

TOWN OF LIBERTY

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www.Liberty-NC.com

A G E N D A

Planning Board

April 9, 2025 5:30PM

1. Call to Order
2. Approval of March 12, 2025 minutes
3. Text amendments to adopted ordinances to amend the ground sign note to allow for flexibility in multiple businesses advertising on a consolidated sign and adding a definition for shared parking
4. Planning Board/BOA By- laws Discussion
5. Manager's Report
6. Citizen Comments
7. Adjourn



TOWN OF LIBERTY TEXT AMENDMENT REQUEST

DATE: TO: FROM:	April 9, 2025 Planning Board Janie Konyek, Assistant Town Manager
ABSTRACT:	The Town of Liberty, upon review of adopted ordinances, has determined there are several amendments necessary to modernize the ordinance as well as keep up with current planning and zoning trends.
BACKGROUND:	These updates are to amend the ground sign note to allow for flexibility in multiple businesses advertising on a consolidated sign and adding a definition for shared parking.
DISCUSSION:	<p>The regulation on consolidated signs needs to be updated to allow for more flexibility. With more of our vacant buildings becoming occupiers that do not have direct road frontage, utilize shared parking, this language would do best to be clarified. Town staff has added language for this use for review.</p> <p>Red strikethrough text is language to be omitted Red underlined text is language proposed</p>
RECOMMENDATION:	<p>The Planning Board shall review and discuss the request. The following statements are provided:</p> <p>APPROVE the request as submitted. -OR- APPROVE the request with modifications. -OR- DENY the request. -OR- TABLE the request for further discussion to a future Planning Board meeting.</p>
LAND DEVELOPMENT PLAN CONSISTENCY:	It is in staff's opinion that the recommended revisions are consistent with the LDP. This determination is based off input from citizens, the LDP, modernization of regulations, and current municipal planning trends.



ATTACHMENTS:	Attachment A - Proposed text amendments Attachment B – Land Development Plan Consistency or Inconsistency statement
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ATTACHMENT A

SECTION 154.178 Note File for § 154.177

(H) Note 9: Ground signs may be allowed as follows:

(1) One ground sign may be permitted for each street frontage of the zoning lot, provided no freestanding ground sign is located on the same street frontage;

(2) A consolidated sign of unified design and construction shall be used where more than 1 use is located on a single lot utilizing shared on-site parking, whether located on a single lot or separately owned lots have an agreement for the shared parking lot. Consolidated signs may not exceed district maximum;

(3) A maximum height of 20 feet;

(4) All ground signs shall observe a maximum sign area of:

(a) Signs in B1 shall not display more than 75 square feet of sign area;

(b) Signs in B2 shall not display more than 150 square feet of sign area; and

(c) Signs in I and IP shall not display more than 150 square feet of sign area.

REASON. Adds use to the use table and where it is permitted.

SECTION 157. Definitions

SHARED PARKING. A public or private parking area is used jointly by two or more uses. Each use utilizing the shared parking shall be contiguous to the parking area.

REASON. Adds a definition for what constitutes shared parking. Also specifies that properties using shared parking shall be contiguous (touching) the parking area.



ATTACHMENT B

Town of Liberty Land Development Plan Consistency Statement

In accordance with 160D-605(a), the requested revisions are consistent with the objectives of the Town of Liberty Land Development Plan, due to maintaining compliance with NC General Statutes and fostering growth appropriately by amending development regulation to either minimum state standards or specific standards for the development of Liberty. Providing clarification of consolidated ground signs and a definition for shared parking. The following are supportive statements of the requested text amendments to support the Land Development Plan:

1. “Commercial development shall be encouraged to occur in clusters or planned shopping centers to minimize the proliferation of “retail strip” locations.” page 36.
2. “Enhance regulations on the size, design, and location of signs in commercial development in order to improve the community’s aesthetic appeal.” page 37

Planning Board Chair

Date



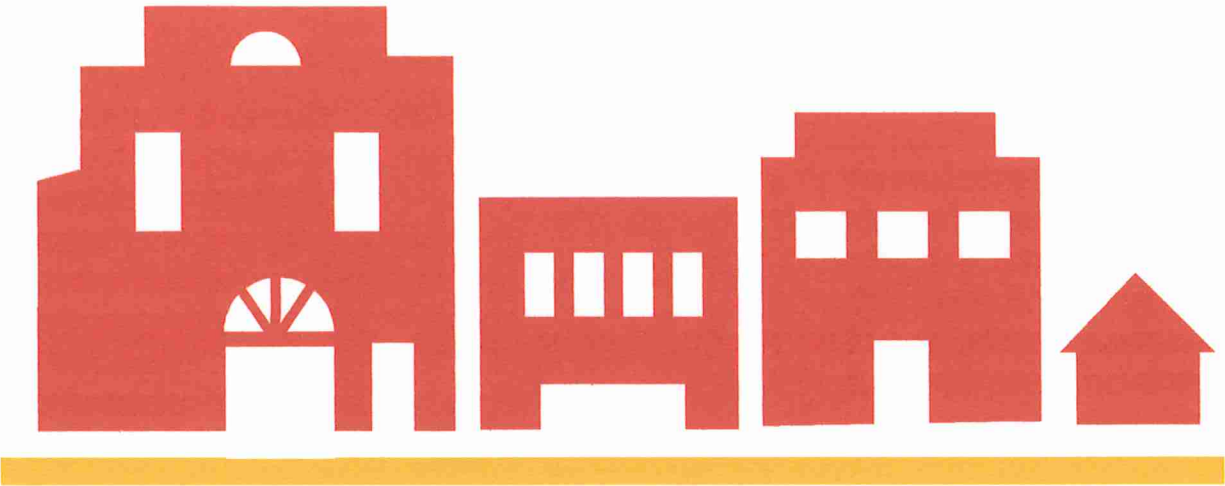
Town of Liberty Land Development Plan Inconsistency Statement

In accordance with 160D-605(a), the requested revisions are inconsistent with the objectives of the Town of Liberty Land Development Plan. They do not provide continuity with the Land Development Plan nor support development for the Town of Liberty.

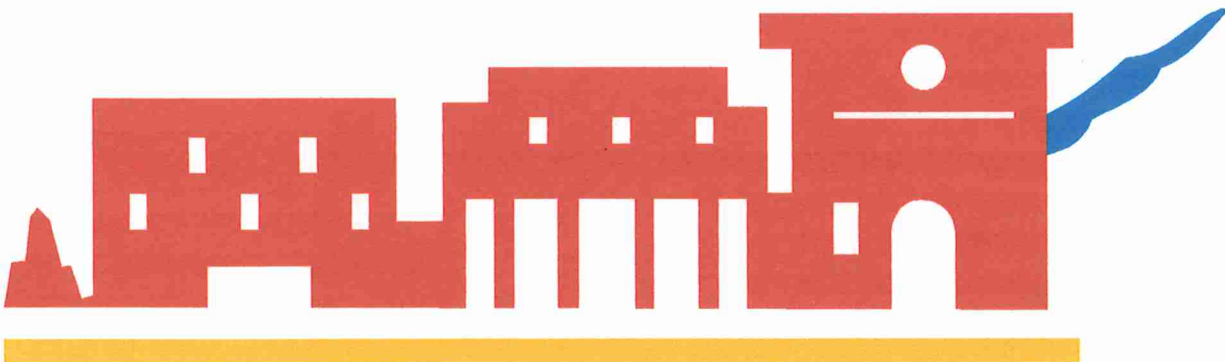
Planning Board Chair

Date

BY-LAWS OF THE LIBERTY



**PLANNING BOARD
&
ZONING BOARD OF ADJUSTMENT**



ADOPTED DECEMBER 12TH 2001

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**THE BYLAWS
OF THE
TOWN OF LIBERTY PLANNING BOARD**

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**THE BYLAWS
OF THE
TOWN OF LIBERTY PLANNING BOARD**

ARTICLE I

NAME

This organization shall be known as the Town of Liberty Planning Board.

ARTICLE II

GENERAL PROVISIONS

The Planning Board shall be governed by the terms of Chapter 160A, Article 19, Part 1, of the General Statutes of the State of North Carolina and by Article III Section 302 of the Liberty Zoning Ordinance. All members of the Planning Board shall thoroughly familiarize themselves with these laws. For the purpose of this ordinance, the Liberty Planning Board shall hereafter be referred to as the "Board".

ARTICLE III

MEMBERSHIP

The Board shall consist of eight (8) members, six (6) regular members and two (2) alternates all of whom serve three (3) year terms. There shall be three (3) members appointed by the Liberty Town Council from within the corporate town limits as well as three (3) from the extraterritorial zone. There shall be one (1) alternate member from within the corporate limits as well as one (1) from the extra-territorial zone. Members must reside and own property in the area represented by each:

Section 1. Alternate Members. Alternate members of the Board shall be expected to attend all meetings and public hearings and will be contacted when a regular member is absent or unable to participate in the hearing of a case. It is the responsibility of the regular members to brief the alternate members on issues when unable to attend a meeting or public hearing. Regular members, on receiving notice of a special meeting, which they cannot attend, or upon learning that they will be unable to participate in a meeting, shall promptly, give notice to the Secretary-Clerk of the Board that they are unable to attend or to participate. On receiving such notice the Secretary-Clerk shall, by the most expeditious means, notify an alternate member to attend. Assignments shall be rotated among the alternate members. At any meeting, which they are called upon to sit as a regular member, an alternate member shall have the same powers and duties as a regular member.

