow shared use of the new Tower if another Telecommunications provider agrees in writing to pay reasonable charges. The charges may include, but are not limited to, a Pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity, less depreciation, and all of the costs of adapting the Tower or equipment to accommodate a shared user without causing electromagnetic interference;

   d) Failure to abide by the conditions outlined above may be grounds for revocation of the Special Use Permit.

O) The Applicant shall provide certification with documentation (i.e. structural analysis) including calculations that the Telecommunication Facility tower and foundation and attachments, rooftop support structure, water tank structure, or any other supporting structure as proposed to be utilized are designed and will be constructed to meet all local, state and federal structural requirements for loads, including wind and ice loads and including, but not limited to all applicable ANSI (American National Standards Institute) and other safety-related requirements and guidelines.

P) All proposed Wireless Telecommunications Facilities shall contain a demonstration that the Facility be sited so as to create the least visual intrusiveness reasonably possible given the facts and circumstances involved, and thereby have the least adverse visual effect on the environment and its character, on existing vegetation, and on the residences in the area of the Wireless Telecommunications Facility. The City expressly reserves the right to require the use of Stealth or Camouflage technology or techniques such as DAS (Distributive Antenna System technology) or its functional equivalent to achieve this goal and such shall be subject to approval by the Council.

Q) If the application is for a new tower, or a new antenna attachment to an existing structure other than a tower, or for a modification that noticeably changes the appearance of the structure, the Applicant shall furnish a Visual Impact Assessment, which shall include:

   1) If a new tower or increasing the height of an existing structure is proposed, a computer generated "Zone of Visibility Map" at a minimum of one mile radius from the proposed structure shall be provided to illustrate locations from which the proposed installation may be seen, with and without foliage;

   2) Pictorial representations (photo simulations) of "before and after" views from key viewpoints inside of the City as may be appropriate and required, including but not limited to state highways and other major roads; state and local parks; other public lands; historic districts; preserves and historic sites normally open to the public; and

from any other location where the site is visible to a large number of visitors, travelers or residents. Guidance will be provided concerning the appropriate key sites at the pre-application meeting. The applicant shall provide a map showing the locations of where the pictures were taken and the distance(s)of each location from the proposed structure;

3) A written description of the visual impact of the proposed facility, including, as applicable, the tower base, guy wires, fencing and accessory buildings from abutting and abutting properties and streets as relates to the need or appropriateness of screening.

R) The Applicant shall demonstrate and provide in writing and/or by drawing how it shall effectively screen from view the base and all related equipment and structures of the proposed Wireless Telecommunications Facility.

S) The Wireless Telecommunications Facility and any and all accessory or associated facilities shall maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings. This shall include the utilization of stealth or camouflage or concealment technology as may be required by the City.

T) All utilities at a Wireless Telecommunications Facilities site shall be installed underground and in compliance with all Laws, ordinances, rules and regulations of the City, including specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code where appropriate.

U) At a Wireless Telecommunications Facilities site an access road, turn around space and parking shall be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion.

V) All Wireless Telecommunications Facilities shall be constructed, operated, maintained, repaired, provided for removal of, modified or restored in strict compliance with all current applicable technical, safety and safety-related codes adopted by the City, State, or United States, including but not limited to the most recent editions of the ANSI Code, National Electrical Safety Code and the National Electrical Code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Association of Tower Erectors. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes. In the event of a conflict between or among any of the preceding the more stringent shall apply.

W) A holder of a Special Use Permit granted under this Ordinance shall obtain, at its own expense, all permits and licenses required by applicable law, ordinance, rule, regulation or code, and must maintain the same, in full force and effect, for as long as required by the or other governmental entity or agency having jurisdiction over the applicant.

X) There shall be a pre-application meeting for all intended applications. The purpose of the pre-application meeting will be to address issues that will help to expedite the review and permitting process and certain issues or concerns the City may have. A pre-application meeting shall also include a site visit, if there has not been a prior site visit for the requested facility. Costs of City consultants to prepare for and attend the pre-application meeting will be borne by the applicant and paid for out of the required escrow deposit.

Y) An Applicant shall submit to the City the number of completed Applications determined to be needed at the pre-application meeting. However, applications will not be provided to the City, other than for staff, until the application is deemed complete.

Z) If the proposed site is within three (3) miles of another municipality or City, written notification of the Application shall be provided to the legislative body of all such abutting municipalities as applicable and/or requested.

AA) The holder of a Special Use Permit shall notify the City of any intended Modification of a Wireless Telecommunication Facility and shall apply to the City to modify, relocate or rebuild a Wireless Telecommunications Facility.

BB) An application to increase the height of a Tower or other structure shall be deemed a new tower and shall not qualify for treatment as an attachment to an existing Tower or other structure under this Section.

Section 9. Requirements for an application to attach to an Existing Tower or other Structure without increasing the height of the Tower or structure being attached to or increasing the size of the profile of the structure.

A) If attached to an existing structure, unless the City Council deems doing so to be in the public interest, it shall be impermissible for a wireless carrier's facilities and equipment to be relocated from one structure to another without proof that not to do so would prohibit or serve to prohibit the provision of service in the service area served by the existing wireless facility.

B) The non-refundable Application fee for attaching to an existing Tower or other structure without increasing the height shall be as set forth in the City's Schedule of Fees.

C) To prevent the taxpayers from having to pay for the expert technical assistance needed by the City that is necessitated by the application, an Applicant shall be required to place with the City an escrow deposit of no less than $6,500. After all invoices have been paid and the Certificate of Completion or Occupancy has been granted, any unexpended balance of the escrow deposit shall be returned to the Applicant upon request.

