

CHAPTER 154: ZONING

Section

General Provisions

- 154.001 Authority and intent
- 154.002 Short title
- 154.003 Jurisdiction
- 154.004 Interpretation of commonly used words
- 154.005 Rules for construction of language
- 154.006 Definitions

Application of Regulations

- 154.015 Zoning affects every building and use
- 154.016 Reduction of lot and yard areas prohibited
- 154.017 Relationship of building to lot
- 154.018 Height regulations generally
- 154.019 Visibility at intersections
- 154.020 Averaging an existing residential front setback line
- 154.021 Lot requirements cannot be transferred to another use
- 154.022 Every lot shall abut a street
- 154.023 Locations of building lines on irregularly shaped lots
- 154.024 Mixed uses

- 154.025 Fractional requirements under this chapter
- 154.026 Nonconformances may continue
- 154.027 Location of building line where the streetline is unknown
- 154.028 Parcels not having sanitary sewer or water service
- 154.029 Historic Overlay District (HD) designated; purpose defined
- 154.030 Location of building line on major and minor thoroughfares
- 154.031 Prohibition of use of residentially zoned property for access to uses not permitted in residential districts
- 154.032 Lots; dimensions, access and related
- 154.033 Permitted projections into required setbacks
- 154.034 Special purpose lots

Administrative Mechanisms

- 154.045 Town Council
- 154.046 Planning Board
- 154.047 Board of Adjustment
- 154.048 Zoning Administrator

District Regulations

- 154.060 Use districts named
- 154.061 District boundaries shown on zoning map
- 154.062 Due consideration given to district boundaries
- 154.063 Only one official map
- 154.064 Description and purpose of each zoning district

- 154.065 Schedule of permitted and permissible special uses by district
- 154.066 Area, height, bulk and placement regulations
- 154.067 Table of permitted uses
- 154.068 Note file for § 154.067

Supplemental Regulations

- 154.080 Historic Overlay District (HD)
- 154.081 Parking of domestic, commercial and recreational vehicles
- 154.082 Buffers and screening
- 154.083 Screening of open storage
- 154.084 Screening of mechanical equipment
- 154.085 Central solid waste storage area
- 154.086 Parking restricted within required front yards
- 154.087 Vehicle towing operations
- 154.088 Construction trailers and temporary offices
- 154.089 Model dwelling units
- 154.090 Repair of privately owned motor vehicles in residential districts
- 154.091 Garage sales, yard sales and the like
- 154.092 Animals
- 154.093 Stacking or waiting lanes for drive-in windows
- 154.094 Industrial districts; performance standards
- 154.095 Commercial districts; performance standards

154.096 Residential districts; performance standards

154.097 Trees; shrubs; screening

154.098 Solar farm(s) located in I and IP Districts

Development Standards for Wireless Communication Facilities

154.110 Purpose

154.111 Uses not covered by this subchapter

154.112 Interpretation and definitions

154.113 Preferred locations for wireless communications facilities and applicability

154.114 Development standards

154.115 Review process

154.116 Approval process

154.117 Shared facilities and collocation policy

154.118 Removal of abandoned support structures

154.119 Nonconforming wireless communications facilities

154.120 Enforcement

Off-Street Parking and Loading

154.135 Purpose and intent

154.136 Off-street parking required

154.137 Compliance with regulations

154.138 Methods of providing required parking

154.139 Joint use facilities and shared parking

- 154.140 Number of required off-street parking spaces
- 154.141 Determination for unlisted uses
- 154.142 Off-street parking space design standards
- 154.143 Landscaping standards for off-street parking
- 154.144 Required off-street loading space
- 154.145 Determination of unlisted uses
- 154.146 Off-street loading space standards
- 154.147 Parking requirements table and diagram

Signs

- 154.160 Intent
- 154.161 Signs subject to control
- 154.162 Signs not subject to control
- 154.163 Traffic safety precautions
- 154.164 Prohibited locations for signs
- 154.165 Maximum size for signs
- 154.166 Maximum height for signs
- 154.167 Restriction of direct illumination
- 154.168 Electrical requirements
- 154.169 Zoning compliance permit required
- 154.170 Responsible party identified
- 154.171 Temporary signs

154.172 Trailer, mobile home, A-frame and T-frame portable signs prohibited

154.173 Billboards (off-premises business signs) prohibited

154.174 Maintenance required

154.175 Removal of obsolete signs

154.176 All other sign types

154.177 Schedule of permitted and permissible signs

154.178 Note file for § 154.177

Special Use Regulations

154.190 Intent

154.191 General standards

154.192 Procedure for submission and consideration of applications for approval of special uses

154.193 Imposed conditions

154.194 Discontinuance of permitted activity

154.195 Contents of application for a special use

154.196 Minor changes to be approved by Zoning Administrator; modifications require action by Town Council

154.197 General compliance with this chapter

154.198 Failure to comply with plans and conditions of the permit

154.199 Withdrawal of application

154.200 Effect of denial on subsequent petitions

154.201 Appeals

154.202 Fees

- 154.203 Standards applicable to individual special uses
- 154.204 Adult day care facilities for more than thirty clients
- 154.205 Airport; heliport
- 154.206 Child day care facilities in districts where those facilities require a special use permit
- 154.207 Colleges; universities
- 154.208 Combustible liquid storage in quantities greater than two thousand but less than one-hundred thousand-gallons' aggregate
- 154.209 Combustible liquid storage in quantities greater than one-hundred thousand-gallons' aggregate
- 154.210 Congregate living facilities; nursing home; group home
- 154.211 Cultural facility
- 154.212 Dwelling multi-family up to .35 FAR
- 154.213 Extraction of earth products
- 154.214 Golf course
- 154.215 Home occupations
- 154.216 Junkyards
- 154.217 Landfills; sanitary
- 154.218 Manufacturing, processing and assembly; light
- 154.219 Mobile and manufactured home parks
- 154.220 Planned unit development
- 154.221 Public use facilities
- 154.222 Reserved

- 154.223 Recreational vehicle; travel parks and camps
- 154.224 Public, private elementary and high schools
- 154.225 Adult establishments
- 154.226 Nonconforming situations
- 154.227 Mental institution; sanitarium
- 154.228 Professional residential facility (structured environment)
- 154.229 Game rooms
- 154.230 Storage of hazardous material within balance of watershed
- 154.231 Transfer stations
- 154.232 Dwellings in I and IP Districts
- 154.233 Structures may exceed height limits established in § 154.066(A)
- 154.234 Telecommunications towers
- 154.235 Commercial developments with multi-use and/or structures and FAR between .27 and .35
- 154.236 Commercial developments with multi-use and/or structures and FAR up to .35
- 154.237 Country, racquet, tennis and swim clubs
- 154.238 Fraternity and sorority houses
- 154.239 Watershed 10/70 option development
- 154.240 Solar farm in R40 District

Nonconforming Situations

- 154.250 Continuation of nonconforming situations
- 154.251 Nonconforming lots

- 154.252 Extension or enlargement of nonconforming situations
- 154.253 Change in kind of nonconforming use
- 154.254 Abandonment and discontinuance of nonconforming situations

Administration and Legal Provisions

- 154.265 Establishment of Administrative Officer
- 154.266 Duties of the Zoning Administrator
- 154.267 Powers and limitations of the Zoning Administrator
- 154.268 Zoning compliance permit required
- 154.269 Contents of application for zoning compliance permit
- 154.270 Certificate of zoning compliance
- 154.271 Site specific development plan
- 154.272 Fees
- 154.273 Determination of exact location of zoning district boundary lines
- 154.274 Building permits issued prior to adoption of this chapter
- 154.275 Changes and amendments
- 154.276 Prohibition of certain testimony
- 154.277 Reserved
- 154.278 Enforcement and review
- 154.279 Interpretation; conflict; purpose

- 154.999 Penalty

GENERAL PROVISIONS

§ 154.001 AUTHORITY AND INTENT.

In accordance with G.S. Ch. 160A, Article 19, Part 3, the Town of Liberty has the authority to adopt and enforce a Zoning Chapter. The general intent of this chapter shall be to promote the general health, safety, morals and welfare of the community. More specifically, it shall be to promote the orderly development of the town; lessen congestion of its streets and roads; protect citizens and their property from fire, panic and other dangers; provide adequate light and air; prevent overcrowding of the land; and facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.

(1981 Code, § 101) (Ord. passed 6-28-2004)

§ 154.002 SHORT TITLE.

This chapter shall be known as the Zoning Chapter of Liberty North Carolina, and shall consist of this text, Table of Permitted Uses and the official zoning map.

(1981 Code, § 102) (Ord. passed 6-28-2004)

§ 154.003 JURISDICTION.

This chapter shall apply to all territory within the corporate limits of the Town of Liberty and its extraterritorial planning jurisdiction.

(1981 Code, § 103) (Ord. passed 6-28-2004)

§ 154.004 INTERPRETATION OF COMMONLY USED WORDS.

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

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

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

(D) The words USED FOR shall include the meaning DESIGNED FOR.

(E) The word STRUCTURE shall include the meaning BUILDING.

(1981 Code, § 104) (Ord. passed 6-28-2004)

§ 154.005 RULES FOR CONSTRUCTION OF LANGUAGE.

The following rules apply to the text of this chapter.

(A) The particular controls the general.

(B) In case of any difference of meaning or implication between the text of this chapter and any caption, illustration, summary table or illustrative example, the text shall control.

(C) The word SHALL is mandatory and not discretionary. The word MAY is permissive. The word SHOULD is discretionary.

(D) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

(E) A BUILDING or STRUCTURE includes any part thereof.

(F) The phrase USED FOR includes ARRANGED FOR, DESIGNED FOR, MAINTAINED FOR or OCCUPIED FOR.

(G) The word PERSON includes an individual, a corporation, a partnership, an incorporated association or any other similar entity.

(H) Unless the context clearly indicates the contrary, where a regulation involves 2 or more times, conditions, provisions or events connected by the conjunction AND, OR or EITHER OR, the conjunction shall be interpreted as follows.

(1) AND indicates that all the connected items, conditions, provisions or events shall apply.

(2) OR indicates that the connected items, conditions, provisions or events may apply singly or in any combination.

(3) EITHER OR indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.

(I) The word INCLUDES shall not limit a term to the specified examples, but is intended to extend its meaning to all other instances or circumstances of like kind or character.

(J) Words not defined in § 154.006 below shall have the meaning commonly assigned to them. The reference for dictionary common meanings shall be the latest edition of Webster's New World Dictionary of the American Language.

(1981 Code, § 1201) (Ord. passed 6-28-2004)

§ 154.006 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY. Having a subordinate function. (See also BUILDING, ACCESSORY; STRUCTURE, ACCESSORY; and USE, ACCESSORY).

ACCESSORY APARTMENTS.

(1) A second dwelling unit either in or added to an existing single-family detached dwelling or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility with provision within the accessory apartment for cooking, eating, sanitation and sleeping for use by an extended family member on a noncommercial basis.

(2) The use shall not include manufactured homes as the accessory structure.

ADULT DAY CARE CENTER. Institutions for the care or instruction of non-preschool aged persons.

ADULT ESTABLISHMENTS. Business dealing in any activity which exhibits specified sexual activities or specific anatomical areas. The display of specific of sexual activities or specific anatomical areas are not the primary function of the establishment. Such as, but not limited to, adult cabaret, adult lounge, adult bar, adult nightclub, adult carwash.

ADULT USES.

ADULT BOOKSTORE. An establishment which has a substantial portion of it stock in trade in books, magazines or other periodicals and which excludes minors by reason of age.

ADULT CABARET. An establishment which features go-go-dancers, exotic dancers, strippers, male or female impersonators or similar entertainment and from which minors are excluded by reason of age.

ADULT DRIVE-IN THEATER. A drive-in theater for the showing of movies, slide shows, closed circuit TV or similar offerings and from which minors are excluded by reason of age.

ADULT MASSAGE PARLOR. An establishment in which body massages are offered as a service and from which minors are excluded by reason of age.

ADULT MINI-PICTURE THEATERS. An enclosed building or part thereof with a capacity of 50 persons or less used for showing movies, slide shows, closed circuit TV or similar offerings and from which minors are excluded by reason of age.

ADULT PICTURE THEATER. An enclosed building or portion thereof with a capacity of more than 50 persons used for showing movies, slide shows, closed circuit TV or similar offerings and from which minors are excluded by reason of age.

AGRICULTURE. The use of the land for:

- (1) The tilling of the soil;
- (2) The growing of crops or plants, including truck farming, field crops, vegetables, fruit, nut, sod, seed or tree production;
- (3) Pasturage, including pasture for cattle, horse, sheep or goats and other farm animals;
- (4) Forestry and other forms of food and fiber production for human and animal consumption;
- (5) Greenhouses, nurseries and ornamental horticulture;
- (6) Bee keeping;
- (7) Aquiculture; and/or

(8) The raising, breeding, working and use of farm animals excepting hog parlors, broiler houses, laying parlors, turkey houses and feed lot operations.

ALCOHOLIC BEVERAGES. Beverages containing more than 0.5% of alcohol by volume.

ALLEY. A dedicated and publicly maintained right-of-way, 20 feet or less in width, that provides a secondary means of access to abutting property and not intended for general vehicular traffic circulation.

AMUSEMENT DEVICE. Any pool, billiard, bagatelle, pigeon-hole or similar table; pinball machine; or mechanical or electronic amusement device which is or may be operated for or upon the payment of money, trade-token or slug, either directly or indirectly, and which operates or may be operated by retail patrons as a game or contest of skill or amusement of any kind or description, and which contains no automatic payoff device for the return of money, trade-token or slug, or for which no provision whatever is made for the return of money to the player; except any table, alley, machine or other game or device which would otherwise fall within this definition shall not be exempted therefrom by reason of arrangement or provisions whereby a player may from time to time win, earn or be awarded prizes, money, free or reduced cost play of the game or device, or other incentives or remuneration for or by reason of playing the game or device.

AMUSEMENT DEVICE, MECHANICAL or ELECTRONIC.

(1) Any machine which, upon insertion of a coin, trade-token or slug, or upon other activation for payment or promise of payment in money, operates or may be operated by retail patrons as a game or contest of skill or amusement of any kind of description, and which contains no automatic payoff device for the return of money, trade-token or slug, or which make no provision whatsoever for the return of money to the player; except any table, alley, machine or other game or device which would otherwise fall within this definition shall not be exempted therefrom by reason of arrangement or provisions whereby a player may from time to time win, earn or be awarded prizes, money, free or reduced cost play of the game or device, or other incentives or remuneration for or by reason of playing the game or device.

(2) Includes any machine, apparatus or contrivance which is used or which may be used as a game of skill and amusement wherein or whereby the player initiates, employs or directs any force, action or image generated by, on or in the machine.

ANIMAL HOSPITAL or VETERINARY CLINIC. Any structure and land used (primarily and essentially) for the medical and surgical care of ill, injured or disabled animals other than humans.

ANIMALS, HOUSEHOLD.

(1) Animals which are customarily kept for personal use or enjoyment within the home, not exhibited to the public, nor raised for commercial purposes.

(2) Animals which are dangerous to humans or property when they reach maturity or have cloven or solid hooves are not HOUSEHOLD ANIMALS.

(3) HOUSEHOLD ANIMALS shall include but not be limited to domestic dogs, domestic cats, canaries, parakeets, love birds, parrots, cockatoo, finches, toucans, mynah birds, guinea pigs, hamsters, mice, rats, gerbils, small reptiles, small amphibians and aquarium fish.

AREA OF SPECIAL FLOOD HAZARD. The land area within the zoning jurisdiction of the Town of Liberty which is subject to a 1% chance of flooding annually, i.e., the 100-year flood.

ART GALLERY. The use of a structure or building for the display of sculpture, painting, photographs or other artistic works for public viewing with only incidental sales.

AUCTION SALES. A public sale at which items are sold one by one, each going to the last and highest of a series of competing bidders.

AUTOMOBILE WASHING ESTABLISHMENT. A structure or portion thereof the principal use of which is the washing of automobiles or other motor vehicles.

AWNING. A covering which extends from a structure as a shelter from the weather or as a shading device. This does not include a canopy or marquee.

BAKERY. The use of a structure or building for the production of bakery products including but not limited to breads cakes, pastries and doughnuts. When identified in this chapter as a use under RETAIL, the bakery products produced must be for the direct sale to the consumer with no wholesale production or sales. Wholesale BAKERIES, for the purpose of this chapter, shall be considered manufacturing.

BANK. Financial institution engaged in deposit banking and closely related functions such as the extension of credit by means of loans and investments, and fiduciary activities.

BANQUET FACILITY or RENTAL HALL or RECEPTION HALL or MEETING HALL. A building, facility, room, or portion thereof, which is rented, leased, or otherwise made available to any person or group for private events or functions, such as hosting a party, banquet, or reception, that is not open to the public, whether or not a fee is charged. Food may be prepared or brought in from offsite. Live entertainment may be featured as accessory to the meeting or banquet.

BARRIER. Curbs, walls, fences or similar protective devices designed and located to protect public right-of-way and adjoining properties from damaging effects.

BASE FLOOD ELEVATION. The crest elevation in relation to mean-sea-level expected to be reached by the 1% annual chance flood, i.e., the 100-year flood.

BASEMENT/CELLAR.

- (1) A story partly underground but having at least 60% of its height above the average level of the adjoining ground.

(2) A BASEMENT shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than 5 feet.

BED AND BREAKFAST INN. A owner occupied dwelling unit that contains guests rooms where short term lodging rooms and meals are provided for compensation.

BERM. A related system of earth mounds and plantings which taken as a whole, form a visual barrier.

BILLBOARD/OFF PREMISES ADVERTISING SIGN. Any sign used as an outdoor display for the purpose of directing attention to a business, commodity, service or entertainment conducted, sold, manufactured or offered at a location other than the location of the sign.

BOARDING/ROOMING HOUSE. A building that is the primary residence of the owner, and in which rooms are provided by the owner, for compensation, to not more than 3 adult persons not related by blood, marriage or adoption to the owner.

BUFFER. A strip of land together with planting/screening required thereon. Both the amount of land and the type of planting/screening may be specified.

BUILDABLE AREA. The portion of a lot remaining after required yards have been provided and any conservation or preservation areas, submerged lands, easements or road rights-of-way have been subtracted from the lot area.

BUILDING. Any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind which has enclosing walls for 50% of its perimeter.

BUILDING, ACCESSORY. A subordinate building detached from but located on the same lot as the principal building, the use of which is incidental and accessory to that of the principal building.

BUILDING, HEIGHT OF. The vertical distance from the mean elevation of the finished grade along the front of the building, or from the established grade where the building is within 10 feet of the street line, to the highest point of a flat roof or to the deckline of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

BUILDING INSPECTOR. The Town of Liberty Officer or other designated authority charged with the administration and enforcement of the Building Code, or his or her duly authorized representative or agent.

BUILDING LINE. A line which established the minimum allowable horizontal distance between the lot line and the nearest portion of any structure on the lot.

BUILDING PERMIT. Permission granted by the Building Inspector for the erection, relocation, reconstruction or structurally altering any building.

BUILDING, PRINCIPAL. A building or, where the context so indicates, a group of buildings in which is conducted the principal use of the lot on which the building is located.

BUSINESS DISTRICTS. B1 and B2 Districts shall be considered as BUSINESS DISTRICTS.

BUSINESS SERVICES. An establishment offering primarily services to the business community and to individuals. These SERVICES include but are not limited to advertising agencies, blueprinting and photocopying services, cleaning and maintenance of building services, computer and data processing services, detective agencies and security services, insurance agency, management consulting and public relations services, news syndicates, personnel services, art and graphics services and real estate services.

CAMP. Land containing 2 or more campsites which are located, established or maintained for occupancy by people in temporary living quarters, such as tents, recreation vehicles or cabins, for recreation, education or vacation purposes.

CAMPSITE. Any plot of ground within a camp intended for the exclusive occupancy by a cabin, recreation vehicle or tent.

CANOPY. A structure attached to or cantilevered from a building. This may be a roof type canopy which is supported only by its flush attachment to the building, or it may be supported also by columns, braces or poles which extend to the ground. This does not include an awning.

CAR WASH. An establishment engaged in the business of washing domestic vehicles with self serve, automated or staffed facilities.

CELLAR/BASEMENT. A story partly underground but having at least 60% of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if the vertical distance between the ceiling and the average level of the adjoining ground is more than 5 feet.

CEMETERY, HUMAN. Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including crematories, mausoleums, columbarium and mortuaries, if operated in connection with and within the boundaries of the cemetery.

CEMETERY, PET. Land used or intended to be used for the burial of animals in individual burial plots or a mausoleum and dedicated for cemetery purposes.

CERTIFICATE OF OCCUPANCY. A document issued by an authorized official setting forth that land, a building or structure legally complies with the Town of Liberty Building Code, this chapter and other pertinent local and state requirements and that the same may be used for the purposes stated therein.

CERTIFICATE OF ZONING COMPLIANCE. A document issued by the Zoning Administrator certifying compliance with all terms of an approved zoning compliance permit, and authorizing occupancy of a building, structure or land. It may either be a separate document or part of the normal documents associated with a certificate of occupancy, occupational license, building permit or the like.

CHAPTER. This chapter, including any amendments. Whenever the effective date of the chapter is referred to, the reference includes the effective date of any amendment to it.

CHILD DAY CARE. Any child care arrangement wherein 3 or more children less than 13 years old receive care away from their own home by persons other than their parents, grandparents, aunts, uncles, brothers, sisters, first cousins, guardians or full-time custodians, or in the child's own home where other unrelated children are in care.

CHILD DAY CARE HOME.

(1) Any day care program or child care arrangement wherein any person not excluded in the above provides day care on a regular basis of at least once per week for more than 4 hours per day for more than 2 children under 13 years of age and fewer than 6 children at any one time, wherever operated, and whether or not operated for profit.

(2) The 4-hour limit applies regardless of the time of day and regardless of whether the same or different children attend. Cooperative arrangements among parents to provide care for their own children as a convenience rather than for employment are not included.

(3) To determine whether a child care arrangement is a child day care home, all children shall be counted except the operator's own school-aged children and school-aged children who reside at the location of the day care home.

(4) Notwithstanding the limitation to 5 children prescribed above, the day care home operator may care for 3 additional school-aged children.

CHURCH/SYNAGOGUE. Tax exempt buildings used for non-profit purposes by a recognized and legally established sect for purpose of worship, including educational buildings when operated by the church/synagogue.

CODE ENFORCEMENT OFFICER. The Town of Liberty officer or other designated authority charged with administration and enforcement of this Zoning Chapter, or his or her duly authorized representative or agent.

COLLEGE/UNIVERSITY.

(1) A degree-granting establishment, accredited or qualified for accreditation by the Southern Association of Colleges and Schools, providing formal academic education and generally requiring for admission at least a high school diploma or equivalent academic training, including colleges, community colleges, universities, technical institutes, seminaries and professional schools.

(2) Accessory uses under this definition include but are not limited to dormitories, cafeterias, bookstores, libraries, classrooms, administrative offices, research facilities, sports arenas and auditoriums.

COMBUSTIBLE LIQUID.

(1) A liquid having a flash point at or above 100°F (37.8°C).

(2) COMBUSTIBLE LIQUIDS shall be divided as follows:

(a) Class II liquids shall include those having flash points at or above 100°F (37.8°C) and below 140°F (60 degrees C);

(b) Class IIIA liquids shall include those having flash points at or above 140°F (60°C) and below 200°F (93°C); and

(c) Class IIIB liquids shall include those having flash points at or above 200°F (93°C).

COMMERCIAL DEVELOPMENTS. Developments consisting primarily of commercial uses.

COMMERCIAL USE. Any use permitted within the B1 and B2 districts.

COMMUNICATION FACILITIES, COMMERCIAL. The use of land, buildings or structures for uses such as but not limited to motion picture studios; radio and television receiving antenna and dishes; radio and television studios; and radio and television transmitting and receiving facilities.

COMMUNICATION FACILITIES, NON-COMMERCIAL. The use of land, buildings or structures for uses such as but not limited to radio and television receiving antenna and dishes; and radio and television transmitting and receiving facilities not for commercial gain.

COMMUNITY CENTER. A government or nonprofit facility used for recreational, social, educational, cultural services and activities. Services may be targeted to certain populations but membership is available to the general public. Examples: tax assistance, fitness training, tutoring, food pantries or public assemblies. Use does not include schools, places of worship, banquet halls, social club, or counseling services.

COMMUNITY DEVELOPMENT DEPARTMENT/PLANNING DEPARTMENT. The unit of government of the Town of Liberty that supervises planning and redevelopment activities of the town. Also known as the PLANNING DEPARTMENT.

COMMUNITY DEVELOPMENT DIRECTOR. The individual charged with the supervision of the Community Development Department. Short title: C.D. DIRECTOR.

COMMUNITY RECREATIONAL USES. Parks and playgrounds; community centers, recreation clubs, such as Boys and Girls Clubs; swimming clubs; tennis clubs; and paddle, racquetball and handball courts.

CONGREGATE LIVING FACILITY.

(1) Any building, buildings, section of a building or distinct part of a dwelling unit, home for the aged or other place, whether operated for profit or not, which undertakes through its ownership or management to provide, for a period exceeding 24 hours, housing, food services and one or more personal care services to persons not related to the owner or operator by blood, marriage or adoption and licensed, certified or approved by the North Carolina Department of Social Services.

(2) PERSONAL SERVICES. For the purpose of this definition, services in addition to housing and food service which include, but are not limited to, personal assistance with bathing, dressing, ambulation, supervision of self-administered medication, transportation, emotional security and other related service.

(3) PERSONAL SERVICE does not include nursing or medical treatment.

(4) These facilities shall contain congregate kitchen, dining and living areas only, with separate sleeping rooms. Further, the facilities shall not be used for those persons in need of a structured environment, as it is defined herein. For purposes of this chapter, congregate living facilities shall not be deemed to include boarding/rooming houses; fraternities/sororities; monasteries; convents; hotels/motels; professional residential facilities; or nursing, convalescent and extended care facilities.

CONTRACTORS OFFICE. An establishment engaged in the provision of construction activities including but not limited to plumbing, electrical work, building, paving, carpentry and other like contracting activities.

CORRECTIONAL FACILITY. A public facility for the housing of persons convicted of a crime.

CREMATORIUM. An establishment for the burning of human or animal remains.

CULTURAL FACILITY. The use of land, buildings or structures to provide educational and informational services to the general public, including but not limited to aquariums, arboreta, botanical and zoological gardens, art galleries, museums and libraries.

DAY CARE FACILITY.

(1) See CHILD CARE.

(2) Any child care center or child care arrangement which provides day care for more than 5 children, under the age of 13 years, on a regular basis of at least once per week for more than 4 hours but less than 24 hours per day, regardless of the time of day and regardless of whether the same or different children attend.

(3) The following are not included: public schools; non-public schools whether or not accredited by the State Department of Public Instruction, which regularly and exclusively provide a course of grade school instruction to children who are of public school age; summer camps having children in full-time residence; Bible Schools conducted during vacation periods; facilities licensed under G.S. Ch. 122C, Article 2; and cooperative arrangements among parents to provide care for their own children as a convenience rather than for employment.

(4) DAY CARE FACILITIES are separated by capacity into the following categories which determine applicable requirements and standards by the Child Day-Care Commission pursuant to G.S. § 110-88: large home, small center, medium center, large center. The Child Day-Care Commission shall establish the maximum capacity for each of the 4 categories of facilities.

DAY CARE FACILITY, ADULT. Institutions for the care or instruction of non-preschool aged persons.

DEVELOPMENT. Any humanmade change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DIMENSIONAL NON-CONFORMITY. A non-conforming situation that occurs when the height, size, maximum or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

DORMITORY.

(1) A building used as group living quarters for a student body, religious order or other group as an associated use to a college, university, boarding school, orphanage, convent, monastery or other similar use.

(2) DORMITORIES do not include kitchen facilities except a group kitchen to serve all residents.

DRINKING ESTABLISHMENT.

(1) An establishment where alcoholic beverages are obtainable within or thereon and where the beverages are consumed on the premises.

(2) If the facility also sells food and the sale of food products represent more than 50% of the facility's total sales, the facility shall be considered an EATING ESTABLISHMENT.

DRINKING ESTABLISHMENT; ADULT. An establishment where alcoholic beverages are obtainable within or thereon and where the beverages are consumed on the premises and where any activity displaying specified anatomical areas or specified sexual activities occurs. If the facility also sells food and the sale of food products represent more than 50% of the facility's total sales, the facility shall be considered an **EATING ESTABLISHMENT**.

DRIVE-IN THEATER. A facility designed for the outdoor projection of motion pictures onto a permanent screen to be viewed from the patron's automobile.

DRIVE-IN WINDOW. A window or other opening in the wall of a principal or accessory building through which goods or services are provided directly to customers in motor vehicles by means that eliminate the need for the customers to exit their motor vehicles.

DRY CLEANERS. An establishment engaged in providing laundry, dyeing and dry cleaning services to individual customers.

DRY CLEANERS, SMALL. An establishment engaged on a small scale in providing laundry, dyeing and dry cleaning services to individual customers.

DRY CLEANING PLANT. An establishment engaged in providing laundry, dyeing and dry cleaning services on a large scale for institutions, businesses or other such establishments.

DWELLING/RESIDENCE. A building designed for, or used by, 1 or more families for residential purposes.

DWELLING/RESIDENCE, 2-FAMILY. A structure containing 2 dwelling units.

DWELLING/RESIDENCE, ATTACHED SINGLE-FAMILY. Two or more 1-family dwellings connected by common walls or floors, where each unit is intended for separate ownership.

DWELLING/RESIDENCE, DETACHED SINGLE-FAMILY. An individual dwelling unit for 1 family located on an independent lot containing no other dwelling units.

DWELLING/RESIDENCE, MODULAR. A dwelling unit constructed in accordance with the standards set forth in the North Carolina State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a **MODULAR HOME** may consist of 2 or more sections transported to the site in a manner similar to a manufactured home (except that the modular home meets the North Carolina State Building Code), or a series of panels or room sections transported on a truck and erected or joined together on the site.

DWELLING/RESIDENCE, MULTIPLE-FAMILY. A structure containing 3 or more dwelling units.

DWELLING/RESIDENCE, PREFAB. A dwelling constructed from standardized sections fabricated beforehand for shipment and quick assembly.

DWELLING/RESIDENCE, SINGLE-FAMILY. A structure containing a single dwelling unit.

DWELLING/RESIDENCE UNIT. A room or group of rooms forming a single independent habitable unit used for, or intended to be used for living, sleeping, sanitation, cooking and eating purposes by 1 family only; for owner occupancy or for rental, lease or other occupancy.

EATING ESTABLISHMENT. An establishment whose principal business is the sale of food, frozen desserts or beverages to the customer in a ready to consume state.

DRIVE-IN EATING ESTABLISHMENTS. Those at which food or beverages are served for consumption by customers in parked motor vehicles.

SIT-DOWN EATING ESTABLISHMENTS. Those at which food and/or beverages are served by waitresses or waiters to patrons seated at booths or tables.

WALK-IN/CARRY OUT EATING ESTABLISHMENTS. Those at which the customers receive but do not consume the food and/or beverages at a counter, bar or from a drive-in window.

EATING ESTABLISHMENT, ADULT. An establishment whose principal business is the sale of food, frozen desserts or beverages to the customer in a ready to consume state and where any activity displaying specified anatomical areas or specified sexual activities occurs.

ELECTRICAL and ELECTRONIC REPAIR, LARGE. An establishment engaged in the repair of electrically powered equipment or electronic equipment such as but not limited to large appliances, large computers, radio and television broadcasting equipment and similar items.

ELECTRICAL and ELECTRONIC REPAIR, SMALL. An establishment engaged in the repair of electrically powered equipment or electronic equipment such as but not limited to small appliances, televisions, radios, non-commercial stereo equipment, personal or mini computers and similar equipment. As a general rule, if the item is too large to be hand carried by 1 or 2 people, it is not considered SMALL EQUIPMENT.

EMERGENCY SHELTER. A transitional housing facility designed to temporarily feed and shelter individuals.

EQUIPMENT, HEAVY. Large equipment including but not limited to earth moving equipment, forklifts, tractors, large generators and like items.

EQUIPMENT, LIGHT. Equipment including but not limited to wedding supplies, party supplies, small appliances, hand tools, furniture and like items.

ESTABLISHED GRADE. The elevation of the street grade as fixed by the town.

EXPENDITURE. A sum of money paid out in return for some benefit or to fulfill some obligation. Whenever the term is used hereafter, it also includes binding, contractual commitments to make future expenditures as well as any other substantial changes in position.

EXTRATERRITORIAL AREA. The land beyond the corporate limits extending for a distance of up to 1 mile in all directions as delineated on the official zoning map of the Town of Liberty.