Liberty Planning Board Bylaws

Section 2. Removal of Members. Members of the Board may be removed by the Town Council for cause, including violations of the rules stated below:

- (1) No Board member shall take part in the hearing, consideration, or determination of any case in which he is financially interested.
- (2) No Board member shall vote on any matter that decides an application or appeal unless he has attended the meeting on that application or appeal.

Section 3. Resignations. Members of the Board may resign their position at anytime for any reason provided they notify the Chairperson of their intent. This notification should be in writing and should be presented to the Chairperson at least two (2) weeks prior to the member's effective resignation date.

Section 4. Attendance. Faithful attendance at all meetings of the Board and conscientious performance of the duties required of members of the Board shall be considered a prerequisite of continuing membership on the Board. If a board member fails to attend three (3) consecutive meetings without notification to the Board Chairperson of significant reason why they were unable to attend the meetings, that Board member will be notified in writing that they have not met the attendance requirement and that they may be replaced by the Town Council at its discretion based on a written recommendation of the Board Chairperson.

ARTICLE IV

OFFICERS AND DUTIES

Section 1. Chairperson. A Chairperson shall be elected by the full membership (including extra-territorial members and alternate members) of the Board from among its regular members. His or her term of office shall be for one (1) year and until his successor is elected at the January Meeting. He or she shall also be eligible for re-election. The Chairperson shall decide upon all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Board in session at the time. The Chairperson shall appoint any committees found necessary to investigate any matters before the Board. The Chairperson shall preside at all meetings and hearings of the Board, and shall have the duties normally conferred by parliamentary usage of such officers.

The Chairperson shall be one (1) of the members of the Board, and shall have the privilege of discussing all matters before the Board. The Chairperson shall forward all recommendations of the Planning Board to the Town Council for consideration.

Section 2. Vice-Chairperson. A Vice-Chairperson shall be elected by the Board from among its regular members in the same manner and for the same term as the Chairperson. He/she shall serve as acting Chairperson in the absence of the Chairperson, and at such times the Vice-Chairperson shall have the same powers and duties as the Chairperson.

Liberty Planning Board Bylaws

Section 3, Secretary-Clerk. In lieu of electing a secretary from the regular membership, the Board may request that the Town Council appoint, or assign to a staff member the duties of a secretary to the Board. The Secretary-Clerk shall keep all records of the Board. The minutes of each meeting shall show the record of all important facts pertaining to each meeting or hearing, every resolution acted upon by the Board, and all votes of members upon any resolution or upon the final determination of any question, indicating the names of members absent or failing to vote.

Minutes of the Board's meeting shall be maintained in an official book of minutes and remain, at all times, on file in the Town Hall. In addition, the Secretary-Clerk shall deliver or mail notices of regular meetings of the Board five (5) days in advance to the Board Members comply with General Statute 143-318.12, by notifying all appropriate officials and media of all meetings including special meetings; carry on routine correspondence and maintenance of the files of the Board; and distribute written minutes of previous meetings to the Board's regular members, the Town Council members, the Town Manager, and other interested persons

Section 4. Election and Term. Nomination of officers shall be made from the floor at the annual organizational meeting, which shall be held once each year in December, and the elections shall follow at the next regular meeting. A candidate receiving a majority vote of the members present (providing there is a quorum present) at the January meeting of the Board shall be declared elected and shall serve for one year or until re-elected or until his successor shall take office. Vacancies in offices shall be filled immediately by regular election procedure

ARTICLE V

MEETINGS

Section 1. Regular Meetings. Regular meetings of the Planning Board shall be held on the second Wednesday of each month at 7:00 P.M. in the Liberty Town Hall. If the Chairperson so directs, meetings may be held at other feasible locations, on other dates, at any reasonable time.

Section 2. Special Meetings. The Chairperson may call special meetings of the Board at any time. At least forty-eight (48) hours written notice of the time and place of special meetings shall be given, by either the Secretary-Clerk or the Chairperson, to each member of the Board.

Section 3. Quorum. A quorum of the regular members of the Board shall be necessary for taking any official action. A quorum shall consist of a simple majority of the regular membership, including the Chairperson of the Planning Board and vacancies. A quorum consists of four (4) members present.

Section 4. Cancellation of Meetings. In the event that there is no business for the Board to consider, the Chairperson may dispense with a regular meeting by giving notice to all regular members, and other appropriate individuals as stipulated in General Statute 143-318.11, and shall be conducted according to the proper parliamentary procedure. Unless deemed otherwise by the Board, the order of business at regular meetings will include, but not be limited to, the following:

- (1) Call to Order
- (2) Approval of the Minutes
- (3) Public Hearing/Comments
- (4) Old Business
- (5) New Business
- (6) Other Business
- (7) Announcements
- (8) Adjournment

Section 5. Voting. All regular members shall vote on any issue unless they have disqualified themselves for one or more of the reasons listed in Article III, Sections 2, 3 and 4. The required vote to decide appeals and applications shall be as provided in Article V, Section 3, and shall not be reduced by any disqualification. In all other matters the vote of a majority of the members present and voting shall dictate issues before the Board. **The Chairperson shall vote only in the event of a tie vote of the other members.** An abstention by any voting member present without the permission of the voting membership shall be recorded as a yes vote. Any member(s) leaving the proceedings without the permission of the voting membership present shall be recorded as a yes vote on any motions during the member(s) absence. Upon request of any voting member, the minutes shall reflect the names of members and the vote cast on each action taken.

Except at the election of officers, at no time shall more than six (6) members vote in any meeting or hearing. At all other times all members may officially participate in any meeting or hearing. However, alternate members are not permitted to vote unless a regular member is absent.

ARTICLE VI

ADMINISTRATION

Section 1 Budget Request. The Board may submit to the Town's Budget Officer any budget requests not later than April 30th of each year.

Section 2 Annual Report. The Board may, not later than May 15th of each year, submit to the Town Council a written report of the activities of the Board during the past year and the proposed planning program for the next fiscal year for the Council's review and approval.

Section 3. Compensation. Each member of the Board may receive compensation each quarter in which a meeting is attended. The Town Council shall determine the amount of compensation for the board members and officers. Payment of compensation for board members shall be made quarterly or otherwise as determined by the Town's finance office. The Planning Board Secretary-Clerk shall be responsible for filing any requests for compensation with the finance officer for approval.

ARTICLE VII

AMENDMENTS

These rules may be amended at any time by an affirmative vote of not less than four (4) members of the Board, provided that such amendment is presented in writing at a regular or special meeting preceding the meeting at which the vote is taken. However, in no case may the amendment of these rules be construed so as to supercede provisions of local ordinances as adopted or applicable provisions of the laws of the State of North Carolina.

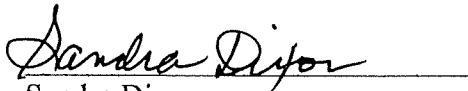
ARTICLE VIII

RATIFICATION PROVISION

These By-Laws are duly adopted by the majority of the members of the Liberty Planning Board this 12th day of December 2001, in Liberty, North Carolina.



Bruce Boulden
Chairperson, Planning Board
Liberty, North Carolina



Sandra Dixon
Secretary, Planning Board

**THE BYLAWS
OF THE
TOWN OF LIBERTY ZONING BOARD OF ADJUSTMENT**

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**THE BYLAWS
OF THE
TOWN OF LIBERTY ZONING BOARD OF ADJUSTMENT**

ARTICLE I

NAME

This organization shall be known as the Town of Liberty Zoning Board of Adjustment.

ARTICLE II

GENERAL PROVISIONS

The Zoning Board of Adjustment shall be governed by the terms of Chapter 160A, Article 19, Part 3 of the General Statutes of North Carolina and by Article III Section 303 of the Liberty Zoning Ordinance. All members of the Zoning Board of Adjustment shall thoroughly familiarize themselves with these laws. For the purpose of this ordinance the Liberty Zoning Board of Adjustment shall hereafter be referred to as the "Board".

ARTICLE III

MEMBERSHIP

The Board shall consist of eight (8) members, six (6) regular members and two (2) alternates all of whom serve three (3) year terms. There shall be three (3) members appointed by the Liberty Town Council from within the corporate town limits as well as three (3) from the extraterritorial zone. There shall be one (1) alternate member from within the corporate limits as well as one (1) from the extra-territorial zone. Members must reside and own property in the area represented by each:

Section 1. Alternate Members. Alternate members of the Board shall be expected to attend all meetings and public hearings and will be contacted when a regular member is absent or unable to participate in the hearing of a case. It is the responsibility of the regular members to brief the alternate members on issues when unable to attend a meeting or public hearing. Regular members, on receiving notice of a special meeting, which they cannot attend, or upon learning that they will be unable to participate in a meeting, shall promptly, give notice to the Secretary-Clerk of the Board that they are unable to attend or to participate. On receiving such notice the Secretary-Clerk shall, by the most expeditious means, notify an alternate member to attend. Assignments shall be rotated among the alternate members. At any meeting, which they are called upon to sit as a regular member, an alternate member shall have the same powers and duties as a regular member.

Liberty Zoning Board of Adjustment Bylaws

Section 2. Removal of Members. Members of the Board may be removed by the Town Council for cause, including violation of the rules stated below:

- (1) No Board member shall take part in the hearing, consideration, or determination of any case in which he is financially interested.
- (2) No Board member shall vote on any matter that decides an application or appeal unless he has attended the public hearing on that application or appeal.
- (3) No Board member shall discuss any case with any parties before a public hearing on that case; provided, however, the members may receive and/or seek information pertaining to the case from any other member of the Board, its secretary, or clerk before the hearing.
- (4) Members of the Board shall not express individual opinions on the proper judgment of any case with any parties before the case is determined. Violations of this rule shall be cause for dismissal from the Board.