D) An application to increase the height of a Tower or other structure shall be deemed a new tower and shall not qualify for treatment as an attachment to an existing Tower or other structure under this Section.

E) There shall be no public hearing required for an application to attach to an existing tower or other structure or to modify an existing Wireless Telecommunications Facility, as long as there is no proposed increase in the height of the Tower or other structure to be

attached to, including attachments thereto, unless for good cause such shall be required by the City Council or Planning Director. Instead, the Special Use Permit or other appropriate authority shall be issued by the appropriate department head.

F) An Application for a Special Use Permit for attaching wireless facilities to an existing structure, including but not limited to cellular or PCS facilities and microwave facilities, shall be contain the following information and comply with the following requirements.

G) Documentation shall be provided proving that the Applicant has the legal right to proceed as proposed on the Site, including an executed copy of the lease with the owner of the facility proposed to be attached to, or a letter of agency, showing the right of the Applicant to attach to the structure.

H) A Pre-Application meeting shall be held and at or before the Pre-Application meeting, the Applicant shall be provided instructions for completing an Application. Said instructions are to be controlling as regards the form and substance of the issues addressed in the Instructions and must be followed.

I) The Applicant shall include a written statement that:

1) The Applicant's proposed Wireless Telecommunications Facility shall be maintained in a safe manner, and in compliance with all conditions of all applicable permits and authorizations, without exception, as well as all applicable and permissible local codes, ordinances, and regulations, including any and all applicable City, State and Federal Laws, rules, and regulations; and

2) The construction of the Wireless Telecommunications Facilities is legally permissible, including, but not limited to the fact that the Applicant is authorized to do business in the State.

J) An application for attaching to an existing structure or for modifying an existing facility without increasing the height of the structure shall contain the following information.

Proof of <u>Need</u> for the Facility

1) A *<u>detailed</u>* narrative description and explanation of the specific *objective(s)* for the new facility, or the modification of an existing wireless facility, expressly including and explaining the purpose and need for the facility, such as coverage and/or capacity needs or requirements, and the specific geographic area of intended coverage;
2) Technical Documentation that proves the *<u>need</u>* for the Wireless Telecommunications Facility to provide service primarily and essentially within the City. Such documentation shall include a propagation study of the proposed site and all adjoining planned, proposed or existing sites, that demonstrates a significant gap in coverage and/or, if a capacity issue is involved, to include an analysis of the current and projected usage (traffic studies) using generally accepted industry methods and standards so as to conclusively prove the need for what is proposed. The City may require the provision of all technical or engineering data and information used by the Applicant to make it's determination as regards the need for the facility or the change to the existing facility.

3) All of the modeling information (i.e. data) inputted into the software used to produce the propagation studies, including, but not limited to any assumptions made, such as ambient tree height;
4) A copy of the FCC license applicable for the intended use of the Wireless Telecommunications Facility, as well as a copy of the five (5) and ten (10) year build-out plan required by the FCC;
5) The frequency, modulation and class of service of radio or other transmitting equipment;
6) The maximum transmission power capability of all radios, as designed, if the Applicant is a cellular or functional equivalent carrier, or the maximum transmission power capability, as designed, of all transmission facilities if the Applicant is not a cellular or functional equivalent carrier;
7) The actual intended transmission power stated as the maximum effective radiated power (ERP), both in dBm's and watts;

Note: In effect what is needed is the information that the Company used to make its determination as regards the need for the facility in the first place, the need and reason for the requested location and the need for the height requested.

Ownership and Management

8) The Name, address and phone number of the person preparing the Application;
9) The Name, address, and phone number of the property owner and the Applicant, including the legal name of the Applicant. If the owner of the structure is different than the applicant, the name and all necessary contact information shall be provided;
10) The Postal address and tax map parcel number of the property;
11) A copy of the FCC license applicable for the intended use of the Wireless Telecommunications Facilities.

Zoning and Planning

12) The Zoning District or designation in which the property is situated;
13) The size of the property on which the structure to be attached to is located, stated both in square feet and lot line dimensions, and a survey showing the location of all lot lines;
14) The location, size and height of all existing and proposed structures on the property on which the structure is located and that is the subject of the Application;
15) If attaching to an existing Tower, a site plan showing the vertical rendition of the Tower identifying all users and attachments to the Tower and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting;
16) If attaching to a building or other structure, a site plan showing the proposed attachments and all related fixtures, structures, appurtenances and apparatus, including height above the roof or balustrade, whichever is appropriate;
17) The azimuth, size and center line height location of all proposed and existing antennae on the supporting structure;
18) The number, type and model of the Antenna(s) proposed, along with a copy of the specification sheet(s) for the antennas;