FAMILY.

(1) Any number of people related by blood, marriage or adoption or not more than 5 unrelated persons living together as a single housekeeping unit, using a single facility in a dwelling unit for culinary purposes.

(2) The term FAMILY shall not be construed to include a fraternity or sorority, club, rooming house, institutional group or the like.

FAMILY DAY CARE HOME. A residence within which child care and supervision is provided for no more than 5 children, unrelated to the caregiver, for less than a 24-hour period.

FARMERS MARKET. A structure or structures erected for the display and sale of agricultural products and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell the products. This is not an accessory use to an existing principal use.

FIRE ESCAPE. A fireproof stairway down an outside wall, to help people escape from a burning building.

FLAMMABLE LIQUIDS.

(1) A liquid having a flash point below 100°F (37.8°C) and having a vapor pressure not exceeding 40 pounds per square inch (absolute) (2,068 mm Hg) at 1,000°F (37.8°C) shall be known as a Class I liquid.

(2) Class I liquids shall be subdivided as follows:

(a) Class IA liquids shall include those having flash points below 73°F (22.8°C) and having a boiling point below 100°F (37.8°C);

(b) Class IB liquids shall include those having flash points below 73°F (22.8°C) and having a boiling point at or above 100°F (37.8°C); and

(c) Class IC liquids shall include those having flash points at or above 73°F (22.8°C) and below 100°F (37.8°C).

FLEA MARKETS, OPEN AIR SALES. A building or open area in which stalls or sales areas are set aside, and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade. This use shall be considered a principal use of a lot.

FLEA MARKETS, OPEN AIR SALES; TEMPORARY. A temporary use of a building or open area in which stalls or sales areas are set aside, and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete or antique. Sales of this type are not generally considered to be part of or accessory to the principal use on the lot.

FLEX PARKING SPACES. Parking spaces provided for a use that has not been stated.

FLOOD or FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD CONTROL WORKS. Any humanmade construction, such as a dam, levee, groin or jetty designed to alter the flood potential of the body of water on or adjacent to which it is built.

FLOOD FRINGE AREA. That area of the flood plain lying outside the floodway but still lying within the area of special flood hazard, i.e., within the 100-year flood plain.

FLOOD INSURANCE STUDY.

- (1) The official report provided by the Federal Insurance Administration.
- (2) The report may contain flood profiles, as well as the flood hazard boundary-floodway map and the water surface elevation of the base flood.

FLOOD PLAIN. Any normally dry land area that is susceptible to being inundated by waters of the 1% chance flood, i.e., the 100-year flood.

FLOOD-PROOFING. Structural additions, changes or adjustments to structures subject to flooding which will reduce or eliminate flood damages to water and sewer facilities, structures and contents of buildings.

FLOODWAY. The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the velocity waters of the regulatory flood.

FLOOR AREA, GROSS.

(1) The sum of enclosed areas on all floors of a building or buildings measured from the outside faces of the exterior walls, including halls, lobbies, arcades, stairways, elevator shafts, enclosed porches and balconies, and any below-grade floor area used for habitation, access and storage.

(2) Not countable as FLOOR AREA are open terraces, patios, atriums, balconies and breezeways.

FLOOR AREA RATIO. The ratio of permitted floor area to the area of the lot.

FRATERNITY or SORORITY HOUSES. A dwelling or combination of dwellings on a single lot occupied by and maintained exclusively for college students who are affiliated with a social, honorary or professional organization recognized by the college or university.

FUNERAL PARLOR. An establishment engaged in preparing human remains for burial and conducting funerals.

FURNITURE REFINISHING AND REPAIR. An establishment engaged in the stripping, cleaning, painting, staining, sealing, varnishing or other like refinishing of the wood or metal components of furniture or the replacement or repair of broken or missing portions of a piece of furniture.

GAME ROOMS. Any establishment offering the operation of 1 or more amusement devices, and/or mechanical or electronic amusement devices including machines and software that requires skill to manipulate the outcome of winning. Included in this definition is SWEEPSTAKES BUSINESS/INTERNET CAFÉ.

GARAGE, PRIVATE. A building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

GAS STATION.

(1) An establishment where gasoline or diesel fuel is supplied and dispensed at retail and where no servicing or repair of vehicles is permitted.

(2) Convenience goods may be sold at the facilities but the sales shall be accessory to the sale of gasoline or diesel fuel.

HEALTH PRACTITIONER'S OFFICE. An establishment offering diagnostic and routine health care on an outpatient basis by licensed practitioners such as but not limited to physicians, dentists and chiropractors.

HEALTH SERVICES. The use of land, buildings and structures for uses such as but not limited to hospitals, medical clinics, medical and dental laboratories and rehabilitation centers.

HEIGHT.

(1) The vertical distance between the lowest proposed finished grade of the structure and the highest point of the structure.

(2) Finished grade shall be determined using all applicable regulations of the town, state and federal governments.

HELIPORT. Any landing area used by helicopters which, in addition, includes all necessary passenger and cargo facilities, maintenance and overhaul, fueling, service, storage, tie-down areas, hangars and other necessary buildings and open spaces.

HELISTOP. Any landing area used for the landing and taking off of helicopters for the purpose of picking up or discharging of passengers or cargo. No fueling, refueling or service facilities.

HELISTOP, EMERGENCY MEDICAL. Any landing area used for the taking off or landing of helicopters for the purpose of picking up and discharging of emergency medical patients, personnel or equipment and the like.

HOME OCCUPATION. An accessory use of a dwelling unit which constitutes, either entirely or partly, the livelihood of the person(s) living in the dwelling unit.

HOSPITAL. An institution providing physical and mental health services primarily for human in-patient medical or surgical care for the sick or injured, including related facilities such as laboratories, out-patient services, training facilities, central service facilities, emergency services and staff offices.

HOTEL or MOTEL. A building or group of buildings containing lodging units intended primarily for rental or lease to transients by the day or week, and providing additional services such as restaurants, meeting rooms and recreation facilities.

INDUSTRIAL DISTRICTS. I and IP Districts shall be considered as Industrial Districts.

JUNK. Includes but is not limited to old, or dilapidated, scrap or abandoned metal, paper, building material and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, tires, motor vehicles and parts thereof.

JUNKED MOTOR VEHICLES. A vehicle that does not display a current license plate and that:

- (1) Is partially dismantled or wrecked;
- (2) Cannot be self-propelled or moved in the manner in which it originally was intended to move; or
- (3) Is more than 5 years old and appears to be worth less than \$100.

JUNKYARD. Land used for the storage or keeping or handling or display of junk.

KENNEL. An establishment licensed to operate a facility housing dogs, cats or other household pets and where grooming breeding, boarding, training or selling of animals is conducted as a business.

LAND EXCAVATION. Removal of 500 cubic yards or more of sand, soil, peat, muck, clay, stone, shell and the like, for disposal off-site.

LANDFILL.

- (1) Land used for the disposal of waste excluding hazardous waste.
- (2) LANDFILLS are classified into 2 different types based upon the type of wastes received at the landfill:

CLEAN MATERIAL LANDFILLS. Land used for the disposal of only non-water-soluble, non-decomposable, inert material, consisting of concrete, brick, steel, clean fill dirt and other similar material; and

SANITARY LANDFILLS. A facility used for the disposal of solid waste. SANITARY LANDFILLS are divided into 2 classes based on the amount of wastes received:

1. Class I sanitary landfills are those which receive solid waste at a monthly average of 20 tons or more of solid waste per day or 50 cubic yards or more of solid waste per day; and
2. Class II sanitary landfills are those which receive solid waste at a monthly average of 20 tons or less of solid waste per day or less than 50 cubic yards of solid waste per day.

LEAST DIMENSIONS.

- (1) The least dimension of a yard is the least of the horizontal dimensions of the yards.
- (2) If 2 opposite sides of a yard are not parallel, the LEAST DIMENSION shall be deemed to be the mean distance between them.

LIBRARY. A building in which literary, musical, artistic or reference materials are kept for use but not generally for sale.

LIQUOR STORE. An establishment engaged in the retail sale of packaged alcoholic beverages for consumption off-premises.

LIMITED DURATION. An activity carried out for a period of not less than 1 day nor more than 21 days.

LOADING, OFF-STREET. Space located outside of any street right-of-way easement and designed to accommodate the temporary parking of vehicles used for bulk pickups and deliveries.

LOT. Land bounded by lines legally established for the purpose of property division. As used in this chapter, unless the context indicates otherwise, the term refers to a ZONING LOT.

LOT, CORNER. A lot at the junction of and abutting upon 2 or more streets.

LOT, DEPTH. The mean horizontal distance between the front and rear lot lines.

LOT, FRONT OF. The front of a lot shall be considered to be that side(s) of the lot which fronts on a street. In the case of a corner lot, the narrower side fronting on the street shall be considered to be the front of the lot. If the lot has equal frontage on two or more streets, frontage shall be determined by the Zoning Administrator in accordance with the prevailing building pattern, or the prevailing lotting pattern. If a pattern has not been established frontage shall be determined at the option of the owner.

LOT, INTERIOR. A lot other than a corner lot.

LOT LINE. A line that marks the boundary of a lot.

LOT LINE, INTERIOR. Any lot line that is not a street lot line; a lot line separating a lot from another lot.

LOT LINE, STREET. Any lot line separating a lot from a street rights-of-way or general access easement. Where a lot line is located within the street right-of-way or easement, the right-of-way or easement boundary adjacent to the lot shall be considered the street lot line.

LOT OF RECORD. A lot which is part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds of Randolph County, or any parcel of land, whether or not part of a subdivision, that has been officially and legally recorded by a deed in the office, provided the lot was of a size which met the minimum dimensions for lots in the district in which it was located at the time of recording or was recorded prior to the effective date of zoning in the area where the lot is located.

LOT WIDTH. The horizontal distance measured along a straight line connecting the points where the minimum front yard line meets the interior lot lines or, if on a corner, the other front yard line.

LOWEST HABITABLE FLOOR. Any floor, including a basement, used for living, which includes working, sleeping, eating, cooking or recreation facilities, or any combination thereof.

LUMBER and OTHER BUILDING MATERIALS SALES. An establishment engaged in the retail sale of finished lumber, packaged roofing materials, doors and other materials used by individuals or builders.

LUMBERYARD. An establishment engaged in the cutting, dressing, finishing and wholesale sale of lumber.

MAJOR THOROUGHFARE. A major thoroughfare as identified by the Thoroughfare Plan for the Town of Liberty.

MANUFACTURED/MOBILE HOME. A dwelling unit that is not constructed in accordance with the standards set forth in the North Carolina State Building Code, and is composed of 1 or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis and exceeds 32 feet in length and 8 feet in width.

(1) Class A: A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the United States Department of Housing and Urban Development that were in effect at the time of construction and also meet Town of Liberty appearance criteria.

(2) Class B: A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the United States Department of Housing and Urban Development that were in effect at the time of construction but which do not meet Town of Liberty appearance criteria.

(3) Class C: Any manufactured home that does not meet the definitional criteria of a Class A or Class B manufactured home.

MANUFACTURED/MOBILE HOME PARK. A parcel of land under single ownership that has been planned and improved for the placement of manufactured housing for dwelling purposes.

MANUFACTURING, PROCESSING and ASSEMBLING, LIGHT. Activities described in manufacturing, processing and assembling, heavy conducted wholly within an enclosed structure and not employing more than 15 persons and utilizing no more than a total of 25 horsepower in power driven machines and material handling equipment.

MANUFACTURING, PROCESSING and ASSEMBLING, HEAVY. The mechanical or chemical transformation of materials or substances into new products. The land uses engaged in these activities are usually described as plants, factories or mills and characteristically use power-driven machines and materials handling equipment. Establishments engaged in assembling component parts of manufactured products are also considered under this definition, if the new product is neither a fixed structure nor other fixed improvement. Also included is the blending of materials such as lubricating oils, plastics, resins or liquors.

MARQUEE. An ornamental structure projecting over an entrance attached to or cantilevered from a building. This does not include an awning.

MEAN SEA LEVEL. The average height of the sea for all stages of the tide. It is used as a reference for establishing varying elevations within the flood plain. For purposes of this chapter, the term is synonymous with National Geodetic Vertical Datum (NGVD).

MEDICAL and DENTAL LABORATORY. An establishment engaged in the testing and analysis of material for medical or dental services or for the patient on prescription of a health practitioner.

MEETING HALL. See BANQUET FACILITY.

MEMBERSHIP ORGANIZATIONS. A membership establishment operated by a corporation or association of persons for activities which include but are not limited to business, professional, social, literary, political, educational, fraternal, charitable or labor activities, but which are not operated for profit or to render a service which is customarily conducted as a business.

MENTAL INSTITUTIONS/SANITARIUMS. An institution providing mental health and physical care services for inpatient medical or surgical care for the mentally ill who are dangerous to others as defined in G.S. § 122C-3 or the physically sick.

MINILUBE. The use of a structure for the express purpose of changing fluids, filters and grease in a motor vehicle.

MINOR THOROUGHFARE. A minor thoroughfare as identified by the Thoroughfare Plan for the Town of Liberty.

MIXED USE RESIDENTIAL IN B1 DISTRICTS. A residential conversion of any existing structure within the B 1. The conversion shall maintain the ground floor for commercial use, thus creating a mixed-use structure.

MIXED USE STRUCTURE. A structure, where permitted, that houses multiple uses. See Note 16 of §§ 154.060 through 154.068.

MOBILE HOME/MANUFACTURED HOME. A dwelling unit that is not constructed in accordance with the standards set forth in the North Carolina State Building Code, and is composed of 1 or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis and exceeds 32 feet in length and 8 feet in width.

(1) Class A: A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the United States Department of Housing and Urban Development that were in effect at the time of construction and also meet Town of Liberty appearance criteria, as determined by the Zoning Administrator.

(2) Class B: A manufactured home constructed after July 1, 1976 that meets or exceeds the construction standards promulgated by the United States Department of Housing and Urban Development that were in effect at the time of construction but which do not meet Town of Liberty appearance criteria, as determined by the Zoning Administrator.

(3) Class C: Any manufactured home that does not meet the definitional criteria of a Class A or Class B manufactured home.

MOBILE/MANUFACTURED HOME PARK. A parcel of land under single ownership that has been planned and improved for the placement of manufactured housing for dwelling purposes.

MOTOR VEHICLE REPAIR, MAJOR.

(1) Any automotive repairs or servicing not listed under "Motor Vehicle Repair, Minor."

(2) Further, it is determined to be any structure in which machinery operated by mechanical power is installed which is designed for making major repairs to motor vehicles, or where in making repairs to motor vehicles the mechanical power employed in the operation of any machine or tool exceeds 3-HP or the total mechanical power provided or employed exceeds 15-HP.

MOTOR VEHICLE REPAIR, MINOR.

(1) Sale and service of spark plugs, batteries and distributor and ignition system parts;

(2) Sales, service and repair of tires, but not recapping or regrooving;

(3) Replacement of mufflers, tail pipes, water hose, fan belts, brake fluids, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearing, mirrors and the like;

(4) Radiator cleaning, flushing and fluid replacement;

(5) Greasing and lubrication;

(6) Providing and repairing fuel pumps, oil pumps and lines;

(7) Minor adjustment and repair of carburetor;

(8) Emergency repair of wiring;

(9) Adjusting brakes and installing exchange brake shoes;

(10) Minor motor adjustment not involving removal of the head or crankcase and grinding valves;

(11) Wheel balancing;

(12) Battery recharging;

(13) Warranty maintenance and safety inspections; and/or

(14) Other minor servicing of a similar intensity to those listed above.

MULCH. A natural or artificial layer of plant residue or other materials (i.e., leaves, straw, peat moss, rock brick rubble, stone, bark, wood chips) covering the land surface which conserves moisture, holds soil in place, aids in establishing plant cover and minimizes temperature fluctuations.

MUSEUM. An establishment engaged in the procurement, care, study and display of objects of historical, educational and cultural value and interest.

NATIONAL GEODETIC VERTICAL DATUM (NGVD). A vertical control, corrected in 1929, used as a reference for establishing varying elevations within the flood plain.

NEW CONSTRUCTION. Structures for which the start of construction commenced on or after the effective date of this chapter.

NONCONFORMITY.

(1) Lots, uses of land, uses of structures, structures or characteristics of uses, which were lawful before this chapter was passed or amended, but which would be prohibited, regulated or restricted under the terms of this chapter.

(2) The following constitute types of nonconformities:

(a) Lots;

(b) Uses of land without structures or with minor structures only;

(c) Uses of major structures and premises;

(d) Structures; and

(e) Characteristics of use which were lawful but would be prohibited, regulated or restricted by the enactment of this chapter or a subsequent amendment thereto.

(3) Nonconformity may also be created where lawful public taking or actions pursuant to a court order have the same effect as violations of this chapter, if undertaken privately.

NON-RESIDENTIAL DISTRICTS. B1, B2, I and IP Districts shall be considered as NON-RESIDENTIAL DISTRICTS.

NUISANCE VEHICLE. A junked motor vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance or unlawful, including a vehicle found to be:

- (1) A breeding ground or harbor for mosquitoes, other insects, rats or other pests;
- (2) A point of heavy growth of weeds or other noxious vegetation over 8 inches in height;
- (3) A point of collection of pools or ponds of water;
- (4) A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor;
- (5) One which has areas of confinement which cannot be operated from the inside, such as trunks, hoods and the like;
- (6) So situated or located that there is a danger of it falling or turning over;
- (7) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the Town Council;

(8) Offensive to the sight as to damage the community, neighborhood or area appearance, upon a finding that the aesthetic regulation is necessary and desirable for the protection of property values, promotion of tourism, indirect protection of health and safety, preservation of the character and integrity of the community, or promotion of the comfort, happiness and emotional stability of area residents; or

- (9) Used by children in play activities.

NURSING, CONVALESCENT and EXTENDED CARE FACILITY.

- (1) Any facility which provides nursing services as defined in the North Carolina Statutes Annotated.

(2) **FACILITY** means any institution, building, residence, private home or other place, whether operated for profit or not, including those places operated by a county or municipality, which undertakes through its ownership or management to provide nursing care, personal care or custodial care for persons not related to the owner or manager by blood or marriage, who for reason of illness, physical infirmity, or advanced age require those services, but shall not include any place providing care and treatment primarily for the acutely ill.

OBSTRUCTION. Any dam, wall, embankment, levee, dike, pile, abutment, spoil material, bridge conduit, culvert, building, wire, fence, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or regulatory flood hazard area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

OFF-PREMISES. Not located on the zoning lot with the principal use or structure.

OFF-PREMISES ADVERTISING SIGN/BILLBOARD. Any sign used as an outdoor display for the purpose of directing attention to a business, commodity, service or entertainment conducted, sold, manufactured or offered at a location other than the location of the sign.

OFF-STREET LOADING. Loading space located on the same lot as the principal use.

OFF-STREET PARKING. Parking spaces located on the same lot as the principal use.

OPAQUE (DENSE).

- (1) Difficult to get through, penetrate, having parts crowded together packed tightly together, compact.
- (2) Not allowing light to pass through.

OPEN SPACE.

- (1) That area of a zoning lot not encumbered by buildings, parking or other required improvements.
- (2) OPEN SPACE may contain required buffers, screens, lawn and the required recreation space.
- (3) Included within this OPEN SPACE may be open balconies, open courtyards, open atriums.

OPEN SPACE RATIO. The open space ration is used to establish minimum open space requirements. The minimum of open space required shall not be less than the number of square feet in the zoning lot multiplied by the open space ratio.

OVEN STORAGE. The storage outside of a building, or within buildings with less than 3 sides, of materials, supplies, merchandise, equipment, commercial vehicles and like items, but excluding junk.

PARKING AREA, GROSS.

- (1) The total area provided for the off-street parking of automobiles, including parking stalls and the necessary driveway access space thereto.
- (2) Walkways, planting strips and other landscaped areas shall not be counted as GROSS PARKING SPACE.

PARKING, OFF-STREET. Space located outside of any street right-of-way or easement and designed to accommodate the parking of domestic vehicles.

PARKING SPACE.

(1) The off-street storage space available for the parking of motor vehicles.

(2) The minimum dimensions of a PARKING SPACE shall be 9 feet in width and 18 feet in length, with a total area of 162 square feet exclusive of passageways and driveways appurtenant thereto and giving passage thereto.

PARKING SPACE, HANDICAPPED. A parking space as defined by the North Carolina Building Code.

PERSON. Any natural person, firm, partnership, association, corporation or governmental unit.

PERSONAL CARE SERVICES.

(1) The furnishing of services to residents including but not limited to individual assistance with, or supervision of, essential activities of daily living, such as eating, bathing, grooming, dressing and ambulating; the supervision of self-administered medication and other similar services.

(2) PERSONAL CARE SERVICES shall not be construed to mean the provision of medical, nursing, dental or mental health services.

PERSONAL SERVICES. Services generally involving the care of a person or a person's apparel, including but not limited to barber shops, beauty salons, tattoo/body piercing studios, seamstress shops, shoe repair and shining shops, dry cleaning and laundry pickup facilities, and coin-operated laundry facilities.

PLACE OF ASSEMBLY. A place designed to accommodate the assembly of persons attending athletic events, musical performances, dramatic or dance performances, speeches or ceremonies and other entertainment events, and including but not limited to coliseums, athletic centers, concert halls and auditoriums.

PLANNED DEVELOPMENT.

(1) Land under unified control to be planned and developed as a whole in a single development operation or a definitely programmed series of development operations.

(2) A PLANNED DEVELOPMENT includes principal and accessory structures and uses substantially related to the character and purposes of the planned development.

(3) A PLANNED DEVELOPMENT is built according to general and detailed plans which include not only streets, utilities, lots and building location and the like, but also site plans for all buildings as are intended to be located, constructed, used and related to each other, and plans for other uses and improvements on the land as related to the buildings.

(4) A planned development includes a program for the provision, operation and maintenance of those areas, facilities and improvements as will be for common use by some or all of the occupants of the planned development district, but which will not be provided, operated or maintained at general public expense.

PLANNING/CD DEPARTMENT. The unit of government of the Town of Liberty that supervises planning and redevelopment activities of the town. Also known as the **COMMUNITY DEVELOPMENT DEPARTMENT**.

PLANNING DIRECTOR. The individual charged with the supervision of the Planning Department.

PRINCIPAL BUILDING. A building in which is conducted the principal use of the parcel on which it is situated.

PRINCIPAL USE. The primary purpose of function that a parcel serves or is intended to serve.

PRODUCE SALES. The display and sale of agricultural products that is not an accessory use to an existing principal use, on an undeveloped or developed lot. Not to include flea market and open air sales or produce/farmers market.

PROFESSIONAL RESIDENTIAL FACILITY. Any residential establishment, other than a hospital or nursing home, providing to persons in need of a structured environment board, lodging, supervision, medication, counseling or other diagnostic or therapeutic services and licensed by the North Carolina Department of Social Services.

PROFESSIONAL SERVICES. Services generally involves practitioners of a calling or vocation in which a knowledge of some department of science or learning is used in its application to the affairs of others. These activities would include but not be limited to accounting, auditing and bookkeeping services, architectural services, engineering and surveying services, interior design services and legal services. Physicians and dentists are classified as health practitioners. See **HEALTH SERVICES** and **HEALTH PRACTITIONERS**.

PUBLIC NOTICE. Public notice of a hearing means notice of the time and place thereof published in a newspaper.

PUBLIC USE FACILITY. The use of land, buildings, or structures by a public utility, railroad, or a unit of government, to provide public services, governmental or proprietary, directly to the general public. This definition includes, but is not limited to, water treatment plants or pumping stations, sewage treatment plants or pumping stations, substations, telephone exchanges, and other similar public service structures. This definition also includes police and fire stations, municipal buildings, bus terminals or similar facilities for public transportation, community centers, emergency response facilities and any other public facility providing the above services but not including land, buildings, or structures devoted solely to the storage and maintenance of equipment and materials.

PUBLISHING and PRINTING. An establishment primarily engaged in preparing, publishing and printing of newspapers, periodicals, books and pamphlets, reports, advertisements and the like.

RADIO and TELEVISION RECEIVING ANTENNA and DISH, ACCESSORY. An antenna or dish designed for the above-ground reception of airborne radio or television signals and serving only the needs of the occupants of a single building or of a single residential development.

RADIO and TELEVISION STUDIO. A facility for the production and broadcast of radio and television shows, including things such as offices, dressing rooms, broadcast and taping studios, file rooms, set storage and related installations, but not including radio and television transmitting and receiving facilities, as defined in this chapter.

RECEPTION HALL. See BANQUET FACILITY.

RECREATION. Any form of play, amusement or relaxation.

RECREATION and AMUSEMENT SERVICES. A commercial facility providing recreational activities including but not limited to swimming pools, tennis clubs, public gymnasiums, discotheques, bowling alleys, shuffleboard courts, baseball hitting ranges, miniature golf, golf driving ranges, dance schools or classes, skating rinks, zoos and indoor movie theaters.

RECREATION, COMMERCIAL INDOOR.

- (1) Any form of play, amusement or relaxation used for monetary gain conducted within an enclosed structure.
- (2) Does not include amusement arcades, gamerooms or billiards or pool halls. See GAMEROOMS.

RECREATION, COMMERCIAL OUTDOOR. Any form of play, amusement or relaxation used for monetary gain not conducted within an enclosed structure.

RECREATION SPACE.

(1) Recreation space is part of the total open space requirement, and is an exterior area for common passive or active recreation use; i.e. play areas for children, outdoor seating areas and the like where the facilities are available for common use by tenants and visitors.

- (2) Active RECREATION SPACE shall be at least 20 feet from any residential unit.

RECREATION SPACE RATIO.

- (1) The recreation space ratio is used to establish minimum recreation space requirements.
- (2) The minimum recreation space required shall not be less than the number of square feet in the required open space multiplied by the RECREATION SPACE RATIO.

RECREATIONAL VEHICLE.

(1) A vehicular type portable structure which can be towed, hauled or driven and is primarily designed as temporary living accommodations for recreational, camping and travel use and includes but is not limited to travel trailers, motor homes, camping trailers, campers, auto truck and recreational vans.

(2) RECREATIONAL VEHICLES are considered domestic vehicles.

RECREATIONAL VEHICLE PARK. The provision of 2 or more recreational vehicle spaces on a single zoning lot.

RECREATIONAL VEHICLE SPACE. An area of land designated for the location of a recreational vehicle while the recreational vehicle is in use as a dwelling unit.

RECYCLING CENTER. A facility that is not a junkyard and in which recoverable resources, such as newspapers, glassware and metal cans, are collected, stored, flattened, crushed or bundled, essentially by hand within a completely enclosed building.

RECYCLING COLLECTION POINT. An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of these items would be allowed. This facility would generally be located in a shopping center parking lot or in other public/quasi-public areas, such as in churches and schools.

RECYCLING PLANT. A facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books and other paper products; glass; metal cans; and other products, are recycled, reprocessed and treated to return the products to a condition in which they may again be used for production.

REGULATORY FLOOD. For purposes of this chapter, a flood event having a 1% chance of occurring in any given year, i.e., the 100-year flood.

REGULATORY FLOOD ELEVATION. The crest elevation in relation to mean sea level expected to be reached by the regulatory flood at any given point in an area of special flood hazard.

REHABILITATION CENTERS. An establishment engaged exclusively in the provision of outpatient services to correct, cure or assist an individual in adjusting to a physical disability. These services include but are not limited to physical therapy, occupational therapy, speech therapy, audiology, radiology and respiratory therapy, but excluding therapy for mental illness, drug or alcohol dependency, or rehabilitation of criminals.

RENTAL HALL. See BANQUET FACILITY.

REPAIR SERVICES.

(1) The use of land, structures or buildings for the purposes of mending or restoring items after decay, damage, dilapidation or partial destruction.

(2) Services include but are not limited to bicycle repair, electrical and electronic repairs, gunsmiths, locksmiths, re-upholstery services, furniture, refinishing and repair, small motor repair and watch, clock and jewelry repair.

(3) Construction activities and motor vehicle repair shall not be included in REPAIR SERVICES.

RESEARCH ACTIVITY. Research, development and prototype testing related to fields such as chemical, pharmaceutical, medical, electrical, transportation and engineering, provided those activities are conducted within entirely enclosed buildings and produce no noise, smoke, glare, vibration or odor detectable outside the buildings.

RESIDENCE/DWELLING. A building designed for, or used by, 1 or more families for residential purposes.

RESIDENCE/DWELLING, 2-FAMILY. A structure containing 2 dwelling units.

RESIDENCE/DWELLING, ATTACHED SINGLE-FAMILY. Two or more 1-family dwellings connected by common walls or floors, where each unit is intended for separate ownership.

RESIDENCE/DWELLING, DETACHED SINGLE-FAMILY. An individual dwelling unit for 1 family located on an independent lot containing 1 other dwelling unit.

RESIDENCE/DWELLING, MODULAR. A dwelling unit constructed in accordance with the standards set forth in the North Carolina State Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of 2 or more sections transported to the site in a manner similar to a manufactured home (except that the modular home meets the North Carolina State Building Code), or a series of panels or room sections transported on a truck and erected or joined together on the site.

RESIDENCE/DWELLING, MULTIPLE-FAMILY. A structure containing 3 or more dwelling units.

RESIDENCE/DWELLING, PREFAB. A dwelling constructed from standardized sections fabricated beforehand for shipment and quick assembly.

RESIDENCE/DWELLING, SINGLE-FAMILY. A structure containing a single dwelling unit.

RESIDENCE/DWELLING UNIT. A room or group of rooms forming a single independent habitable unit used for, or intended to be used for living, sleeping, sanitation, cooking and eating purposes by 1 family only; for owner occupancy or for rental, lease or other occupancy.

RESIDENTIAL CONVERSION WITHIN A B1 DISTRICT. A residential conversion of any existing structure within the B1 District. A conversion shall maintain the ground floor for commercial uses, thus creating a mixed use structure. Conversions of this type shall be permitted only upon the issuance of a special use permit.

RESIDENTIAL DISTRICTS. R40, R12, R6, and RMF Districts shall be considered as residential districts.

RETAIL. The use of land, buildings or structures for the sale of merchandise, new or used.

RETAIL SALES, CONVENIENCE GOODS. Commercial establishments that generally service day-to-day commercial needs of a residential neighborhood, including, but not limited to, convenience stores, tobacco shops, newsstands, bakeries, candy, nut and confectionery stores, delicatessens, dairy products, meat and seafood markets, produce markets, food stores with less than 10,000 square feet in floor area.

RETAIL SALES, SHOPPERS' GOODS. Commercial establishments that, supply the more durable and permanent needs of a community, including but not limited to, apparel and footwear stores; appliance stores; art supplies stores; automotive supply stores; book and stationery stores; camera and photography supplies stores; department stores; discount stores; drug stores; drinking establishments; farm supplies stores; florists; furniture and home furnishing stores; gift shops; gun and ammunition sales; hardware stores; hobby, toy and crafts stores; jewelry stores; lawn and garden supply stores; liquor stores, mail order pickup facilities; novelty and souvenir shops; office equipment stores; optician and optical supplies stores; paint and wallpaper stores; pet shop; radio and television sales stores; sporting goods stores; supermarkets; trading stamps redemption stores; and variety stores.

ROLLOFF TRAILER BODY. A container without motive power designed for carrying property or persons wholly within its own structure and is carried on the chassis or undercarriage of a motor vehicle.

SCHOOL. A facility which is in compliance with the North Carolina Compulsory School Attendance Law and provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools and high schools.

SCHOOL, BUSINESS. An establishment offering to the public, for a consideration, instruction in administration, accounting, bookkeeping, computer use, typewriting and other skills for use in commercial or service activities.

SCREEN. A dense, evergreen hedge or solid fence or wall used to enclose, screen or separate certain uses as specified in this chapter. The design, composition, height and location of these facilities are established in §§ 154.080 through 154.097 below.

SEASONAL SALES; TEMPORARY. The display and sale of pumpkins, Christmas trees and the like, that is not an accessory use to an existing principal use, on an undeveloped or developed lot. Not to include flea market and open air sales or produce/farmers market.

SERVICE STATION.

(1) An attended or unattended establishment where gasoline and/or diesel fuel is supplied and dispensed at retail and where, in addition, the following services only may be rendered and sales made accessory to the sale of gasoline and/or diesel fuel:

- (a) Sales and service of spark plugs, batteries and distributor and ignition system parts;
- (b) Sales, service and repair of tires, but not recapping or regrooving;
- (c) Replacement of mufflers, tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors and the like;
- (d) Radiator cleaning, flushing and fluid replacement;
- (e) Washing and polishing, and sale of automotive washing and polishing supplies;
- (f) Greasing and lubrication;
- (g) Providing and repairing fuel pumps, oil pumps and lines;
- (h) Minor adjustment and repair of carburetors;
- (i) Emergency repair of wiring;
- (j) Minor motor adjustment not involving removal of the head or crankcase;
- (k) Sale of beverages, packaged food, tobacco products and similar convenience goods for customers, as accessory and incidental to principal uses;
- (l) Provision of road maps and other travel information to customers;
- (m) Provision of restroom facilities;
- (n) Warranty maintenance and safety inspections.