Section 3. Resignations. Members of the Board may resign their position at anytime for any reason provided they notify the Chairperson of their intent. This notification should be in writing and should be presented to the Chairperson at least two (2) weeks prior to the member's effective resignation date.

Section 4. Attendance. Faithful attendance at all meetings of the Board and conscientious performance of the duties required of members of the Board shall be considered a prerequisite of continuing membership on the Board. If a board member fails to attend three (3) consecutive meetings without notification to the Board Chairperson of significant reason why they were unable to attend the meetings, that board member will be notified in writing that they have not met the attendance requirement and that they may be replaced by the Town Council at its discretion based on a written recommendation of the Board Chairperson.

ARTICLE IV

OFFICERS AND DUTIES

Section 1. Chairperson. A Chairperson shall be elected by the full membership (including extra-territorial members and alternate members) of the Board from among its regular members. His or her term of office shall be for one (1) year and until his successor is elected at the January Meeting and he or she shall be eligible for re-election. The Chairperson shall decide upon all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Board in session at the time. The Chairperson shall appoint any committees found necessary to investigate any matters before the Board. The Chairperson shall preside at all meetings and hearings of the Board, and shall have the duties normally conferred by parliamentary usage of such officers.

The Chairperson shall be one (1) of the members of the Board, and shall have the privilege of discussing all matters before the Board. In his official capacity as Chairperson of the Zoning

Liberty Zoning Board of Adjustment Bylaws

Board of Adjustment, the Chairperson is authorized to administer oaths to witnesses in any matter coming before the Zoning Board of Adjustment function.

Section 2. Vice-Chairperson. A Vice-Chairperson shall be elected by the Board from among its regular members in the same manner and for the same term as the Chairperson. He/she shall serve as acting Chairperson in the absence of the Chairperson, and at such times the Vice-Chairperson shall have the same powers and duties as the Chairperson.

Section 3, Secretary-Clerk. In lieu of electing a secretary from the regular membership, the Board may request that the Town Council appoint, or assign to a staff member the duties of a secretary to the Board. The Secretary-Clerk shall keep all records of the Board. The minutes of each meeting shall show the record of all important facts pertaining to each meeting or hearing, every resolution acted upon by the Board, and all votes of members upon any resolution or upon the final determination of any question, indicating the names of members absent or failing to vote.

Minutes of the Board's meeting shall be maintained in an official book of minutes and remain, at all times, on file in the Town Hall. In addition, the Secretary-Clerk shall deliver or mail notices of regular meetings of the Board five (5) days in advance to the Board members comply with General Statute 143-318.12, by notifying all appropriate officials and media of all meetings including special meetings; carry on routine correspondence and maintenance of the files of the Board; and distribute written minutes of previous meetings to the Board's regular members, the Town Council members, the Town Manager, and other interested persons.

Section 4. Election and Term. Nomination of officers shall be made from the floor at the annual organizational meeting, which shall be held once each year in December, and the elections shall follow at the next regular meeting. A candidate receiving a majority vote of the members present (providing there is a quorum present) at the January meeting of the Board shall be declared elected and shall serve for one year or until re-elected or until his successor shall take office. Vacancies in offices shall be filled immediately by regular election procedure.

ARTICLE V

MEETINGS

Section 1. Regular Meetings. If required meetings of the Zoning Board of Adjustment shall be held on the second Wednesday of each month at 7:00 P.M. in the Liberty Town Hall. If the Chairperson so directs, meetings may be held at other feasible locations, on other dates, at any reasonable time.

Section 2. Special Meetings. The Chairperson may call special meetings of the Board at any time. At least forty-eight (48) hours written notice of the time and place of special meetings shall be given, by either the Secretary-Clerk or the Chairperson, to each member of the Board.

Section 3. Quorum. A quorum of the regular members of the Board shall be necessary for taking any official action. A quorum shall consist of a simple majority of the regular

Liberty Zoning Board of Adjustment Bylaws

membership, including the Chairperson of the Zoning Board of Adjustment, including vacancies. A quorum consists of four (4) members present.

Section 4. Cancellation of Meetings. If there are no appeals, variances, or other business for the Board, or if so many regular and alternate members notify the secretary that they cannot attend that a quorum will not be available, the Chairperson may dispense with a regular meeting by giving written or oral notice to all members not less than twenty-four (24) hours before the time is set for the meeting.

Section 5. Voting. The Chairperson and all regular members may vote on any issue unless they have disqualified themselves for one or more of the reasons listed in Article III, Sections 2, 3 and 4. The required vote to decide appeals and applications shall be as provided in Article IV, Section 6.4, and shall not be reduced by any disqualification. An abstention by any voting member present without the permission of the voting membership shall be recorded as a yes vote. Any member(s) leaving the proceedings without the permission of the voting membership present shall be recorded as a yes vote on any motions during the member(s) absence. Upon request of any voting member, the minutes shall reflect the names of members and the vote cast on each action taken.

Except at the election of officers, at no time shall more than six (6) members vote in any meeting or hearing. At all other times all members may officially participate in any meeting or hearing. However, alternate members are not permitted to vote unless a regular member is absent. See Article VI Section 6.4 for information on the 4/5 rule.

ARTICLE VI

APPEALS, VARIANCES, SPECIAL EXCEPTIONS, AND APPLICATIONS

Section 1. Types of Appeals. The Board shall hear and decide all appeals from and review any order, requirement, decision, or determination made by the Zoning Administrator. It shall also hear and decide all matters referred to it or on which the Town of Liberty's Zoning Ordinance requires it to pass. In deciding appeals, the Board may hear both those based on an allegedly improper or erroneous interpretation of the ordinance and those based on any alleged hardship resulting from a strict interpretation of the ordinance.

Section 2. Procedure for Filing Appeals. The Board shall consider no appeal unless it is filed within thirty (30) days after the interested party or parties receive the notice, requirement, decision, or determination by the Zoning Administrator, who shall act as Clerk for the Board in receiving this notice. All appeals shall be made upon the form furnished for that purpose, and all information required shall be complete before an appeal shall be considered as having been filed.

Section 3. Variances. The Board shall issue variances to the zoning ordinance requirements as specified in Article III, Section 303. of the Liberty Zoning Ordinance

Section 4. Reserved.

Liberty Zoning Board of Adjustment Bylaws

Section 5 Hearings.

5.1 Time. After receipt of notice of an appeal or variance the Board Chairperson shall schedule the time for a hearing, which shall be a regular or special meeting within thirty-six (36) days from the filing of such notice

5.2 Notice. The Board shall give public notice of the hearing in a newspaper of local circulation. Such notice shall state the location of matter under review, the general nature of the question involved, and the time and place of the hearing.

5.3 Conduct of Hearing. Any party may appear in person or by agent or by attorney at the hearing. All witnesses before the Board shall be placed under oath and the opposing party may cross examine them. The order of business for the hearing shall be as follows:

- (1) The Chairperson will read the case;
- (2) The Zoning Administrator shall submit into evidence a Findings of Fact sheet on the case;
- (3) The applicant, or person filing the appeal, can present relevant evidence to the Board;
- (4) Those who may be opposed will speak;
- (5) The Zoning Administrator will then speak on behalf of the Town;
- (6) When all parties have addressed the Board, and have had the opportunity for rebuttals and cross-examinations, the Chairperson will close the Public Hearing;
- (7) The Chairperson summarizes the case and the Board will deliberate and vote to grant or deny the Appeal and/or Variance.

5.4. Rehearing. An application for a rehearing may be made in the same manner as provided for an original hearing. Evidence in support of the application shall initially be limited to that which is necessary to enable the Board to determine whether there has been a substantial change in the facts, evidence, or conditions. If the Board finds that there has been a change, it shall treat the request in the same manner as any other application.

Section 6. Decisions.

6.1. Time. Decisions by the Board shall be made not more than ninety (90) days from the time of the hearing.

6.2. Form. Written notice of the decision in a case shall be given to the applicant by the Secretary as soon as practical after the case is decided. The final decision of the Board shall be shown in the record of the case as entered in the minutes of the Board and signed by the Secretary and the Chairperson upon approval of the minutes by the Board. Such record shall

Liberty Zoning Board of Adjustment Bylaws

show the reasons for the determination, with a summary of the evidence introduced and the findings of fact made by the Board. Where a variance is granted, the record shall state in detail any exceptional difficulty or unnecessary hardship upon which the appeal was based and which the Board finds to exist. The decision may reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from where an appeal and or a variance is granted, the record shall state in detail any facts supporting findings required to be made prior to the issuance of such permit. The record shall state in detail what, if any, conditions and safeguards are imposed by the Board in connection with the granting of a variance of special exception permit.

6.3. Expiration of Permits. Unless otherwise specified, any order or decision of the Board granting special exception permits or a variance shall expire for building permits or certificates of occupancy for such use if not obtained by the applicant within six (6) months from the date of the decision.

6.4. Four-fifth (4/5) Rule. The concurring vote of four-fifth (80%) of the members of the Board, not counting alternates, shall be necessary to reverse any order, requirement, decision, or determination of the zoning administrator, to decide in favor of the applicant any matter upon which the Board is required by ordinance to pass, or to grant a variance from the ordinance provisions. The process of determining four-fifth (80%) of the Board is as follows:

If one (1) of the six (6) regular members is absent, an alternate can fill their position. If two (2) of the six (6) regular members are absent, both alternates can fill their positions. Under no circumstances can more than three (3) regular members or alternates of the Board be absent and still satisfy the four-fifth (4/5) rule.