Safety

19) If attaching to an existing Tower, the age of the tower in years, including the date of the grant of the original permit or authorization for the Tower;
20) If attaching to an existing Tower, a description of the type of tower, e.g. guyed, self-supporting lattice or monopole;
21) If attaching to an existing Tower, the make, model, type and manufacturer of the Tower and the structural design calculations, certified by a Professional Engineer licensed in the State, proving the tower's capability to safely accommodate the facilities of the Applicant without change or modification, taking into account the geotechnical situation and the foundation design;
22) If any change or modification of the Tower or other structure to be attached to is needed, a detailed narrative explaining what changes are needed, why they are needed and who will be responsible to assure that the changes are made;
23) If the structure proposed to be attached to is a Tower that has not previously been permitted under this Law, or unless the Applicant can provide proof that this was provided at the time of the initial application for the Tower or other structure, the Applicant shall provide a copy of the installed foundation design, as well as a geotechnical sub-surface soils investigation, evaluation report and foundation recommendation for the tower site or other structure;
24) If attaching to an existing Tower, a copy of the latest ANSI Inspection Report done pursuant to the latest edition of ANSI-EIA/TIA 222F – Annex E for any self-supporting Tower that is five (5) years old or older or for any guyed Tower that is three (3) years old or older. If an ANSI Inspection report has not been done pursuant to the preceding schedule, an ANSI report shall be done and submitted as part of the Application;
25) If not attaching to an existing Tower, but rather a different type of structure, a Structural Report signed by a Professional Engineer licensed to do business in the State and bearing that engineer's currently valid stamp, showing the structural adequacy of the structure to accommodate the proposed Wireless Facility(s), including any equipment shelter, unless the equipment shelter is located on the ground or on the lowest floor of a building;
26) If attaching to a structure other than a Tower, to which the public has or could reasonably have or gain access to, an Applicant shall provide documentation, including all calculations, proving that the potential exposure to RF Radiation (i.e. NIER or Non-Ion Emitting Radiation), will be in compliance with the most recent Federal Communications Commission regulations governing RF Radiation and exposure thereto, and further denoting the minimum distance from any antennas an individual may safely stand without being exposed to RF radiation in excess of the FCC's permitted standards and any portion(s) of the structure that would be exposed to RF radiation in excess of the FCC's permitted standards . In compliance with the FCC's regulations, in such an instance the RF Radiation from all wireless facilities shall be included in the calculations to show the cumulative effect on any area of the building or structure deemed accessible by the public. Such report or analysis shall be signed and sealed by a Professional Engineer licensed in the State; or
27) In an instance on a Tower where the new Wireless Facilities will be ten (10) meters or more above ground level, signed documentation such as the FCC's "Checklist to Determine whether a Facility may Categorically Excluded" shall be provided to verify that the Wireless Telecommunication Facility with the proposed installation will be in full compliance with the current FCC's RF Emissions regulations. If not categorically excluded, a complete RF Emissions

study is required to enable verification of compliance, pursuant to subsection (E)(21) of this section, including providing all calculations so that such may be verified;

28) If any section or portion of the structure to be attached to is not in compliance with the FCC's regulations regarding RF radiation, that section or portion must be barricaded with a suitable warning barrier to discourage approaching into the area in excess of the FCC's regulations, and be marked off with yellow and black striped warning tape or a suitable warning barrier, as well as placing RF Radiation signs as needed and appropriate to warn individuals of the potential danger;

29) A signed statement that the Applicant will expeditiously remedy any physical or RF interference with other telecommunications or wireless devices or services.

K) To protect the nature and character of the area and create the least visually intrusive impact reasonably possible under the facts and circumstances, any attachment to a building or other structure with a facie, the antennas shall be mounted on the facie, unless it can be proven that such will prohibit or have the effect of prohibiting the provision of service, and all such attachments and exposed cabling shall use camouflage or stealth techniques to match as closely as possible the color and texture of the structure to which such equipment is attached.

L) If attaching to a water tank, mounting on the top of the tank or the use of a corral shall only be permitted if the Applicant can prove that to locate elsewhere will prohibit or have the effect of prohibiting the provision of service. The provisions of the preceding subsection (J) of this section shall also apply to any attachment to a water tank.

M) The Applicant shall provide a certification by a Professional Engineer licensed in the State, along with documentation (a structural analysis), including calculations, that prove that the tower or other structure and its foundation as proposed to be utilized are designed and were constructed to meet all local State, Federal and ANSI structural requirements for loads, including wind and ice loads and the placement of any equipment on the roof a building after the addition of the proposed new facilities.

N) If the Application is to attach to or modify existing facilities on a Tower, the applicant shall provide signed documentation of the Tower condition; specifically a report done pursuant to the latest edition of ANSI-EIA/TIA 222F (or 222G if adopted by the State) – Annex E for any self-supporting Tower that is five (5) years old or older or for a guyed Tower that is three (3) years old or older. Any deficiencies, other than strictly cosmetic ones, must be completed or remedied prior to the issuance of a Building Permit for the attachment of any component of the proposed Wireless Facilities.

O) So as to be the least visually intrusive reasonably possible given the facts and circumstances involved, and thereby have the least adverse visual effect and create the least intrusive or lowest profile or visual silhouette reasonably possible, unless it can be proven that such would be technologically impracticable So as minimize the visual profile of the antennas all antennas attached to a tower or other structure shall be flush mounted or as near to flush mounted as is possible without prohibiting or having the effect of prohibiting the provision of service, or prove technically, with hard data and a detailed narrative, that flush mounting can not be used and would serve to prohibit or have the effect of prohibiting the provision of service.

P) Unless it is deemed inappropriate or unnecessary by the City given the facts and circumstances, the Applicant shall demonstrate and provide in writing and/or by drawing how it shall effectively screen from view the base and all related equipment and structures of the proposed Wireless Telecommunications Facility up to a height of ten (10) feet.

Q) The Wireless Telecommunications Facility and any and all accessory or associated facilities shall maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings. This shall include the utilization of stealth, camouflage or concealment technology as may be required by the City and as is not impracticable under the facts and circumstances.

R) All utilities installed for a new Wireless Telecommunications Facility shall be installed underground and in compliance with all Laws, ordinances, rules and regulations of the City, including specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code where appropriate.