(2) Uses permissible at a SERVICE STATION do not include major mechanical and body work, straightening of body parts; painting, welding, storage of automobiles not in operating condition or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in service stations.

SEXUALLY EXPLICIT MATERIALS OR ACTIVITIES. Those materials or activities showing specified anatomical areas or specified sexual activities.

SIGHT DISTANCES. The triangular area formed by the intersecting streets pavement edges and a straight line connecting points on the street pavement edges, each of which is 35 feet in distance from the point of intersection. (Where 2 state maintained streets intersect, regulations of N.C. DOT shall apply.)

SIGN. Any structure designed to inform or attract the attention of persons not on the premises on which the device is located.

SIGN, ADVERTISING. A sign which directs attention to a business, commodity, service or entertainment conducted, sold manufactured or offered.

SIGN, AWNING ADVERTISING. A sign designated on a canopy or awning permanently extended over a sidewalk or walkway advertising the business of a building or an establishment contained therein.

SIGN, AWNING IDENTIFICATION. A sign designated on a canopy or awning and identifying the name or address of a building or an establishment contained therein.

SIGN, BANNER; TEMPORARY. A banner to be used only for messages of a public service nature, such as announcements of charity fund campaigns, conventions and the like, for no more than 30 days.

SIGN, CHANGEABLE COPY.

(1) A sign such as an electronically or electrically controlled public service such as time, temperature and date sign, message center or readerboard, where different copy changes of a public service or commercial nature are shown on the same lampbank.

(2) CHANGEABLE COPY SIGNS are not classified as flashing signs.

SIGN, CHURCH DIRECTORY OR IDENTIFICATION. A sign used to announce meetings or programs to be held on the premises of a church. The sign shall not exceed 25 square feet.

SIGN, ENTRANCE and EXIT. Signs directing and guiding traffic on private property, but which bear no advertising matter and do not exceed 2 square feet in area. These signs shall be limited to 2 per entrance.

SIGN, FLASHING, BLINKING, PULSATING, ROTATING, OCCULTING. Signs which contain, include or are illuminated by any flashing, intermittent or moving light or lights, including beacons, rotating discs and other devices which resemble traffic lights, traffic signs, emergency vehicle flashing lights. Changeable copy signs are not classified as FLASHING SIGNS.

SIGN, FREESTANDING (POLE). A sign erected which is wholly independent of any building for support. All like signs must be permanently affixed to or constructed upon the lot where they are located.

SIGN, GROUND. A sign supported by 1 or more upright braces or posts placed directly upon or in the ground, and not attached to any part of a building.

SIGN, IDENTIFICATION. A sign which carries no advertising message, and is used to identify the name of an institution, organization, title and/or occupation or profession, the name of a building and the firms located within.

SIGN, INCIDENTAL. A sign carrying no advertising message, but giving information for the convenience and necessity of the public such as entrance, exit, no admittance, telephone, parking and the like.

SIGN, MARQUEE. A sign affixed to a permanent roof-like structure of rigid materials supported by and extending from the facade of a building.

SIGN, NONCONFORMING. A sign not in compliance with any provision of this chapter, specifically §§ 154.080 through 154.097 as of the effective date of its adoption; or any sign located on the premises of land annexed by the town which does not comply with all of its provisions.

SIGN, OBSOLETE. Signs identifying business establishment's no longer in existence, products no longer being sold, and/or services no longer being rendered.

SIGN, OFF-PREMISE (ADVERTISING/BILLBOARD). A commercial sign which directs attention to a business, commodity, service or entertainment not conducted, sold or offered on the premises where the sign is located.

SIGN, OFF-PREMISE CHURCH DIRECTIONAL. A sign which provides directions to a church not located on the premises where the sign is located.

SIGN, OFF-PREMISE DIRECTIONAL. A sign which bears no advertising message providing directions to an establishment or establishments not located on the premises where the sign is located.

SIGN, POLITICAL. A sign conveying an advertising message for a political candidate or organization.

SIGN, PORTABLE. A sign which rests on the ground and which is designed or constructed in such a manner so that it can be moved or relocated without involving any substantial structural or support changes. This definition includes, but is not limited to, A-shaped, T-shaped and mobile-type portable signs.

SIGN, PROJECTING. A sign projecting out from, and attached to, the exterior wall of a building and forming an angle of 30 degrees or more with the wall.

SIGN, REAL ESTATE. A sign located on the premises and offering the premises for sale, rent, lease or development.

SIGN, ROOF. A sign erected, constructed or maintained upon the roof of any building.

SIGN, SUBDIVISION NAME MARKERS. A sign identifying the name of a subdivision provided the location of the marker is outside the intersection sight triangle and the normal maintenance limits. In non-residential districts these markers may include a listing of the occupants of the subdivision.

SIGN, SUSPENDED. A sign which is suspended from the underside of a horizontal plane surface, such as a canopy or marquee, and is supported by the surfaces.

SIGN, TEMPORARY. A sign displayed for a period of not more than 30 days.

SIGN, TEMPORARY CIVIC. A temporary sign displaying the civic organization's current activities, programs and the like.

SIGN, WALL. A sign affixed to the surface of, and whose plane is parallel to the plane of, the exterior wall of the building; or which forms an angle of less than 30 degrees.

SIGN, WINDOW. Any sign, pictures, symbol or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

SIGNS, AREA.

(1) The surface area of a sign shall be computed as including the entire area within a parallelogram, triangle, circle, semi-circle or other regular geometric figure, including all of the elements of the display, but not including frames, display of identification or licensing officially required by any governmental body, or structural elements outside the sign surface and bearing no advertising matter.

(2) When 2 identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time and when the sign faces are part of the same sign structure and are not more than 42 inches apart, the sign areas shall be computed by the measurement of one of the faces. In the case of cylindrical signs, signs in the shape of cubes or other signs which are substantially 3-dimensional with respect to their display surfaces, the entire display surface or surfaces shall be included in computations of area.

(3) In the case of embellishments (display portions of signs extending outside the general display area), surface area extending outside the general display area and bearing advertising material shall be computed separately as part of the total surface area of the sign.

SIGNS, NUMBER OF.

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

(2) Where matter is displayed in a random manner without organized relationship of units, or where there is a reasonable doubt about relationship of elements, each element or light shall be considered to be a single sign.

(3) When 2 identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time and when the sign faces are part of these same sign structure, then this shall be considered to be a single sign.

SLAUGHTERHOUSE. An establishment where animals are killed, butchered and prepared for further processing.

SOLAR ENERGY. Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

SOLAR FARM. A utility-scale commercial facility that uses solar energy, specifically for the conversion of sunlight into electricity by photovoltaics, concentrating solar thermal devices or various experimental technologies, for the primary purpose of wholesale or retail sales of generated electricity. The use of solar collectors for personal or business consumption that occurs on-site is not considered a SOLAR FARM.

SOLID WASTE. Garbage, rubbish, refuse or other discarded solid or semi-solid material resulting from domestic, commercial, industrial, agricultural activities or governmental operations, excluding solids or dissolved materials in domestic sewage or other significant pollutants in water resources such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants.

SPECIAL PURPOSE LOT. A lot legally created to accommodate a unique nonresidential use, that upon approval by the Zoning Administrator in accordance with this chapter, is not required to possess the typical lot size, area, width, and road frontage mandated by the underlying zoning district.

SPECIAL EVENT. Any public or private occurrence, elsewhere permitted by ordinance, which generates at least 1,000 vehicles trips within a 24-hour period.

SPECIAL USE. A use which would not be appropriate generally or without special study throughout the zoning district but which, if controlled as to number, size, location or relation to the neighborhood, would promote the public health, safety and general welfare.

SPECIAL USE PERMIT. The grant of permission by the Town Council for certain property uses.

SPECIFIED ANATOMICAL AREAS.

- (1) Less than completely and opaquely covered:
 - (a) Human genitals, pubic region;
 - (b) Buttock; and/or
 - (c) Female breast below point immediately above the top of the areola.
- (2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES.

- (1) Human genitals in a state of sexual stimulation or arousal;
- (2) Acts of human masturbation, sexual intercourse or sodomy; and/or
- (3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

STABLE. A building in which horses or cattle are sheltered and fed.

START OF CONSTRUCTION.

(1) The first placement or permanent construction of a structure on a site, such as pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation such as clearing, grading or filling; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the principal structure.

(2) For a structure without a basement or poured footings, the START OF CONSTRUCTION shall be the first permanent framing or assembly of the structure or any part thereof on its piling or foundation for sites other than mobile home parks, or the affixing of any prefabricated structure to its permanent site.

(3) For mobile home parks, which are equipped with concrete pads on which mobile homes are to be placed, START OF CONSTRUCTION means the date on which the pouring of the pads commences.

(4) For mobile home parks which are not equipped with concrete pads, START OF CONSTRUCTION means the date on which installation of utilities and final site grading are completed.

STORY. The portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

STREET. A thoroughfare which affords the principal means of access to abutting property.

STREET LINE. The street line is the dividing line between the street and the lot, as established by the Town of Liberty; also called the RIGHTS-OF-WAY LINE.

STREET, PRIVATE. A roadway, not dedicated to the public, providing primary access to adjacent properties and meeting the regulations of the Town of Liberty for private street development.

STREET, PUBLIC. A dedicated and accepted right-of-way maintained by the Town of Liberty or the State of North Carolina and providing access to adjacent property.

STRUCTURAL ALTERATION. Any change, except for repair or replacement, in the supporting members of a structure, such as, but not limited to, bearing walls, columns, beams or girders.

STRUCTURE. Anything constructed or erected which requires location on the ground or attachment to something having a fixed location on the ground, including but not limited to principal accessory buildings, signs, fences, walls, bridges, monuments, flagpoles, antennas, transmission poles, towers and cables.

STRUCTURE, ACCESSORY. A subordinate structure detached from, but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

STRUCTURE, PRINCIPAL. A structure or, where the context so indicates, a group of structures in or on which is conducted the principal use of the lot on which a structure is located.

STRUCTURE, PORTABLE ACCESSORY. A structure used only for storage and not habitation which is placed on a zoning lot and is designed or constructed in a manner so that it can be moved or relocated without involving any substantial structural or support changes. PORTABLE ACCESSORY STRUCTURES shall include tractor-trailer bodies and rolloffs and exclude mobile homes.

STRUCTURE, TEMPORARY. A structure which is placed on a zoning lot for a specific time period which is not intended to be a permanent structure; neither principal nor accessory.

STRUCTURE, TEMPORARY ACCESSORY. A structure used only for storage and not habitation which is placed on a zoning lot for a specific time period which is not intended to be a permanent structure.

STRUCTURED ENVIRONMENT. A residential setting within which persons, progressing from relatively intensive treatment for crime, delinquency, mental or emotional illness, alcoholism, drug addiction or similar conditions to full participation in community life, are provided professional staff services, as well as board, lodging, supervision, medication and other treatment.

SWEEPSTAKES BUSINESS / INTERNET CAFÉ. Any business that uses computer terminals or machines equipped with legal sweepstakes software to promote the sale of Internet usage by revealing sweepstakes winnings or machines and software that requires skill to manipulate the outcome of winning. Excluded are the operation of illegal video gaming machines and other such devices as described by the State of North Carolina. Also excluded is business services space where sweepstakes software is not utilized.

TATTOO/BODY PIERCING STUDIO. An establishment whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: (1) placing of designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; (2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration. Body piercing does not include piercing an ear lobe with a disposable, single-use stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear lobe.

TECHNICAL SCHOOLS. The use of land, structures or buildings for the provision of training in various skills and may include but not limited to business schools, trade schools and vocational schools.

TELECOMMUNICATION TOWER. Any structure which is designed for the support of 1 or more antennas, including monopole towers, self-supporting lattice towers and guy towers. Towers included in this definition are television and radio transmission towers, microwave towers, common-carrier towers, personal communications service towers, cellular towers and the like.

TRACTOR-TRAILER BODY. A container without motive power designed for carrying property or persons wholly within its own structure and is drawn by a motor vehicle.

TRANSFER STATION. A use of land where nonhazardous or toxic waste such as residential, commercial or industrial is temporarily deposited for the purpose of a break in bulk and further shipment to a landfill or other appropriate destination.

TRAVEL PARK. An area intended and equipped for the temporary parking of vehicles and tents designed for travel, recreational and vacation dwellings.

TRAVEL TRAILER. A structure that is intended to be transported over the streets and highways (either as a motor vehicle or attached, to or hauled by a motor vehicle), and is designed for temporary use as sleeping quarters, but does not satisfy one or more of the definitional criteria of a manufactured home.

TRUCK TERMINAL. Uses primarily devoted to the storage, sorting or breaking of bulk products or distributing or delivery of parcels, post or other goods.

USE. The specific activity or function for which land, a building or a structure is designated, arranged, occupied or maintained.

USE, ACCESSORY. A use on the same lot or in the same structure with, and of a nature and extent customarily incidental and subordinate to, the principal use of the lot or structure.

USE, PRINCIPAL. The primary use and chief purpose of a lot or structure.

USED MERCHANDISE. An establishment engaged in the sale of previously owned goods, except the sale of used motor vehicles.

VARIANCE. A relaxation by the Board of Adjustment of the dimensional regulations of this chapter where an action will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions or the situation of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship.

VEHICLE, COMMERCIAL. Any vehicle, licensed by any state of the United States or Mexico or province or territory of Canada, other than domestic vehicles, as defined in this chapter, or over 1 ton in weight or 20 feet in length.

VEHICLE, DOMESTIC. Any vehicle, licensed by any state of the United States or Mexico or province or territory of Canada, as a private vehicle for operation on streets and may include but not be limited to automobiles, private pickup trucks and vans.

VEHICLE, NUISANCE. A junked motor vehicle on public or private property that is determined and declared to be a health or safety hazard, a public nuisance or unlawful, including a vehicle found to be:

- (1) A breeding ground or harbor for mosquitoes, other insects, rats or other pests;
- (2) A point of heavy growth of weeds or other noxious vegetation over 8 inches in height;
- (3) A point of collection of pools or ponds of water;
- (4) A point of concentration of quantities of gasoline, oil or other flammable or explosive materials as evidenced by odor;
- (5) One which has areas of confinement which cannot be operated from the inside, such as trunks, hoods and the like;

(6) So situated or located that there is a danger of it falling or turning over;

(7) Any other vehicle specifically declared a health and safety hazard and a public nuisance by the Town Council;

(8) Offensive to the sight as to damage the community, neighborhood or area appearance, upon a finding that the aesthetic regulation is necessary and desirable for the protection of property values, promotion of tourism, indirect protection of health and safety, preservation of the character and integrity of the community, or promotion of the comfort, happiness and emotional stability of area residents; or

(9) Used by children in play activities.

VEHICLES, JUNKED MOTOR. A vehicle that does not display a current license plate and that:

(1) Is partially dismantled or wrecked;

(2) Cannot be self-propelled or moved in the manner in which it originally was intended to move; or

(3) Is more than 5 years old and appears to be worth less than \$100.

VOCATIONAL SCHOOL. An establishment in which is offered, for compensation, instruction in a vocation such as but not limited to barbering, cosmetology, hair styling, bartending and interior decorating.

WAREHOUSE. A building or group of buildings for the storage of goods or wares belonging either to the owner of the facility or to one or more lessees of space in the facility or both.

WAREHOUSE, MINI. A building or group of buildings in a controlled access compound that contains varying sizes of individual, compartmentalized and controlled access stalls or lockers for the storage of goods belonging to the individual lessees of the stalls and accessible to the lessees through individual doors.

WHOLESALE DISTRIBUTION. Establishments engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional business users or to other wholesalers.

YARD. An open space unoccupied and unobstructed by any structure or portion of a structure.

YARD, FRONT. A yard extending between the side lot lines across the entire portion of a lot adjacent to a street.

YARD, REAR. A yard extending across the rear of a lot between the side yard lines. The rear yard shall be at the opposite end of the lot from the front yard, excepting in the case of through lots and corner lots.

YARD SALE. The sale of residential household items or personal possessions which have been incidentally accumulated during normal residential use of the property by a person residing on the premises where the sale is conducted, but not including items purchased for resale, or items transported to the premises solely for sale. The term includes, but is not limited to sales commonly known as GARAGE, PATIO, DRIVEWAY, LAWN, ATTIC or other general sale of like nature.

YARD, SIDE. A yard extending along the side of a lot between the front yard and the rear yard except on corner lots where the side yard is the yard along any interior lot line which intersects with a street lot line.

ZONING COMPLIANCE PERMIT. A permit issued by the Zoning Administrator authorizing the recipient to make use of property in accord with the requirements of this chapter. This PERMIT may either be a separate document or part of the normal permits associated with certificates of occupancy, occupational license applications, building permits or the like.

ZONING DISTRICTS. Areas of land or water, whose boundaries are indicated on the official zoning atlas, within which all properties are regulated by the general regulations of this chapter and the specific regulations of the individual district.

ZONING LOT. A lot or combination of lots shown on an application for a zoning compliance permit.

(1981 Code, § 1202) (Ord. passed 6-28-2004; Am. Ord. passed 11-23-2009; Am. Ord. passed 7-6-2015; Am. Ord. passed - - ; Am. Ord. passed - - ; Am. Ord. passed 3-25-2019; Am. Ord. passed 3-23-2020; Am. Ord. passed 1-9-2023; Am. Ord. passed 8-8-2023)

APPLICATION OF REGULATIONS

§ 154.015 ZONING AFFECTS EVERY BUILDING AND USE.

After adoption and enforcement of this chapter, no building or land shall be used and no building part shall be erected, moved or altered except in conformity with the regulations specified for the district in which it is located, except as provided in this chapter.

(1981 Code, § 201) (Ord. passed 6-28-2004)

§ 154.016 REDUCTION OF LOT AND YARD AREAS PROHIBITED.

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

(1981 Code, § 202) (Ord. passed 6-28-2004)

§ 154.017 RELATIONSHIP OF BUILDING TO LOT.

Not more than 1 principal building shall be constructed on any R40, R12 or R6 lot.

(1981 Code, § 203) (Ord. passed 6-28-2004)

§ 154.018 HEIGHT REGULATIONS GENERALLY.

(A) Measurement of building height (general). Except as otherwise provided in this chapter, the height of a building shall be the vertical distance from the mean elevation of the finished grade along the front of the building, or from the established grade where the building is within 10 feet of the street line, to the highest point of a flat roof or to the deck line of a mansard roof or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

(B) Measurement of building height on through lots.

(1) On through lots 150 feet or less in depth, the height of a building may be measured from the average elevation of the finished grade along the front of the building, considering the end facing either street as the front.

(2) On through lots more than 150 feet in depth, the regulations and basis of height measurements for the street front permitting the greater height shall apply to a depth of not more than 150 feet from that street.

(C) Excluded portions of structures. Except as specifically provided herein, the height limitations of this chapter shall not apply to any roof structures for housing elevators, stairways, tanks, ventilating fans, solar energy collectors, or similar equipment required to operate and maintain a building, provided that the structures shall not cover more than 20% of roof area or extend over 10 feet in height; nor to church spires, steeples, belfries, cupolas, domes, monuments, water towers, skylights, flag poles, vents, construction or mining cranes or draglines or similar structures, which may be erected above the height limit, nor to fire or parapet walls, provided, however, that walls shall not extend more than 5 feet above the roof.

(D) Television and radio receiving and transmitting antenna. Television and radio receiving and transmitting antenna may be permitted to exceed the height limits established in § 154.066, subject to the issuance of a special use permit.

(E) Aviation hazards. No building or other structure, regardless of exclusions set forth at divisions (C) and (D) above, shall be located in a manner or built to a height which constitutes a hazard to aviation or creates hazards to persons or property by reason of unusual exposure to aviation hazards.

(1981 Code, § 204) (Ord. passed 6-28-2004)

§ 154.019 VISIBILITY AT INTERSECTIONS.

(A) On a corner lot nothing shall be erected, placed, planted or allowed to grow that would materially block vision between a height of 3 feet and 10 feet above the center grade of the 2 intersecting roads that form the sight triangle.

(B) The sight triangle shall have sides of 10 feet and 70 feet. The smaller side shall be measured from the intersection of the 2 right-of-way lines back 10 feet along the right-of-way of the road with the yield or stop sign.

(C) The larger side shall be measured from the intersection of the 2 right-of-way lines outward 70 feet along the road that does not have a yield or stop sign.

(1981 Code, § 205) (Ord. passed 6-28-2004)

§ 154.020 AVERAGING AN EXISTING RESIDENTIAL FRONT SETBACK LINE.

(A) In a residential district, where the average of the front setback for all adjacent lots, which are located within 200 feet of either side of a lot is greater than the required front setback specified in this chapter, a required setback line shall be provided on the lot equal to this greater average depth but not to exceed 60 feet.

(B) Where the average of the front setback is less than the minimum required front setback, the required setback line may be reduced to this lesser average depth, but in no case to less than 15 feet.

(C) For the purpose of computing the average, an adjacent vacant lot shall be considered as having the minimum required front setback specified for the zoning district.

(1981 Code, § 206) (Ord. passed 6-28-2004)

§ 154.021 LOT REQUIREMENTS CANNOT BE TRANSFERRED TO ANOTHER USE.

- (A) The minimum yards, open spaces or off-street parking and loading requirements can not be encroached upon.
- (B) For each new building or altered existing one, the requirements can not be met by using existing areas established for another use.
- (C) A common facility such as a parking lot can be shared by 2 buildings if it is large enough to accommodate the requirements of both uses.

(1981 Code, § 207) (Ord. passed 6-28-2004)

§ 154.022 EVERY LOT SHALL ABUT A STREET.

No building, structure or use of land, other than for genuine agricultural purposes, shall be established on a lot which does not abut a dedicated public street.

(1981 Code, § 208) (Ord. passed 6-28-2004)

§ 154.023 LOCATIONS OF BUILDING LINES ON IRREGULARLY SHAPED LOTS.

- (A) Locations of front, side and rear building lines on irregularly shaped lots shall be determined by the Zoning Enforcement Officer.
- (B) The determination shall be based on the spirit and intent of the district regulations to achieve spacing and location of buildings or groups of buildings on individual lots.

(1981 Code, § 209) (Ord. passed 6-28-2004)

§ 154.024 MIXED USES.

- (A) When two or more uses occupy the same building, the use that has the largest yard requirements shall apply to the building.

(B) The off-street parking and loading requirements shall be met for each use in any building containing more than one permitted use or activity, except uses classified as commercial with multi uses or structures.

(1981 Code, § 210) (Ord. passed 6-28-2004)

§ 154.025 FRACTIONAL REQUIREMENTS UNDER THIS CHAPTER.

When any requirement of this chapter results in a fraction of a unit, a fraction of 1/2 or more shall be considered a whole unit and a fraction of less than 1/2 shall be disregarded.

(1981 Code, § 211) (Ord. passed 6-28-2004)

§ 154.026 NONCONFORMANCES MAY CONTINUE.

Any lot or structure being used lawfully before this chapter was enacted may continue to be used in the same manner after the date of adoption of this chapter even though the use or situation is not now permitted under the terms of this chapter, except specific uses or situations where amortization or compliance is required. More specific regulations concerning nonconformances are given in §§ 154.250 through 154.254 below.

(1981 Code, § 212) (Ord. passed 6-28-2004)

§ 154.027 LOCATION OF BUILDING LINE WHERE THE STREET LINE IS UNKNOWN.

Where there is uncertainty as to the location of a street line, the Board of Adjustment shall determine the line for the purposes of this chapter, provided that any street width determined shall be uniform for the entire length of the portion of the street about which uncertainty exists.

(1981 Code, § 213) (Ord. passed 6-28-2004)

§ 154.028 PARCELS NOT HAVING SANITARY SEWER OR WATER SERVICE.

When any parcel of land is to be developed and will not be converted to the Town of Liberty's sanitary sewerage or water system in the near future, it shall comply with the regulations governing the design, installation and use of sewerage disposal systems in Randolph County.

(1981 Code, § 214) (Ord. passed 6-28-2004)

§ 154.029 HISTORIC OVERLAY DISTRICT (HD) DESIGNATED; PURPOSE DEFINED.

(A) The Historic District establishes regulations which will help maintain the historic integrity of certain areas within the town.

(B) The use districts established in § 154.060 below may also be zoned as an Historic Overlay District as designated herein and as shown on the official zoning map.

(C) In that case the land is subject to not only the requirements of the underlying use district but also the additional requirements of the Historic Overlay District.

(1981 Code, § 215) (Ord. passed 6-28-2004)

§ 154.030 LOCATION OF BUILDING LINE ON MAJOR AND MINOR THOROUGHFARES.

(A) Building setback requirements for structures located along any major or minor thoroughfare shall be measured from the ultimate rights-of-way as shown in the adopted Thoroughfare Plan.

(B) The area of a lot outside of existing rights-of-way yet located within the ultimate rights-of-way may be used in calculations that require area determinations.

(C) All other streets shall utilize existing rights-of-way lines for measurement of setback and yard requirements.

(1981 Code, § 216) (Ord. passed 6-28-2004)

§ 154.031 PROHIBITION OF USE OF RESIDENTIALLY ZONED PROPERTY FOR ACCESS TO USES NOT PERMITTED IN RESIDENTIAL DISTRICTS.

No private land which is residentially zoned shall be used for vehicular or pedestrian access to land or structures in other districts used for any purpose not permitted in residential districts, except as provided below or otherwise authorized by this chapter or other lawful regulations:

(A) Where provision does not exist for safe access for emergency and public service vehicles and access is not reasonably feasible except through privately owned residentially zoned land, access reserved for and limited to the vehicles may be authorized by the Board of Adjustment, subject to conditions and safeguards designed to protect the tranquillity and character of the residential land so traversed; and

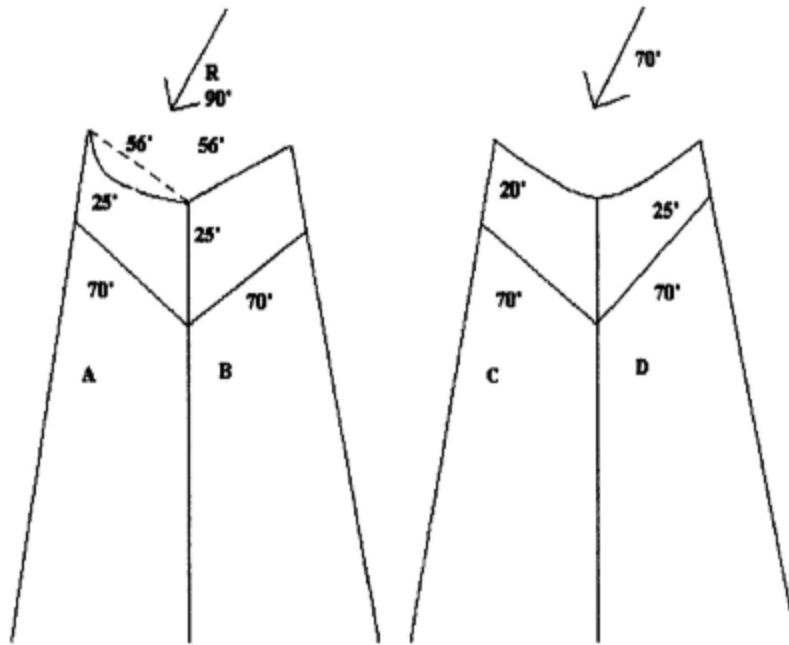
(B) Where convenience and safety would be promoted, walkways and bicycle paths to non-residentially zoned land may be authorized by the Board of Adjustment across privately owned residentially zoned land, subject to conditions and safeguards to protect the tranquillity and character of the residential land so traversed.

(1981 Code, § 217) (Ord. passed 6-28-2004)

§ 154.032 LOTS; DIMENSIONS, ACCESS AND RELATED.

(A) Lots, measurement of width. The width of a lot shall be measured across the required front setback line, provided, however, that the width between side lot lines where they intersect with the street line shall not be less than 80% of the required minimum lot width except in the case of lots on the turning circles of cul-de-sacs or at similar points of street curvature where the radius of the rights-of-way line (or a circle approximately following the rights-of-way line and intersecting the foremost points of the side lot lines) is less than 90 feet, in which case the 80% requirement shall not apply. However, in no case shall the required minimum lot width be less than 50% on the turning circles of cul-de-sacs. The minimum building line on such lots where the radius is less than 90 feet, will be the point where the required lot width is met. The following diagram showing lot measurement and width indicates the relationships involved.

Lot Measurement and Width



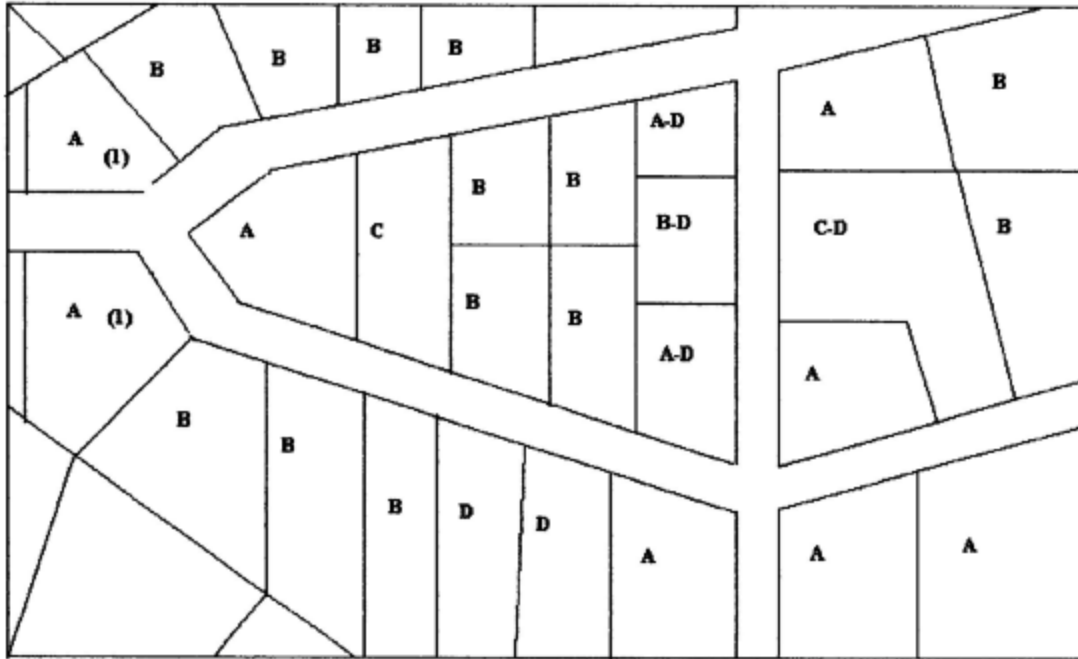
Lot "taper" permissible at 90° curve radius (A) or along straight street (B), with required front yard depth 25', required lot width 70'. (Street line 80% of lot width as measured at rear of required front yard.)

Lot with lines radial to a curved street line with curve radius less than 90' (in this case 70') need not comply with the 80% rule. Lot (C) Shows application with 20' front yard, (D) with 25' applies in turn circles of cul-de-sacs, or at sharp bends in street

(B) Lot, area. The area of a lot shall be constructed as total area within its boundaries. However, no portion indicated to be located within any street rights-of-way shall be included in lot area calculations.

(C) Lots, types. The following diagram showing lot types illustrates terminology used herein with reference to corner, interior and through lots.

Lot Types



(1) In the above diagram, Lot A is a corner lot, defined as a lot located at the intersection of two or more streets. A lot abutting a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot (projected if rounded) meet at an interior angle of less than 135 degrees. (See lots marked A(l) in diagram.)

(2) In the above diagram, Lot B is an interior lot, defined as a lot other than corner lot and abutting one street. Alleys shall not be considered as streets for purposes of this definition.

(3) In the above diagram, Lot C is a through lot, defined as a lot other than a corner lot, and with frontage on more than one street. Through lots abutting two streets may be referred to as double-frontage lots. Alleys shall not be considered as streets for purposes of this definition.

(D) Lot front.

(1) On interior lots, the front of a lot shall be construed as the portion adjacent to the street.