Number of members excluding alternates	6
Multiply by 80% equals the number of votes required for satisfying the 4/5 rule	5

6.5. Public Record of Decisions. The decisions of the Board, as filed in its minutes, shall be a public record, available for inspections at all reasonable times.

6.6 Petition for Review to Superior Court. Anyone not satisfied with the outcome of the Board's decision may file a petition for review to Superior Court. Any petition for review by the Superior Court shall be filed with the Clerk of Superior Court within thirty (30) days after the decision of the Zoning Board of Adjustment is filed in the Office of the Town Clerk, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the Zoning Board of Adjustment's Secretary or Chairperson at the time of its hearing of the case, whichever is later.

ARTICLE VII

ADMINISTRATION

Section 1 Budget Request. The Board may submit to the Town's Budget Officer any budget requests not later than April 30th of each year

Section 2. Compensation. Each member of the Board may receive compensation each quarter in which a meeting is attended. The Town Council shall determine the amount of compensation for the board members and officers. Payment of compensation for board members shall be made quarterly or otherwise as determined by the Town's finance office. The Planning Board secretary/clerk shall be responsible for filing any requests for compensation with the finance officer for approval.

ARTICLE VIII


AMENDMENTS

These rules may be amended at any time by an affirmative vote of not less than four (4) members of the Board, provided that such amendment is presented in writing at a regular or special meeting preceding the meeting at which the vote is taken. However, in no case may the amendment of these rules be construed so as to supercede provisions of local ordinances as adopted or applicable provisions of the laws of the State of North Carolina.

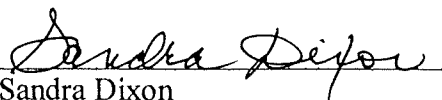
ARTICLE IX

RATIFICATION PROVISION

These By-Laws are duly adopted by the majority of the members of the Liberty Zoning Board of Adjustment this 12th day of December 2001, in Liberty, North Carolina.



Bruce Boulden
Chairperson, Zoning Board of Adjustment
Liberty, North Carolina



Sandra Dixon
Secretary, Zoning Board of Adjustment

**ARTICLE 19.
PLANNING AND REGULATION OF DEVELOPMENT.**

Part 1. General Provisions.

§ 160A-360. Territorial jurisdiction.

(a) All of the powers granted by this Article may be exercised by any city within its corporate limits. In addition, any city may exercise these powers within a defined area extending not more than one mile beyond its limits. With the approval of the board or boards of county commissioners with jurisdiction over the area, a city of 10,000 or more population but less than 25,000 may exercise these powers over an area extending not more than two miles beyond its limits and a city of 25,000 or more population may exercise these powers over an area extending not more than three miles beyond its limits. The boundaries of the city's extraterritorial jurisdiction shall be the same for all powers conferred in this Article. No city may exercise extraterritorially any power conferred by this Article that it is not exercising within its corporate limits. In determining the population of a city for the purposes of this Article, the city council and the board of county commissioners may use the most recent annual estimate of population as certified by the Secretary of the North Carolina Department of Administration.

(a1) Any municipality planning to exercise extraterritorial jurisdiction under this Article shall notify the owners of all parcels of land proposed for addition to the area of extraterritorial jurisdiction, as shown on the county tax records. The notice shall be sent by first-class mail to the last addresses listed for affected property owners in the county tax records. The notice shall inform the landowner of the effect of the extension of extraterritorial jurisdiction, of the landowner's right to participate in a public hearing prior to adoption of any ordinance extending the area of extraterritorial jurisdiction, as provided in G.S. 160A-364, and the right of all residents of the area to apply to the board of county commissioners to serve as a representative on the planning agency and the board of adjustment, as provided in G.S. 160A-362. The notice shall be mailed at least four weeks prior to the public hearing. The person or persons mailing the notices shall certify to the city council that the notices were sent by first-class mail, and the certificate shall be deemed conclusive in the absence of fraud.

(b) Any council wishing to exercise extraterritorial jurisdiction under this Article shall adopt, and may amend from time to time, an ordinance specifying the areas to be included based upon existing or projected urban development and areas of critical concern to the city, as evidenced by officially adopted plans for its development. Boundaries shall be defined, to the extent feasible, in terms of geographical features identifiable on the ground. A council may, in its discretion, exclude from its extraterritorial jurisdiction areas lying in another county, areas separated from the city by barriers to urban growth, or areas whose projected development will have minimal impact on the city. The boundaries specified in the ordinance shall at all times be drawn on a map, set forth in a written description, or shown by a combination of these techniques. This delineation shall be maintained in the manner provided in G.S. 160A-22 for the delineation of the corporate limits, and shall be recorded in the office of the register of deeds of each county in which any portion of the area lies.

(c) Where the extraterritorial jurisdiction of two or more cities overlaps, the jurisdictional boundary between them shall be a line connecting the midway points of the overlapping area

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unless the city councils agree to another boundary line within the overlapping area based upon existing or projected patterns of development.

(d) If a city fails to adopt an ordinance specifying the boundaries of its extraterritorial jurisdiction, the county of which it is a part shall be authorized to exercise the powers granted by this Article in any area beyond the city's corporate limits. The county may also, on request of the city council, exercise any or all these powers in any or all areas lying within the city's corporate limits or within the city's specified area of extraterritorial jurisdiction.

(e) No city may hereafter extend its extraterritorial powers under this Article into any area for which the county at that time has adopted and is enforcing a zoning ordinance and subdivision regulations and within which it is enforcing the State Building Code. However, the city may do so where the county is not exercising all three of these powers, or when the city and the county have agreed upon the area within which each will exercise the powers conferred by this Article.

(f) When a city annexes, or a new city is incorporated in, or a city extends its jurisdiction to include, an area that is currently being regulated by the county, the county regulations and powers of enforcement shall remain in effect until (i) the city has adopted such regulations, or (ii) a period of 60 days has elapsed following the annexation, extension or incorporation, whichever is sooner. During this period the city may hold hearings and take any other measures that may be required in order to adopt its regulations for the area.

(f1) When a city relinquishes jurisdiction over an area that it is regulating under this Article to a county, the city regulations and powers of enforcement shall remain in effect until (i) the county has adopted this regulation or (ii) a period of 60 days has elapsed following the action by which the city relinquished jurisdiction, whichever is sooner. During this period the county may hold hearings and take other measures that may be required in order to adopt its regulations for the area.

(g) When a local government is granted powers by this section subject to the request, approval, or agreement of another local government, the request, approval, or agreement shall be evidenced by a formally adopted resolution of that government's legislative body. Any such request, approval, or agreement can be rescinded upon two years' written notice to the other legislative bodies concerned by repealing the resolution. The resolution may be modified at any time by mutual agreement of the legislative bodies concerned.

(h) Nothing in this section shall repeal, modify, or amend any local act which defines the boundaries of a city's extraterritorial jurisdiction by metes and bounds or courses and distances.

(i) Whenever a city or county, pursuant to this section, acquires jurisdiction over a territory that theretofore has been subject to the jurisdiction of another local government, any person who has acquired vested rights under a permit, certificate, or other evidence of compliance issued by the local government surrendering jurisdiction may exercise those rights as if no change of jurisdiction had occurred. The city or county acquiring jurisdiction may take any action regarding such a permit, certificate, or other evidence of compliance that could have been taken by the local government surrendering jurisdiction pursuant to its ordinances and regulations. Except as provided in this subsection, any building, structure, or other land use in a territory over which a city or county has acquired jurisdiction is subject to the ordinances and regulations of the city or county.

(j) Repealed by Session Laws 1973, c. 669, s. 1. (1959, c. 1204; 1961, c. 103; c. 548, ss. 1, 13/4; c. 1217; 1963, cc. 519, 889, 1076, 1105; 1965, c. 121; c. 348, s. 2; c. 450, s. 1; c. 864, ss. 3-6; 1967, cc. 15, 22, 149; c. 197, s. 2; cc. 246, 685; c. 1208, s. 3; 1969, cc. 11, 53; c. 1010, s. 5;

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c. 1099; 1971, c. 698, s. 1; c. 1076, s. 3; 1973, c. 426, s. 56; c. 525; c. 669, s. 1; 1977, c. 882; c. 912, ss. 2, 4; 1995 (Reg. Sess., 1996), c. 746, s. 1.)

§ 160A-361. Planning agency.

(a) Any city may by ordinance create or designate one or more agencies to perform the following duties:

- (1) Make studies of the area within its jurisdiction and surrounding areas;
- (2) Determine objectives to be sought in the development of the study area;
- (3) Prepare and adopt plans for achieving these objectives;
- (4) Develop and recommend policies, ordinances, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;
- (5) Advise the council concerning the use and amendment of means for carrying out plans;
- (6) Exercise any functions in the administration and enforcement of various means for carrying out plans that the council may direct;
- (7) Perform any other related duties that the council may direct.

(b) An agency created or designated pursuant to this section may include, but shall not be limited to, one or more of the following:

- (1) A planning board or commission of any size (with not fewer than three members) or composition deemed appropriate, organized in any manner deemed appropriate;
- (2) A joint planning board created by two or more local governments pursuant to Article 20, Part 1, of this Chapter. (1919, c. 23, s. 1; C.S., s. 2643; 1945, c. 1040, s. 2; 1955, cc. 489, 1252; 1959, c. 327, s. 2; c. 390; 1971, c. 698, s. 1; 1973, c. 426, s. 57; 1979, 2nd Sess., c. 1247, s. 35; 1997-309, s. 7; 1997-456, s. 27.)