S) If deemed necessary or appropriate, an access road, turn around space and parking shall be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion and shall comply with any local or State regulations for the construction of roads. If the facility currently has an access road or turn around space, but such is deemed in disrepair or in need of remedial work to make it serviceable and safe and in compliance with any applicable regulations, the Application shall contain a commitment to remedy or restore the road or turn around space so that it is serviceable and safe and in compliance with applicable regulations.

T) The Applicant, and the owner of record of any structure or tower attached to, shall, jointly or separately, at its cost and expense, be required to place with the City a bond, or other form of security acceptable to the City as to type of security and the form and manner of execution, in an amount of at least $25,000 for attaching to an existing structure or existing tower and with such sureties as are deemed sufficient by the City to assure the faithful performance of the terms and conditions of this Law and conditions of any Special Use Permit issued pursuant to this Law. Said bond or other security shall also serve as a Removal Security to prevent the taxpayers from bearing the cost of removal in the event of the abandonment or cessation of use for more than ninety (90) consecutive days. The full amount of the bond or security shall remain in full force and effect throughout the term of the Special Use Permit and/or until any necessary site restoration is completed to restore the site to a condition comparable to that which existed prior to the issuance of the original Special Use Permit.

Section 10. Location of Wireless Telecommunications Facilities.

Applicants for Wireless Telecommunications Facilities shall locate, site and erect said Wireless Telecommunications Facilities in accordance with the following priorities, one (1) being the highest priority and five (5) being the lowest priority. There shall be no towers permitted in Residential zoning districts except RA (Residential Agricultural).

1) On existing structures on publicly-owned property without increasing the height of the tower or structure.
2) On publicly-owned properties or facilities.
3) On existing Towers or other structures without increasing the height of the tower or structure.
4) On properties in areas zoned for Commercial or Business use.
5) In areas zoned for Agricultural use.
6) In areas zoned for Residential use.

B) If the proposed site is not proposed for the highest priority listed above, then a detailed explanation and justification must be provided as to why a site of any higher priority designations was not selected. The person seeking such an exception must satisfactorily demonstrate the reason or reasons why such a permit should be granted for the proposed site, and the hardship that would be incurred by the Applicant if the permit were not granted for the Wireless Facility as proposed.

C) An Applicant may not by-pass sites of higher priority by stating the site proposed is the only site leased or selected or because there is an existing lease with a landowner. An Application shall address co-location as an option. If such option is not proposed, the applicant must explain to the reasonable satisfaction of the City why co-location is commercially impracticable or otherwise impracticable. Agreements between providers limiting or prohibiting co-location shall not be a valid basis for any claim of commercial impracticability or hardship.

D) Notwithstanding the above, the City may approve any site located within an area in the above list of priorities, provided that the City finds that the proposed site is in the best interest of the health, safety and welfare of the City and its inhabitants and will not have a deleterious effect on the nature and character of the community and neighborhood. Conversely, the City may direct that the proposed location be changed to another location that is more in keeping with the goals of this Ordinance and the public interest as determined by the Council.

E) If appropriate, based on selecting a site of lower priority, a detailed written explanation as to why sites of a higher priority were not selected shall be included with the Application, including the technical justification for such.

F) Notwithstanding that a potential site may be situated in an area of highest priority or highest available priority, the City may disapprove an Application for any of the following reasons:

1) Conflict with safety and safety-related codes and requirements;
2) Conflict with the historic nature or character of a neighborhood or district;
3) The use or construction of Wireless Telecommunications Facilities which is contrary to an already stated purpose of a specific zoning or land use designation;
4) The placement and location of Wireless Telecommunications Facilities which would create an unacceptable risk, or the reasonable probability of such, to residents, the public, employees and agents of the City, or employees of the service provider or other service providers;
5) The placement and location of a Wireless Telecommunications Facility would result in a conflict with, compromise in or change of the nature or character of the surrounding area;

6) Conflicts with the provisions of this Ordinance;
7) Failure to submit a complete Application as required under this Ordinance.

G) Notwithstanding anything to the contrary in this Ordinance, for good cause shown, such as the ability to utilize a shorter or less intrusive facility elsewhere and still accomplish the primary service objective, the City may require the relocation of a proposed site, including allowing for the fact that relocating the site chosen by the Applicant may require the use of more than one (1) site to provide substantially the same service if the relocation could result in a less intrusive facility or facilities, singly or in combination, so long as such does not prohibit or serve to prohibit the provision of service.

Section 11. Shared use of Wireless Telecommunications Facilities and other structures.

A) Unless such is proven to be technologically impracticable, the City requires Wireless Facilities to be located on existing Towers or other suitable structures without increasing the height of the tower or structure, as opposed to the construction of a new Tower. The Applicant shall submit a comprehensive report inventorying all existing Towers and other suitable structures within one (1) mile of the location of any proposed new Tower, unless the Applicant can show that some other distance is more appropriate and reasonable and demonstrate conclusively why an existing Tower or other suitable structure cannot be used.

B) An Applicant intending to locate on an existing Tower or other suitable structure shall be required to document the intent of the existing owner to permit its use by the Applicant.

C) Such shared use shall consist only of the minimum Antenna array technologically required to provide service primarily and essentially within the City, to the extent practicable, unless good cause is shown.

Section 12. Height of Telecommunications Tower(s).

A) All new towers shall be of the monopole type, unless such is able to be proven to be technologically impracticable. No new towers of a lattice or guyed type shall be permitted, unless relief is otherwise expressly granted.