(2) On corner lots, the narrower side fronting on the street shall be considered to be the front of the lot. If the lot has equal frontage on two or more streets, frontage shall be determined by the Zoning Administrator in accordance with the prevailing building pattern, or the prevailing lotting pattern. If a pattern has not been established frontage shall be determined at the option of the owner.

(3) On through lots, all portions adjacent to streets shall be considered as a front for regulatory purposes. If the Zoning Administrator finds that the pattern of lots or the pattern of required yards, on lots adjacent to the through lot, is such as to justify the elimination of the requirement that more than one front be provided, such additional front shall not be required.

(E) Lot yards; methods for measurement; special requirements. The following rules shall apply with regard to determination of required yards on lots.

(1) Yards adjacent to streets shall be front yards. Required yards adjacent to streets shall be measured as follows.

(a) A straight line shall be drawn between the two points at which lot lines for the portion of the lot line involved intersect the street line. Where property corners are rounded, such points shall be plotted by projecting the lot lines to the point where they would have met without rounding.

(b) Depth or width of required yards adjacent to streets shall be as prescribed in district regulations and measured perpendicular to such straight lines.

(c) The inner line of such required yards shall be parallel to the outer line

(2) Front yards on interior lots. Front yards on interior lots shall be construed as extending between side lot lines across the front of the lot.

(3) Front yards on corner lots. Front yards on corner lots shall be construed as extending across all the front of the lot from each interior side lot line to the opposite street line (parallel to the street lot lines and equal to the distance from the street lot line prescribed in the district regulations for front yards.)

(4) Side yards. Side yards shall be construed as running from the rear line of the required front yard to the front line of the required rear yard, if required or, if no rear yard is required, to the opposite lot line. The width of a required side yard shall be measured perpendicular to the side lot line and the inner line of the required yard shall be parallel to the outer line, at the minimum distance therefrom prescribed in district regulations.

(5) Side yards on through lots with more than one front yard. Side yards on through lots with more than 1 front yard shall be construed as running to the rear lines of the front yards involved, and measurements and requirements shall be as for division (E)(4) above.

(6) Side yards on corner lots. On corner lots, the side yard is the yard along any lot line which intersects with a street lot line. When a corner lot has four sides, the two sides not adjacent to the streets are both side yards and the lot has no rear yard. If the corner lot has more than four sides, the yards along lot lines which do not intersect with a street lot line shall be considered rear yards.

(7) Rear yards. Rear yards shall be construed as extending across the full width of the lot at its rear. The width of a required rear yard shall be measured perpendicular to the rear lot line and the inner line of the required yard shall be parallel to the outer line, at the minimum distance therefrom prescribed in district regulations. On through lots providing two front yards, and on corner lots with four sides, there will be no required rear yard, and yards other than those adjacent to streets shall be construed as side yards. If a corner lot has more than four sides, the yards along lot lines which do not intersect with a street lot line shall be considered rear yards.

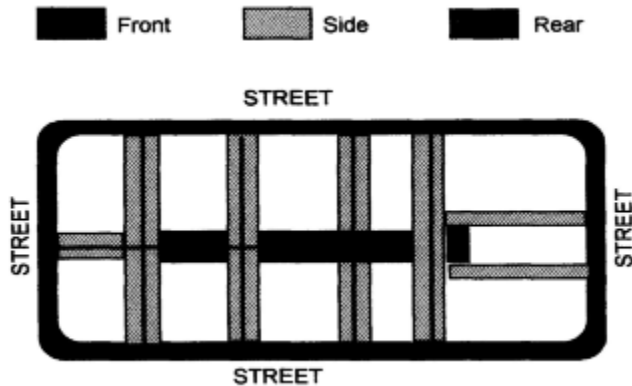
(8) Yards abutting railroad tracks. No yard shall be required along the side or rear of a non-residential lot where the side or rear respectively of the lot abuts a track which is or will be used to provide railroad service to the lot.

(F) Special yards.

(1) A special yard, for the purposes of these regulations, shall be construed as a yard other than adjacent to a street, required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term side yard nor the term rear yard, as generally determined defined, or applied with respect to regular lots, fits the circumstances of the case.

(2) In those instances, the special yard shall be considered a rear yard unless the Zoning Administrator determines that side yard requirements of the district shall apply because of the relationship of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation of structures and buildable areas thereon.

(G) Diagram; yards. The following diagram indicates nomenclature, and location of yards.



(H) Minimum lot area. Minimum lot area is the minimum square footage required for a lot by this chapter. If a zoning lot includes different zoning districts, the minimum lot area requirements for each district shall be met.

(I) Building spacing. The spacing between principal structures located on the same zoning lot shall be determined by the North Carolina State Building Code. However, in no case shall there be less than 20 feet between principal structures.

(1981 Code, § 218) (Ord. passed 6-28-2004; Am. Ord. passed - -)

§ 154.033 PERMITTED PROJECTIONS INTO REQUIRED SETBACKS.

(A) Every part of a required yard shall be open and unobstructed from its lowest level to the sky except for certain architectural features, such as, but not limited to, cornices, bay windows, eaves, stoops and gutters, may project no more than 3 feet into the required front setback, 5 feet into the required rear setback and 2 feet into the required side setback except that no such architectural feature shall be permitted within the required buffer yard.

(B) Mechanical equipment, such as air conditioning units, heat pumps, heating equipment, solar panels, and similar installations, may not project into the required front setback, but may project 5 feet into the required rear setback and 2 feet into the required side setback except that no such mechanical equipment shall be permitted within the required buffer yard.

(Am. Ord. passed 7-6-2015)

§ 154.034 SPECIAL PURPOSE LOTS.

Requirements of this chapter with respect to street frontage, minimum lot and buildable area, and minimum lot dimensions shall not apply to lots for family cemeteries or cemeteries on property owned by a place of worship, public facilities, communication facilities, communication towers and similar utility uses. A special purpose lot shall be permitted only after the Zoning Administrator has determined that the proposed lot has sufficient dimensions to accommodate the intended use and planting yards, if required by the town's zoning ordinance. If the special purpose lot does not have a minimum of 20 feet direct access to a public or private street, an easement for ingress and egress with a minimum width of 20 feet shall be platted from the street to the lot. The subdivision to create the lot shall be approved in accordance with the town's subdivision ordinance. The final plat shall label the proposed use of the lot.

(Ord. passed 8-8-2023)

ADMINISTRATIVE MECHANISMS

§ 154.045 TOWN COUNCIL.

The Town Council shall have the following duties in relation to the Zoning Chapter:

- (A) Adopt and repeal the Zoning Chapter;
- (B) Amend the Zoning Chapter;
- (C) Authorize special uses as specified in §§ 154.190 through 154.239; and
- (D) Authorize conditional use permits as specified in §§ 154.265 through 154.279.

(1981 Code, § 301) (Ord. passed 6-28-2004)

§ 154.046 PLANNING BOARD.

- (A) The Planning Board shall operate under the rules established in its by-laws.

(B) The duties of the Planning Board in relation to this chapter shall be as follows:

- (1) Certify the original ordinance to the Town Council; and
- (2) Review and submit recommendations concerning all amendments;

(C) The Planning Board shall function as the Board of Adjustment. When it is performing this role the Board shall comply with the rules and procedures specified for the Board of Adjustment.

(1981 Code, § 302) (Ord. passed 6-28-2004)

§ 154.047 BOARD OF ADJUSTMENT.

(A) The Liberty Planning Board shall serve as the Board of Adjustment and/or the Watershed Review Board for this chapter. There shall be 2 alternate members of the Board of Adjustment. The members appointed as alternate members (one from the extraterritorial jurisdiction and one from inside the town limits) shall be the Planning Board member from each type of representation which has the least time of service. The alternate member shall be appointed as a regular member upon appointment of a new Planning Board member from his or her designated area.

(B) The alternate members of the Board of Adjustment shall be called upon to attend only those meetings and hearings at which one or more members are absent or unable to participate in the hearing of a case because of financial or other interest.

(C) Members of the Planning Board, when acting as the Board of Adjustment and/or Watershed Review Board, shall serve without compensation, but may be reimbursed for direct expenses incurred in connection with the discharge of their duties.

(D) Members length of term and filling of vacancies shall be as provided for in the Liberty Town Code for members of the Liberty Planning Board.

(E) Extraterritorial members shall have equal rights, privileges and duties as the members who live inside the town limits.

(F) The Board of Adjustment shall operate under the organizational and administrative procedures established in its by-laws and the State of North Carolina.

(G) The Board of Adjustment shall have the following powers and duties:

- (1) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by the Zoning Administrator; and

(2) Hear and grant a properly filed request for a variance from the terms of this chapter where practical difficulties or unnecessary hardships would result from carrying out the strict letter of this chapter and where the requested variance serves to observe the spirit of the ordinance, secure public safety and welfare, and do substantial justice. Nothing in this section shall be construed to authorize the Board of Adjustment to permit a use in a district where that use is neither a permitted use nor a permissible special use.

(H) Before a variance is granted, the following conditions must exist:

(1) The alleged hardships or practical difficulties are unique and singular as regards the property of the person requesting the variance and are not those suffered in common with other property similarly located;

(2) The alleged hardship and practical difficulties, which will result from failure to grant the variance, extend to the inability to use the land in question for any use in conformity with the provision of this chapter and include substantially more than mere inconvenience and inability to attain a higher financial return;

(3) The variance, if allowed, will not substantially interfere with or injure the rights of others whose property would be affected by allowance of the variance;

(4) The variance is in harmony with and serves the general intent and purpose of this chapter and the adopted Land Development Plan; and

(5) That allowing the variance will result in substantial justice being done, considering both the public benefits intended to be secured by this chapter and the individual hardships that will be suffered by a failure of the Board to grant a variance.

(I) Any person aggrieved by any decision, order, requirement or determination by the Zoning Administrator in the administration of this chapter may appeal to the Board of Adjustment. An appeal shall specify the reasons for the appeal and be submitted within a reasonable time. The Zoning Enforcement Officer Administrator shall transmit to the Board all papers and other records of the case.

(J) (1) An appeal stays all proceedings unless the Zoning Enforcement Officer Administrator certifies that a stay would, in his or her opinion, cause imminent peril to life or property.

(2) In those cases, proceedings shall not be stayed other than by a restraining order granted by the Board of Adjustment or by a court.

(3) The Board of Adjustment shall fix a reasonable time to hear and decide the appeal. At the hearing, any party may appear in person, by agent or by attorney.

(K) Any appeal from the decision of the Board of Adjustment shall be taken to the Superior Court within 30 days.

(L) The Board of Adjustment shall refuse to hear any case it has previously denied if it finds that there has been no substantial change in the conditions or circumstances.

(M) The concurring vote of 4/5 of the members of the Board of Adjustment shall be necessary:

- (1) To reverse any order, requirement, decision or determination of the Zoning Administrator Enforcement Officer;
- (2) To decide in favor of the applicant any matter upon which it is required to pass under this chapter; and/or
- (3) Or to effect any variance authorized by this chapter.

(N) Applications for variances, requests for interpretations and appeals for review of decisions of the Zoning Administrator shall be filed with the Zoning Administrator, as agent for the Board, on forms provided by the Zoning Administrator at least 20 days prior to the Board of Adjustment meeting at which the request will be considered. For a fully dimensional plat of the property with sufficient information to illustrate the necessity for the variance shall be submitted along with the application.

(O) The town shall advertise the application for an appeal or variance as required by the current G.S. Ch. 160A, as may be amended.

(P) After conducting the public hearing, the Board shall approve, approve conditionally, or disapprove the request.

(1981 Code, § 303) (Ord. passed 6-28-2004)

§ 154.048 ZONING ADMINISTRATOR.

(A) The Town Manager may assume the duties of the Zoning Administrator or appoint someone to the position.

(B) The Zoning Administrator shall enforce and administer the provisions of this chapter.

(C) If a ruling of the Zoning Enforcement Officer Administrator is questioned, the aggrieved party or parties may appeal the ruling to the Board of Adjustment if desired.

(1981 Code, § 304) (Ord. passed 6-28-2004)

DISTRICT REGULATIONS

§ 154.060 USE DISTRICTS NAMED.

For the purpose of this chapter the Town of Liberty and its extraterritorial planning jurisdiction is divided into the following use districts:

- (A) R40: Residential District;
- (B) R12: Residential District;
- (C) R6: Residential District;
- (D) RMF: Residential Multi-Family District;
- (E) B1: Central Business District;
- (F) B2: General Business District;
- (G) I: Industrial District; and
- (H) IP: Industrial Park District.

(1981 Code, § 401) (Ord. passed 6-28-2004; Am. Ord. passed 8-8-2023)

§ 154.061 DISTRICT BOUNDARIES SHOWN ON ZONING MAP.

(A) The boundaries of the districts as shown on the map accompanying this chapter are entitled official zoning map, Liberty, North Carolina.

(B) The zoning map and all the notations, references, amendments and other information shown are made a part of this chapter the same as if the information set forth on the map was all fully described.

(C) The zoning map properly attested is posted at the Liberty Town Hall and is available for inspection by the public.

(1981 Code, § 402) (Ord. passed 6-28-2004)

§ 154.062 DUE CONSIDERATION GIVEN TO DISTRICT BOUNDARIES.

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

(A) Where the district boundaries are indicated as approximately following streets, alleys or highways, the centerlines shall be construed to be the boundaries.

(B) Where district boundaries are indicated as approximately following lot lines, the lot lines shall be construed to be the boundaries.

(C) Where district boundaries are indicated as approximately being parallel to the center lines of streets, alleys, highways or the rights-of-way of same, the district boundaries shall be construed as being parallel and at the distance indicated on the zoning map.

(D) Where a district boundary line divides a lot or tract in single ownership, the district requirements for the least restricted portion of the lot or tract shall be deemed to apply to the whole provided the extensions shall not include a part of a lot or tract more than 50 feet beyond the district boundary line. The term LEAST RESTRICTED shall refer to use restrictions, not lot or tract size.

(1981 Code, § 403) (Ord. passed 6-28-2004)

§ 154.063 ONLY ONE OFFICIAL MAP.

The final authority for the current zoning status of land, buildings or other structures in the affected territory shall be the official zoning map, which is located in the Town Hall. If any copies of the official map are different from the original, the official map shall be the final authority.

(1981 Code, § 404) (Ord. passed 6-28-2004)

§ 154.064 DESCRIPTION AND PURPOSE OF EACH ZONING DISTRICT.

(A) R-40 Residential. The R40 Residential District is intended to provide regulations which will produce a low intensity mixture of single-family, 2-family dwellings and Class A and B Manufactured Homes, usually served by individual wells and/or sewage disposal systems, plus the necessary governmental and other support facilities to provide service to the suburban intensity living.

(B) R-12 Residential. The R12 Residential District is intended to provide regulations which will produce a medium intensity of single-family dwellings and is usually served by central water supply and sewage disposal systems, plus the necessary governmental and other support facilities to service the urban intensity living.

(C) R-6 Residential. The R-6 Residential District is intended to provide regulations which will produce a higher intensity mixture of single-family, 2-family dwellings and Class A manufactured homes and is required to be served by central water supply and sewage disposal systems, plus the necessary governmental and other support facilities to service the urban intensity living.

(D) R-MF Residential Multi-Family District. The R-MF Residential District is intended to produce a high intensity mixture of single-family, 2-family and multi-family dwellings in close proximity to major nodes of non-residential development, characterized primarily by multi-family housing, plus the necessary governmental and other support facilities to service that level of development. Land designed R-MF shall normally be located with access to a major or minor thoroughfare with access to local residential streets discouraged.

(E) B-1 Downtown Commercial District. The B-1 Downtown Commercial District is intended to include the traditional commercial, governmental, administrative and service core of Liberty where uses are generally in structures with no setbacks (front, side or rear). Off-street parking is not required. Uses are discouraged that are not contained inside a structure. Multi-family dwellings are permitted if they comply with the R-6 Residential lot and parking requirements.

(F) B-2 General Commercial District. The B2 General Commercial District is intended to serve the convenience and shoppers goods, retail and service needs of the public, both local and transient. This district should always be located with access directly to major or minor thoroughfare, never local streets.

(G) I Industrial. The intent of the I Industrial Development District is to produce areas for manufacturing, processing and assembly uses, commercial uses, distribution and servicing enterprises, controlled by performance standards to limit the effect of those uses on uses within the district and on adjacent districts.

(H) IP Industrial. The intent of the IP Industrial Development District is to produce areas for intensive manufacturing, warehousing, processing and assembly uses, controlled by performance standards to limit the effect of those uses on adjacent districts.

(1981 Code, § 405) (Ord. passed 6-28-2004; Am. Ord. passed 8-8-2023)

§ 154.065 SCHEDULE OF PERMITTED AND PERMISSIBLE SPECIAL USES BY DISTRICT.

(A) Except as specifically provided in this chapter, regulations governing the use of land, water and structures within the various districts within the zoning jurisdiction of the Town of Liberty shall be as shown in the schedule of permitted and permissible uses by district.

(B) Use of land or structures which are not expressly listed in this schedule as permitted principal uses, permitted accessory uses or permissible special uses are prohibited uses and shall not be established in that district. Uses listed as permissible special uses may be established in that district only after approval of an application for a special use permit in accord with the procedures and requirements in §§ 154.190 through 154.239.

(C) Section 154.067 indicates the permitted and permissible uses for the regular zoning districts.

(1981 Code, § 406) (Ord. passed 6-28-2004; Am. Ord. passed 8-8-2023)

§ 154.066 AREA, HEIGHT, BULK AND PLACEMENT REGULATIONS.

Except as specifically provided in this chapter, regulations governing the minimum lot width and area; required front, side and rear yards; maximum permitted floor area ratio, maximum permitted height of structures, maximum permitted lot coverage, and related matters shall be for the several regular districts as shown below.

Table of Area, Height, Bulk and Placement Regulations								
District	Minimum Lot Size in Square Feet	Lot Width (Frontage) in Feet	Required Yards* (Setbacks)			Maximum Height* in Feet Ratio	Maximum Floor Area Ratio	Maximum Floor Area by SUP
			Front	Side	Rear			
R40	40,000 per dwelling unit	100	30	15	25	35		
R12	12,000	75	30	10	20	35		

R6	6,000 for single-family; 10,000 for 2-family	60	25	10	20	35		
RMF	6,000 for single-family; 10,000 for 2-family and multi-family	60	25	10	20	35	0.27	0.35
B1	No minimum	No minimum	0	0	0	50		
B2	10,000	75	20	10	10	50	0.27	0.35
I	10,000	75	10	10	10	50		
IP	30,000	100	50	20	20	50		
* Except as modified by § 154.032 or by buffering and screening requirements.								

(1981 Code, § 400-1, Article 400, Table 400-1) (Ord. passed 6-28-2001)

§ 154.067 TABLE OF PERMITTED USES.

Following is the table of permitted uses by district.

Bakery; on premises sale only	2					P	P			
Bank	2					P	P	P		
Bank; automatic teller	2					P	P	P		
Banquet facility						P	P	P		
Bed and breakfast	1	P	P	P	P	P				3
Boarding/rooming houses (owner occupied only) maximum 3 roomers	1	P	P	P	P					
Bus terminal	3					P	P	P		
Business primarily dealing in sexually explicit materials	3							S		
Business services	1					P	P	P		
Cemetery, human	1	A	A	A	A	P	P	P		

flammable; liquid storage below ground < 2,000 gallons										
Combustible and flammable liquid storage below ground > 2,000 gallons						A	A	P	P	8
Commercial developments with multi-use and/or structures and FAR between 0.27 and 0.35	2					S		S		9
Commercial developments with multi-use and/or structures and FAR up to 0.27	2					P	P	P		9
Communication facilities; commercial	2					P	P	P	P	10
Communication facilities; non-		A	A	A	A	P	P	P	P	11

commercial										
Community center		S	S	S	S	P	P			
Congregate living facility (does not include structured environment)		S				P	P			
Congregate living facility; for 6 or less persons (family care home)		P	P	P	P					12
Contractor's office	1					P	P	P	P	13
Correctional facilities	3							P		
Country, racquet, tennis and swim clubs	2	S	S	S	S	P	P			43
Crematorium	2					A	A	P		
Cultural facility	1	S	S	S	P	P	P	P		

Dormitories	2	A	A	A	A	A	A			
Drinking establishments; bar, cocktail lounge, tavern, coffeehouse cabaret and the like	2					P	P	P		
Drive-in theater	3					P		P		14
Dry cleaners; small	2					P	P	P		
Dry cleaning plant	2					P		P	P	
Dwelling for caretaker/security guard on premises where employed						A	A	A	A	
Dwelling; multiple-family units up to 0.27 FAR	MF				P	P	P			15
Dwelling; multiple-family	MF				S	S	S			15

units up to .35 FAR										
Dwelling; single-family units	SF	P	P	P	P	P	P	S	S	15
Dwelling; 2-family units	SF	P		P	P	P	P			15
Dwelling; within mixed use structure							P			16
Eating establishments; drive- in	2					P	P	P		
Eating establishments; drive- in (adult establishment)	2					S		S		
Eating establishments; sit down	2					P	P	P	A	
Eating establishments; sit down (adult establishment)	2					S	S	S		

Eating establishments; walk- in; carry-out	2					P	P	P		
Electronic and electrical repair; large	2					P		P	P	
Electronic and electrical repair; small	1					P	P	P		
Exterminator	2					P		P		17
Extraction of earth products	3	S	S	S	S	S	S	S	S	
Family care home (see congregate living facility for 6 or less in table above)										
Farmers market						P	P	P		47
Flea markets; open air sales	2					P	P	P		

Flea markets; open air sales; temporary						P	P	P		49
Fraternity and sorority houses	2			S	S					18
Funeral parlor	2				P	P	P	P		
Furniture refinishing and repair	2					P	P	P		
Game rooms	3					S				
Gas station	2					P	P	P	P	
Golf course not including Par 3 or miniature courses	1	S	S	S						41
Government land reserves		P	P	P	P	P	P	P	P	
Health practitioners offices	1					P	P	P		

Kennel	2					P		P		21
Landfills; clean material	3							P		
Liquor store	2					P	P	P		
Lumber and building material sales	2					P		P		22
Lumberyard	3							P		
Mail order distribution center	2					P	P	P		
Mail order office	1					P	P	P		
Manufactured home/mobile homes park with Class A and B homes (Class C not permitted)	2	S								
Manufactured home/mobile homes on	SF	P								23

individual lots; Class A and B; double wide (Class C not permitted)										
Manufactured home/mobile homes on individual lots; Class A and B; single wide (Class C not permitted)	SF	P								23
Manufacturing, processing and assembly; heavy	3							P	P	
Manufacturing, processing and assembly; light	2					S		P	P	
Massages (See business primarily dealing in sexual explicit material in table above)										
Massagists; therapeutic health	1					P	P			38

Meat packing/ slaughterhouse	3									
Medical and dental labs	2					P	P	P	P	
Membership organization; not for commercial gain	2					P	P	P		
Mental institutions/ sanitariums	3					S	S	S		
Mini-warehouse	2					P		P		24
Mobile home sales lots	2					P		P	A	
Motor vehicle repair	2					P		P		
Non-conforming buildings and uses		P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	26
Nursing, convalescent and	2				P	P	P			

extended care facilities										
Open air sales, accessory						A	A	A	A	51
Open storage	3					A		A	A	27
Parking lots as principal use of zoning lot (Must meet requirements of § 154.144)	2					P	P	P		
Personal services	1					P	P	P		
Photographic lab facility; commercial	2					P	P	P	P	
Photographic lab facility; 1-hour type	2					P	P	P		
Photography studio with lab for in-house use only	1					P	P	P		

Radio and television receiving antenna and dish, accessory		A	A	A	A	A	A	A	A	28
Railroad classification yard	3							P		
Recreation and amusement services (commercial does not include game rooms)	2					P	P	P		
Recreational vehicle/travel park camp	3	S				S				
Recycling center	2					P		P	P	
Recycling collection point	2	A	A	A	A	P	P	P	P	25
Recycling plant	3							P	P	
Rehabilitation	1					P	P			

center										
Rental/sales of commercial vehicles and heavy equipment	3					P		P	A	29
Rental/sales of domestic vehicles	2					P		P	A	29
Repair services	2					P	P	P		
Research activities	2							P	P	
Retail convenience goods (accessory use allowed in PUD only)	2	A	A	A	A	P	P	P		30
Retail shoppers goods (accessory use allowed in PUD only)	2	A	A	A	A	P	P	P		30
School; business	2					P	P	P		
School; technical/vocational	2					P	P	P	P	

Schools, nursery/ preschools and the like	2	S	S	S	S	P	P			31
Schools; public, private, elementary and high school	2	S	S	S	S	P	P			32
Seasonal sales; temporary						P	P	P		50
Service station	2					P	P	P	P	
Sign painting	2					P		P	P	
Signs, off premise billboard and poster, as, panel and the like (not permitted see §§ 154.177 and 15 4.178)										
Solar farm		S						P	P	52, 53
Stable; commercial	2	S				P		P		

Structure, accessory; no mobile homes, tractor trailer bodies, nor roll-offs permitted. Refer to Notes 1 and 33		A	A	A	A	A	A	A	A	33
Taxi stand	1				P	P	P	P	P	
Telecommunication towers (see § 154.097)	See § 154.097	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	
Temporary portable building; construction related		A	A	A	A	A	A	A	A	34
Transfer station	3							S	S	
Truck terminal	3							P	P	
Uses; customary accessory		A	A	A	A	A	A	A	A	
Vehicle towing	3					P		P		

operation										
Warehouse	3							P	P	
Watershed Overlay District (storage of hazardous waste)						S		S	S	
Wholesale distribution	3							P	P	
Yard sales		A	A	A	A					35
P = Permitted as principal use in district S = Permitted by special use permit only A = Permitted as an accessory use only										

(1981 Code, § 400-1, Article 400, Table 400-2) (Ord. passed 6-28-2004; Am. Ord. passed 11-23-2009; Am. Ord. passed 7-6-2015; Am. Ord. passed 7-11-2016; Am. Ord. passed 3-23-2020; Am. Ord. passed 8-8-2023)

§ 154.068 NOTE FILE FOR § 154.067.

(A) Note 1: For related family members only of the owner who shall reside at the residence.

(B) Note 2: No enterprise shall be located less than 200 feet from any residential district. Where all buildings and exercise areas are enclosed and soundproofed, the foregoing space separating the use from residential districts shall not be required.

(C) Note 3: A bed and breakfast inn may be established in R40, R12, R6 and RMF Residential Districts and in the B2 Commercial District in accordance with the standards below.

(1) The maximum number of guest bedrooms for each proposed bed and breakfast inn shall be 4 unless the applicant can demonstrate that the original floor plan of the structure contained a larger number of bedrooms, in which case, the original number of bedrooms may be approved as allowable guest lodging.

(2) The operator shall be a full-time resident of the premises.

(3) The serving of meals to guests shall be limited to breakfast only.

(4) Parking for bed and breakfast inns shall be located in the rear or interior side yard of the property but not in the front or in the street side yard. Guest parking within the street rights-of-way is prohibited. All other requirements of §§ 154.135 through 154.147 shall be met.

(5) Signs for bed and breakfast inns shall be limited to 1 ground sign per establishment. A sign shall not exceed 5 square feet and shall not be illuminated and shall be identification sign only. Location of sign shall be governed by sign regulations for district in which establishment is located. No advertising signs of any nature shall be permitted. Establishments located within the B2 district shall comply with sign regulations for that district.

(6) Accessory use associated with a bed and breakfast inn shall be only those permitted in the zoning districts in which the development is located.

(D) Note 4: All childcare facilities are defined by the G.S. § 110-86 as to type and size of facilities.

(E) Note 5: The site for any college, university or seminary shall have an area of at least 10 acres, plus 5 acres for each 100 pupils, or major portion thereof, in excess of 400 pupils. A site shall have a frontage on a major or minor thoroughfare.

(F) Note 6: A maximum of 2,000 gallons of heating fuel shall be permitted. In addition, storage of not more than 2,000 gallons of kerosene for retail sale shall be permitted as an accessory use in B I, B2, I and IP Districts, provided containment in an UL approved (or other approved testing agency) tank/dispensing system or a tank/dispensing system constructed under NFPA Standards. All installations shall be according to the North Carolina Building Code and NFPA Standards and all like installations shall be approved by the Liberty Fire Department. Not more than 2,000 gallons of motor vehicle fuel for genuine agricultural use shall be permitted as an accessory use in any residential district provided containment in an UL approved (or other approved testing agency)

tank/dispensing system or a tank/dispensing system constructed under NFPA Standards. All installations shall be according to the North Carolina Building Code and NFPA Standards and all like installations shall be approved by the Liberty Fire Department.

(G) Note 7: A maximum of 2,000 gallons of heating fuel only shall be permitted.

(H) Note 8: Combustible and flammable liquid stored for retail sales shall be permitted as an accessory in B1 and B2 Districts. Combustible and flammable liquid storage may be considered a by right principle use or an accessory use in the I and IP Districts. Within all of these districts not more than 100,000 gallons aggregate shall be permitted within 1 facility. All storage shall be according to all applicable local, state and federal regulations. If storage facility is principal use of property, it shall be considered a Group 3 buffering and screening purposes.

(I) Note 9: This type of development generally includes more than 1 principal structure and use with associated accessory structures and uses on 1 zoning lot which will not be subdivided into customary building lots. The development as a whole (including all principal structures and accessory structures) may not exceed the permitted FAR for the district in which the development is located. All yard, height, setback, parking, buffer and screening and the like, requirements of this chapter shall be met for the development as a whole.

(J) Note 10: Height limitations for specific districts may be exceeded as set forth in §§ 154.015 through 154.032.

(K) Note 11: All structures (towers, poles and the like) used to support communication receiving or transmitting apparatus shall comply with the applicable height and setback regulations of the district in which the structure is located and as modified and permitted by §§ 154.015 through 154.032.

(L) Note 12: Facilities meeting the definitions established in G.S. Ch. 168, Article 3, Family Care Homes.

(M) Note 13: Open storage yards as accessory uses to a contractor's office are permitted in B2, I and IP districts by right, subject to screening and buffering requirements as per §§ 154.080 through 154.097. Open storage yards shall be considered as a Group 3 use for buffering and screening purposes.

(N) Note 14: Drive inn theaters are subject to the following regulations:

(1) No part of any theater screen, projection booth, or other building shall be located closer than 300 feet from any residential district nor closer than 50 feet from any lot line.

(2) The image on the theater screen shall not be visible from any major or minor thoroughfare or from any residential district.

(3) Queuing space within the zoning lot shall be provided for patrons awaiting admission in an amount equal to 30% of the vehicular capacity of the theater.

(4) No ingress and egress shall be permitted except from major and minor thoroughfares, as shown on the Liberty Thoroughfare Plan.

(5) Emergency exits shall be provided and shall meet the approval of the Liberty Fire Department. Exits may be allowed on local streets.

(6) Any lights used to illuminate the theater site shall be so arranged as to reflect the light away from adjoining property and streets. No unshaded light sources shall be permitted. Necessary safety lighting of roads and buildings, and lighting required by governmental regulations shall be permitted.

(7) The theater site shall be graded, surfaced, drained and suitably maintained to the extent necessary to avoid nuisances of dust, erosion or excessive water flow across public ways or adjacent lands. Storm water management shall be provided to protect adjoining property from erosion or flooding.

(8) Buffers and screens shall be provided as required by this chapter.

(9) No central loudspeaker system shall be permitted as part of the theater operation.

(10) Sound shall be transmitted by means of individual speakers mounted adjacent to the automobile parking stalls.

(O) Note 15: See § 154.066 above.

(P) Note 16: See § 154.066 above. The combined floor area of all uses shall not exceed the maximum permitted by § 154.066. Residential conversions of existing non-residential structures are permitted within the B1 District provided the following additional requirements are met.

(1) Each dwelling unit shall provide complete, separate and independent living facilities for 1 or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. Boarding houses, group housing, residential hotels or any residential design which provides for sharing of kitchen or bath facilities shall not be permitted.

(2) All parts of any structure renovated to provide residential units, including parts maintained for non-residential uses, shall fully comply with all applicable provision of the most current edition of the North Carolina State Building Code, as it may be amended from time to time. The following chapters of the North Carolina Building Code are listed as an example of the requirement to be met. (This list is not meant to be all inclusive):

(a) Chapter III "Fire District;"

(b) Chapter IV "Occupancy Classification;"

- (c) Chapter V “Special Occupancy Requirements;”
- (d) Chapter VII “Fire Protection Requirements;”
- (e) Chapter X “Safety to Life Requirements for Existing Buildings;” and
- (f) Chapter XI “Means of Egress Requirements, Exits and Exits Access.”

(3) All renovated residential units shall meet the requirements of the Liberty Minimum Housing Code.

(4) No residential conversion shall be permitted on any ground floor.