§ 160A-362. Extraterritorial representation.

When a city elects to exercise extraterritorial zoning or subdivision-regulation powers under G.S. 160A-360, it shall in the ordinance creating or designating its planning agency or agencies provide a means of proportional representation based on population for residents of the extraterritorial area to be regulated. Representation shall be provided by appointing at least one resident of the entire extraterritorial zoning and subdivision regulation area to the planning agency and the board of adjustment that makes recommendations or grants relief in these matters. For purposes of this section, an additional member must be appointed to the planning agency or board of adjustment to achieve proportional representation only when the population of the entire extraterritorial zoning and subdivision area constitutes a full fraction of the municipality's population divided by the total membership of the planning agency or board of adjustment. Membership of joint municipal county planning agencies or boards of adjustment may be appointed as agreed by counties and municipalities. Any advisory board established prior to July 1, 1983, to provide the required extraterritorial representation shall constitute compliance with this section until the board is abolished by ordinance of the city. The representatives on the planning agency and the board of adjustment shall be appointed by the board of county commissioners with jurisdiction over the area. When selecting a new representative to the planning agency or to the board of adjustment as a result of an extension of the extraterritorial jurisdiction, the board of county commissioners shall hold a public hearing on the selection. 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 board of county commissioners shall select appointees only from those who apply at or before the public hearing. The county shall make the appointments within 45 days following the public hearing. Once a city provides proportional representation, no power available to a city under G.S. 160A-360 shall be ineffective in its extraterritorial area solely because county appointments have not yet been made. If there is an insufficient number of qualified residents of the area to meet membership requirements, the board of county commissioners may appoint as many other residents of the county as necessary to make up the requisite number. When the extraterritorial area extends into two or more counties, each board of county commissioners concerned shall appoint representatives from its portion of the area, as specified in the ordinance. If a board of county commissioners fails to make these appointments within 90 days after receiving a resolution from the city council requesting that they be made, the city council may make them. If the ordinance so provides, the outside representatives may have equal rights, privileges, and duties with the other members of the agency to which they are appointed, regardless of whether the matters at issue arise within the city or within the extraterritorial area; otherwise they shall function only with respect to matters within the extraterritorial area. (1959, c. 1204; 1961, c. 103; c. 548, ss. 1, 1 3/4; c. 1217; 1963, cc. 519, 889, 1076, 1105; 1965, c. 121; c. 348, s. 2; c. 450, s. 1; c. 864, ss. 3-6; 1967, cc. 15, 22, 149; c. 197, s. 2; cc. 246, 685; c. 1208, s. 3; 1969, cc. 11, 53; c. 1010, s. 5; c. 1099; 1971, c. 698, s. 1; 1983, c. 584, ss. 1-4; 1995 (Reg. Sess., 1996), c. 746, s. 2.)

§ 160A-363. Supplemental powers.

A city or its designated planning agency may accept, receive, and disburse in furtherance of its functions any funds, grants, and services made available by the federal government and its agencies, the State government and its agencies, any local government and its agencies, and any private and civic sources.

Any city, or its designated planning agency with the concurrence of the council, may enter into and carry out contracts with the State and federal governments or any agencies thereof under which financial or other planning assistance is made available to the city and may agree to and comply with any reasonable conditions that are imposed upon such assistance. Any city, or its designated planning agency with the concurrence of the council, may enter into and carry out contracts with any other city, county, or regional council or planning agency under which it agrees to furnish technical planning assistance to the other local government or planning agency. Any city, or its designated planning agency with the concurrence of its council, may enter into and carry out contracts with any other city, county, or regional council or planning agency under which it agrees to pay the other local government or planning agency for technical planning assistance.

Any city council is authorized to make any appropriations that may be necessary to carry out any activities or contracts authorized by this Article or to support, and compensate members of, any planning agency that it may create pursuant to this Article, and to levy taxes for these purposes as a necessary expense. (1919, c. 23, s. 1; C.S., s. 2643; 1945, c. 1040, s. 2; 1955, cc. 489, 1252; 1959, c. 327, s. 2; c. 390; 1971, c. 698, s. 1; 1983, c. 377, s. 9.)

§ 160A-364. Procedure for adopting or amending ordinances under Article.

Before adopting or amending any ordinance authorized by this Article, the city council shall hold a public hearing on it. A notice of the public 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 fixed 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. (1923, c. 250, s. 4; C.S., s. 2776(u); 1927, c. 90; 1955, c. 1334, s. 1; 1971, c. 698, s. 1; 1973, c. 426, s. 58; 1977, c. 912, s. 5; 1979, 2nd Sess., c. 1247, s. 36; 1981, c. 891, s. 1.)

§ 160A-364.1. Statute of limitations.

A cause of action as to the validity of any zoning ordinance, or amendment thereto, adopted under this Article or other applicable law shall accrue upon adoption of the ordinance, or amendment thereto, and shall be brought within two months as provided in G.S. 1-54.1. (1981, c. 891, s. 3; 1995 (Reg. Sess., 1996), c. 746, s. 7.)

§ 160A-365. Enforcement of ordinances.

Subject to the provisions of the ordinance, any ordinance adopted pursuant to authority conferred by this Article may be enforced by any remedy provided by G.S. 160A-175. (1971, c. 698, s. 1.)

§ 160A-366. Validation of ordinance.

Any city ordinance regularly adopted before January 1, 1972, under authority of general laws revised and reenacted in Chapter 160A, Article 19, or under authority of any city charter or local act concerning the same subject matter, is validated with respect to its application within the corporate limits of the city and as to its application within the extraterritorial jurisdiction of the city. Such an ordinance, and any city ordinance adopted since January 1, 1972, under authority of general laws revised and reenacted in Chapter 160A, Article 19, are hereby validated, notwithstanding the fact that such ordinances were not recorded pursuant to G.S. 160A-360(b) or 160A-364 and notwithstanding the fact that the adopting city council did not also adopt an ordinance defining or delineating by specific description the areas within its extraterritorial jurisdiction pursuant to G.S. 160A-360; provided that this act shall be deemed to validate ordinances of cities in Mecklenburg County only with respect to their application within the corporate limits of such cities. (1973, c. 669, s. 2.)

§§ 160A-367 through 160A-370. Reserved for future codification purposes.

Part 2. Subdivision Regulation.

§ 160A-371. Subdivision regulation.

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A city may by ordinance regulate the subdivision of land within its territorial jurisdiction. (1955, c. 1334, s. 1; 1971, c. 698, s. 1.)

§ 160A-372. Contents and requirements of ordinance.

A subdivision control ordinance may provide for the orderly growth and development of the city; for the coordination of streets and highways within proposed subdivisions with existing or planned streets and highways and with other public facilities; for the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision or, alternatively, for provision of funds to be used to acquire recreation areas serving residents of the development or subdivision or more than one subdivision or development within the immediate area, and rights-of-way or easements for street and utility purposes including the dedication of rights-of-way pursuant to G.S. 136-66.10 or G.S. 136-66.11; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will create conditions essential to public health, safety, and the general welfare.

The ordinance may include requirements that the final plat show sufficient data to determine readily and reproduce accurately on the ground the location, bearing, and length of every street and alley line, lot line, easement boundary line, and other property boundaries, including the radius and other data for curved property lines, to an appropriate accuracy and in conformance with good surveying practice.

The ordinance may provide for the more orderly development of subdivisions by requiring the construction of community service facilities in accordance with municipal policies and standards and, to assure compliance with these requirements, the ordinance may provide for the posting of bond or any other method that will offer guarantee of compliance. The ordinance may provide for the reservation of school sites in accordance with comprehensive land use plans approved by the council or the planning agency. In order for this authorization to become effective, before approving such plans the council or planning agency and the board of education with jurisdiction over the area shall jointly determine the specific location and size of any school sites to be reserved, which information shall appear in the comprehensive land use plan. Whenever a subdivision is submitted for approval which includes part or all of a school site to be reserved under the plan, the council or planning agency shall immediately notify the board of education and the board shall promptly decide whether it still wishes the site to be reserved. If the board of education does not wish to reserve the site, it shall so notify the council or planning agency and no site shall be reserved. If the board does wish to reserve the site, the subdivision shall not be approved without such reservation. The board of education shall then have 18 months beginning on the date of final approval of the subdivision within which to acquire the site by purchase or by initiating condemnation proceedings. If the board of education has not purchased or begun proceedings to condemn the site within 18 months, the subdivider may treat the land as freed of the reservation.

The ordinance may require that a plat be prepared, approved, and recorded pursuant to its provisions whenever any subdivision of land takes place.

The ordinance may provide that a developer may provide funds to the city whereby the city may acquire recreational land or areas to serve the development or subdivision, including the purchase of land which may be used to serve more than one subdivision or development within the immediate area. All funds received by the city pursuant to this paragraph shall be used only for the acquisition or development of recreation, park, or open space sites. Any formula enacted

to determine the amount of funds that are to be provided under this paragraph shall be based on the value of the development or subdivision for property tax purposes. The ordinance may allow a combination or partial payment of funds and partial dedication of land when the governing body of the city determines that this combination is in the best interests of the citizens of the area to be served.