B) The Applicant shall submit documentation justifying the technical need by the service provider for the total height of any Tower, Facility and/or Antenna requested and the basis therefore. To enable verification of the need for the requested height, documentation in the form of propagation studies must include all backup data used to produce the studies at the height requested and at a minimum of ten feet (10') lower height. Such documentation will be analyzed in the context of the justification of the height needed to provide service primarily and essentially within the City, to the extent practicable, unless good cause is shown.

C) The maximum permitted total height of a new Tower shall be one hundred twenty feet (120') above pre-construction ground level, unless it can be proven that such height would prohibit or have the effect of prohibiting the provision of service in the intended service area. The 120' maximum permitted height is not as-of-right height, but rather the maximum permitted height, absent proof of the technological need for a greater height.

D) Notwithstanding the one hundred twenty feet (120') maximum permitted height, Telecommunications Towers and Facilities shall be no taller than the minimum height technologically necessary to enable the provision of wireless service coverage or capacity as needed within the City, and only within the City.

E) Spacing or the distance between towers shall be such that the service may be provided without exceeding the maximum permitted height.

Section 13. Visibility of Wireless Telecommunications Facilities.

A) Wireless Telecommunications Facilities shall not be artificially lighted or marked, except as required by Ordinance.

B) Stealth: All new Wireless Telecommunications facilities, including but not limited to towers, shall utilize Stealth or Camouflage techniques and technology, unless such can be shown to be either Commercially or Technologically Impracticable.

C) Dual Mode: In order to minimize the number of antenna arrays and thus the visual impact, the City may require the use of dual mode antennas to be used, including by two different carriers, unless it can be proven that such will not work technologically and that such would have the effect of prohibiting the provision of service.

D) Tower Finish/Color: Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings and shall be maintained in accordance with the requirements of this Ordinance.

E) Lighting: If lighting is required, Applicant shall provide a detailed plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under State and Federal regulations. All towers requiring lighting shall be lighted so as to effectively eliminate the ground scatter effect of the lighting and so as to prevent the light from being seen from the ground.

F) Flush Mounting: All new or replacement antennas, except omni-directional whip antennas, shall be flush-mounted on any tower or other structure, unless the Applicant can prove that it is technologically impracticable. If not flush-mounted, the antennas shall be attached so as to create the smallest profile reasonably possible under the facts and circumstances, unless it can be proven that to do so would prohibit or have the effect of prohibiting the service.

G) Placement on Building – Facie: If attached to a building, all antennas shall be mounted on the facie of the building and camouflaged so as to match the color and, if possible, texture of the building or in a manner so as to make the antennas as visually innocuous and undetectable as is possible given the facts and circumstances involved.

H) Lighting – Preventing Ground Scatter Effect: For any Wireless Facility for which lighting is required under the FAA's regulations, or that for any reason has lights attached, all such lighting shall be affixed with technology that enables the light to be seen as intended from the air, but that prevents the ground scatter effect so that it not able to be seen from the ground to a height of at least 12 degrees vertical for a distance of at least 1 mile in a level terrain situation. Such device must be compliant with or not in conflict with FAA

regulations. A physical shield may be used, as long as the light is able to be seen from the air, as intended by the FAA.

I) In the event a tower that is lighted is modified, at the time of the modification the City may require that the Tower be retrofitted with the technology set forth in the preceding subsection (F).

Section 14. Security of Wireless Telecommunications Facilities.

All Wireless Telecommunications Facilities and Antennas shall be located, fenced or otherwise secured in a manner that prevents unauthorized access. Specifically:

A) All Antennas, Towers and other supporting structures, including guy anchor points and wires, shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or collided with; and

B) Transmitters and Telecommunications control points shall be installed in such a manner that they are readily accessible only to persons authorized to operate or service them.

Section 15. Signage.

Wireless Telecommunications Facilities shall contain a sign no larger than four (4) square feet in order to provide adequate notification to persons in the immediate area of the presence of RF radiation or to control exposure to RF radiation within a given area. A sign of the same size is also to be installed to contain the name(s) of the owner(s) and operator(s) of the Antenna(s) as well as emergency phone number(s). The sign shall be on the equipment shelter or cabinet of the Applicant and be visible from the access point of the site and must identify the equipment owner of the shelter or cabinet. On tower sites, an FCC registration site, as applicable, is also to be present. The signs shall not be lighted, unless applicable law, rule or regulation requires lighting. No other signage, including advertising, shall be permitted.

Section 16. Lot Size and Setbacks.

A) All proposed Towers and any other proposed Wireless Telecommunications Facility attachment structures shall be set back from abutting parcels, recorded rights-of-way and road and street lines by the greater of the following distances: A distance equal to the height of the proposed Tower or Wireless Telecommunications Facility structure plus ten percent (10%) of the height of the Tower or structure, otherwise known as the Fall Zone, or the existing setback requirement of the underlying zoning district, whichever is greater. Any Accessory structure shall be located so as to comply with the applicable minimum setback requirements for the property on which it is situated. The fall zone or setback shall be measured from the nearest portion of the right-of-way of any public road or thoroughfare and any occupied building or domicile. Further, the nearest portion of any access road to a wireless facility shall be no less than fifteen (15) feet from the nearest property line.

B) There shall be no development of habitable buildings within the Fall Zone or setback area set forth in the preceding subsection (A).

Section 17. Retention of Expert Assistance and Reimbursement by Applicant.

A) The City may hire any consultant and/or expert necessary to assist the City in reviewing and evaluating the Application, including the construction and modification of the site, once permitted, and any site inspections.