(5) The area, yard and height requirements as set forth in § 154.066 shall apply to any residential conversion under this section.

(6) Sign regulations are as set forth in §§ 154.160 through 154.178.

(7) The owner of each building offering residential units shall provide evidence to the town that for each unit within the building 2 off-street parking spaces are provided. Parking shall be convenient to the units and shall have a safe walking route to the unit.

(8) Plans detailing the proposed conversion shall be submitted as part of the application for zoning compliance. The plans shall be specific to the requirements of the North Carolina Building Code and all requirements of this section. The Randolph County Building Inspection Department shall be provided with a copy of the plans. A report by the Randolph County Building Inspection Department shall be required as part of the review process.

(Q) Note 17: Open storage yards as accessory uses to an exterminator's office are permitted in B2 and I Districts by right, subject to screening and buffering requirements as per §§ 154.080 through 154.097. Open storage yards shall be considered as a Group 3 use for buffering and screening purposes.

(R) Note 18: Minimum lot area shall be at least 6,000 square feet. The maximum floor area ratio shall be as permitted in § 154.066. A minimum of 250 square feet of floor area shall be provided for each resident. Signs shall be regulated as per §§ 154.160 through 154.178. Off-street parking shall be regulated as per §§ 154.135 through 154.147. Evidence of authentication of chapter shall be submitted with an application for certificate of zoning compliance.

(S) Note 19: Accessory to a permitted health services use only.

(T) Note 20: Shall be subject to the following limitations:

- (1) No home occupation shall be permitted that:

- (a) Changes the outside appearance of the dwelling unit or is visible from a street;
- (b) Generates traffic, parking, sewage or water use in excess of that which is normal in a residential district;
- (c) Creates a hazard to persons or property or is a nuisance per se or per accidents;
- (d) Utilizes any accessory structure;
- (e) Results in outside storage or display of anything; and
- (f) Results in the erection of any sign for advertising purposes.

(2) The following are permitted home occupations in all residential districts, provided that they meet the requirements of A, above:

- (a) Dressmaking, sewing and tailoring;
- (b) Painting, sculpting and writing;
- (c) Telephone answering service;
- (d) Home crafts such as weaving, lapidary, potting;
- (e) Tutoring of no more than 4 students at a time;
- (f) Computer programming and other home offices which do not require clients/customers to visit the home or create conflicts with other provisions of this note; and
- (g) Music teaching.

(3) The following are prohibited as home occupations:

- (a) Animal hospitals;
- (b) Physicians, dentists and chiropractors;
- (c) Dance studios;
- (d) Exercise studios;
- (e) Mortuaries;

- (f) Nursery schools;
- (g) Private clubs;
- (h) Repair shops;
- (i) Restaurants;
- (j) Retail sales;
- (k) Stables and kennels; and
- (l) Automotive repair and paint shops.

(4) Any proposed home occupation that is neither specifically permitted by division (T)(2) above nor prohibited by division (T)(3) above shall, in order to be established, obtain a special use permit from the Town Council in accordance with §§ 154.190 through 154.239.

(U) Note 21: All activities, with the exception of animal exercise areas, shall be conducted within an enclosed, soundproofed building. Exercise areas shall observe as 200 foot setback from any residential district. The disposal methods for wastes generated shall be reviewed and approved by the Randolph County Department of Health.

(V) Note 22: Open storage yards as accessory uses to a lumber and building materials sales use are permitted in B2 and I Districts by right, subject to screening and buffering requirements as per §§ 154.080 through 154.097. Open storage yards shall be considered as a Group 3 use for buffering and screening purposes.

(W) Note 23:

(1) The Zoning Administrator shall use the following criteria in determining the classification of mobile homes:

- (a) Roof pitch. The pitch of the main roof of the building shall have a minimum rise of 2.4/12;
- (b) Exterior finish. The exterior materials shall be a texture, color, material, and scale compatible with those existing in the immediate vicinity and in no case shall the degree of reflectivity of exterior finishes exceed that of gloss white paint;
- (c) Foundation. A continuous permanent masonry foundation, unpierced except for required ventilation and access shall be installed under all elements of the building; and

(d) Chassis and tongue removal. Undercarriage of the chassis shall be removed upon final placement of unit. Towing tongue may be removed if attached by bolts or anchor or similar removable method. If towing tongue is not removed, then tongue must be included within masonry foundation.

(2) In addition to meeting classification standards any home permitted on an individual lot shall be located so that its longest dimension is parallel to or at least not less than 30 degrees from parallel to the front of the lot. For the purpose of this regulation in the case of a corner lot the street with the greatest frontage shall be considered the front.

(X) Note 24: Mini-warehouse facilities shall meet the following requirements:

(1) Facilities shall have access for ingress and egress to a major or minor thoroughfare, as shown on the Liberty Thoroughfare Plan;

(2) Facilities shall be used only for dead storage of materials or articles and shall not be used for assembly, fabrication, processing or repair;

(3) Open storage shall be limited to 10% of the area of the zoning lot;

(4) The storage of junk is prohibited; and

(5) The facility shall be enclosed within a perimeter fence or wall of at least 8 feet in height. The wall or fence shall be coordinated with the requirements for screening and buffering which shall, if required, govern location and type.

(Y) Note 25: Recycling collection points may be located in residential districts as an accessory use to public and quasi-public facilities. Those areas shall meet the screening and buffering regulations for Group 2 uses.

(Z) Note 26: Nonconforming uses and structures are permitted to continue subject to the regulations of §§ 154.250 through 154.254 and specific situations which are to amortize or cease.

(AA) Note 27: Open storage yards as accessory uses are permitted in B2, I and IP Districts, subject to screening and buffering requirements as per §§ 154.080 through 154.097. Open storage yards shall be considered as a Group 3 use for buffering and screening purposes.

(BB) Note 28: All radio & TV receiving antenna and dish installations shall comply with all regulations of this chapter for setback, height and buffer and screening.

(CC) Note 29: Rental of domestic vehicles may be an accessory use to an established airport/heliport and similar transportation facilities.

(DD) Note 30: Accessory use to Planned Unit Developments.

(EE) Note 31: This use is to be included in the definition of day care facilities and regulated as so.

(FF) Note 32: Schools that meet the compulsory educational requirements of the State of North Carolina. Schools located within commercial districts shall meet lot area, setback, height and buffering, and screening requirements as established for the special use permit for schools, public, private, elementary and high school.

(GG) Note 33:

(1) Accessory structures shall be permitted in all districts subject to the floor area ratio (FAR) restrictions in those districts where FAR applies. In no instance shall the FAR of all permitted structures exceed the maximum permitted for that lot;

(2) In addition to those structures defined in §§ 154.005 and 154.006 as accessory structures, accessory structures shall also include portable accessory structures. Portable accessory structures used only for storage and not habitation shall include tractor-trailer bodies and rolloffs;

(3) Mobile homes shall not be considered as portable accessory structures. No utilities, except electrical service, may be connected to portable accessory structures that are used as storage units. Portable accessory structures shall be permitted for use as storage units pursuant to the following conditions.

(a) R40 Zoning District. Mobile homes are not permitted as accessory structures. Tractor-trailer bodies and rolloffs shall be permitted as accessory structures provided they are screened from view from a public right-of-way in a manner in compliance with § 154.082 and are located in the rear yard of the primary structure. Mobile homes, tractor-trailer bodies and rolloffs existing at the time of the adoption of this chapter shall be considered nonconforming and must remain in compliance with the provisions of the §§ 154.265 through 154.279 or be removed.

(b) RMF, R6, R12 and B1 Zoning Districts. No mobile homes, tractor-trailer bodies and rolloffs shall be permitted as accessory structures. Mobile homes, tractor-trailer bodies and rolloffs existing at the time of the adoption of this chapter shall be considered a nonconforming use and must remain in compliance with the provisions of §§ 154.265 through 154.279 or be removed.

(c) B2 and I Zoning Districts. Mobile homes are not permitted as accessory structures. Tractor-trailer bodies and rolloffs shall be permitted as an accessory structure provided they are screened from view from public rights-of-way in a manner in compliance with § 154.082. Mobile homes, tractor-trailer bodies and rolloffs existing at the time of the adoption of this chapter shall be considered a nonconforming and must remain in compliance with the provisions of §§ 154.265 through 154.279 or be removed. Tractor-trailer bodies and rolloffs that are in the process of being loaded or unloaded at an off-street location are not considered accessory structures provided they are not located on the property for more than 90 days.

(d) IP Zoning District. Mobile homes are not permitted as accessory structures. Tractor-trailer bodies and rollofs shall be permitted as accessory structures provided they have had their road wheels removed, have a permanent masonry foundation installed, and are screened from view from a public rights-of-way in a manner in compliance with § 154.082. Mobile homes, tractor-trailer bodies, and rollofs existing at the time of the adoption of this chapter shall be considered nonconforming and must remain in compliance with the provisions of §§ 154.265 through 154.279 or be removed. Tractor-trailer bodies and rollofs that are in the process of being loaded or unloaded at an off-street location are not considered accessory structures provided they are not located on the property for more than 90 days.

(4) Accessory detached structures including, but not limited to storage shed, storage tank, greenhouse, horse stall, gazebo or garage shall be permitted in residential districts provided that all of the following are met:

(a) There shall be a primary structure located on the lot;

(b) In the R40 and R12 Districts, accessory structures shall be located no closer than 10 feet to any lot line;

(c) In the R6 and RA/IF Districts, accessory structures shall be located no closer than 5 feet to any rear lot line or no closer than 5 feet to any side lot line; and

(d) If the accessory structure is to be used for an accessory apartment, the same setback requirements in division (GG)(3) above shall be met. However there can be no dwelling unit closer than 10 feet to the accessory apartment as per the North Carolina Building Code.

(5) Accessory structures shall be limited to 25 feet in height except television and radio receiving and transmitting antenna and their supporting structures which shall be permitted to exceed this limit. No antenna shall be permitted to exceed 75 feet in height in any residential district or 100 feet in any other district except as permitted in § 154.018.

(HH) Note 34: Temporary buildings shall be removed within 15 days of issuance of the certificate of occupancy to which the temporary building was an accessory during the construction.

(II) Note 35: Not more than 2 sales shall be permitted per calendar year. Each sale shall not continue for more than 7 consecutive days or 2 consecutive weekends.

(JJ) Note 38: The use, therapeutic health massagist, is defined in the town code.

(KK) Note 39: Places of assembly shall only be located on a major thoroughfare as shown on the current Liberty Thoroughfare Plan.

(LL) Note 40: All recreation and amusement services, commercial, shall only be located along a major or minor thoroughfare as shown on the current Liberty Thoroughfare Plan.

(MM) Note 41: Storage of not more than 2,000 gallons of motor fuels for use by agricultural-genuine or golf courses, where allowed, shall be permitted as provided containment in an UL approved (or other approved testing agency) tank/dispensing system or a tank/dispensing system constructed under NFPA standards. Any installation for the storage of motor fuels shall meet NFPA pamphlet # 30 requirements for the containment of spillage, and North Carolina State Building Code/NFPA Standards. All installations shall be approved by the Liberty Fire Department.

(NN) Note 42: Concerts are also permitted in all public school facilities and all public parks without regard as to zoning district.

(OO) Note 43: Clubs and related activities operated for members only and not available for public use. Related activities may include dining and other food and beverage services.

(PP) Note 44: Childcare centers are permitted as an accessory use to a church, synagogue or nonprofit organization use. The center may not exceed 25% of any measurement of the principal use (square footage, land area, parking and the like).

(QQ) Note 45: This type of development generally includes more than 1 principle structure and use with associated accessory structures and uses on 1 zoning lot which will not be subdivided into customary building lots. The development as a whole (including all principal structures and accessory structures) may not exceed the permitted FAR as specified in § 154.067. All yard, height, setback, parking, buffer and screening and the like requirements of this chapter shall be met for the development as a whole.

(RR) Note 46:

(1) A special use permit shall not be required for public facilities which are developed as part of a new residential subdivision. However, the following standards shall be met:

(a) The uses shall be restricted to waste treatment plants, water treatment plants, pumping stations, lift stations, telephone exchanges, electrical transmission and distribution substation locations and similar uses required to serve the needs of the immediate residential, office and commercial districts. Specifically excluded are energy generation plants, freight and marshaling yards, terminals and similar use;

(b) Buffers and screens shall be installed and maintained per §§ 154.080 through 154.097;

(c) Signs will be regulated as per §§ 154.160 through 154.178;

(d) Off-street parking shall be provided as per §§ 154.135 through 154.147;

(e) All structures permitted under this section shall be planned and constructed to be harmonious with the area in which they are located. In addition to plans required, elevations shall be submitted indicating final appearance in compliance with this subsection; and

(f) The parking areas and walkways shall be illuminated for public safety at night. However, lighting shall be designed so as not to disturb adjacent properties.

(2) Any lot created for a public facility which is to be in public ownership shall not be required to meet lot area and width regulations as established in § 154.066. All like lots shall abut a dedicated public street.

(SS) Note 47: A zoning compliance permit is required. This classification is not for temporary sales.

(TT) Note 48: A zoning compliance permit is required. This classification is not for temporary sales.

(UU) Note 49: A zoning compliance permit is required. Certain requirements of this chapter do not apply, specifically §§ 154.082, 154.084, 154.085, 154.086 and certain parking regulations as specified in §§ 154.135 through 154.147. A zoning lot may be utilized for this use two times within any calendar year. Each occurrence of this use on a zoning lot shall be limited to 60 days.

(VV) Note 50: A zoning compliance permit is required. Certain requirements of this chapter do not apply, specifically §§ 154.082, 154.084, 154.085, 154.086 and certain parking regulations as specified in §§ 154.135 through 154.147. A zoning lot may be utilized for this use two times within any calendar year. Each occurrence of this use on a zoning lot shall be limited to 60 days.

(WW) Note 51: This is an accessory activity to the principal use of the zoning lot. Required parking spaces, maneuvering space or driveways shall not be used for sales or display.

(XX) Note 52: See § 154.098 in supplemental regulations for solar farm(s) located in I and IP Industrial Zoning District(s).

(YY) Note 53: See § 154.240 in special use regulations for solar farm(s) located in R40 Residential Zoning Districts.

(ZZ) Note 54: See § 154.221.

(1981 Code, Article 400, Note File) (Ord. passed 6-28-2004; Am. Ord. passed 7-6-2015; Am. Ord. passed - - ; Am. Ord. passed 8-8-2023)

SUPPLEMENTAL REGULATIONS

§ 154.080 HISTORIC OVERLAY DISTRICT (HD).

The Use Districts established in § 154.060 above may also be zoned as an Historic Overlay District as designated herein and as shown on the official zoning map. In that case the land is subject to not only the requirements of the underlying use district but also the additional requirements of the Historic Overlay District.

(A) Purpose. The Historic District establishes regulations, which will help maintain the historic integrity of certain areas within the town.

(B) Designation procedure. Historic districts, as provided for in this section, may be designated, amended or repealed through the following procedure:

(1) In investigation and report describing the significance of the buildings, structures, features, sites, or surroundings included in any like proposed district, and a description of the boundaries of the district shall be prepared by the Historic Preservation Commission and a recommendation thereon made to the Planning and Zoning Board;

(2) The North Carolina Department of Cultural Resources, acting through the State Preservation Officer or his or her designee, shall make an analysis of and recommendations concerning the report and the description of proposed boundaries. Failure of the Department of Cultural Resources to submit its written analysis and recommendation to the town within 30 calendar days after a written request for the analysis has been received shall relieve the town of any responsibility for awaiting the analysis. The town may at any time thereafter take any necessary action to adopt or amend this chapter with regard to historic districts;

(3) The Town Council may also refer the report and proposed boundaries to any local Preservation commission or other interested body for its recommendations prior to taking action;

(4) Changes in the boundaries of a district subsequent to its initial establishment, or the creation of additional districts within the town, shall require the preparation of investigative studies by the Historic Preservation Commission; and they shall be referred to the Department of Cultural Resources for its review and comment according to the procedures set forth in this subsection. Changes in the boundaries of a district or proposals for additional districts shall also be submitted to the Department of Cultural Resources in accordance with the provisions of this section; and

(5) The Planning and Zoning Board shall review the recommendations and shall process the historic district overlay as a zoning map amendment in the same manner set forth in §§ 154.265 through 154.279.

(C) Dimensional regulations and exceptions. Structures within a historic district shall comply with the regulations of the underlying zoning district, except as follows:

(1) Residential structures erected in a historic district may use the prevailing setback of structures on the same side of the street in accordance with § 154.020;

(2) All street setback (except as provided in the division (C)(1) above), interior setback, building coverage, and height requirements shall comply with applicable zoning regulations unless a special exception is approved by the Board of Adjustment. The special exception shall be granted only if it complies with the intent of the architectural and historic guidelines of the historic district and if first recommended by the Historic Preservation Commission;

(3) Where the Historic Preservation Commission, in considering an application for a certificate of appropriateness, shall find that the number of off-street parking spaces and/or design standards for parking lots specified by this chapter would render the site incompatible with the historic district design guidelines and the historic aspects of the district, it may recommend to the Board of Adjustment a special exception to the provisions of the off-street parking requirements and/or design standards. The Board of Adjustment may authorize as a special exception a reduced standard concerning off-street parking provided it finds:

(a) That the lesser standard will not create problems due to increased on-street parking; and

(b) That the lesser standard will not create a threat to the public safety.

(D) Certain changes not prohibited: Nothing in this section shall be construed to prevent the following:

(1) The ordinary maintenance or repair of any exterior architectural feature in a historic district which does not involve a change in design, material or outer appearance thereof;

(2) The construction, reconstruction, alteration, restoration, moving or demolition of any like feature if the building inspector or Zoning Administrator has certified in writing to the Historic Preservation Commission that the action is required to protect the public safety because of unsafe or dangerous conditions; or

(3) The ordinary maintenance or repair of streets, sidewalks, pavement markings, utility service lines, street signs, traffic signs and/or replacement of street light fixtures in the event of equipment failure, accidental damage, or natural occurrences such as electrical storms, tornadoes, ice storms and the like.

(E) Certificate of appropriateness required.

(1) A certificate of appropriateness shall be required for all activities specified in this section whether a building permit is required or not.

(2) After the designation of a historic district, no exterior portion of any building or other structure (including but not limited to masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features), nor above ground utility structure, nor

any type of outdoor advertising sign shall be erected, altered, restored, moved or demolished within the district until after an application for a certificate of appropriateness as to exterior features has been submitted and approved by the Historic Preservation Commission.

(3) For the purposes of this section, EXTERIOR FEATURES shall include the architectural style, general design and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material; the size and scale of the building; and the type and style of all windows, doors, light fixtures, signs and other appurtenant fixtures. In the case of outdoor advertising signs, EXTERIOR FEATURES shall be construed to mean the style, material, size and location of all like signs. EXTERIOR FEATURES may include historic signs, color and significant landscape, archaeological and natural features of the area.

(4) The Historic Preservation Commission may impose standards as may be set forth elsewhere in this section or adopted by the Commission. Any building permit not issued in conformity with this section shall be invalid.

(5) The discontinuance of work or the lack of progress toward achieving compliance with the certificate of appropriateness for a period of 1 year shall render the certificate null and void and of no effect and application shall be made for a new certificate. However, in the event the issuance of a certificate is appealed, the 1 year period shall not commence until a final decision is reached regarding the matter.

(6) The Commission may, after adoption of architectural and historic guidelines allow the Zoning Administrator or his or her designee to review and approve minor work to review and approve minor work provided, however, that no application for a certificate of appropriateness may be denied without formal action by the Historic Preservation Commission.

(7) The town and all public utilities, except as provided under division (D) above, shall be required to obtain a certificate of appropriateness prior to initiating in a historic district any changes in the character of street paving, street width, utility installations or removals, lighting, street trees, walls, fences, sidewalks or exterior of buildings or structures on property or streets in which they have a fee or other interest.

(F) Application procedures

(1) Application for a certificate of appropriateness shall be made to the Zoning Administrator on forms provided. The application shall be filed no later than 14 days prior to the next regularly scheduled meeting of the Historic Preservation Commission. Each application shall be accompanied by sketches, drawings, photographs, specifications, descriptions and/or other information of sufficient detail to clearly show the proposed move, exterior alterations, additions, changes, new construction or demolition.

(2) The Zoning Administrator staff shall make a reasonable attempt to identify and notify the owners of surrounding property likely to be affected by the application for a certificate of appropriateness. The Zoning Administrator shall transmit the application,

together with the supporting information and material, to the Historic Preservation Commission for consideration. The Commission shall act upon the application within 60 days after the filing thereof, otherwise failure to act upon the application shall be deemed to constitute approval and a certificate of appropriateness shall prohibit an extension of time where mutual agreement has been reached between the Commission and the applicant.

(3) Prior to issuance or denial of a certificate of appropriateness, the Historic Preservation Commission shall give the applicant and other property owners likely to be affected by the application an opportunity to be heard. In cases where the Commission deems necessary, it may hold a public hearing concerning the application and seek the advice of the North Carolina Department of Cultural Resources or other expert advice.

(4) The Commission shall not refuse to issue a certificate of appropriateness except for the purpose of preventing the construction, reconstruction, alteration, restoration, or moving of buildings, structures appurtenant features, or signs in the historic district which would be incompatible with the architectural and historic guidelines.

(5) An appeal may be taken to the Board of Adjustment from the Historic Preservation Commission's action in granting or denying any certificate. The appeal:

(a) May be taken by any aggrieved party;

(b) Shall be taken within 15 days after the decision of the Commission; and

(c) Shall be in the nature of certiorari.

(6) Any appeal from the Board of Adjustment's decision in any like case shall be heard by the Superior Court of the County.

(G) Review criteria.

(1) In granting a certificate of appropriateness, the Historic Preservation Commission shall take into account the historic or architectural significance of the property under consideration and the exterior form and appearance of any proposed additions or modifications to a structure.

(2) The Commission shall not consider interior arrangement.

(3) The provisions of this section shall not become effective for a historic district until after the Commission has adopted detailed architectural and historic guidelines applicable to proposals within the historic district. These criteria shall take into account the historic, architectural and visual elements of the district and shall be reviewed a minimum of every 5 years. At a minimum, the criteria shall contain guidelines addressing the following factors:

(a) Historic significance or quality. The quality or significance in history, architecture, archeology or culture present in districts, sites, structures, buildings or objects that possess integrity of location, design, setting, materials, workmanship and feeling and association:

1. That are associated with events that have made a significant contribution to the broad patterns of local, state or national history; or that are associated with the lives of persons significant in the past;
2. That embody the distinctive characteristics of a type, period or method of construction;
3. That represent the work of a master or that possess high artistic values; or
4. That represent a significant and distinguishable entity whose components may lack individual distinction; or that have yielded, or may be likely to yield, information important in prehistory or local, state or national history.

(b) Exterior form and appearance. In considering exterior form and appearance, the Commission may take into account, but is not limited to, the following elements to ensure that they are consistent with the historic or visual character or characteristics of the district:

1. Exterior features as described in division (E) above;
2. Height of the building or structure;
3. Setback and placement on lot of the building or structure, including lot coverage and orientation;
4. Exterior construction materials, including textures, patterns and colors;
5. Architectural detailing, such as lintels, cornices brick bond, foundation materials and decorative wooden features;
6. Roof shapes, forms and materials;
7. Proportions, shapes, positionings and locations, patterns and sizes of any elements of fenestration;
8. General form and proportions of buildings and structures;
9. Appurtenant fixtures and other features such as lighting;
10. Structural condition and soundness;
11. Use of local or regional architectural traditions; and

12. Effect of trees and other landscaping elements.

(H) Delay in demolition of landmarks and buildings.

(1) An application for a certificate of appropriateness authorizing the relocation, demolition or destruction of a designated landmark or a building, structure or site within the district may not be denied except as provided in this section. However, the effective date of a certificate may be delayed for a period of up to 365 days from the date of approval.

(a) The maximum period of delay authorized by this division (H) shall be reduced by the Historic Preservation Commission where it finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use of or return from the property by virtue of the delay.

(b) During that period, the Commission shall negotiate with the owner and with any other parties in an effort to find a means of preserving the building or site.

(c) If the Commission finds that a building or site within a district has no special significance or value toward maintaining the character of the district, it shall waive all or part of the period and authorize earlier demolition or removal.

(2) If the Historic Preservation Commission has voted to recommend designation of a property as a landmark or designation of an area as a district, final designation has not been made by the Town Council, the demolition or destruction of any building, site or structure located on the property of the proposed landmark or in the proposed district may be delayed by the Commission for a period of up to 180 days or until the Town Council takes final action on the designation, whichever occurs first.

(3) The Town Council may enact an ordinance to prevent the demolition by neglect of any designated landmark or any building or structure within an established historic district. The ordinance shall provide appropriate safeguards to protect property owners from undue economic hardship.

(4) An application for a certificate of appropriateness authorizing the demolition or destruction of a building, site or structure determined by the State Historic Preservation Officer as having statewide significance as defined in the criteria of the National Register of Historic Places may be denied except where the Historic Preservation Commission finds that the owner would suffer extreme hardship or be permanently deprived of all beneficial use or return by virtue of the denial.

(1981 Code, § 501) (Ord. passed 6-28-2004)

§ 154.081 PARKING OF DOMESTIC, COMMERCIAL AND RECREATIONAL VEHICLES.

(A) Domestic and recreational vehicles. An owner of domestic and recreational vehicles may park or store such vehicles on his or her private residential property, subject to the following limitations:

(1) At no time shall vehicles be occupied or used for living, sleeping or housekeeping purposes. Visitors may occupy a vehicle in their care, custody and control during periods of visitation not to exceed 7 days;

(2) Vehicles may be connected to utility services as required for maintenance purposes; and

(3) Not more than 6 domestic vehicles may be parked or stored on any single-family residential lot for any period exceeding 48 hours. Vehicles stored within entirely enclosed structures which meet the regulatory requirements for the applicable zoning district shall not be counted when determination of the number of vehicles is made.

(B) Commercial vehicles.

(1) The parking of commercial vehicles over 7,500 GVW or 25 feet in length in any residential district is prohibited except as stated below.

(2) Parking of these vehicles is permitted if they are of an emergency service nature or school buses or located within entirely enclosed structures, which meet the regulatory requirements for the applicable zoning district.

(3) This requirement shall not be interpreted to prohibit from loading and unloading in any residential district.

(1981 Code, § 502) (Ord. passed 6-28-2004)

§ 154.082 BUFFERS AND SCREENING.

(A) Purpose and intent.

(1) The Town of Liberty encourages high quality design in developments, structures and the use of land. High quality design includes proper siting of structures and uses and proper landscaping.

(2) The town desires to allow developers maximum flexibility in achieving these high standards of development. However, minimum requirements for buffering or screening between certain uses and/or districts are hereby established to reduce the impact of a use of land on adjacent uses which are of a significantly different character, density or intensity.

(3) Buffers and screens separate different uses from each other in order to reduce adverse impacts such as dirt, litter, traffic, noise, odor, glare of lights, signs, buildings and parking areas. These regulations benefit both the developer and the adjoining

landowner(s) because it allows options from which to choose in developing the property, while insuring each neighbor adequate protection regardless of the developer's choice, thereby protecting the property values of all properties involved.

(4) Before the issuance of certificate of occupancy, buffers and/or screening shall be installed or their installation guaranteed as per § 154.270. Buffers or screens shall be required in accord with the following.

(B) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUFFER. A strip of land together with plantings required thereon. BUFFERS consist of a horizontal distance from a lot line which may only be occupied by the required landscaping materials, underground utilities, retention areas, screening materials and driveway/sidewalk access.

SCREEN. A strip of land together with plantings and or walls or fences required thereon. Screens consist of a minimum of horizontal distance from a lot line which may only be occupied by the required screening materials, additional landscaping materials, underground utilities and driveway/sidewalk access.

(C) Buffer or screen required.

(1) To provide maximum flexibility in achieving a high standard of development both buffer and screen requirements are established.

(2) The developer may choose which protection method is appropriate for the proposed development or he or she may mix methods within the development.

(3) The matrix below indicates when established uses will be required to install a buffer or a screen. In addition the matrix establishes what category of buffer or screen will be required.

(4) The required buffering or screening between the proposed land use(s) and the existing adjacent land use(s) on adjoining zoning lots is set forth in the matrix below.

(5) Buffers or screens are not required to separate uses located across public streets, however front yard landscaping as required by § 154.086 below shall be installed adjacent to street rights-of-way.

(6) If the land next to the proposed development is vacant, the category required shall be determined by the existing zoning on the adjacent vacant parcel.

(7) If the adjacent parcel is vacant, but is zoned for a more intensive zoning district, no buffer or screen shall be required of the less intensive use.

(8) If the adjacent parcel(s) is located within the same zoning district, and the use is classified as a nonconforming use in that district, no buffer or screen shall be required of the proposed use.

(9) If the adjacent parcel is developed in a more intensive manner, no buffer or screen is required of the lesser intensive use. The relative degree of intensity shall be determined as follows:

(a) As used in this section, the grouping of uses and zoning uses shall be as follows.

1. Single-family/2-family (as used in this section) shall be the least intensive. If the zoning on any vacant parcel is R40, R12 or R6, the single/2-family category shall be used for determination of the required buffering.

2. Multiple-family, less than 12 units per acre, shall be the next least intensive.

3. Multiple-family, more than or equal to 12 units per acre, shall be the next least intensive. If the zoning on any vacant parcel is R6 the Multi-family more than 12 units per acre category shall be used for determination of the required buffering.

4. Group 1 shall be the next least intensive. If the zoning on any vacant parcel is RA/IF, the Group 1 shall be used for determination of the required buffering.

5. Group 2 shall be the next least intensive. If the zoning on any vacant parcel is B1 or B2 the Group 2 shall be used for determination of the required buffering.

(b) Group 3 shall be the most intensive. If the zoning on any vacant parcel is IP or I the Group 3 shall be used for determination of the required buffering.

(c) As used in this section, the grouping of the zoning districts shall be as follows:

1. If the zoning on the vacant parcel is R40, or R12, the single-family category shall be used for determination of the required buffering.

2. If the zoning on the vacant parcel is R6 the 2-family and multiple-family less than 12 units per acre category shall be used for determination of the required buffering.

3. If the zoning on the vacant parcel is RMF the 2-family and multiple-family more than 12 units per acre category shall be used for determination of the required buffering.

4. If the zoning on the vacant parcel is B1 or B2 the group 2 shall be used for determination of the required buffering.
5. If the zoning on the vacant parcel is I or IP the group 3 shall be used for determination of the required buffering.

<i>Buffer and Screen Matrix</i>						
<i>Abutting Use or Zoning</i>	<i>Single/2-Family</i>	<i>Multi-family</i>		<i>Group 1</i>	<i>Group 2</i>	<i>Group 3</i>
		<i>< 12 u/a</i>	<i>≥ 12 u/a</i>			
Proposes; use						
Single/2-family	-					
Multi-family < 12 u/a	A	-				
Multi-family > 12 u/a	C	A	-			
Group 1	B	B	B	-		
Group 2	C	C	C	A	-	
Group 3	D	D	D	C	A	-

* Group designation for specific uses are found in the "Table of Permitted Uses" § [154.067](#).

* Group designation for specific uses are found in the “Table of Permitted Uses” § 154.067.

(D) Requirements for buffers and screens. Once the required category of buffer or screen is determined from the matrix the following requirements shall be met.

(1) For the buffer method. The following descriptions list the specifications of each permitted buffer width. The requirements are a minimum standard, developers are encouraged to supplement these minimums to enhance the landscaping of the development. Buffer requirements are stated as follows:

- (a) Minimum width;
- (b) Minimum planting per 100 Linear Feet; and
- (c) Type and number of plant material.

(2) The number of plant materials required per 100 linear feet is represented by a whole or decimal number. Both the type and number of plants is specified. All mathematical rounding shall be upwards and shall be applied to the total amount of plant material required in the buffer, not to each 100 linear feet.

(3) Buffer A. The requirements shall be met for Buffer A by the following:

- (a) Fifteen foot wide strip with two canopy trees, three understory trees, and six shrubs per 100 linear feet; or
- (b) Twenty foot or more wide strip with one canopy tree, two understory trees, and four shrubs per 100 linear feet.

(4) Buffer B. The requirements shall be met for Buffer B by the following:

- (a) Twenty foot wide strip with two canopy trees, three understory trees, and ten shrubs per 100 linear feet; or
- (b) Twenty-five foot or more wide strip with two canopy trees, two understory trees and eight shrubs per 100 linear feet.

(5) Buffer C. The requirements shall be met for Buffer C by the following:

- (a) Twenty foot wide strip with two canopy trees, four understory trees and 12 shrubs per 100 linear feet; or
- (b) Twenty-five foot or more wide strip with two canopy trees, three understory trees and ten shrubs per 100 linear feet.