The ordinance may provide that in lieu of required street construction, a developer may be required to provide funds that the city may use for the construction of roads to serve the occupants, residents, or invitees of the subdivision or development and these funds may be used for roads which serve more than one subdivision or development within the area. All funds received by the city pursuant to this paragraph shall be used only for development of roads, including design, land acquisition, and construction. However, a city may undertake these activities in conjunction with the Department of Transportation under an agreement between the city and the Department of Transportation. Any formula adopted to determine the amount of funds the developer is to pay in lieu of required street construction shall be based on the trips generated from the subdivision or development. The ordinance may require a combination of partial payment of funds and partial dedication of constructed streets when the governing body of the city determines that a combination is in the best interests of the citizens of the area to be served. (1955, c. 1334, s.1; 1961, c. 1168; 1971, c. 698, s. 1; 1973, c. 426, s. 59; 1985, c. 146, ss. 1, 2; 1987, c. 747, ss. 9, 18; 1989 (Reg. Sess., 1990), c. 1024, s. 39.)

§ 160A-373. Ordinance to contain procedure for plat approval; approval prerequisite to plat recordation; statement by owner.

Any subdivision ordinance adopted pursuant to this Part shall contain provisions setting forth the procedures to be followed in granting or denying approval of a subdivision plat prior to its registration.

The ordinance may provide that final approval of each individual subdivision plat is to be given by

- (1) The city council,
- (2) The city council on recommendation of a planning agency, or
- (3) A designated planning agency.

From and after the effective date of a subdivision ordinance that is adopted by the city, no subdivision plat of land within the city's jurisdiction shall be filed or recorded until it shall have been submitted to and approved by the council or appropriate agency, as specified in the subdivision ordinance, and until this approval shall have been entered on the face of the plat in writing by an authorized representative of the city. The Review Officer, pursuant to G.S. 47-30.2, shall not certify a plat of a subdivision of land located within the territorial jurisdiction of a city that has not been approved in accordance with these provisions, nor shall the clerk of superior court order or direct the recording of a plat if the recording would be in conflict with this section. (1955, c. 1334, s. 1; 1971, c. 698, s. 1; 1973, c. 426, s. 60; 1997-309, s. 8.)

§ 160A-374. Effect of plat approval on dedications.

The approval of a plat shall not be deemed to constitute or effect the acceptance by the city or public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat. However, any city council may by resolution accept any dedication

made to the public of lands or facilities for streets, parks, public utility lines, or other public purposes, when the lands or facilities are located within its subdivision-regulation jurisdiction. Acceptance of dedication of lands or facilities located within the subdivision- regulation jurisdiction but outside the corporate limits of a city shall not place on the city any duty to open, operate, repair, or maintain any street, utility line, or other land or facility, and a city shall in no event be held to answer in any civil action or proceeding for failure to open, repair, or maintain any street located outside its corporate limits. Unless a city, county or other public entity operating a water system shall have agreed to begin operation and maintenance of the water system or water system facilities within one year of the time of issuance of a certificate of occupancy for the first unit of housing in the subdivision, a city or county shall not, as part of its subdivision regulation applied to facilities or land outside the corporate limits of a city, require dedication of water systems or facilities as a condition for subdivision approval. (1955, c. 1334, s. 1; 1971, c. 698, s. 1; 1983 (Reg. Sess., 1984), c. 1080; 1985, c. 635.)

§ 160A-375. Penalties for transferring lots in unapproved subdivisions.

If a city adopts an ordinance regulating the subdivision of land as authorized herein, any person who, being the owner or agent of the owner of any land located within the jurisdiction of that city, thereafter subdivides his land in violation of the ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under such ordinance and recorded in the office of the appropriate register of deeds, shall be guilty of a Class 1 misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty. The city may bring an action for injunction of any illegal subdivision, transfer, conveyance, or sale of land, and the court shall, upon appropriate findings, issue an injunction and order requiring the offending party to comply with the subdivision ordinance. (1955, c. 1334, s. 1; 1971, c. 698, s. 1; 1977, c. 820, s. 2; 1993, c. 539, s. 1087; 1994, Ex. Sess., c. 24, s. 14(c).)

§ 160A-376. Definition.

For the purpose of this Part, "subdivision" means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this Part:

- (1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the municipality as shown in its subdivision regulations;
- (2) The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved;
- (3) The public acquisition by purchase of strips of land for the widening or opening of streets; and
- (4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is

involved and where the resultant lots are equal to or exceed the standards of the municipality, as shown in its subdivision regulations. (1955, c. 1334, s. 1; 1971, c. 698, s. 1; 1973, c. 426, s. 61; 1977, c. 912, s. 6.)

§§ 160A-377 through 160A-380. Reserved for future codification purposes.

Part 3. Zoning.

§ 160A-381. Grant of power.

(a) For the purpose of promoting health, safety, morals, or the general welfare of the community, any city may regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes and to provide density credits or severable development rights for dedicated rights-of-way pursuant to G.S. 136-66.10 or G.S. 136-66.11. These regulations may provide that a board of adjustment may determine and vary their application in harmony with their general purpose and intent and in accordance with general or specific rules therein contained. The regulations may also provide that the board of adjustment or the city council may issue special use permits or conditional use permits in the classes of cases or situations and in accordance with the principles, conditions, safeguards, and procedures specified therein and may impose reasonable and appropriate conditions and safeguards upon these permits.

(b) **(Expires June 30, 2001)** Specifically, the city may require that a pawnshop as defined in Chapter 91A of the General Statutes may only be operated with a special use permit or a conditional use permit, or may have an overlay district wherein a pawnshop as defined in Chapter 91A of the General Statutes may only be operated with a special use permit or a conditional use permit, and the ordinance may provide that the permit may be issued only upon a finding that the pawnshop would not be deleterious to the neighborhood in which it is to be located. Conditions and safeguards on permits for pawnshops may be imposed notwithstanding G.S. 91A-12. This subsection applies only to cities with a population of 200,000 or over, which have a median family income of forty thousand dollars (\$40,000) or over, according to the most recent decennial federal census.

(c) Where appropriate, such conditions may include requirements that street and utility rights-of-way be dedicated to the public and that provision be made of recreational space and facilities. When issuing or denying special use permits or conditional use permits, the city council shall follow the procedures for boards of adjustment except that no vote greater than a majority vote shall be required for the city council to issue such permits, and every such decision of the city council shall be subject to review by the superior court by proceedings in the nature of certiorari. Any petition for review by the superior court shall be filed with the clerk of superior court within 30 days after the decision of the city council is filed in such office as the ordinance specifies, or after a written copy thereof 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 decision of the city council may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested. (1923, c. 250, s. 1; C.S., s. 2776(r); 1967, c. 1208, s. 1; 1971, c. 698, s. 1; 1981, c. 891, s. 5; 1985, c. 442, s. 1; 1987, c. 747, s. 11; 1995, c. 357, s. 1.)

§ 160A-382. Districts.

For any or all these purposes, the city may divide its territorial jurisdiction into districts of any number, shape, and area that may be deemed best suited to carry out the purposes of this Part; and within those districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures, or land. Such districts may include, but shall not be limited to, general use districts, in which a variety of uses are permissible in accordance with general standards; overlay districts, in which additional requirements are imposed on certain properties within one or more underlying general or special use districts; and special use districts or conditional use districts, in which uses are permitted only upon the issuance of a special use permit or a conditional use permit. Property may be placed in a special use district or conditional use district only in response to a petition by the owners of all the property to be included. Except as authorized by the foregoing, all regulations shall be uniform for each class or kind of building throughout each district, but the regulations in one district may differ from those in other districts. (1923, c. 250, s. 2; C.S., s. 2776(s); 1931, c. 176, s. 1; 1933, c. 7; 1963, c. 1058, s. 1; 1971, c. 698, s. 1; 1973, c. 426, s. 60; 1985, c. 607, s. 1.)

§ 160A-383. Purposes in view.

Zoning regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. The regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such city. (1923, c. 250, s. 3; C.S., s. 2776(t); 1971, c. 698, s. 1.)

§ 160A-383.1. Zoning regulations for manufactured homes.

(a) The General Assembly finds and declares that manufactured housing offers affordable housing opportunities for low and moderate income residents of this State who could not otherwise afford to own their own home. The General Assembly further finds that some local governments have adopted zoning regulations which severely restrict the placement of manufactured homes. It is the intent of the General Assembly in enacting this section that cities reexamine their land use practices to assure compliance with applicable statutes and case law, and consider allocating more residential land area for manufactured homes based upon local housing needs.

(b) For purposes of this section, the term "manufactured home" is defined as provided in G.S. 143-145(7).

(c) A city may not adopt or enforce zoning regulations or other provisions which have the effect of excluding manufactured homes from the entire zoning jurisdiction.

(d) A city may adopt and enforce appearance and dimensional criteria for manufactured homes. Such criteria shall be designed to protect property values, to preserve the character and

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integrity of the community or individual neighborhoods within the community, and to promote the health, safety and welfare of area residents. The criteria shall be adopted by ordinance.

(e) In accordance with the city's comprehensive plan and based on local housing needs, a city may designate a manufactured home overlay district within a residential district. Such overlay district may not consist of an individual lot or scattered lots, but shall consist of a defined area within which additional requirements or standards are placed upon manufactured homes.

(f) Nothing in this section shall be construed to preempt or supersede valid restrictive covenants running with the land. The terms "mobile home" and "trailer" in any valid restrictive covenants running with the land shall include the term "manufactured home" as defined in this section. (1987, c. 805, s. 1.)

§ 160A-384. Method of procedure.