B) To prevent the taxpayers from having to bear the cost related to the issue of the regulation of Wireless Telecommunications Facilities, an Applicant shall deposit with the City funds sufficient to reimburse the City for all reasonable costs of i) consulting and expert evaluation and consultation with the City or the Applicant in connection with the submission and/or review of any Application ii), including any **requests for waiver, relief or exemption**, any lease negotiations and **any pre-submittal review requested by the applicant**, all of which are deemed part of the pre-approval evaluation, and including the construction and modification of the site, once permitted. The initial deposit shall be at least $6,500 or other greater amount as may be set forth in the City's Schedule of Fees. The placement of the $6,500 with the City shall precede the pre-application meeting or any work being done as regards processing an application. The City of Trinity will maintain a separate escrow account for all such funds. The City of Trinity's consultants/experts shall invoice the City for its services in reviewing the Application, including the construction and modification of the site, once permitted. If at any time during the process this escrow account has a balance less than $2,500.00, the Applicant shall immediately, upon notification by the City, replenish said escrow account so that it has a balance of at least $5,000.00. Such additional escrow funds shall be deposited with the City before any further action or consideration is taken on the Application. In the event that the amount held in escrow is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall be promptly refunded to the Applicant upon written request.

B) To prevent the taxpayers from having to bear any cost related to the issue of the regulation of Wireless Telecommunications Facilities, no work shall be done on an application for which the full amount of the escrow deposit as set forth in the preceding subsection (B) of this section has not been placed with the City. In the event the escrow deposit minimum balance as set forth in this subsection (B) is not maintained, all work on the Application shall cease until the deposit is replenished as required.

C) The total amount of the funds needed as set forth in subsection (B) of this section may vary with the scope and complexity of the project, the completeness of the Application, necessary discussions with the Applicant and other information as may be needed to complete the necessary review, analysis and inspection of any construction or modification.

D) Records of all outside costs associated with the review and permitting process shall be maintained and available for public inspection, in compliance with applicable law.

Section 18. Public Hearing and Notification Requirements.

A) Prior to the approval of any Application for a Special Use Permit for a new tower or for any facility that increases the height or profile of the structure to which it is to be attached, a public hearing shall be held by the City, notice of which shall be published in accordance with the City's Zoning Ordinance. In order that the nearby landowners are aware of the

public hearing, all landowners within one-thousand five hundred (1,500) feet of any property line of the lot or parcel on which the new Wireless Telecommunications Facilities are proposed shall be notified of the public hearing.

B) The City shall schedule the public hearing referred to in Subsection (A) of this section once it finds the Application is complete and is not required to set a date if the Application is not complete. The City, at any stage prior to issuing a Special Use Permit, may require such additional information as it deems necessary as such relates to the issue of the siting, construction or modification of a Wireless Telecommunications Facility.

Section 19. Action on an Application for a Special Use Permit for Wireless Telecommunications Facilities.

A) The City will undertake a review of an Application pursuant to this Article in a timely fashion, consistent with its legal responsibilities, and shall act within a reasonable period of time given the relative complexity of the Application and the circumstances, with due regard for the public's interest and need to be involved, and the Applicant's desire for a timely action on the Application. The City shall comply with the FCC's regulations regarding the maximum permitted time to act on an application.

B) The City may refer any Application or part thereof to any advisory or other entity of its choice for a non-binding recommendation.

C) After the public hearing and after formally considering the Application, the City may approve, approve with conditions, or deny a Special Use Permit. Its decision shall be in writing and shall be supported by substantial evidence contained in a written record. The burden of proof for the grant of the permit shall always be upon the Applicant.

D) If the City approves the Special Use Permit for Wireless Telecommunications Facilities, then the Applicant shall be notified of such approval in writing within ten (10) calendar days of the City's action, and the Special use Permit or other appropriate authorization shall be issued within thirty (30) days after such approval. Except for necessary building permits, and subsequent Certificates of Compliance, once a Special Use Permit has been granted hereunder, no additional permits or approvals from the City, such as site plan or zoning approvals, shall be required by the City for the Wireless Telecommunications Facilities covered by the Special Use Permit.

E) If the City denies the Special Use Permit or other appropriate authorization for Wireless Telecommunications Facilities, then the Applicant shall be notified of such denial in writing within ten (10) calendar days of the City's action and shall set forth in writing the reason or reasons for the denial.

Section 20. Extent and Parameters of Special Use Permit for Wireless Telecommunications Facilities.

The extent and parameters of a Special Use Permit for Wireless Telecommunications Facilities shall be as follows:

A) Such Special Use Permit shall not be assigned, transferred or conveyed without the express prior written notification to the City.

B) In the event of a violation of this Ordinance, following an opportunity to cure and, if not cured within the time frame set forth in the notice of violation, a hearing shall be held upon due prior notice to the Applicant. Following such hearing, if found to be in violation of this Ordinance, the Special Use Permit may be revoked, canceled, or terminated for a violation of the conditions and provisions of the Special Use Permit, or for a material violation of this Ordinance or other applicable law, rule or regulation.

C) Notice of a violation and of the date, time and place of a hearing shall be provided by registered mail to the last known address of the holder of the Special Use Permit.

Section 21. Application Fee.

At the time that a person submits an Application for a Special Use Permit or other appropriate authorization for a new Tower or a co-located facility, such person shall pay a non-refundable application fee as set forth in the City's Fee Schedule as may be amended or changed from time to time.

Section 22. Removal and Performance Security.