(6) Buffer D.

(a) The requirements shall be met for Buffer D by the following:

(b) Twenty-five foot or more wide strip with two canopy trees, four understory trees and a row of evergreen shrubs placed along the property boundary not more than five feet apart on center which would grow to form a continuous opaque hedge of at least six feet in height within two years of planting.

(7) Plant materials should be selected which are appropriate to soil and site conditions. It is recommended that species be selected which are resistant to heat, drought, insects and diseases and which require little maintenance. Refer to § 154.097 for listing of approved plant materials. Selected plant materials shall meet the requirements and be installed according to ANLA (American Nursery and Landscaping Association) standards. At least one ornamental flowering plant variety shall be required in each buffer for each ten feet of buffer depth. Trees and shrubs may be evergreen, deciduous or any combination thereof. Existing plant materials meeting these minimum requirements for plant type may be counted toward the total requirements of the specific plant type. The placement of required plants shall be the decision of the developer and all buffer areas shall be planted with grass, other ground cover or maintained with natural mulch or pine straw. See below for table for minimum plant sizes.

<i>Table for Minimum Plant Sizes</i>		
<i>Plant Material Type</i>	<i>Minimum Size Planting in Buffers Abutting Vacant Land*</i>	<i>All Other Plantings</i>
Canopy Tree	1 inch caliper**	1-1/2 inch caliper**

Multi-Stem Clump	5 feet height	6 feet height
Understory Tree	3 feet height	4 feet height
Evergreen Tree	2 feet height	3 feet height
<i>Shrub</i>		
Deciduous	12 inches height	15 inches height
Evergreen	9 inches height	12 inches height
Hedge	5 feet height	6 feet height
<p>* Smaller plant sizes are permitted adjacent to vacant land because it is assumed that the plants will have time to mature before the abutting vacant land is developed. For this purpose agricultural land is considered vacant.</p> <p>** Caliper is a measurement of the size of a tree equal to the diameter of its trunk measured 4.5 feet above natural grade.</p>		

(8) Buffers shall be located on the outer perimeter of a lot or parcel, extending along lot lines or private street or other existing or dedicated public rights-of-way. Where rights-of-way are contiguous with property line any required buffer shall be located on the inside of rights-of-way. No landscaping shall be permitted which interferes with the sight distance required at any roadway or driveway intersection.

(9) A buffer shall not be used for parking, accessory buildings or any other use except where required and permitted for pedestrian or vehicular access to adjoining property. Any such access shall cross the buffer area in a direct manner, shall not run

parallel with the buffer and be no more than eleven feet in width for one way traffic or pedestrians or twenty two feet in width for two way traffic.

(10) For the screen method. The following descriptions list the specifications of each permitted screen width. The requirements are a minimum standard, developers are encouraged to supplement these minimums to enhance the landscaping of the development.

(11) Screen A. The requirements shall be met for Screen A by providing a ten foot wide minimum screening yard and one of the following:

(a) A row of evergreen shrubs placed not more than five feet apart on center which would grow to form a continuous opaque hedge a minimum of six feet in height above finished grade; or a masonry (brick, rock, texture block) wall. The wall shall be a minimum height of six feet (above finished grade); or a solid wooden fence a minimum height of six feet (above finished grade) constructed of pressure treated wood which bears the seal of the American Wood Preservers Bureau appropriate to the use or is constructed of a wood of natural resistance such as heartwood of redwood, bald cypress (tidewater red), black walnut, black Locust or Cedar. Such evergreen plantings, walls, or fences shall be located along the interior boundary of the required screen yard; and,

(b) Lawn and or low-growing evergreen shrubs, evergreen ground cover or natural mulch covering the balance of the screening yard.

(12) Screen B. The requirements shall be met for Screen B by providing a ten foot wide minimum screening yard and the following:

(a) A row of evergreen shrubs placed not more than five feet apart on center which would grow to form a continuous opaque hedge a minimum of six feet in height above finished grade; or a masonry (brick, rock, texture block) wall a minimum height of six feet (above finished grade); or a solid wooden fence a minimum height of six feet (above finished grade) constructed of pressure treated wood which bears the seal of the American Wood Preservers Bureau appropriate to the use or is constructed of a wood of natural resistance such as heartwood of redwood, bald cypress (tidewater red), black walnut, black Locust or Cedar. Such evergreen plantings, walls, or fences shall be located along the interior boundary of the required screen yard; and,

(b) A staggered row of evergreen trees, located on the outside of the above evergreen plantings, wall or fence, which are not less than six feet in height at the time of planting and are spaced not more than 30 feet apart on center which at maturity will form an intermittent visual barrier from above the opaque screen to a minimum height of 15 feet.

(13) Screen C. Requirements shall be met for Screen C by providing a ten-foot wide minimum screening yard and the following:

(a) A row of evergreen shrubs placed not more than five feet apart on center which would grow to form a continuous opaque hedge a minimum of six feet in height above finished grade; or a masonry (brick, rock, texture block) wall a minimum height of six feet (above finished grade); or a solid wooden fence a minimum height of six feet (above finished grade) constructed of pressure treated wood which bears the seal of the American Wood Preservers Bureau appropriate to the use or is constructed of a wood of natural resistance such as heartwood of redwood, bald cypress (tidewater red), black walnut, black Locust or Cedar. Such evergreen plantings, walls, or fences shall be located along the interior boundary of the required screen yard; and

(b) A staggered row of evergreen trees, located on the outside of the above evergreen plantings, wall or fence, which are not less than six feet in height at the time of planting and are spaced not more than 20 feet apart on center which at maturity will form an intermittent visual barrier from above the opaque screen to a minimum height of 15 feet.

(14) Screen D. The requirements shall be met for Screen D by providing a 15 foot wide minimum screening yard and one of the following:

(a) A row of evergreen shrubs placed not more than five feet apart on center which would grow to form a continuous opaque hedge a minimum of six feet in height above finished grade; or a masonry (brick, rock, texture block) wall a minimum height of six feet (above finished grade); or a solid wooden fence a minimum height of six feet (above finished grade) constructed of pressure treated wood which bears the seal of the American Wood Preservers Bureau appropriate to the use or is constructed of a wood of natural resistance such as heartwood of redwood, bald cypress (tidewater red), black walnut, black Locust or Cedar. Such evergreen plantings, walls, or fences shall be located along the interior boundary of the required screen yard; and

(b) A staggered row of evergreen trees, located on the outside of the above evergreen plantings, wall or fence, which are not less than six feet in height at the time of planting and are spaced not more than 15 feet apart which at maturity will form an intermittent visual barrier from above the opaque screen to a minimum height of 20 feet.

(15) Plant materials should be selected which are appropriate to soil and site conditions. It is recommended that species be selected which are resistant to heat, draught, insects and diseases and which require little maintenance. Refer to § 154.097 for listing of approved plant materials. Selected plant materials shall meet the requirements and be installed according to ANLA (American Nursery and Landscape Association) standards. Existing plant materials meeting these requirements and locational requirements may be utilized towards screening requirements.

(16) Screens shall be located on the outer perimeter of a lot or parcel, extending along the lot or parcel boundary line and shall not be located on any portion of an existing or dedicated public or private street or other existing or dedicated public rights-of-way. Where rights-of-ways are contiguous with property lines any required buffer shall be located on the inside of the rights-of-way. No landscaping shall be permitted which interferes with the sight distance required at any roadway or driveway intersection.

(17) A screen shall not be used for recreation, parking, accessory buildings or any other use except where required and permitted for pedestrian or vehicular access to adjoining property. Any such access shall cross the buffer area in a direct manner, shall not run parallel with the buffer and be no more than eleven feet in width for one way traffic or pedestrians or 22 feet in width for two way traffic.

(E) Coordination of buffer yard or screen yard and required setback yard. Buffer or screen yards as required may be included within or combined with the required minimum setback yards as established § 154.066. When buffer or screen yards are required to be larger than setback yards, the buffer or screen yard shall serve also as the minimum setback yard. When the setback yard is larger than the required buffer or screen yard, no additional setback is required.

(F) Alternative buffers and screening.

(1) In lieu of compliance with the above buffer or screening requirements, an applicant may submit to the Planning Board for their review and approval an alternative plan with detailed specifications for landscaping, buffering and screening.

(2) The Planning Board may approve the alternative buffering and of screening plan upon finding that the proposal will afford a degree of buffering and or screening equivalent to or exceeding that provided by the above requirements.

(3) An alternative plan proposing an increase in the depth of a buffer yard may be approved and may utilize existing significant plants and trees if no reduction in the total number of required plants and trees results and they afford an equal degree of separation in terms of height and opacity.

(4) Otherwise, additional plantings, berms, walls or fences, or a combination thereof shall be required. A reduction in buffer yards is not permitted since the developer may choose the screen alternative which requires less yard.

(5) A reduction in the required screen yard may be approved, if it can demonstrated to the Planning Board that full compliance with the requirement is unpractical and creates an undue restriction on the use of the property. If an alternative screen plan is approved, it shall include screening measures which will provide an increase in the height and opacity of the screening required.

(G) Existing vegetation. The retention of existing vegetation shall be maximized, to the extent practicable, wherever the vegetation contributes to required buffering and or screening or to the preservation of significant trees.

(H) Maintenance of landscaping.

(1) All landscaping and screening which provides required buffering and screening shall be maintained so as to continue their effectiveness.

(2) Periodic inspections may be made to determine continued effectiveness of the required landscaping and screening.

(3) Any deficiencies shall be treated as a violation of this chapter and subject to regulations in §§ 154.278 and 154.999.

(I) Determination of unlisted uses.

(1) The Zoning Administration shall make a determination, in the cases of uses not listed in the § 154.067 or which do not have a buffer group listed of the group appropriate for those uses.

(2) In reading the determination, the Zoning Administrator shall be guided by the requirements for similar uses having comparable external effects.

(J) Buffers and screening of existing uses. Uses already existing at the time of the passage of this chapter, or subsequent amendments thereto, shall comply with the following requirements:

(1) Existing uses shall not be considered nonconforming due to noncompliance with the buffering and screening requirements. The uses will not be required to implement buffering and screening unless physical alteration resulting in an increase of floor area of existing structures or the erection of new structures or the expansion of open uses of land occurs; and

(2) If physical alteration resulting in an increase of floor area of existing structures or the erection of new structures or the expansion of open uses of land occurs, buffering and screening shall be required as following.

(a) If the combined total of all expansions is 50% or less of the existing building footprint or land available for open uses as of January 22, 1996 a screen meeting screen Category A shall be required. A screen shall be provided on a 1.5 to 1 ratio of the linear length of the building parallel to lot line which requires buffering and screening. The location of the required screening shall be determined by the Zoning Administrator. The location shall be based on site evaluations to determine the best protection to adjoining properties.

(b) If the combined total of all expansions is greater than 50% of the existing building footprint or land available for open uses as of January 22, 1996 buffers or screening shall be provided according to the requirements for new uses. In those cases, the use of provisions in Section (F) above may be considered.

(1981 Code, § 503) (Ord. passed 6-28-2004; Am. Ord. passed - -)

§ 154.083 SCREENING OF OPEN STORAGE.

All new open storage areas and expansions of existing open storage areas shall be screened from view of any street, and from all residentially zoned land as follows:

(A) Screening shall consist of solid masonry walls or solid wooden fences at least 6 feet in height (constructed of materials and finishes as permitted in § 154.082(D)(2)(a)), or an opaque chain link fence at least 6 feet in height. Access from the street shall only be permitted through solid gates which shall be closed except when in use. Screening shall run at least 100 feet back from the street property line or to the rear property line if the property is less than 100 feet deep.

(B) In lieu of compliance with the above screening methods, an applicant may submit to the Planning Board for their review and approval a detailed plan and specifications for landscaping and screening. The Planning Board may approve the alternative screening, in writing, upon finding that the proposal will afford a degree of screening, in terms of height, opacity and separation, equivalent to or exceeding that provided by the above methods.

(C) Prior to the issuance of certificate of occupancy, screening of open storage shall be installed or its installation guaranteed as per § 154.270 below.

(1981 Code, § 504) (Ord. passed 6-28-2004)

§ 154.084 SCREENING OF MECHANICAL EQUIPMENT.

(A) All new non-residential uses and expansions of existing structures shall screen from view from public places and neighboring properties all mechanical equipment, such as but not limited to, air conditioners, or pumps, through the use of features such as berms, fences, false facades or dense landscaping.

(B) Prior to the issuance of certificate of occupancy, screening of mechanical equipment shall be installed or its installation guaranteed as per § 154.270.

(C) Notwithstanding front yard and perimeter buffering and screening requirements prescribed for solar farm(s), §§ 154.098 and 154.240, mechanical equipment that depends on unobstructed access of sources of wind and solar power for alternative energy generation (i.e. solar collectors, wind turbines) is exempt from mechanical equipment screening. Mechanical equipment that is ancillary to such devices (such as pumps, storage tanks, batteries, compressors, etc.) shall be screened as required by this section.

(1981 Code, § 505) (Ord. passed 6-28-2004; Am. Ord. passed 7-6-2015)

§ 154.085 CENTRAL SOLID WASTE STORAGE AREA.

(A) All new buildings and uses including mobile home parks, but excluding single-family and 2-family dwellings, shall provide facilities for the central storage of solid waste within the lot.

(B) Where these facilities are provided outside of a building, they shall be screened from the view of public rights-of-way and adjacent property by an enclosure constructed of materials compatible with the materials on the front building wall of the main building.

(C) The screening shall begin at ground level with no open space between the ground and the bottom of the screening material(s). Prior to the issuance of certificate of occupancy, screening of solid waste storage areas shall be installed or its installation guaranteed as per § 154.270.

(D) Nothing in this chapter shall be construed to prevent the joint use of central solid waste storage (dumpsters) for 2 or more structures.

(E) An agreement for a joint use, in the form of a reciprocal easement acceptable to the office of the Town Manager shall be filed with the Zoning Administrator and recorded with the Register of Deeds for Randolph County.

(1981 Code, § 506) (Ord. passed 6-28-2004)

§ 154.086 PARKING RESTRICTED WITHIN REQUIRED FRONT YARDS.

(A) Except for single-family and duplex structures no parking shall be permitted within the first 10 feet of required front yard of any zoning lot.

(B) The required yard shall be occupied only by underground utilities, retention areas, landscaping materials, signs (where permitted) and driveway access.

(C) There shall be planted and maintained 1 tree, which is not less than 6 feet in height at the time of planting, for each 20 linear feet of street frontage or portion thereof.

(D) At least 1 tree shall be of a flowering type. The balance of the first 10 feet of the required front yard shall be covered with lawn, low-growing evergreen shrubs not over 4 feet in height, evergreen ground cover, or mulch.

(E) All required plantings and any other landscaping shall be so arranged that it does not impair visibility when exiting the lot into a public street.

(F) Plant materials should be selected which are appropriate to soil and site conditions. It is recommended that species which are resistant to heat, draught, insects and diseases and which require little maintenance.

(G) Refer to § 154.097 below for listing of approved plant materials. Prior to the issuance of certificate of occupancy, screening of required front yards shall be installed or its installation guaranteed as per § 154.270.

(H) Existing significant trees, over 6 feet in height, or planted trees, which are not less than 6 feet in height at the time of planting, that are located within the required front yard of any zoning lot shall be permitted to count towards the total number of trees as required above on a 1 to 1 basis.

(I) Existing uses which on the date of adoption of this chapter are using the first 10 feet of their lot for parking shall not be considered non conforming for the purposes of this section and §§ 154.250 through 154.254.

(J) In multifamily projects of less than 45,000 square feet lot area, parking may not be permitted within any of the required front setback area as indicated in § 154.066 above. The area shall be considered open space.

(1981 Code, § 507) (Ord. passed 6-28-2004)

§ 154.087 VEHICLE TOWING OPERATIONS.

(A) Vehicle towing operations, where permitted, are allowed to park, store and maintain a towed vehicle while awaiting proper disposition of the vehicle.

(B) Parking, storage and maintaining shall be located within a fenced and screened area. The fenced area shall observe a setback of 25 feet from any residential zoned property.

(C) Screening shall be in accordance with the requirements in § 154.083 above. At no time shall more than 20 vehicles be permitted within the area and the areas shall not be used for dismantling of vehicles or the sale of parts therefrom.

(1981 Code, § 508) (Ord. passed 6-28-2004)

§ 154.088 CONSTRUCTION TRAILERS AND TEMPORARY OFFICES.

(A) (1) A licensed contractor, engaged upon a construction project for which a building permit has been issued, may temporarily use a construction trailer for office facilities in the location where the work is being done; provided the construction trailer shall not be placed upon the streets but upon the property on which the building permit authorizes the construction.

(2) The construction trailer shall be removed within 30 days after completion of the work for which the permit has been issued.

(B) (1) A zoning compliance permit may be issued by the Zoning Administrator for a 1-year period for the use of a modular office (of a type approved by the Building Inspection Department), as a temporary office while business properties are being remodeled, provided that it is placed upon the property for which there is a building permit issued for the remodeling.

(2) The permit shall be for a period of 1 year or until the remodeling is completed, whichever is the shorter period. The permit may not be renewed after the expiration of the 1-year period.

(1981 Code, § 509) (Ord. passed 6-28-2004)

§ 154.089 MODEL DWELLING UNITS.

(A) In any residential district, the developers, builders or their agents may operate 3 model dwelling units as a sales office for the specific project under construction, subject to the following restrictions:

(1) The model dwelling unit shall meet all district requirements for lot and yard dimensions;

(2) Signs shall not be illuminated;

(3) The model dwelling unit shall not be used for any business activity, other than showing, later than 9:00 p.m.;

(4) At least 2 off-street parking spaces shall be provided on the same lot as the model dwelling unit or on a contiguous lot within the specific project; and

(5) The model dwelling unit shall be discontinued when the specific residential project is sold out and shall comply with regulations generally applicable within the district.

(B) Model dwelling units may be erected or displayed in districts which exclude residential uses, provided that the models shall not be used for residential purposes, but only for display as a means to sell homes in districts in which they are permitted and provided that all other requirements of the district in which the model dwelling unit is erected shall be met.

(1981 Code, § 510) (Ord. passed 6-28-2004)

§ 154.090 REPAIR OF PRIVATELY OWNED MOTOR VEHICLES IN RESIDENTIAL DISTRICTS.

The repair of a privately owned automobile or a motor vehicle by its owner at his or her residence in any residential zoning district is subject to the following restrictions:

(A) Only minor repairs and maintenance may be performed which, for purposes of this section, are defined as the changing and replenishment of fluid levels, such as hydraulic fluid, windshield washer fluid, and lubricating oil, the replacement of sparkplugs, ignition points, the rotation of tires and the checking of adequate pressure; and the replacement of drive belts and hydraulic lines; and

(B) Any other repairs on a motor vehicle or automobile shall be restricted to totally enclosed spaces and only accomplished on privately registered vehicles having current State of North Carolina license plates, or motor vehicles designated by the State of North Carolina as qualifying for an antique, or horseless carriage designation.

(1981 Code, § 511) (Ord. passed 6-28-2004)

§ 154.091 GARAGE SALES, YARD SALES AND THE LIKE.

Garage, yard, tag, patio and apartment sales are specifically permitted as an accessory use in all residential districts. These sales shall be limited to 2 during each 12-month period.

(1981 Code, § 512) (Ord. passed 6-28-2004)

§ 154.092 ANIMALS.

(A) Household animals shall be limited to:

- (1) Not more than 5 dogs or 5 cats, more than 6 months of age, or a combination thereof not to exceed 5; or
- (2) Not more than 10 household animals other than dogs or cats.

(B) No animals shall be raised or kept in the residential district for commercial sale, except when associated with an agricultural use or a stable where permitted by this chapter.

(C) All other animals shall be regulated as per the Liberty town code of ordinances, whether inside the town limits or not.
(1981 Code, § 513) (Ord. passed 6-28-2004)

§ 154.093 STACKING OR WAITING LANES FOR DRIVE-IN WINDOWS.

There shall be provided for every drive in window or station a queing lane with a minimum capacity of 5 automobiles. All lanes shall be located outside of public rights-of-way.

(1981 Code, § 514) (Ord. passed 6-28-2004)

§ 154.094 INDUSTRIAL DISTRICTS; PERFORMANCE STANDARDS.

(A) General. Within the Industrial Districts, any structure or land may be used and any structure may be hereafter erected, relocated, reconstructed or structurally altered for any purpose which is not otherwise prohibited by law, provided that no use which is noxious, toxic or offensive by reason of odor, dust, vibration, smoke, gases or fumes shall be permitted and in addition, the following uses shall not be permitted:

- (1) Abattoirs;
- (2) Chicken/turkey processing plants;
- (3) Crematoriums;
- (4) Distillation of bones;
- (5) Dwellings, 2-family or multi-family;
- (6) Fat rendering;
- (7) Garbage, offal or dead animal reduction or dumping;
- (8) Manufacturing processing and/or refining of the following products:
 - (a) Acetylene gas;

- (b) Ammonia;
 - (c) Bleaching powder;
 - (d) Cement, lime, gypsum or plaster of paris;
 - (e) Chlorine;
 - (f) Dextrine, glucose or starch;
 - (g) Disinfectant;
 - (h) Explosives;
 - (i) Fertilizer;
 - (j) Fireworks;
 - (k) Fish curing, smoking or packing and fish oil manufacture;
 - (l) Gelatin, glue or size manufacture, where the process involves the refining or recovery of products from fish, animal, refuse or offal;
 - (m) Gunpowder;
 - (n) Hair;
 - (o) Hides (raw);
 - (p) Matches;
 - (q) Petroleum or kerosene refining or distillation or derivation of byproducts;
 - (r) Pulp and/or paper;
 - (s) Smelting of tin, copper, zinc or iron ore; and/or
 - (t) Sulphurous, sulphuric, nitric, picric or hydrochloric or other corrosive or offensive acids, except as accessory to permitted industrial use.
- (9) Stock yards; and

(10) Storage and/or processing of materials listed as hazardous waste.

(B) I and IP Districts. All uses permitted within I and IP, districts shall meet the following performance standards:

(1) Light:

(a) Glare. The direct light of outdoor lighting fixtures which are a reflective, directional or non-diffused type (glare) shall not be visible from outside the zoning lot; and

(b) Footcandles. Diffused or nondirectional light and the combination of all light shall not exceed 2.0 footcandles at the zoning lot line if the adjoining property is residentially zoned.

(2) Noise:

(a) A decibel is a measure of a unit of sound pressure. Since sound waves having the same decibel level sound louder or softer to the human ear depending upon the frequency of the sound wave in cycles per second (i.e, whether the pitch of the sound is high or low) an A-weighted filter constructed in accordance with the specification of the American National Standards Institute, which automatically takes account of the varying effect on the human ear of different pitches, shall be used on any sound level meter taking measurements required by this section.

(b) Accordingly, all measurements are expressed in dbA to reflect the use of this A-weighted filter.

1. Construction projects shall be subject to the maximum permissible noise levels specified for industrial zones for the period within which a valid permit issued by proper authority is in effect. Issuance of a certificate of zoning compliance is evidence that the construction project is complete.

2. All railroad rights-of-way shall not be subject to the requirements of this chapter.

3. Impact noises are sounds that occur intermittently rather than continuously. Impact noises generated by sources that do not operate more than 1 minute in any 1-hour period are permissible up to a level of 10 dbA in excess of the figure listed except that this higher level of permissible noise shall not apply from 7:00 p.m. to 7:00 a.m. when the adjacent lot is zoned residential. Impact noises generated by sources that operate at a frequency greater than 1 minute in any 1-hour period are regulated as a continuous noise and are subject to the sound levels given in division (B)(2)(b)4. below. All impact noise shall be measured using the fast response of the sound level meter.

4. Sound levels shall not exceed the following standards:

a. If the receiving use is in a residential district: between 7:00 a.m. and 7:00 p.m.: 70 dbA; between 7:00 p.m. and 10:00 p.m.: 65 dbA; between 10:00 p.m. and 7:00 a.m.: 60 dbA;

b. If the receiving use is in a commercial district: between 7:00 a.m. and 7:00 p.m.: 75 dbA; between 7:00 p.m. and 10:00 p.m.: 70 dbA; between 10:00 p.m. and 7:00 a.m.: 65 dbA; and

c. If the receiving use is in an industrial district: Anytime: 80 dBA.

5. Sound levels of noise radiating from a zoning lot line or district boundary line (as specified in division 6. below in excess of the above dbA levels shall constitute prima facia evidence the noise is a public nuisance and a violation of this chapter.

6. In the case of uses in the IP district, all measurements to determine compliance shall be made at the boundaries of the zoning lot containing a manufacturing, processing and assembly operation. In the case of uses in the I district, all measurements to determine compliance shall be made at the nearest boundary of the district to the use being evaluated.

7. Yard and lawn maintenance equipment engaged in normal yard and lawn maintenance operations are not subject to these regulations.

8. The requirements in division (B)(2) above shall apply to new uses or additions to existing uses and shall not be considered to apply to any existing use which is operating on the effective date of this section; nor shall this section make any like existing use nonconforming. Existing uses shall mean any use of property which is legally permitted and any operation, equipment, process or system which is in operation prior to the above date. Additions to a use includes any additional operations, equipment, processes or systems which were not operational on the above date. Note: The requirements, prohibitions and terms of this chapter shall not apply to warning signal devices of any authorized emergency vehicle acting in time of emergency. Nor shall these terms apply to activities of a temporary duration permitted by law and for which a license or permit has been granted by the town, including, but not limited to, parades and fireworks displays.

(3) Vibration:

(a) Vibration levels shall not exceed the following standards: maximum peak particle velocity:

Steady state: 0.02 inches/second; impact: 0.04 inches/second. Note: The maximum particle velocity shall be the maximum displacement vector sums of 3 mutually perpendicular components, recorded simultaneously, multiplied by the frequency in cycles per second. For purposes of this chapter, steady-state vibrations are vibrations which are continuous, or vibrating in discrete impulses more frequent than 60; and

(b) In the case of uses in the IP district, all measurements to determine compliance shall be made at the boundaries of the zoning lot containing a manufacturing, processing and assembly operation. In the case of uses in the I District, all measurements to determine compliance shall be made at the nearest boundary of the district to the use being evaluated.

(C) Design standards for all industrial districts.

(1) The purpose of this section is to establish standards for those items that affect the physical aspect of Liberty's environment.

(2) These standards focus on design principals which can result in creative solutions that will develop a satisfactory visual appearance within the town, preserve values and promote the public health, safety and welfare.

(3) It has been determined that zoning regulations guide development towards accomplishing the community's goals as stated within the Liberty Land Development Plan, creating a quality community and improving the community's livability.

(4) These goals protect and enhance individuals' welfare and markets the community for quality development.

(5) The standards require a basic level of site and structure design. The standards are not intended to limit creativity or create a community where everything looks the same.

(6) Its intent is to serve as a tool for design in the context of developing Liberty as a unique place. Consideration has been given to balancing the interests of property owners with the community's aesthetic character.

(7) The balancing of the landowners right to use his or her land, with the corresponding right of abutting and neighboring landowners to live without nuisances such as noise, smoke, fumes, odors, glare of lights and visual pollution.

(8) All new construction and expansions and/or additions, shall meet the requirements of this chapter pertaining to design regulations and shall also meet the following specific design criteria which is meant to facilitate an orderly pattern of architecturally and aesthetically integrated development.

(a) Structures. Structures, except permitted residential structures, located within Industrial Districts which are within 200 feet of the centerline of any major or minor thoroughfare shall meet the requirements of § 154.095. All other structures, except permitted residential structures, shall meet the following.

(b) All facades. Any code approved material including vinyl siding and metal facade covering and other synthetic materials shall be allowed for any wall. Where the walls are visible from adjoining residentially zoned property, the walls shall be screened or buffered according the requirements of this subchapter.

(c) Utilities. All utilities providing direct service to individual buildings shall be placed underground unless existing development within 200 feet on either side of the proposed building currently utilizes overhead utilities or are required to be placed above ground by the applicable utility provider.

(9) (a) Expansions including cumulative additions of nonconforming situations which result in an increase of over 50% in the linear street fronting footage of a structure shall comply in all respects to the development standards of this chapter. This section shall apply to all expansions or additions permitted after June 28, 2004.

(b) Interior remodeling, repairs or other forms of redevelopment which do not create additional floor area or exterior repairs which do not change required design features shall be exempt from the provisions of this section.

(c) Routine maintenance or repairs of any structure or site feature shall be exempt from the provisions of this section.

(10) All accessory structures, located within 400 feet of the centerline of any major or minor thoroughfare as described in division (C)(8)(a) above, and which are larger than 12 by 12 or 144 square feet shall comply with the provisions of § 154.095(D)(3).

(11) In addition to site plan requirements as specified in § 154.254, elevation plans at a minimum scale of 1/8-inch equals 1 foot for all exterior walls for the proposed construction shall be submitted. Plans shall be on bond or vellum paper no less than 8-1/2 by 11 inches. Drawing(s) shall be straight-line and building materials identified in accordance with accepted architectural standards including Job title and location. Modifications to the site plan or elevation plan shall be resubmitted for approval.

(12) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPEARANCE. The outward aspect visible to the public.

ELEVATION PLAN. Building profiles to scale showing the architectural style, design and arrangement of the exterior of a building or other structures, including the kind and texture of the building material, the size, color and scale of the building, and the type, color, style of all windows, doors, roofs and other appurtenant fixtures.

FACADE. The exterior wall of a building exposed to public view.

FACIA; (BOARD). A horizontal piece covering the joint between the top of a wall and the projecting eaves. FACIA shall be considered as facade.

PARAPET WALL. That portion of any building wall that rises above the level of the roof line, and it is made of the same material and thickness as the building wall.

(1981 Code, § 515) (Ord. passed 6-28-2004)

§ 154.095 COMMERCIAL DISTRICTS; PERFORMANCE STANDARDS.

All uses permitted within an B1 or B2 district shall meet the following performance standards.

(A) Light.

(1) Glare. The direct light of outdoor lighting fixtures which are a reflective, directional or nondiffused type (glare) shall not be visible from outside the zoning lot.

(2) Footcandles. Diffused or nondirectional light and the combination of all light shall not exceed 2.0 footcandles at the zoning lot line if the adjoining property is residentially zoned.

(B) Noise.

(1) A decibel is a measure of a unit of sound pressure. Since sound waves having the same decibel level sound louder or softer to the human ear depending upon the frequency of the sound wave in cycles per second (i.e, whether the pitch of the sound is high or low) an A-weighted filter constructed in accordance with the specification of the American National Standards Institute, which automatically takes account of the varying effect on the human ear of different pitches, shall be used on any sound level meter taking measurements required by this section. And accordingly, all measurements are expressed in dbA to reflect the use of this A-weighted filter.

(2) Construction projects shall be subject to the maximum permissible noise levels specified for industrial zones for the period within which a valid permit issued by proper authority is in effect. Issuance of a certificate of zoning compliance is evidence that the construction project is complete.

(3) All railroad rights-of-way shall not be subject to the requirements of this chapter.

(4) Impact noises are sounds that occur intermittently rather than continuously. Impact noises generated by sources that do not operate more than 1 minute in any 1-hour period are permissible up to a level of 10 dbA in excess of the figure listed except that this higher level of permissible noise shall not apply from 7:00 p.m. to 7:00 a.m. when the adjacent lot is zoned residential. Impact noises generated by sources that operate at a frequency greater than 1 minute in any 1-hour period are regulated as a continuous noise and are subject to the sound levels given in division (B)(5) below. All impact noise shall be measured using the fast response of the sound level meter.

(5) Sound levels shall not exceed the following standards.

(a) If the receiving use is in a residential district: between 7:00 a.m. and 7:00 p.m.: 65 dbA; between 7:00 p.m. and 10:00 p.m.: 60 dbA; between 10:00 p.m. and 7:00 a.m.: 55 dbA.

(b) If the receiving use is in a commercial district: between 7:00 a.m. and 7:00 p.m.: 70 dbA; between 7:00 p.m. and 10:00 p.m.: 65 dbA; between 10:00 p.m. and 7:00 a.m.: 60 dbA.

(c) If the receiving use is in an industrial district: anytime: 80 dbA.

(6) Sound levels of noise radiating from a zoning lot line in excess of the above dbA levels shall constitute prima facie evidence the noise is a public nuisance and a violation of this section.

(7) Yard and lawn maintenance equipment engaged in normal yard and lawn maintenance operations are not subject to these regulations.

(8) In the case of uses in the B1 and B2 districts, all measurements to determine compliance shall be made at the boundaries of the zoning lot containing the use generating the noise.

(9) The requirements in § 154.095(B) shall apply to new uses or additions to existing uses and shall not be considered to apply to any existing use which is operating on the effective date of this section; nor shall this section make any like existing use nonconforming.