(a) The city council shall provide for the manner in which zoning regulations and restrictions and the boundaries of zoning districts shall be determined, established and enforced, and from time to time amended, supplemented or changed, in accordance with the provisions of this Article. The procedures adopted pursuant to this section shall provide that whenever there is a zoning map amendment, the owner of that parcel of land as shown on the county tax listing, and the owners of all parcels of land abutting that parcel of land as shown on the county tax listing, shall be mailed a notice of a public hearing on the proposed amendment by first class mail at the last addresses listed for such owners on the county tax abstracts. This notice must be deposited in the mail at least 10 but not more than 25 days prior to the date of the public hearing. The person or persons mailing such notices shall certify to the City Council that fact, and such certificate shall be deemed conclusive in the absence of fraud.

(b) The first class mail notice required under subsection (a) of this section shall not be required if the zoning map amendment directly affects more than 50 properties, owned by a total of at least 50 different property owners, and the city elects to use the expanded published notice provided for in this subsection. In this instance, a city may elect to either make the mailed notice provided for in subsection (a) of this section or may as an alternative elect to publish once a week for four successive calendar weeks in a newspaper having general circulation in the area an advertisement of the public hearing that shows the boundaries of the area affected by the proposed zoning map amendment and explains the nature of the proposed change. The final two advertisements shall comply with and be deemed to satisfy the provisions of G.S. 160A-364. The advertisement shall not be less than one-half of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified by first class mail pursuant to this section. The person or persons mailing the notices shall certify to the city council that fact, and the certificates shall be deemed conclusive in the absence of fraud. In addition to the published notice, a city shall post one or more prominent signs on or immediately adjacent to the subject area reasonably calculated to give public notice of the proposed rezoning. (1923, c. 250, s. 4; C.S., s. 2776(u); 1927, c. 90; 1971, c. 698, s. 1; 1985, c. 595, s. 2; 1987, c. 807, s. 1; 1989 (Reg. Sess., 1990), c. 980, s. 1; 1993, c. 469, s. 1; 1995, c. 546, s. 1.)

§ 160A-385. Changes.

(a) Zoning regulations and restrictions and zone boundaries may from time to time be amended, supplemented, changed, modified or repealed. In case, however, of a protest against such change, signed by the owners of twenty percent (20%) or more either of the area of the lots included in a proposed change, or of those immediately adjacent thereto either in the rear thereof or on either side thereof, extending 100 feet therefrom, or of those directly opposite thereto extending 100 feet from the street frontage of the opposite lots, an amendment shall not become effective except by favorable vote of three-fourths of all the members of the city council. The foregoing provisions concerning protests shall not be applicable to any amendment which initially zones property added to the territorial coverage of the ordinance as a result of annexation or otherwise, or to an amendment to an adopted special use district or conditional use district if the amendment does not change the types of uses that are permitted within the district or increase the approved density for residential development, or increase the total approved size of nonresidential development, or reduce the size of any buffers or screening approved for the special use or conditional use district.

(b) Amendments, modifications, supplements, repeal or other changes in zoning regulations and restrictions and zone boundaries shall not be applicable or enforceable without consent of the owner with regard to buildings and uses for which either (i) building permits have been issued pursuant to G.S. 160A-417 prior to the enactment of the ordinance making the change or changes so long as the permits remain valid and unexpired pursuant to G.S. 160A-418 and unrevoked pursuant to G.S. 160A-422 or (ii) a vested right has been established pursuant to G.S. 160A-385.1 and such vested right remains valid and unexpired pursuant to G.S. 160A-385.1. (1923, c. 250, s. 5; C.S., s. 2776(v); 1959, c. 434, s. 1; 1965, c. 864, s. 1; 1971, c. 698, s. 1; 1977, c. 912, s. 7; 1985, c. 540, s. 2; 1989 (Reg. Sess., 1990), c. 996, s. 1; 1991, c. 512, s. 4.) §

160A-385.1. Vested rights.

(a) The General Assembly finds and declares that it is necessary and desirable, as a matter of public policy, to provide for the establishment of certain vested rights in order to ensure reasonable certainty, stability, and fairness in the land-use planning process, secure the reasonable expectations of landowners, and foster cooperation between the public and private sectors in the area of land-use planning. Furthermore, the General Assembly recognizes that city approval of land-use development typically follows significant landowner investment in site evaluation, planning, development costs, consultant fees, and related expenses. The ability of a landowner to obtain a vested right after city approval of a site specific development plan or a phased development plan will preserve the prerogatives and authority of local elected officials with respect to land-use matters. There will be ample opportunities for public participation and the public interest will be served. These provisions will strike an appropriate balance between private expectations and the public interest, while scrupulously protecting the public health, safety, and welfare.

(b) Definitions.

- (1) "Landowner" means any owner of a legal or equitable interest in real property, including the heirs, devisees, successors, assigns, and personal representative of such owner. The landowner may allow a person holding a valid option to purchase to act as his agent or representative for purposes of submitting a

proposed site specific development plan or a phased development plan under this section, in the manner allowed by ordinance.

- (2) "City" shall have the same meaning as set forth in G.S. 160A-1(2).
- (3) "Phased development plan" means a plan which has been submitted to a city by a landowner for phased development which shows the type and intensity of use for a specific parcel or parcels with a lesser degree of certainty than the plan determined by the city to be a site specific development plan.
- (4) "Property" means all real property subject to zoning regulations and restrictions and zone boundaries by a city.
- (5) "Site specific development plan" means a plan which has been submitted to a city by a landowner describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Such 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 preliminary or general development plan, a conditional or special use permit, a conditional or special use district zoning plan, or any other land-use approval designation as may be utilized by a city. Unless otherwise expressly provided by the city, such a plan shall include the approximate boundaries of the site; significant topographical and other natural features effecting development of the site; the approximate location on the site of the proposed buildings, structures, and other improvements; the approximate dimensions, including height, of the proposed buildings and other structures; and the approximate location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways. What constitutes a site specific development plan under this section that would trigger a vested right shall be finally determined by the city pursuant to an ordinance, and the document that triggers such vesting shall be so identified at the time of its approval. However, at a minimum, the ordinance to be adopted by the city shall designate a vesting point earlier than the issuance of a building permit. A variance shall not constitute a site specific development plan, and approval of a site specific development plan with the condition that a variance be obtained shall not confer a vested right unless and until the necessary variance is obtained. Neither a sketch plan nor any other document which fails to describe with reasonable certainty the type and intensity of use for a specified parcel or parcels of property may constitute a site specific development plan.
- (6) "Vested right" means the right to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan or an approved phased development plan.

(c) Establishment of vested right. A vested right shall be deemed established with respect to any property upon the valid approval, or conditional approval, of a site specific development plan or a phased development plan, following notice and public hearing by the city with jurisdiction over the property. Such vested right shall confer upon the landowner the right to undertake and complete the development and use of said property under the terms and conditions of the site specific development plan or the phased development plan including any amendments thereto. A city may approve a site specific development plan or a phased development 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

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such terms and conditions will result in a forfeiture of vested rights. A city shall not require a landowner to waive his vested rights as a condition of developmental approval. A site specific development plan or a phase development plan shall be deemed approved upon the effective date of the city's action or ordinance relating thereto.

(d) Duration and termination of vested right.

- (1) A right which has been vested as provided for in this section shall remain vested for a period of two years. This vesting shall not be extended by any amendments or modifications to a site specific development plan unless expressly provided by the city.
 - (2) Notwithstanding the provisions of subsection (d)(1), a city may provide that rights shall be vested for a period exceeding two years but not exceeding five years where warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions. These determinations shall be in the sound discretion of the city.
 - (3) Notwithstanding the provisions of (d)(1) and (d)(2), the city may provide by ordinance that approval by a city of a phased development plan shall vest the zoning classification or classifications so approved for a period not to exceed five years. The document that triggers such vesting shall be so identified at the time of its approval. The city still may require the landowner to submit a site specific development plan for approval by the city with respect to each phase or phases in order to obtain final approval to develop within the restrictions of the vested zoning classification or classifications. Nothing in this section shall be construed to require a city to adopt an ordinance providing for vesting of rights upon approval of a phased development plan.
 - (4) Following approval or conditional approval of a site specific development plan or a phased development plan, nothing in this section shall exempt such a plan from subsequent reviews and approvals by the city to ensure compliance with the terms and conditions of the original approval, provided that such reviews and approvals are not inconsistent with said original approval. Nothing in this section shall prohibit the city from revoking the original approval for failure to comply with applicable terms and conditions of the approval or the zoning ordinance.
 - (5) Upon issuance of a building permit, the provisions of G.S. 160A-418 and G.S. 160A-422 shall apply, except that a permit shall not expire or be revoked because of the running of time while a vested right under this section is outstanding.
 - (6) A right which has been vested as provided in this section 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.
- (e) Subsequent changes prohibited; exceptions.
- (1) A vested right, once established as provided for in this section, precludes any zoning action by a city which would change, alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in an approved site specific development plan or an approved phased development plan, except:
 - a. With the written consent of the affected landowner;
 - b. Upon findings, by ordinance after notice and a public hearing, that natural or man-made hazards on or in the immediate vicinity of the property, if