The Applicant and the owner of record of any proposed tower or other support structure shall, at its cost and expense, be required to file with the City a bond, or other form of security acceptable to the City as to the type of security and the form and manner of execution, in an amount of at least $75,000.00 for i) the removal of the tower or structure with such sureties as are deemed sufficient by the City and ii) to assure the faithful performance of the terms and conditions of this Ordinance and conditions of any Special Use Permit or any other applicable permit or authorization issued pursuant to this Ordinance. The full amount of the bond or security shall remain in full force and effect throughout the term of the Special Use Permit to assure faithful performance under this Ordinance and in the event of abandonment until any necessary site restoration is completed to restore the site to a condition comparable to that which existed prior to the issuance of the original Special Use Permit.

Section 23. Reservation of Authority to Inspect Wireless Telecommunications Facilities.

In order to verify that the holder of a Special Use Permit for Wireless Telecommunications Facilities and any and all lessees, renters, and/or licensees of Wireless Telecommunications Facilities, place and construct such facilities, including Towers and Antennas, in accordance with all applicable technical, safety, fire, building, and zoning codes, Laws, ordinances and regulations and other applicable requirements, the City may inspect all facets of said permit holder's, renter's, lessee's or licensee's placement, construction, modification and maintenance of such facilities, including, but not limited to, Towers, Antennas and buildings or other structures constructed or located on the permitted site.

Section 24. Liability Insurance.

A) A holder of a Special Use Permit for Wireless Telecommunications Facilities shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the Special Use Permit in amounts as set forth below:

1) Commercial General Liability covering personal injuries, death and property damage: $1,000,000 per occurrence/$2,000,000 aggregate; and
2) Automobile Coverage: $1,000,000.00 per occurrence/ $2,000,000 aggregate; and
3) A $3,000,000 Umbrella coverage; and
4) Workers Compensation and Disability: Statutory amounts.

B) For a Wireless Telecommunications Facility on City property, the Commercial General Liability insurance policy shall specifically include the City and its officers, employees, committee members, attorneys, agents and consultants as additional insureds.

C) The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the State and with a Best's rating of at least A.

D) The insurance policies shall contain an endorsement obligating the insurance company to furnish the City with at least thirty (30) days prior written notice in advance of the cancellation of the insurance.

E) Renewal or replacement policies or certificates shall be delivered to the City at least fifteen (15) days before the expiration of the insurance that such policies are to renew or replace.

F) Before construction of a permitted Wireless Telecommunications Facilities is initiated, but in no case later than fifteen (15) days after the grant of the Special Use Permit, the holder of the Special Use Permit shall deliver to the City a copy of each of the policies or certificates representing the insurance in the required amounts.

G) A Certificate of Insurance that states that it is for informational purposes only and does not confer rights upon the City shall not be deemed to comply with this Section.

Section 25. Indemnification.

A) Any application for Wireless Telecommunication Facilities that is proposed for City property, pursuant to this Ordinance, shall contain a provision with respect to indemnification. Such provision shall require the applicant, to the extent permitted by the Ordinance, to at all times defend, indemnify, protect, save, hold harmless, and exempt the City, and its officers, employees, committee members, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising therefrom, either at law or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said Facility, excepting, however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the City, or its servants or agents. With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the City.

B) Notwithstanding the requirements noted in subsection (A) of this section, an indemnification provision will not be required in those instances where the City itself applies for and secures a Special Use Permit for Wireless Telecommunications Facilities.

Section 26. Fines.

A) In the event of a violation of this Ordinance or any Special Use Permit issued pursuant to this Ordinance, the City may impose and collect, and the holder of the Special Use Permit for Wireless Telecommunications Facilities shall pay to the City, fines or penalties as set forth below.

B) If the holder of a Special Use Permit fails to comply with provisions of this Ordinance such shall constitute a violation of this Ordinance and shall be subject to a fine not to exceed $350 per day per violation following due and proper notice and, further, each day or part thereof that a violation remains uncured after proper notice shall constitute a separate violation, punishable separately.

C) Notwithstanding anything in this Ordinance, the holder of the Special Use Permit for Wireless Telecommunications Facilities may not use the payment of fines, liquidated damages or other penalties, to evade or avoid compliance with this Ordinance or any section of this Ordinance. An attempt to do so shall subject the holder of the Special Use Permit to termination and revocation of the Special Use Permit. The City may also seek injunctive relief to prevent the continued violation of this Ordinance, without limiting other remedies available to the City.

Section 27. Default and/or Revocation.

If a Wireless Telecommunications Facility is repaired, rebuilt, placed, moved, re-located, modified or maintained in a way that is inconsistent or not in compliance with the provisions of this Ordinance or of the Special Use Permit, then the City shall notify the holder of the Special Use Permit in writing of such violation. A Permit holder in violation may be considered in default and subject to fines as in Section 24 and if a violation is not corrected to the satisfaction of the City in a reasonable period of time the Special Use Permit is subject to revocation.

Section 28. Removal of Wireless Telecommunications Facilities.

A) The owner of any tower or wireless facility shall be required to provide a minimum of thirty (30) days written notice to the City Clerk prior to abandoning any tower or wireless facility.

B) Under the following circumstances, the City may determine that the health, safety, and welfare interests of the City warrant and require the removal of Wireless Telecommunications Facilities.

1) Wireless Telecommunications Facilities with a permit have been abandoned (i.e. not used as Wireless Telecommunications Facilities) for a period exceeding ninety consecutive (90) days or a total of one hundred-eighty (180) days in any three hundred-sixty five (365) day period, except for periods caused by force majeure or Acts of God, in which case, repair or removal shall commence within 90 days;

2) Permitted Wireless Telecommunications Facilities fall into such a state of disrepair that it creates a health or safety hazard;

3) Wireless Telecommunications Facilities have been located, constructed, or modified without first obtaining, or in a manner not authorized by, the

required Special Use Permit, or any other necessary authorization and the Special Permit may be revoked.