(10) Existing uses shall mean any use of property which is legally permitted and any operation, equipment, process or system which is in operation prior to the above date. Additions to a use includes any additional operations, equipment, processes or systems which were not operational on the above date.

(11) Note: The requirements, prohibitions and terms of this chapter shall not apply to warning signal devices of any authorized emergency vehicle acting in time of emergency. Nor shall these terms apply to activities of a temporary duration permitted by law and for which a license or permit has been granted by the town, including, but not limited to, parades and fireworks displays.

(C) Vibration.

(1) Vibration levels shall not exceed the following standards:

(a) Maximum peak particle velocity: steady state: 0.02 inches/second; and

(b) Impact: 0.04 inches/second.

(2) Note: The maximum particle velocity shall be the maximum displacement vector sums of 3 mutually perpendicular components, recorded simultaneously, multiplied by the frequency in cycles per second For purposes of this chapter, steady-state vibrations are vibrations which are continuous, or vibrating in discrete impulses more frequent than 60.

(3) In the case of uses in the B1 and B2 districts, all measurements to determine compliance shall be made at the boundaries of the zoning lot containing the use generating the noise.

(D) Design standards for all Commercial Districts.

(1) The purpose of this section is to establish standards for those items that affect the physical aspect of Liberty's environment. These standards focus on design principals which can result in creative solutions that will develop a satisfactory visual appearance within the town, preserve values and promote the public health, safety and welfare.

(2) It has been determined that zoning regulations guide development towards accomplishing the community's goals as stated within the Liberty Land Development Plan, creating a quality community and improving the community's livability. These goals protect and enhance individuals' welfare and markets the community for quality development.

(3) The standards require a basic level of site and structure design. The standards are not intended to limit creativity or create a community where everything looks the same. Its intent is to serve as a tool for design in the context of developing Liberty as a unique place. Consideration has been given to balancing the interests of property owners with the community's aesthetic character.

(4) The balancing of the landowners right to use his or her land, with the corresponding right of abutting and neighboring landowners to live without nuisances such as noise, smoke, fumes, odors, glare of lights and visual pollution.

(5) All new construction and expansions and/or additions, shall meet the requirements of this chapter pertaining to design regulations and shall also meet the following specific design criteria which is meant to facilitate an orderly pattern of architecturally and esthetically integrated development:

(a) Facades fronting streets and roads.

1. Sixty percent of the area of the front face of any non- residential structure including doors and windows shall be finished with any Building Code approved material except metal faced panels; metal faced painted panels and any metal panel with "rib" or "u" configuration; and laminated, composite or press board wood type materials. (Composed of layers offirmly united wood materials; made by bonding or impregnating superposed layers with resin and compressed under heat).

2. Metal faced panels with galvanized, aluminum or aluminum zinc finishes shall not be permitted for any portion of the front face.

3. Permitted residential uses shall comply with § 154.096.

(b) Facades other than fronting streets and roads.

1. Any code approved material including vinyl siding and metal facade covering and other synthetic materials except metal faced panels with galvanized, aluminum or aluminum zinc finishes, shall be allowed for any wall not fronting streets and roads.

2. Where the walls are visible from adjoining residentially zoned property, the walls shall be screened or buffered according to the requirements of this chapter.

(c) Trim. Trim and similar architectural detailing may be composed of any code-approved materials.

(d) Utilities. All utilities providing direct service to individual buildings shall be placed underground unless existing development within 200 feet on either side of the proposed building currently utilizes overhead utilities or are required to be placed above ground by the applicable utility provider.

(6) (a) Expansions including cumulative additions of nonconforming uses which result in an increase of over 50% in the linear street fronting footage of a structure shall comply in all respects to the development standards of this subchapter. This section shall apply to all expansions or additions permitted after June 28, 2004

(b) Interior remodeling, repairs or other forms of redevelopment which do not create additional floor area or exterior repairs which do not change required design features shall be exempt from the provisions of this section.

(c) Routine maintenance or repairs of any structure or site feature shall be exempt from the provisions of this section.

(7) All accessory structures larger than 12 by 12 or 144 square feet shall comply with the provisions of § 154.095(D)(1).

(8) (a) In addition to site plan requirements as specified in § 154.254 below, elevation plans at a minimum scale of 1/8-inch equals 1 foot for all exterior walls for the proposed construction shall be submitted.

(b) Plans shall be on bond or vellum paper no less than 8-1/2 by 11 inches. Drawing(s) shall be straight-line and building materials identified in accordance with accepted architectural standards including job title and location.

(c) Modifications to the site plan or elevation plan shall be resubmitted for approval.

(9) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPEARANCE. The outward aspect visible to the public.

ELEVATION PLAN. Building profiles to scale showing the architectural style, design and arrangement of the exterior of a building or other structures, including the kind and texture of the building material, the size, color and scale of the building, and the type, color, style of all windows, doors, roofs and other appurtenant fixtures.

FACADE. The exterior wall of a building exposed to public view.

FACIA; (BOARD). A horizontal piece covering the joint between the top of a wall and the projecting eaves. Facia shall be considered as facade.

PARAPET WALL. That portion of any building wall that rises above the level of the roof line, and it is made of the same material and thickness as the building wall.

(1981 Code, § 516) (Ord. passed 6-28-2004)

§ 154.096 RESIDENTIAL DISTRICTS; PERFORMANCE STANDARDS.

All non residential uses permitted within R40, R12, R6 and RMF districts shall meet the following performance standards.

(A) Light.

(1) Glare. The direct light of outdoor lighting fixtures which are a reflective, directional or nondiffused type (glare) shall not be visible from outside the zoning lot.

(2) Footcandles. Diffused or nondirectional light and the combination of all light shall not exceed 2.0 footcandles at the zoning lot line if the adjoining property is residentially zoned.

(B) Noise.

(1) A decibel is a measure of a unit of sound pressure. Since sound waves having the same decibel level sound louder or softer to the human ear depending upon the frequency of the sound wave in cycles per second (i. e, whether the pitch of the sound is high or low) an A-weighted filter constructed in accordance with the specification of the American National Standards Institute, which automatically takes account of the varying effect on the human ear of different pitches, shall be used on any sound level meter taking measurements required by this section. And accordingly, all measurements are expressed in dbA to reflect the use of this A-weighted filter.

(2) Construction projects shall be subject to the maximum permissible noise levels specified for industrial zones for the period within which a valid permit issued by proper authority is in effect. Issuance of a certificate of zoning compliance is evidence that the construction project is complete.

(3) All railroad rights-of-way shall not be subject to the requirements of this chapter.

(4) Impact noises are sounds that occur intermittently rather than continuously. Impact noises generated by sources that do not operate more than 1 minute in any 1-hour period are permissible up to a level of 10 dbA in excess of the figure listed except that this higher level of permissible noise shall not apply from 7:00 p.m. to 7:00 a.m. when the adjacent lot is zoned residential. Impact noises generated by sources that operate at a frequency greater than 1 minute in any 1-hour period are regulated as a continuous noise and are subject to the sound levels given in division (B)(5) below. All impact noise shall be measured using the fast response of the sound level meter.

(5) Sound levels shall not exceed the following standards:

(a) If the receiving use is in a residential district:

1. Between 7:00 a.m. and 7:00 p.m.: 65 dbA;
2. Between 7:00 p.m. and 10:00 p.m.: 60 dbA; and
3. Between 10:00 p.m. and 7:00 a.m.: 55 dbA.

(b) If the receiving use is in a commercial district:

1. Between 7:00 a.m. and 7:00 p.m.: 70 dbA;
2. Between 7:00 p.m. and 10:00 p.m.: 65 dbA; and
3. Between 10:00 p.m. and 7:00 a.m.: 60 dbA.

(c) If the receiving use is in an industrial district: Anytime: 80 dBA.

(6) Sound levels of noise radiating from a zoning lot line in excess of the above dbA levels shall constitute prima facia evidence the noise is a public nuisance and a violation of this chapter.

(7) Yard and lawn maintenance equipment engaged in normal yard and lawn maintenance operations are not subject to these regulations.

(8) In the case of uses in the R40, R12, R6 and RMF districts, all measurements to determine compliance shall be made at the boundaries of the zoning lot containing the use generating the noise.

(9) The requirements in § 154.096(B) shall apply to new uses or additions to existing uses and shall not be considered to apply to any existing use which is operating on the effective date of this section; nor shall this section make any like existing use nonconforming.

(10) Existing uses shall mean any use of property which is legally permitted and any operation, equipment, process or system which is in operation prior to the above date. Additions to a use include any additional operations, equipment, processes or systems which were not operational on the above date.

(11) Note: The requirements, prohibitions and terms of this chapter shall not apply to warning signal devices of any authorized emergency vehicle acting in time of emergency. Nor shall these terms apply to activities of a temporary duration permitted by law and for which a license or permit has been granted by the town, including, but not limited to, parades and fireworks displays.

(C) Vibration.

(1) Vibration levels shall not exceed the following standards; maximum peak particle velocity:

(a) Steady state: 0.02 inches/second; and

(b) Impact: 0.04 inches/second.

(2) Note:

(a) The maximum particle velocity shall be the maximum displacement vector sums of 3 mutually perpendicular components, recorded simultaneously, multiplied by the frequency in cycles per second; and

(b) For purposes of this chapter, steady-state vibrations are vibrations which are continuous, or vibrating in discrete impulses more frequent than 60.

(3) In the case of uses in the R40, R12, R6 and RMF districts, all measurements to determine compliance shall be made at the boundaries of the zoning lot containing he or she use generating the noise.

(D) Design standards for all Residential Districts.

(1) The purpose of this section is to establish standards for those items that affect the physical aspect of Liberty's environment.

(2) These standards focus on design principals which can result in creative solutions that will develop a satisfactory visual appearance within the town, preserve values and promote the public health, safety and welfare.

(3) It has been determined that zoning regulations guide development towards accomplishing the community's goals as stated within the Liberty Land Development Plan, creating a quality community and improving the community's livability.

(4) These goals protect and enhance individuals' welfare and markets the community for quality development.

(5) The standards require a basic level of site and structure design. The standards are not intended to limit creativity or create a community where everything looks the same.

(6) Its intent is to serve as a tool for design in the context of developing Liberty as an unique place. Consideration has been given to balancing the interests of property owners with the community's aesthetic character.

(7) The balancing of the landowners right to use his or her land, with the corresponding right of abutting and neighboring landowners to live without nuisances such as noise, smoke, fumes, odors, glare of lights and visual pollution.

(a) Except single-family dwellings. Except single-family dwellings and their permitted accessory structures, all new construction and expansions and/or additions, shall meet the requirements of this chapter pertaining to design regulations and shall also meet the following specific design criteria which is meant to facilitate an orderly pattern of architecturally and esthetically integrated development:

1. All facades: 100% of the area below the fascia of any non-single-family building including doors and windows shall be finished with any Building Code approved material except:

a. Metal faced panels, metal faced painted panels and any metal panel with "rib" or "u" configuration;

b. Laminated, composite or press board wood type materials (composed of layers of firmly united wood materials; made by bonding or impregnating superposed layers with resin and compressed under heat); and

c. Horizontal vinyl siding with an apparent board width of more than 6 inches.

2. Trim and similar architectural detailing may be composed of any code-approved materials and

3. All multifamily structures less than 3 stories in height using a sloped roof shall have a minimum slope of 5 in 12 on the principal roof. All multifamily structures not using a sloped roof shall have a parapet wall above the roof of at least 3 feet in height.

(b) Nonconforming uses and exemptions.

1. Expansions of nonconforming uses shall comply in all respects to the development standards of this section.
2. Interior remodeling, repairs or other forms of redevelopment which do not create additional floor area or exterior repairs which do not change required design features shall be exempt from the provisions of this section.
3. Routine maintenance or repairs of any structure or site feature shall be exempt from the provisions of this section.

(c) Accessory buildings and structures. All accessory structures larger than 12 by 12 or 144 square feet shall comply with the provisions of § 154.096(D)(1).

(d) Site plan requirements.

1. In addition to site plan requirements as specified in § 154.254, elevation plans at a minimum scale of 1/8-inch equals 1 foot for all exterior walls for the proposed construction shall be submitted. Plans shall be on bond or vellum paper no less than 8-1/2 by 11 inches.

2. Drawing(s) shall be straight-line and building materials identified in accordance with accepted architectural standards including job title and location. Modifications to the site plan or elevation plan shall be resubmitted for approval.

(e) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPEARANCE. The outward aspect visible to the public.

ELEVATION PLAN. Building profiles to scale showing the architectural style, design and arrangement of the exterior of a building or other structures, including the kind and texture of the building material, the size, color and scale of the building, and the type, color, style of all windows, doors, roofs and other apputenances.

FACADE. The exterior wall of a building exposed to public view.

FACIA; (BOARD). A horizontal piece covering the joint between the top of a wall and the projecting eaves. Facia shall be considered as facade.

PARAPET WALL. That portion of any building wall that rises above the level of the roof line, and it is made of the same material and thickness as the building wall.

(1981 Code, § 517) (Ord. passed 6-28-2004)

§ 154.097 TREES; SHRUBS; SCREENING.

(A) Understory trees:

- (1) American Hornbeam;
- (2) Eastern Redbud;
- (3) Flowering Dogwood;
- (4) Washington Hawthorn;
- (5) Russian Olive;
- (6) Mountain Silverbell;
- (7) American Holly;
- (8) Golden Rain Tree;
- (9) Grape Myrtle;
- (10) Sourwood;
- (11) Carolina Cherry-Laurel;
- (12) Kousa Dogwood;
- (13) Fringe Tree;
- (14) Star Magnolia;
- (15) Sweet Bay Magnolia;
- (16) Stewartia;
- (17) Amelandier; and
- (18) Styrax.

(B) Evergreen trees:

- (1) Deodar Cedar;
- (2) Southern Magnolia;
- (3) Carolina Hemlock;
- (4) Cryptomeria;
- (5) Red Cedar; and
- (6) Leyland Cypress.

(C) Canopy trees:

- (1) Sugar Maple;
- (2) Norway Maple;
- (3) Red Maple Variety;
- (4) Ginko (male);
- (5) Honeylocust;
- (6) Chinese Elm;
- (7) Eastern Red Oak;
- (8) Willow Oak;
- (9) Scarlet Oak;
- (10) Laurel Oak;
- (11) River Birch;
- (12) Zelkova;
- (13) Bradford Pear; and
- (14) Cleveland Pear.

(D) Scrubs for evergreen screening:

- (1) Glossy Abelia;
- (2) Wintergreen Barberry;
- (3) Dwarf Horned Holly;
- (4) Convexa Japanese Holly;
- (5) India Hawthorn;
- (6) Azaleas and Rhododendrons;
- (7) Japanese Yew;
- (8) Compacta Holly;
- (9) Southern Wax Myrtle;
- (10) Thorny Elaeagnus;
- (11) Burford Holly;
- (12) Yaupon Holly;
- (13) Japanese Privet;
- (14) Fortune Tea Olive;
- (15) Red Photinia;
- (16) Laurentinus Virburnum;
- (17) Northern Bayberry;
- (18) Gold Thread Cypress;
- (19) Crippsii Cypress;
- (20) Virburnum Chindo; and

(21) Mahonia Bealei.

(E) Buffer shrubs:

(1) Japanese Barberry;

(2) Border Forsythia;

(3) Vernal Witch Hazel;

(4) Common Witch Hazel;

(5) Pfitzer Juniper;

(6) Parsori Juniper;

(7) Cotoneaster;

(8) Drooping Leucothoe;

(9) Winter Honeysuckle;

(10) Juddi Viburnum;

(11) Doublefile Virburnum;

(12) Carlesi Virburnum;

(13) Helleri Holly;

(14) Butterfly Bush;

(15) Nandina Domestica; and

(16) Inkberry Holly.

(1981 Code, Article 500, Appendix A) (Ord. passed 6-28-2004)

§ 154.098 SOLAR FARM(S) LOCATED IN I AND IP DISTRICTS.

(A) Intent. This section is intended to provide the opportunity for solar energy to serve as a viable form of energy generation while protecting public health, safety and general welfare.

(B) General requirements. The following provisions shall apply to solar farms in industrial zoning districts:

(1) All structures and equipment associated with solar farms shall observe setbacks specified by § 154.066.

(2) Front yard landscaping that meets the requirements of § 154.086 is required.

(3) (a) Buffering/screening shall be installed as prescribed by the requirements of a Group 1 use in the Buffering and Screening Matrix of § 154.082.

(b) Exception. No buffering is required for portions of the zoning lot in which structure(s), solar collectors/equipment, and parking associated with the solar farm are 100 feet or more from the zoning lot boundary. On all other portions of the zoning lot in which these features are less than 100 feet from the zoning lot boundary, buffer/screen requirements shall apply.

(C) Electric solar energy components shall have a UL listing and be designed with anti-reflective coating(s).

(Ord. passed 7-6-2015)

DEVELOPMENT STANDARDS FOR WIRELESS COMMUNICATION FACILITIES

§ 154.110 PURPOSE.

(A) The regulations in this chapter shall provide specific areas throughout the town for the installation, construction, attachment and alteration of facilities to accommodate wireless communication facilities; provide the criteria for evaluating the proposed activities; and provide a procedure for their approval.

(B) The town recognizes that the Town of Liberty desires to encourage the orderly development of wireless communication technologies for the benefit of the town and its citizens.

(C) As a matter of public policy the town aims to encourage the delivery of new wireless technologies throughout the town while controlling the proliferation of communication towers. Development activities will promote and protect the health, safety, prosperity and general welfare of persons living in the Town of Liberty.

(D) Specifically, the wireless communication facility development standards are designated to achieve the following:

- (1) Provide a range of locations for wireless communication facilities throughout the jurisdiction of the town;
- (2) Encourage the location of wireless communication facilities onto existing structures to reduce the number of new communication towers needed within the jurisdiction of the Town of Liberty;
- (3) Encourage collocation and site sharing of new and existing wireless communication facilities;
- (4) Control the type of tower facility constructed when towers are permitted;
- (5) Establish adequate development and design criteria to enhance the ability of providers of telecommunication services to provide service to the community quickly, effectively and efficiently;
- (6) Protect residential, historic preservation areas and scenic corridors from the uncontrolled development of wireless communications facilities by requiring reasonable siting conditions;
- (7) Promote the use of suitable lands for the location of wireless antennae, towers and/or wireless communication facilities;
- (8) Ensure the harmonious, orderly and efficient growth and development of wireless communication facilities within the jurisdiction of the town;
- (9) Provide development standards for the development of wireless communication facilities which are consistent with the requirements of the Federal Telecommunications Act of 1996 and in the best interest of the Town of Liberty;
- (10) Provide clear performance standards addressing the siting of wireless communication facilities; and
- (11) Streamline and expedite the permitting procedures to effect compliance with the Federal Telecommunications Act of 1996.

(1981 Code, § 501A) (Ord. passed 6-28-2004)

§ 154.111 USES NOT COVERED BY THIS SUBCHAPTER.

(A) Nothing in this chapter shall reduce any of the permitted uses within the Town of Liberty. Nothing in the subchapter shall affect the right of a property owner to use or develop their property.

(B) Nothing in this chapter shall affect the right of a property owner to continue any legal nonconforming use.

(1981 Code, § 502A) (Ord. passed 6-28-2004)

§ 154.112 INTERPRETATION AND DEFINITIONS.

(A) To the extent this chapter conflicts with other subchapters of this chapter or any other ordinance of the Town of Liberty, this chapter shall control.

(B) For the purposes of this chapter certain words, phrases and terms used herein shall be interpreted as stated. The Zoning Administrator shall define any word, phrase or term not defined herein. The interpretation shall be based upon its common and ordinary usage in the region.

(C) For the purpose of this chapter, all definitions defined herein are in addition to all definitions in the Town of Liberty Zoning Chapter.

ANTENNA ARRAY.

(a) One or more rods, panels, disc or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (rod), directional antenna (panel) and parabolic antenna (disk).

(b) The ANTENNA ARRAY does not include the support structure.

ATTACHED WIRELESS COMMUNICATION FACILITY. An antenna array that is attached to an existing building or structure (attachment structure), which structures shall include but not be limited to utility poles, signs, water towers, rooftops, towers with any accompanying pole or devise (attachment devise) which attaches the antenna array to the existing building or structure and associated connection cables, and an equipment facility which may be located either inside or outside of the attachment structure.

COLLOCATION/SITE SHARING. Use of a common wireless communication facility or common site by more than 1 wireless communication license holder or by 1 wireless license holder for more than 1 type of communications technology and/or placement of an antenna array on a structure owned or operated by a utility or other public entity.

EQUIPMENT FACILITY. An equipment facility is any structure used to contain ancillary equipment for a wireless communication facility, which includes cabinets, shelters, a build out of an existing structure, pedestals and other similar structures.

FEDERAL AVIATION ADMINISTRATION. FAA.

FEDERAL COMMUNICATIONS COMMISSION. FCC.

FEDERAL TELECOMMUNICATIONS ACT OF 1996. FTA.

HEIGHT. When referring to a wireless communication facility, the vertical distance measured from the base of the tower to the highest point on the wireless communication facility, including the antenna array and other attachments.

SETBACK. The required distance from the property line of the parcel on which the wireless communication facility is located to the base of the support structure and equipment shelter or cabinet where applicable, or, in the case of guy-wire supports, the guy anchors.

SUPPORT STRUCTURE.

(a) A structure designed and constructed specifically to support an antenna array, and may include a monopole, self supporting (lattice) tower, guy-wire support tower and other similar structures.

(b) Any device (attachment device) which is used to attach an attached wireless communication facility to an existing building or structure (attachment structure) shall be excluded from the definition of and regulations applicable to support structures.

TEMPORARY WIRELESS COMMUNICATION FACILITY. A wireless communication facility to be placed in use for 90 or fewer days.

TOWER and ANTENNA USE APPLICATION (TAA). A form provided to the applicant by the town for the applicant to specify the location, construction, use and compliance with the development standards of a proposed wireless communications facility.

WIRELESS COMMUNICATIONS. Any personal wireless services as defined in the Federal Telecommunications Act of 1996, which includes FCC licensed commercial wireless telecommunications services including, cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging and similar services that currently exist.

WIRELESS COMMUNICATION FACILITY. Any un-staffed facility for the transmission and/or reception of wireless telecommunications services, usually consisting of an antenna array, connection cables, an equipment facility and a support structure to achieve the necessary elevation.

(1981 Code, § 503A) (Ord. passed 6-28-2004)

§ 154.113 PREFERRED LOCATIONS FOR WIRELESS COMMUNICATION FACILITIES AND APPLICABILITY.

The following wireless communication facilities may be allowed within the Town of Liberty as follows.

(A) Antenna attachments onto an existing support structure or onto an attached wireless communication facility shall be permitted by administrative approval subject to the development criteria of § 154.114 below.

(B) All lands identified in the following table, whether they be for antenna attachments or new wireless communication facilities with support structures, shall be permitted by administrative approval subject to the development criteria of § 154.114 below, and the following table.

Site Number	Field Site Name	Site Size	Recommended Wireless Communications Facility Use
NC-0393	Town Hall and library	1.0 acre	80-foot monopole/flag pole
NC-0395	New water tank	210 feet	Attachments
NC-0397	Well site #4	200 by 200 feet	150-foot monopole
NC-0399	Police station	4.0 acres	150-foot monopole (new 911)
NC-0400	Well site #8	200 by 200 feet	190-foot monopole
NC-0402	Water tank #1	199 feet	Attachments
NC-0409	Water tank (burlington)	200 feet	Attachments
NC-0410	Waste treatment plant	329 acres	300-foot guyed tower
NC-0411	Well site # 10	125 by 125 feet	190-foot monopole
NC-0412	Sewer lift station	100 by 100 feet	170-foot monopole
21	New sewer lift station	-	190 foot monopole

(1981 Code, § 610, Article 600, Table 600-2) (Ord. passed 6-28-2004)

(C) New wireless communication facilities with support structures shall only be permitted on all other lands not identified in the table in division (B) by means of approval of a special use permit. Prior to applying for a special use permit, the applicant shall provide the town with adequate information to establish that lands included in division (A) or (B) above can be made suitable for wireless communications facility locations.

(D) No person, firm or corporation shall install or construct any wireless communications facility unless and until a tower antenna use application (TAA) has been issued pursuant to the requirements of this chapter.

(E) Wireless communications facilities for which a permit has been issued prior to the effective date of this chapter shall be considered as a non-conforming use.

(F) This chapter shall not govern the installation of any amateur radio facility that is owned and operated by a federally licensed amateur radio station operator or is used exclusively for receive only antennas. Installations shall comply with any other applicable provisions of this chapter.

(G) Any wireless communications facility located or proposed to be located in airport area governed by the Federal Aviation Administration shall also comply with the provisions of all applicable local, state and federal airport regulations.

(H) Construction of all wireless communication facilities shall comply with the requirements of the North Carolina State Building Codes and permitting process in addition to the requirements of this chapter.

(1981 Code, § 504A) (Ord. passed 6-28-2004)

154.114 DEVELOPMENT STANDARDS.

Development standards for wireless communication facilities will include the underlying zoning district plus following development standards.

(A) Height standards. The following height standards shall apply to all wireless communications facility installations.

(1) Attached wireless communication facilities shall not add more than 20 feet to the height of the existing building or structure to which it is attached (attachment structure).

(2) However, antenna attachments to existing communication towers shall not increase the height of tower above the maximum original permitted height of that tower.

(3) Wireless communication facilities with support structures identified in § 154.113(B) shall have a maximum height as set out in § 154.113(B) .

(4) Height for wireless communication facilities with support structures on other lands not identified in division (A) or (B) above shall be reviewed on a cases by case basis as part of the special use permit process.

(5) The height of the proposed wireless communications facility should be consistent with the height standards indicated in § 154.113(B) for similar properties in similar locations; and considering ground elevations, topographical conditions and other site development criteria within this chapter.

(B) Setback standards. The following setback standards shall apply to all communication facility installations.

(1) Attached wireless communication facilities. Attached wireless communications facilities shall meet the setback provisions of the underlying zoning district in which they are located. However, an attached wireless communications facility antenna array may extend up to 30 inches horizontally beyond the edge of the attachment structure so long as the antenna array does not encroach upon an adjoining parcel.

(2) Wireless communications facilities with support structures. Wireless communication facilities with support structures shall meet the setback requirements for principal structures of the underlying zoning district in which they are located.

(C) Landscaping. The following landscaping requirements shall be maintained by the applicant and shall apply to all wireless communications facility Installations.

(1) New wireless communications facilities with support structures and attached wireless communication facilities with new building construction shall comply with § 154.082 above.

(2) Existing mature tree growth and natural land form on the site shall be preserved to the extent feasible: provided however, that vegetation that caused interference with the antennas or inhibits access to the equipment facility may be trimmed or removed.

(D) Aesthetics; placement, materials and colors. The following standards shall apply to all new antenna arrays and new wireless communications facilities.

(1) Antenna array attachments shall be designed so as to be compatible with the wireless communications facility to which it is to be affixed; including but not limited to matching the proposed array with existing structural design, facade colors and camouflage technology.

(2) New wireless communication facilities shall be designed to be compatible with existing structures and surroundings to the extent feasible. The proposed wireless communication facility should be consistent with the tower type and height standards

indicated in § 154.113(B) for similar properties in similar locations; including but not limited to considerations of scale and space of immediate vicinity of the new facility, placement in a location which is consistent with proper functioning of the wireless communications facility, the use of compatible or neutral colors and camouflage technology.

(E) Lighting. The following lighting requirements shall apply to all wireless communications facility installations.

(1) Artificial illumination. Wireless communications facilities shall not be artificially illuminated, directly or indirectly, except for:

(a) Security and safety lighting of equipment buildings if the lighting is appropriately down shielded to keep light within the boundaries of the site;

(b) Illumination of the wireless communications facility as may be required by the FAA or other applicable authority installed in a manner to minimize impacts on adjacent residences; and

(c) Unless otherwise required by the FAA or other applicable authority, the required light shall be red and a type of lens used to reduce ground lighting when the site is within 100 feet of a residential dwelling.

(2) Signage. Wireless communications facilities shall not display any signage, logos, decals, symbols or any messages of a commercial or noncommercial nature, except for a small message containing provider identification and emergency telephone numbers and other information as may be required by local, state or federal regulations governing wireless communication facilities.

(F) Fencing.

(1) Wireless communications facilities with support structures shall be enclosed by an opaque fence (excluding slatted chain link) not less than 6 feet in height.

(2) Security features may be incorporated into the buffer and landscaping requirements for the site. Nothing herein shall prevent fencing that is necessary to meet requirements of state or federal agencies.

(G) Radio frequency emissions/sound. The following radio frequency emissions standards shall apply to all wireless communications facility installations:

(1) Radio frequency impact. The FTA gives the FCC jurisdiction of the regulation of radio frequency (RF) emissions, and wireless communications facilities that do not exceed the FCC standards shall not be conditioned or denied on the bases of RF impact.

(2) FCC compliance. In order to provide information to its citizens, copies of ongoing FCC information concerning wireless communications facilities and RF emissions standards may be requested from time to time. Applicants for wireless communications facilities shall be required to provide information with the application on the measurement of the effective radiated power of the facility and how this meets the FCC requirements.

(3) Sound prohibited. No unusual sound emissions such as alarms, bells, buzzers or the like are permitted.

(H) Structural integrity. Wireless communications facilities with support structures shall be constructed to the Electronics Industries Association/Telecommunications Industries Association (EIA/TIA) 222 Revision F Standard entitled Structural Standards for Steel Antennas Towers and Antenna Support Structures (or equivalent), as it may be updated and amended. Each support structure shall be capable of supporting multiple antenna arrays.

(I) Collocation agreement.

(1) All applicants for wireless communications facilities are required to submit a statement with the application agreeing to allow and reasonably market collocation opportunities to other wireless communications facility users.

(2) The statement shall include the applicant's policy regarding collocation of other providers and the methodology to be used by the applicant in determining reasonable rates to be charged other providers.

(3) The collocation agreement shall be considered a condition of issuance of a tower antenna use application (TAA). A TAA shall not be issued unless the applicant complies with the collocation policy outlined in § 154.117 below.

(1981 Code, § 505A) (Ord. passed 6-28-2004)

154.115 REVIEW PROCESS.

(A) Criteria. The applicable development criteria referred to herein are those set forth in § 154.114 above.

(B) Permitting procedures.

(1) Attached wireless communications facilities with or without new building construction that meet the development criteria may be permitted by administrative review. All wireless communications facilities with support structures that meet development criteria and that are located in § 154.113(B), or antenna array attachments onto existing structures may be permitted by administrative review unless the proposed facility is located on lands meeting criteria in division (B)(2) or (3) below. All other proposed wireless communications facilities shall be subject to the special use permit process.

(2) Any wireless communications facility (attached or with a support structure), regardless of type, to be located within an established historic area, or other designated Overlay District will be subject to review by the appropriate Preservation Commission and the Town Council. Review by a Preservation Commission shall be in accordance with that district article administrative procedures for a certificate of appropriateness. All wireless communications facility applicants that do not conform to the development criteria or are otherwise not eligible for administrative review shall be subject to the Town Council review process.

(C) Wireless communications facilities as a part of a coordinated development approval. Wireless communications facilities as part of a proposed residential or nonresidential subdivision, planned unit development, site plan, conditional rezoning or other coordinated development approval shall be reviewed and approved through those processes.

(D) Wireless communications facilities for temporary term.

(1) Temporary wireless communications facilities may be permitted by administrative approval for a term not to exceed 90 days.

(2) Once granted, a temporary wireless communications facility permit may be extended for an additional 90 days upon evidence of need by the applicant.

(3) In case of emergency (e.g., storm damage to an existing tower or other circumstances resulting in the interruption of existing service) the administrative review shall be expedited to the extent feasible.

(1981 Code, § 506A) (Ord. passed 6-28-2004)

154.116 APPROVAL PROCESS.

(A) Application submission. All tower antenna use applications, regardless of wireless communications facility type shall include all of the requirements contained in this section.

(1) Application contents. Each applicant requesting a TAA under this chapter shall submit a sealed complete set of drawings prepared by a licensed architect or engineer that will include a site plan, elevation view and other supporting drawings, calculations and other documentation showing the location and dimensions of the wireless communications facility and all improvements associated therewith, including information concerning specifications, antenna locations, equipment facility and shelters, landscaping, parking, access, fencing, and, if relevant as determined by staff; topography, adjacent uses and existing vegetation. Applicants proposing to collocate on an existing wireless communication facility shall include a radio frequency intermodulation study with their application.

(2) Submission requirements.