- uncorrected, would pose a serious threat to the public health, safety, and welfare if the project were to proceed as contemplated in the site specific development plan or the phased development plan;
- c. To the extent that the affected landowner receives compensation for all costs, expenses, and other losses incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, marketing, legal, and other consultant's fees incurred after approval by the city, together with interest thereon at the legal rate until paid. Compensation shall not include any diminution in the value of the property which is caused by such action;
 - d. Upon findings, by ordinance after notice and a hearing, that the landowner or his representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the city of the site specific development plan or the phased development plan; or
 - e. Upon the enactment or promulgation of a State or federal law or regulation which precludes development as contemplated in the site specific development plan or the phased development plan, in which case the city may modify the affected provisions, upon a finding that the change in State or federal law has a fundamental effect on the plan, by ordinance after notice and a hearing.
- (2) 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 by a city, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes. Otherwise applicable new regulations shall become effective with respect to property which is subject to a site specific development plan or a phased development plan upon the expiration or termination of the vesting rights period provided for in this section.
 - (3) Notwithstanding any provision of this section, the establishment of a vested right shall not preclude, change or impair the authority of a city to adopt and enforce zoning ordinance provisions governing nonconforming situations or uses.
- (f) Miscellaneous provisions.
- (1) A vested right obtained under this section is not a personal right, but shall attach to and run with the applicable property. After approval of a site specific development plan or a phased development plan, all successors to the original landowner shall be entitled to exercise such rights.
 - (2) Nothing in this section shall preclude judicial determination, based on common law principles or other statutory provisions, that a vested right exists in a particular case or that a compensable taking has occurred. Except as expressly provided in this section, nothing in this section shall be construed to alter the existing common law.
 - (3) In the event a city fails to adopt an ordinance setting forth what constitutes a site specific development plan triggering a vested right, a landowner may establish a vested right with respect to property upon the approval of a zoning permit, or

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otherwise may seek appropriate relief from the Superior Court Division of the General Court of Justice. (1989 (Reg. Sess., 1990), c. 996, s. 2.)

§ 160A-386. Protest petition; form; requirements; time for filing.

No protest against any change in or amendment to a zoning ordinance or zoning map shall be valid or effective for the purposes of G.S. 160A-385 unless it be in the form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed change or amendment, and unless it shall have been received by the city clerk in sufficient time to allow the city at least two normal work days, excluding Saturdays, Sundays and legal holidays, before the date established for a public hearing on the proposed change or amendment to determine the sufficiency and accuracy of the petition. The city council may by ordinance require that all protest petitions be on a form prescribed and furnished by the city, and such form may prescribe any reasonable information deemed necessary to permit the city to determine the sufficiency and accuracy of the petition. (1963, c. 1058, s. 2; 1971, c. 698, s. 1.)

§ 160A-387. Planning agency; zoning plan; certification to city council.

In order to exercise the powers conferred by this Part, a city council shall create or designate a planning agency under the provisions of this Article or of a special act of the General Assembly. The planning agency shall prepare a proposed zoning ordinance, including both the full text of such ordinance and maps showing proposed district boundaries. The planning agency may hold public hearings in the course of preparing the ordinance. Upon completion, the planning agency shall certify the ordinance to the city council. The city council shall not hold its required public hearing or take action until it has received a certified ordinance from the planning agency. Following its required public hearing, the city council may refer the ordinance back to the planning agency for any further recommendations that the agency may wish to make prior to final action by the city council in adopting, modifying and adopting, or rejecting the ordinance. (1923, c. 250, s. 6; C.S., s. 2776(w); 1967, c. 1208, s. 2; 1971, c. 698, s. 1; 1973, c. 426, s. 60; 1977, c. 912, s. 8.)

§ 160A-388. Board of adjustment.

(a) The city council may provide for the appointment and compensation of a board of adjustment consisting of five or more members, each to be appointed for three years. In appointing the original members of such board, or in the filling of vacancies caused by the expiration of the terms of existing members, the council may appoint certain members for less than three years to the end that thereafter the terms of all members shall not expire at the same time. The council may, in its discretion, appoint and provide compensation for alternate members to serve on the board in the absence of any regular member. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member, while attending any regular or special meeting of the board and serving in the absence of any regular member, shall have and may exercise all the powers and duties of a regular member. A city may designate a planning agency to perform any or all of the duties of a board of adjustment in addition to its other duties.

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(b) The board of adjustment shall hear and decide appeals from and review any order, requirement, decision, or determination made by an administrative official charged with the enforcement of any ordinance adopted pursuant to this Part. An appeal may be taken by any person aggrieved or by an officer, department, board, or bureau of the city. Appeals shall be taken within times prescribed by the board of adjustment by general rule, by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal, specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment, after notice of appeal has been filed with him, that because of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property or that because the violation charged is transitory in nature a stay would seriously interfere with enforcement of the ordinance. In that case proceedings shall not be stayed except by a restraining order, which may be granted by the board of adjustment or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown. The board of adjustment shall fix a reasonable time for the hearing of the appeal, give due notice thereof to the parties, and decide it within a reasonable time. The board of adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and shall make any order, requirement, decision, or determination that in its opinion ought to be made in the premises. To this end the board shall have all the powers of the officer from whom the appeal is taken.

(c) The zoning ordinance may provide that the board of adjustment may permit special exceptions to the zoning regulations in classes of cases or situations and in accordance with the principles, conditions, safeguards, and procedures specified in the ordinance. The ordinance may also authorize the board to interpret zoning maps and pass upon disputed questions of lot lines or district boundary lines and similar questions as they arise in the administration of the ordinance. The board shall hear and decide all matters referred to it or upon which it is required to pass under any zoning ordinance.

(d) When practical difficulties or unnecessary hardships would result from carrying out the strict letter of a zoning ordinance, the board of adjustment shall have the power, in passing upon appeals, to vary or modify any of the regulations or provisions of the ordinance relating to the use, construction or alteration of buildings or structures or the use of land, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

(e) The concurring vote of four-fifths of the members of the board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official charged with the enforcement of an ordinance adopted pursuant to this Part, or to decide in favor of the applicant any matter upon which it is required to pass under any ordinance, or to grant a variance from the provisions of the ordinance. Every decision of the board shall be subject to review by the superior court by proceedings in the nature of *certiorari*. Any petition for review by the superior court shall be filed with the clerk of superior court within 30 days after the decision of the board is filed in such office as the ordinance specifies, or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the secretary or chairman of the board at the time of its hearing of the case, whichever is later. The decision of the board may be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested.

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(f) The chairman of the board of adjustment or any member temporarily acting as chairman, is authorized in his official capacity to administer oaths to witnesses in any matter coming before the board.

(g) The board of adjustment may subpoena witnesses and compel the production of evidence. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the board of adjustment may apply to the General Court of Justice for an order requiring that its order be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties. No testimony of any witness before the board of adjustment pursuant to a subpoena issued in exercise of the power conferred by this subsection may be used against the witness in the trial of any civil or criminal action other than a prosecution for false swearing committed on the examination. Any person who, while under oath during a proceeding before the board of adjustment, willfully swears falsely, is guilty of a Class 1 misdemeanor. (1923, c. 250, s. 7; C.S., s. 2776(x); 1929, c. 94, s. 1; 1947, c. 311; 1949, c. 979, ss. 1, 2; 1963, c. 1058, s. 3; 1965, c. 864, s. 2; 1967, c. 197, s. 1; 1971, c. 698, s. 1; 1977, c. 912, ss. 9-12; 1979, c. 50; 1979, 2nd Sess., c. 1247, s. 37; 1981, c. 891, s. 7; 1985, c. 397, s. 2, c. 689, s. 30; 1991, c. 512, s. 2; 1993, c. 539, s. 1088; 1994, Ex. Sess., c. 24, s. 14(c).)

§ 160A-389. Remedies.

If a building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this Part or of any ordinance or other regulation made under authority conferred thereby, the city, in addition to other remedies, may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate the violation, to prevent occupancy of the building, structure or land, or to prevent any illegal act, conduct, business or use in or about the premises. (1923, c. 250, s. 8; C.S., s. 2776(y); 1971, c. 698, s. 1.)

§ 160A-390. Conflict with other laws. When regulations made under authority of this Part require a greater width or size of yards or courts, or require a lower height of a building or fewer number of stories, or require a greater percentage of a lot to be left unoccupied, or impose other higher standards than are required in any other statute or local ordinance or regulation, regulations made under authority of this Part shall govern. When the provisions of any other statute or local ordinance or regulation require a greater width or size of yards or courts, or require a lower height of a building or a fewer number of stories, or require a greater percentage of a lot to be left unoccupied, or impose other higher standards than are required by the regulations made under authority of this Part, the provisions of that statute or local ordinance or regulation shall govern. (1923, c. 250, s. 9; C.S., s. 2776(z); 1971, c. 698, s. 1.)

§ 160A-391. Other statutes not repealed.

This Part shall not repeal any zoning act or city planning act, local or general, now in force, except those that are repugnant to or inconsistent herewith. This Part shall be construed to be an enlargement of the duties, powers, and authority contained in other laws authorizing the appointment and proper functioning of city planning commissions or zoning commissions by any

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city or town in the State of North Carolina. (1923, c. 250, s. 11; C.S., s. 2776(aa); 1971, c. 698, s. 1.)

§ 160A-392. Part applicable to buildings constructed by State and its subdivisions; exception.

All of the provisions of this Part are hereby made applicable to the erection, construction, and use of buildings by the State of North Carolina and its political subdivisions.

Notwithstanding the provisions of any general or local law or ordinance, no land owned by the State of North Carolina may be included within an overlay district or a special use or conditional use district without approval of the Council of State. (1951, c. 1203, s. 1; 1971, c. 698, s. 1; 1985, c. 607, s. 2.)

§§ 160A-393 through 160A-394. Reserved for future codification purposes.