C) If the City makes such a determination as noted in subsection (A) of this section, then the City shall notify the holder of the Special Use Permit for the Wireless Telecommunications Facilities within forty-eight (48) hours that said Wireless Telecommunications Facilities are to be removed, the City may approve an interim temporary use agreement/permit, such as to enable the sale of the Wireless Telecommunications Facilities.

D) The holder of the Special Use Permit, or its successors or assigns, shall dismantle and remove such Wireless Telecommunications Facilities, and all associated structures and facilities, from the site and restore the site to as close to its original condition as is possible, such restoration being limited only by physical or commercial impracticability, within ninety (90) days of receipt of written notice from the City. However, if the owner of the property upon which the Wireless Telecommunications Facilities are located wishes to retain any access roadway to the Wireless Telecommunications Facilities, the owner may do so with the approval of the City.

E) If Wireless Telecommunications Facilities are not removed or substantial progress has not been made to remove the Wireless Telecommunications Facilities within ninety (90) days after the permit holder has received notice, then the City may order officials or representatives of the City to remove the Wireless Telecommunications Facilities at the sole expense of the owner or Special Use Permit holder.

F) If, the City removes, or causes to be removed, Wireless Telecommunications Facilities, and the owner of the Wireless Telecommunications Facilities does not claim and remove it from the site to a lawful location within ten (10) days, then the City may take steps to declare the Wireless Telecommunications Facilities abandoned, and sell them and their components.

G) Notwithstanding anything in this Section to the contrary, the City may approve a temporary use permit/agreement for the Wireless Telecommunications Facilities, for no more than ninety (90) days, during which time a suitable plan for removal, conversion, or re-location of the affected Wireless Telecommunications Facilities shall be developed by the holder of the Special Use Permit, subject to the approval of the City, and an agreement to such plan shall be executed by the holder of the Special Use Permit and the City. If such a plan is not developed, approved and executed within the ninety (90) day time period, then the City may take possession of and dispose of the affected Wireless Telecommunications Facilities in the manner provided in this Section and utilize the bond in Section 21.

Section 29. Relief.

Any Applicant desiring relief, waiver or exemption from any aspect or requirement of this Ordinance may request such at the pre-Application meeting, provided that the relief or exemption is contained in the submitted Application for either a Special Use Permit, or in the case of an existing or previously granted Special Use Permit a request for modification of its Tower and/or facilities. Such relief may be temporary or permanent, partial or complete. However, the burden of proving the need for the requested relief, waiver or exemption is solely on the Applicant to prove. The Applicant shall bear all costs of the City in considering the request and the relief,

waiver or exemption. No such relief or exemption shall be approved unless the Applicant demonstrates by clear and convincing evidence that, if granted, the relief, waiver or exemption will have no significant affect on the health, safety and welfare of the City, its residents or other service providers.

Section 30. Periodic Regulatory Review by the City of Trinity.

A) The City may at any time conduct a review and examination of this entire Ordinance.

B) If after such a periodic review and examination of this Ordinance, the City determines that one or more provisions of this Ordinance should be amended, repealed, revised, clarified, or deleted, then the City may take whatever measures are necessary in accordance with applicable Ordinance in order to accomplish the same. It is noted that where warranted, and in the best interests of the City, the City may repeal this entire Ordinance at any time.

C) Notwithstanding the provisions of subsections (A) and (B) of this Section, the City may at any time and in any manner (to the extent permitted by Federal, State, or local law), amend, add, repeal, and/or delete one or more provisions of this Ordinance.

Section 31. Adherence to State and/or Federal Rules and Regulations.

A) To the extent that the holder of a Special Use Permit for Wireless Telecommunications Facilities has not received relief, or is otherwise exempt, from appropriate State and/or Federal agency rules or regulations, then the holder of such a Special Use Permit shall adhere to, and comply with, all applicable rules, regulations, standards, and provisions of any State or Federal agency, including, but not limited to, the FAA and the FCC. Specifically included in this requirement are any rules and regulations regarding height, lighting, security, electrical and RF emission standards.

B) To the extent that applicable rules, regulations, standards, and provisions of any State or Federal agency, including but not limited to, the FAA and the FCC, and specifically including any rules and regulations regarding height, lighting, and security are changed and/or are modified during the duration of a Special Use Permit for Wireless Telecommunications Facilities, then the holder of such a Special Use Permit shall conform the permitted Wireless Telecommunications Facilities to the applicable changed and/or modified rule, regulation, standard, or provision within a maximum of twenty-four (24) months of the effective date of the applicable changed and/or modified rule, regulation, standard, or provision, or sooner as may be required by the issuing entity.

Section 32. Reservation of Police Powers.

The City expressly reserves and preserves its inherent police powers as may be to administer or enforce this Ordinance and nothing shall in any way diminish or lessen said powers and authority.

Section 33. Conflict with Other Laws.

Where this Ordinance differs or conflicts with other Laws, rules and regulations, unless the right to do so is preempted or prohibited by the City, State or federal government, this Ordinance shall apply.

Section 34. Effective Date.

This Ordinance shall be effective immediately upon passage, pursuant to applicable legal and procedural requirements.

Section 35. Authority.

This Local Ordinance is enacted pursuant to applicable authority granted by the State and federal government.

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