(a) Application for a TAA shall be submitted to the town on forms prescribed by the town. The application shall be accompanied by a site plan containing the information described above and a copy of the appropriate FCC license.

(b) If Town Council review is required, the application and site plan shall be placed on the next available Town Council agenda in accordance with the agenda deadlines established by the town.

(3) Application fees. A plan review fee of \$500 and a radio frequency intermodulation study review fee of \$500 (collocation applicants only) shall accompany each application. These fees may be used by the town to engage an engineer(s) or other qualified consultant(s) to review the technical aspects of the application and radio frequency intermodulation study (if required).

(4) Additional technical assistance.

(a) In the course of its consideration of an application, the town, may deem it necessary, in complex situations, to employ an engineer(s) or other consultant(s) qualified in the design and installation of wireless communication facilities to assist the town in the technical aspects of the application.

(b) In those cases, any additional reasonable costs incurred by the town not to exceed \$1,500 for the technical review and recommendation shall be reimbursed by the applicant prior to the final town hearing on the TAA.

(B) Administrative review. The following administrative review process shall apply to all wireless communications facility applicants eligible for administrative review.

(1) Review authority. Review of the town and antenna use application (TAA) under this section shall be conducted by the Zoning Administrator or the designee upon filing a TAA.

(2) Review criteria. Each application shall be reviewed for compliance with the development criteria specified in § 154.114.

(3) Timing of decision. The Zoning Administrator or designee shall render a decision on the wireless communications facility application by written response to the applicant within 20 business days after receipt of the complete application, except than an extension may be agreed upon by the applicant.

(4) Deferral. The Zoning Administrator may defer administrative approval of wireless communication facilities for any reason. Deferral of administrative approval shall require submission to the Town Council for review.

(5) Application denial. If a TAA is denied by the Zoning Administrator due to noncompliance with the development criteria, the applicant may appeal the denial to the Board of Adjustment as provided for in § 154.047(K) above.

(6) Application approval. If the TAA application together with all required addenda are in compliance with the development criteria and otherwise meets the requirements of this section, the Zoning Administrator shall approve the tower antenna use application and authorize issuance of the proper permits.

(C) Town Council review. The following shall apply to all tower and antenna use applications requiring submission of the Town Council:

(1) The Town Council shall be the review authority for TAA applications not eligible for administrative review or otherwise referred to the Council;

(2) Notice of the application, the public hearing and review process shall be accomplished in the same manner as a special use permit as established in §§ 154.190 through 154.239 of this Zoning Chapter; and

(3) The Town Council shall consider in addition to the requirements set forth in §§ 154.190 through 154.239 the following in reaching a decision.

(a) Development criteria. The complete tower antenna use application shall be reviewed for compliance with the development criteria set forth in § 154.114 above; provided that the applicable development criteria may be amended or waved so long as the approval of the wireless communications facility meets the goals and purposes of this chapter. The Town Council may recommend an alternative form the development criteria by specific inclusion in a motion for approval.

(b) Tower siting conditions. The Town Council may impose conditions and restriction on the application or on the premises benefited by the TAA as it deems necessary to reduce or minimize any adverse effects and to enhance the compatibility of the wireless communications facility with the surrounding property, in accordance with the purposes and intent of this chapter, provided the alternative development criteria, conditions or restrictions are reasonable and capable of being accomplished. The violation of any condition shall be grounds for revocation of the TAA as set forth in §§ 154.190 through 154.239 of this chapter.

(4) The Town Council shall render its decision within 60 days or less from the date of the public hearing; however, this time may be increased due to deferrals by either the applicant or the town.

(5) Appeals may be taken in the manner described in §§ 154.190 through 154.239.

(1981 Code, § 507A) (Ord. passed 6-28-2004)

154.117 SHARED FACILITIES AND COLLOCATION POLICY.

(A) Collocation.

(1) All new wireless communication facilities shall be engineered, designed and constructed to be capable of sharing the facility with other applicants, to collocate with other existing wireless communication facilities and to accommodate the future collocation of other wireless communication facilities.

(2) A TAA shall not be issued until the applicant proposing a new wireless communications facility shall demonstrate that it has made a reasonable good faith attempt to locate its wireless communications facility onto an existing structure. Competitive conflict and financial burden alone are not deemed to be adequate reasons against collocation.

(B) Collocation support structure design.

(1) All wireless communication facilities with a support structure up to a height of 150 feet shall be engineered and constructed to accommodate at least 3 antenna array.

(2) All wireless communication facilities with a support structure up to a height of 150 feet or greater shall be engineered and constructed to accommodate at least 4 antenna array.

(1981 Code, § 508A) (Ord. passed 6-28-2004)

154.118 REMOVAL OF ABANDONED SUPPORT STRUCTURES.

(A) Any support structure that is not operated for a continuous period of 12 months shall be considered abandoned, and the town, at its election, may require the support structure owner to remove the support structure within 90 days after notice from the town to remove the support structure.

(B) If there are 2 or more users of a single support structure, this provision shall not become effective until all providers cease to use the support structure.

(C) If the owner of an abandoned support structure cannot be located or is no longer in business, the requirements of this section shall be the responsibility of the landowner on whose property the support is located.

(1981 Code, § 509A) (Ord. passed 6-28-2004)

154.119 NONCONFORMING WIRELESS COMMUNICATIONS FACILITIES.

Wireless communication facilities in existence on the date of the adoption of this chapter which do not comply with the requirements of this chapter (nonconforming wireless communications facility) are subject to the following provisions.

(A) Expansion. Nonconforming wireless communication facilities may continue in use for the purpose now used, but may not be expanded without complying with this chapter except as further provided in this section.

(B) Additions. Nonconforming wireless communications facilities may add additional antennas (belonging to the same provider or other providers) subject to administrative review under this chapter.

(C) Repairs or reconstruction.

(1) Nonconforming wireless communications facilities, which become damaged due to any reason or cause, may be repaired and restored to its former use, location and physical dimensions subject to the provisions of this chapter.

(2) Provided, however, that if the damage to the wireless communications facility exceeds 50% of replacement cost, the wireless communication facility may only be reconstructed or repaired in compliance with this chapter.

(3) Any wireless communications facility not in use for 6 months shall be deemed abandoned and all rights as a nonconforming use shall cease.

(1981 Code, § 510A) (Ord. passed 6-28-2004)

154.120 ENFORCEMENT.

Enforcement of the provisions of this chapter shall be per § 154.278 below.

(1981 Code, § 511A) (Ord. passed 6-28-2004)

OFF-STREET PARKING AND LOADING

§ 154.135 PURPOSE AND INTENT.

It is the intent of these regulations to encourage the appropriate location of off-street parking and off-street loading to provide the needed levels of service to the citizens of and visitors to the Town of Liberty and its environs, to avoid undue congestion on the

streets, to protect the capacity of the street system, to move traffic, to avoid unnecessary conflicts between vehicles and pedestrians, to preserve and enhance the designated pedestrian activity areas within the town and to facilitate access from streets to off-street parking lots and structures and off-street loading spaces.

(1981 Code, § 601) (Ord. passed 6-28-2004)

§ 154.136 OFF-STREET PARKING REQUIRED.

(A) In all districts, except the B1 district, in connection with every industrial, commercial, institutional, residential or any other use, at the time any new structure is erected or any existing structure enlarged or use of land is increased in density or intensity, or uses of structures or land change, off-street parking shall be provided for vehicles in accordance with requirements contained in this chapter.

(B) Conformance with the parking requirements herein shall be for any new use or portion of enlarged use or structures only and not the existing use or structure.

(1981 Code, § 602) (Ord. passed 6-28-2004)

§ 154.137 COMPLIANCE WITH REGULATIONS.

(A) The requirements for off-street parking space and off-street loading space shall be a continuing obligation of the owner of the real estate upon which any like structure is located, so long as the structure is in existence and its use requiring parking or loading, or both, continues.

(B) It shall be unlawful for an owner of any structure affected by this chapter to discontinue, change or dispense with, or cause the discontinuance or change of the required vehicle parking or loading space apart from the discontinuance of a structure, without establishing alternative parking and loading space which meets the requirements of and is in compliance with this chapter.

(1981 Code, § 603) (Ord. passed 6-28-2004) Penalty, see § 154.999

§ 154.138 METHODS OF PROVIDING REQUIRED PARKING.

(A) All required parking shall be located on the same zoning lot as the principal use(s) it serves, except as provided below.

(B) In lieu of actual construction of required on-site parking spaces, all or any portion of the off-street parking required in this chapter may be provided as follows.

(C) Required parking for a use on a zoning lot may be located on another zoning lot, either by itself or combined with parking for other uses, subject to certification by the Zoning Administrator that the following requirements have been met:

(1) The use being served by the off-site parking shall be a permitted principal use as established in §§ 154.060 through 154.068, in the zoning districts within which the zoning lot containing parking is located;

(2) The off-site parking spaces shall be located within 500 feet walking distance of a public entrance to the structure or land area containing the use for which those spaces are required. A safe, direct, attractive, lighted and convenient pedestrian route shall exist or be provided between the off-site parking and the use being served;

(3) The continued availability of off-site parking spaces, necessary to meet the requirements of this chapter, shall be ensured by an appropriate reciprocal easement, satisfactory to the Office of the Town Attorney and recorded with the Register of Deeds of Randolph County;

(4) For purposes of determining applicable minimum and maximum land use intensities (in districts where FAR applies), the land area devoted to off-site parking shall be added to the land area of the zoning lot containing the use being served by parking and shall be subtracted from the area of the zoning lot containing the off-site parking;

(5) The provision of off-site required off-street parking shall not apply to any residential use; and

(6) Off-site required off-street parking shall not be separated from the use it serves by major or minor thoroughfare, as shown on the current Town of Liberty thoroughfare plan map, or other similar physical barriers to convenient access between the parking and the use.

(1981 Code, § 604) (Ord. passed 6-28-2004)

§ 154.139 JOINT USE FACILITIES AND SHARED PARKING.

(A) (1) Nothing in this chapter shall be construed to prevent the joint use of off-street parking or off-street loading space for 2 or more structures or uses, if the total of the spaces, when used together, will not be less than the sum of the requirements of the various individual uses computed separately in accordance with the requirements of this chapter.

(2) An agreement for a joint use, in the form of a reciprocal easement acceptable to the office of the Town Attorney shall be filed with the Zoning Administrator and recorded with the Register of Deeds for Randolph County.

(B) (1) No part of an off-street parking area or off-street loading area required for any structure or use for the purpose of complying with the provisions of this chapter shall be included as a part of an off-street parking area or off-street loading area similarly required for another structure or use, unless the Zoning Administrator determines that the period(s) of demands for off-street parking for the structures or uses will not be simultaneous with or overlap each other.

(2) An agreement, with the Town of Liberty as one of the parties with a right of enforcement, for a joint use, in the form of a reciprocal easement acceptable to the Office of the Town Attorney shall be filed with the Zoning Administrator and recorded with the Register of Deeds for Randolph County.

(3) The zoning compliance permit covering the approval shall include the requirements that the permit is valid only so long as the conditions described in the application for the permit exist.

(1981 Code, § 605) (Ord. passed 6-28-2004)

§ 154.140 NUMBER OF REQUIRED OFF-STREET PARKING SPACES.

(A) Required off-street parking spaces. The number of required off-street parking spaces for all districts except for the B-1 District shall be as set forth in wireless communications facility.

(B) Calculation of certain parking requirements.

(1) Where parking requirements relate to number of seats, and seating is in the form of undivided pews, benches or the like, 20 lineal inches shall be construed to be equal to 1 seat.

(2) Where parking requirements relate to movable seating in auditoriums and other assembly rooms, 10 square feet of net floor area shall be construed to be equal to 1 seat, except where otherwise specified.

(3) Net floor area shall be the actual area occupied by seating and related aisles, and shall not include accessory unoccupied areas or the thickness of walls.

(1981 Code, § 606) (Ord. passed 6-28-2004)

§ 154.141 DETERMINATIONS FOR UNLISTED USES.

(A) The Zoning Administrator shall make a determination, in the cases of uses not listed in wireless communications facility, of the minimum required off-street parking spaces.

(B) In reaching the determination, the Zoning Administrator shall be guided by the requirements for similar uses, the number and kind of vehicles likely to be attracted to the proposed uses and studies of the parking requirements of uses in other jurisdictions.

(1981 Code, § 607) (Ord. passed 6-28-2004)

§ 154.142 OFF-STREET PARKING SPACE DESIGN STANDARDS.

All required parking areas shall meet the following minimum design requirements. All non-required parking and loading areas shall be designed, built and maintained to prevent problems due to erosion, runoff and dust.

(A) The minimum dimensions for required off-street parking spaces and aisles shall be in accordance with § 154.147(B).

(B) Parking for the handicapped shall be provided as per North Carolina Building Code requirements.

(C) (1) All off street parking facilities shall be designed with permanent means of access to a street or alley and designed to provide all necessary maneuvering lanes and areas.

(2) Access drives shall be designed to provide for 2-way traffic with a minimum width of 22 feet. Drives of less than 50 feet where the view of oncoming traffic is not blocked or impaired, may be single lane of not less than 11 feet in width.

(D) Except for single-family dwellings, parking facilities shall observe a minimum setback of 10 feet from any public street right-of-way. This requirement shall be coordinated with § 154.086.

(E) (1) Except for single and 2-family dwellings and parking facilities designed for 10 vehicles or less (required spaces in stacking/waiting lanes shall be counted as spaces for determination of total required spaces), all required off-street parking areas shall be paved with concrete or asphalt.

(2) Prior to the issuance of a certificate of occupancy, required paving must be installed or its installation guaranteed as per § 154.270.

(F) All off-street parking lots shall be graded and drained so as to dispose of all surface water accumulated within the area. Curbed areas and islands may be required where necessary for traffic control and or drainage as necessary to comply with erosion control laws.

(G) (1) Lighting shall be required if nighttime parking is necessary or permitted.

(2) If a facility is lighted, lighting shall be directed away from and or shielded from public streets and residential areas and shall not be a hazard or distraction to motorists traveling on a street.

(H) Parking areas shall be used for parking of vehicles, only, with no sales, displays, dead storage, repair work, dismantling or service of any kind including the service of motor vehicles permitted.

(I) (1) All off-street parking spaces, including all areas for maneuvering, shall be located solely on private property, and shall not use public property or public rights-of-way.

(2) Parked vehicles in off-street parking areas shall be prevented from intruding on travel lanes, walkways, streets, buffer and screen yards, front yard parking setbacks or adjacent properties by means of walls, curbs, wheel stops or other appropriate means.

(J) All off-street-parking areas shall be designed to provide safe and convenient circulation, in accordance with commonly accepted traffic engineering practices and subject to the review and approval of the Zoning Administrator in accordance with the engineering practices.

(K) All required paved spaces, access and maneuvering areas shall be clearly marked and the markings shall be maintained.

(L) Except for single-family dwellings, ingress-egress openings in concrete or asphalt or other curbing provisions, commonly referred to as curb cuts shall be regulated by the following requirements and may require the approval of the Liberty Public Works Department or the North Carolina Department of Transportation, as applicable.

(1) The number of curb cuts and all other access points shall be limited to 1 cut on each street where a lot has less than 120 feet of street frontage or to 2 cuts on each street where a lot has 120 feet or more of street frontage.

(2) No curb cut shall be less than 12 feet in width or more than 36 feet in width (unless approved by the Liberty Public Works Department or the North Carolina Department of Transportation, as applicable, for up to 50 feet in width to allow use by large trucks).

(3) Where 2 curb cuts are permitted for a single lot, a distance of no less than 36 feet shall separate them.

(4) No curb cut or other access point shall be located closer than 36 feet to any street intersection. The intersection is determined by the intersecting point of the 2 street right-of-way lines (or lines extended in the case of a rounded corner).

(1981 Code, § 608) (Ord. passed 6-28-2004)

§ 154.143 LANDSCAPING STANDARDS FOR OFF-STREET PARKING.

(A) It is the intent of this section to protect and promote the public health, safety and general welfare by requiring the landscaping of parking areas which will serve to reduce radiant heat from surfaces, wind and air turbulence, noise, reduce the glare of automobile lights and ameliorate storm water drainage problems and soil erosion; to reduce the level of carbon dioxide and return pure oxygen to the atmosphere; to provide shade; and to protect and preserve the appearance, character and value of adjacent properties.

(B) Except for single and 2-family dwellings, all required parking facilities, unless located entirely underground, shall meet the following minimum landscaping requirements:

(1) (a) Parking facilities, unless located on or within a structure, shall be separated from the exterior walls of any structure by providing a grade separation of a minimum of 4 inches and a buffer strip at least 4 feet in width which shall be landscaped and covered with a ground cover or paved to be utilized as a pedestrian walkway.

(b) Paved grade separated pedestrian entrance ways or loading access ways as necessary to provide access to the structure are excluded from the landscape requirement; and

(2) (a) In addition to the required landscaping within the front yard setback (§ 154.086 above) and as required in division (A) above, all parking facilities designed for 20 or more vehicles (required spaces in stacking/waiting lanes shall not be counted as spaces for determination of total required spaces) shall provide a minimum of 8.1 square feet of landscaped area per parking space.

(b) The landscaped areas shall contain at least 162 square feet with no dimension less than 9 feet and shall be reasonably dispersed throughout the parking facility.

(c) Each landscaped area shall contain a canopy tree, groundcover and or mulch (see § 154.097 above for approved materials lists).

(C) In providing the vegetation required above, the retention of existing significant vegetation shall be encouraged.

(D) All landscaped areas shall be maintained in healthy and growing condition, dead or damaged materials shall be replaced, and areas shall be kept free of trash, refuse and debris.

(E) Prior to the issuance of a certificate of occupancy, required landscaping must be installed or its installation guaranteed as per § 154.270.

(1981 Code, § 609) (Ord. passed 6-28-2004)

§ 154.144 REQUIRED OFF-STREET LOADING SPACE.

(A) (1) Every use requiring the receipt or distribution, by vehicles, of materials and merchandise shall have 1 or more loading spaces for standing, loading and unloading on the same zoning lot.

(2) Loading space shall be sufficient to allow normal loading and unloading operations of a kind and magnitude appropriate to the property served.

(3) Required loading space shall be available for the loading and unloading of vehicles and shall not be used for the storage of vehicles or materials, or to meet off-street-parking requirements, or in conducting the use.

(B) The requirements in the following table shall apply to new structures or additions to structures, and shall not be considered to make any existing structure nonconforming for lack of off-street loading.

<i>Off-Street Loading Requirements</i>	
<i>Land Use Classification</i>	<i>Space Requirements</i>
Office and hotel uses (larger than 1500 square feet)	One loading space for every 10,000 square feet of floor area, up to a maximum of 5 spaces
<i>Industrial and Commercial Uses as Follows</i>	<i>Minimum Number of Loading Spaces Required</i>
Under 8,000 square feet	1 space
8,000 to 25,000 square feet	2 spaces
25,000 to 50,000 square feet	3 spaces
50,000 to 100,000 square feet	4 spaces
100,000 to over square feet	5 spaces

(1981 Code, § 610, Article 600, Table 600-2) (Ord. passed 6-28-2004)

§ 154.145 DETERMINATION OF UNLISTED USES.

For any land use which is not listed in § 154.147, the Zoning Administrator, upon review of the proposed use, shall specify the required number of loading spaces to be provided, using generally accepted traffic engineering practices and standards.

(1981 Code, § 611) (Ord. passed 6-28-2004)

§ 154.146 OFF-STREET LOADING SPACE STANDARDS.

All off-street-loading spaces shall meet the following standards.

(A) (1) Each required off-street loading space shall have a minimum width of 12 feet and a minimum vertical clearance of 16 feet above the finished grade of the space.

(2) The length shall be a minimum of 30 feet for local delivery and 60 feet for semitrailers.

(3) A maximum of 2/3 of the required loading spaces can be used for local delivery vehicles.

(B) Off-street loading spaces shall be located and arranged so that a semitrailer truck shall be able to gain access to and use those spaces.

(C) Loading space shall not be permitted within any required yard setback or buffer or screening yard as established by this chapter.

(D) All required loading space and necessary maneuvering space shall be paved and shall be maintained in a safe, sanitary and neat condition.

(E) No loading space shall be located so that a vehicle using the space intrudes on or hinders the use of the public rights-of-way, or adjacent properties.

(1981 Code, § 612) (Ord. passed 6-28-2004)

§ 154.147 PARKING REQUIREMENTS TABLE AND DIAGRAM.

(A) Following is the table of parking requirements.

<i>Parking Requirements</i>	
<i>Use</i>	<i>Number of Spaces</i>
Accessory apartment; non-commercial; manufactured homes not permitted	2.0 per dwelling unit
Adult day care facility (for less than 30)	1.0 per employee plus 1.0 per facility vehicle plus 1.0 per 15 clients
Adult day care facility (for more than 30)	1.0 per employee plus 1.0 per facility vehicle plus 1.0 per 15 clients
Adult day care home (for less than 6 persons)	1.0 per employee plus 1.0 per facility vehicle plus 1.0 per client
Adult uses	3.0 per 500 square feet
Agricultural roadside stand; produce produced on site	3.0 per 1,000 square feet GFA

Airport and heliport	1.0 per 4 seating accommodations for waiting passengers plus 1.0 for each 2 employees of largest shift
Amusement parks; permanent	1.0 per 3 persons in designated capacity plus 2.0 per 3 employees on the largest shift
Animal hospital and veterinary clinic; general	5.0 per 1,000 square feet GFA
Automatic teller	2.0 per machine
Bakery; on and off premises sale permitted wholesale and retail	1.0 per 400 square feet of floor area plus 1.0 per facility vehicle
Bakery; on premises sale only	1.0 per 350 square feet of floor area
Banks	1.0 per 300 GFA plus a waiting lane for each drive-up window or station with a capacity for 5 vehicles. All waiting lanes shall be located off the street right-of-way
Banquet facility	1 parking space per 4 occupants as established by NC State Building Code Section 1004 "Occupant Load"
Bed and breakfast	2.0 for owners plus 1.0 per facility vehicle plus 1.5 per quest room
Boarding and rooming houses; owner occupied only (maximum 2	2.0 for owners plus 2.0 per roomer

roomers)	
Bus terminal	8.0 per 1,000 square feet GFA waiting area
Business dealing primarily in sexually explicit materials	3.0 per 500 square feet
Business services	3.5 per 1,000 square feet GFA
Child day care center; large	1.0 per employee plus 1.0 per facility vehicle plus 2.0 per 15 children
Child day care center; medium	1.0 per employee plus 1.0 per facility vehicle plus 2.0 per 15 children
Child day care center; small	1.0 per employee plus 1.0 per facility vehicle plus 2.0 per 15 children
Child day care home	1.0 per employee plus 1.0 per facility vehicle plus 2.0 additional
Child day care home; large	1.0 per employee plus 1.0 per facility vehicle plus 4.0 additional
Church and synagogue child care center	1.0 per employee plus 1.0 per facility vehicle plus a drop off and pick up area located outside of public rights-of-way
Church and synagogue (not places of assembly)	0.3 per seat

College and university; seminary	0.5 per student
Commercial developments with multi-use and/or structures with FAR up to .30	5.0 per 1,000 square feet GFA
Commercial developments with multi-use and/or structures with FAR of .31 up to .45	5.0 per 1,000 square feet GFA
Communication facilities; commercial	1.0 per 1,000 square feet GFA
Community center	1 parking space per 4 occupants as established by NC State Building Code Section 1004 "Occupant Load"
Congregate living facility (does not include structured environment)	1.0 per employee of largest shift plus 1.0 per facility vehicle plus 0.2 per resident
Congregate living facility; for 6 or less persons (family care home)	1.0 per employee of largest shift plus 1.0 per facility vehicle plus 0.2 per resident
Contractors office	1.0 per 400 square feet of floor area
Correctional facilities	1.0 per employee plus 1.0 per 2.5 inmates

Country, racquet, tennis and swim clubs	3.3 per 1,000 square feet GFA and 1.0 per 30% of the maximum capacity for open uses
Crematorium	0.25 per seat of chapel capacity plus 0.33 per employee
Cultural facility	3.3 per 1,000 square feet GFA
Dormitories	3.3 per 1,000 square feet GFA
Drinking establishments; bar, cocktail lounge, tavern, coffeehouse, cabaret and the like	2.0 per 5 seats and/or bar stools
Drive-up window/station/drive-throughs where permitted as part of a principal use	A waiting lane for each drive-up window or station with a capacity for 5 vehicles. All waiting lanes shall be located off street right-of-way
Drive-in theater	Car standing space for patrons awaiting admission shall be provided on the site in an amount equal to not less than 30% of the vehicular capacity of the theater
Dry cleaners; small	1 per 350 square feet GFA
Dry cleaning plant	1.0 per employee on largest shift plus 1.0 per facility vehicle
Dwelling for caretaker/security guard on premise where	1.0 per employee per shift

employed	
Dwelling multiple-family for elderly	1.0 per dwelling unit
Dwelling multiple-family units up to .19 FAR	2.0 per dwelling unit
Dwelling multiple-family units up to .33 FAR	2.0 per dwelling unit
Dwelling multiple-family units up to .45 FAR	2.0 per dwelling unit
Dwelling single-family units	2.0 per dwelling unit
Dwelling 2-family units	2.0 per dwelling unit
Dwelling within mixed use structures	2.0 per dwelling unit
Eating establishments; sit down	2.0 per 5 seats
Eating establishments; walk-in/drive-in	2.0 per 5 seats plus a waiting lane for each drive-up window or station with a capacity for 5 vehicles. All waiting lanes shall be located off street right-of-way

Electronic and electrical repair; large	4.0 per 1,000 square feet GFA plus 1.0 per facility vehicle
Electronic and electrical repair; small	4.0 per 1,000 square feet GFA
Exterminator	4.0 per 1,000 square feet GFA
Extraction of earth products	1.0 per each 2 employees of shift of average greatest employment plus 1.0 for each vehicle used directly in the conduct of the use
Farmers market	1 per each 350 square feet of display area
Flea markets and open air sales	3.0 per 1,000 square feet GFA or outdoor area devoted to sales
Flea markets and open air sales; temporary	3.0 per 1,000 square feet GFA or outdoor area devoted to sales. The following sections do not apply: §§ 153.142(E), 153.142(F), 153.143 and 154.086
Fraternity and sorority houses	3.3 per 1,000 square feet GFA
Funeral parlor	.25 per seat of chapel capacity space
Furniture refinishing and repair	1.0 per each 2 employees on shift of average greatest employment plus 1.0 for each vehicle used directly in the conduct of the use

Game rooms	1.0 per 150 square feet of GFA
Gas station	1.0 per 4 pumps
Golf course not including Par 3 or miniature courses	3.3 per 1,000 square feet GFA and 1.0 per 30% of the maximum capacity for open uses
Health practitioners offices	5.0 per 1,000 square feet GFA
Health services	1.0 per employee of largest shift plus 1.0 per facility vehicle plus 2.0 per bed
Helistop	Individual review
Home occupation	2.0 per residence plus 2.0
Hotels and motels	1.0 per lodging unit plus 1.0 per each 2 employees
Industrial developments with multi use and/or structures with a FAR up to .27 or .35	5.0 per 1,000 square feet GFA except designated warehouse and/or manufacturing, processing and assembly square feet plus 1.0 per 1,000 square feet GFA of designated warehouse space and/or 0.6 per employee of largest shift plus 1 space per vehicle used directly in conduct of manufacturing, processing and assembly
Interior cleaning services	1.0 per each 2 employees on shift of average greatest employment plus 1.0 for each vehicle used directly in the conduct of the use

Junkyards	.05 per employee plus 1.0 per 5,000 square feet of lot area
Kennel	5.0 per 1,000 square feet GFA
Landfills; clean material	1.0 per employee of largest shift
Landfills; sanitary	1.0 per employee of largest shift
Limited duration; circus, carnival and fair tent revivals (exempt from paving requirement)	0.3 per seat for activities where seating is provided to 1.0 per 3 persons expected as average attendance. Previous attendance records shall be provided as required for documentation, plus 2.0 spaces per 3 employees
Lumber and building materials sales	2.0 per 1,000 square feet GFA
Lumberyard	2.0 per 1,000 square feet GFA
Mail order distribution center	0.6 per employee of largest shift
Manufactured home/mobile home park	2.0 per dwelling unit
Manufactured home/mobile home sales	3.0 per 1,000 square feet GFA

Manufactured home/mobile homes; Class A double wide	2.0 per dwelling unit
Manufactured home/mobile homes; Class A single wide	2.0 per dwelling unit
Manufacturing, processing and assembly; heavy	0.6 per employee of largest shift plus 1.0 space per vehicle used directly in conduct of the use
Manufacturing, processing and assembly; light	0.6 per employee of largest shift plus 1.0 space per vehicle used directly in conduct of the use
Massagists	3.0 per 500 square feet GFA
Massagists; therapeutic health	5.0 per 1,000 square feet GFA
Meat packing and slaughterhouse	1.0 per 1,000 square feet GFA
Medical and dental labs	4.0 per 1,000 square feet GFA
Membership organization; not in commercial gain	3.3 per 1,000 square feet GFA
Mental institutions and sanitariums	2.0 per bed

Mini-warehouse	1.0 per 10 storage units plus 1.0 per employee
Mobile home sales lot	3.0 per 1,000 square feet GFA
Motor vehicle repair; major	1.0 per 300 square feet GFA of enclosed repair area plus 1.0 per each 2 employees plus 1.0 for each vehicle used directly in the conduct of the use
Motor vehicle repair; minor	1.0 per 300 square feet GFA of enclosed repair area plus 1.0 per each 2 employees plus 1.0 for each vehicle used directly in the conduct of the use
Nursing, convalescent and extended care facilities	1.0 per employee of largest shift plus 1.0 per facility vehicle plus 0.35 per bed
Personal services	1.0 per 350 square feet GFA
Photographic lab facilities; commercial	4.0 per 1,000 square feet GFA plus 1.0 for each vehicle used directly in the conduct of the use
Photographic mini-lab facility (1-hour type)	4.0 per 1,000 square feet GFA plus 1.0 for each vehicle used directly in the conduct of the use
Photography studio; with lab for in-house use only	4.0 per 1,000 square feet GFA plus 1.0 for each vehicle used directly in the conduct of the use
Place of assembly (not churches	0.3 per seat

or synagogues)	
Printing and publishing	1.0 per 1,000 square feet GFA
Produce sales; temporary	3.0 per 1,000 square feet GFA or outdoor area devoted to sales. The following sections do not apply: §§ 153.142(E), 153.142(F), 153.143 and 154.086
Professional residential facility	1.0 per employee of largest shift plus 1.0 per facility vehicle plus 0.2 per resident
Professional services	1.0 per 400 square feet GFA
Public facility	1.0 per employee
Public use facility	3.3 per 1,000 square feet GFA
Railroad classification yard	1.0 per employee
Recreation and amusement services; commercial/ indoor (does not include game rooms)	1.0 per 150 square feet GFA devoted to the use
Recreation and amusement services; commercial/outdoor	1.0 per tee, green, court, cage and/or other method of participation however styled plus 1.0 per employee
Recreational vehicle/travel	2.0 per site plus 1.0 per employee of largest shift plus 1.0 per

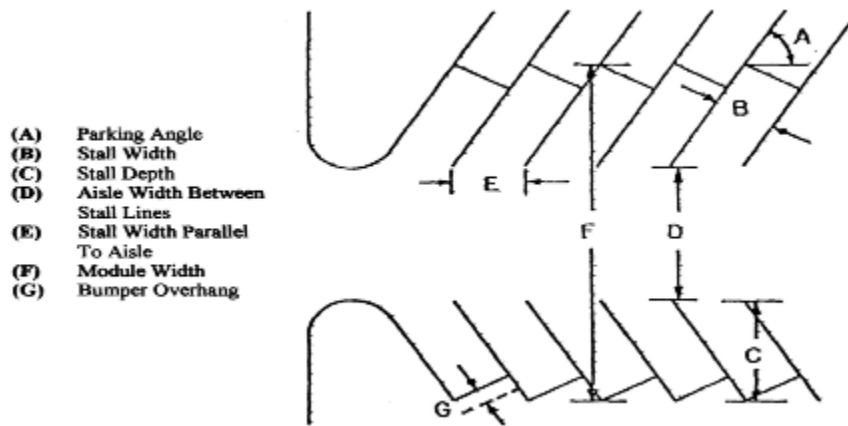
park/camp	facility vehicle
Recycling center	1.0 per employee plus 1.0 per facility vehicles used in conduct of the use
Recycling plant	1.0 per employee of largest shift
Rehabilitation center	4.0 per 1,000 square feet GFA
Rental/sales of commercial vehicles and heavy equipment	3.0 per 1,000 square feet GFA
Rental/sales of domestic vehicles	3.0 per 1,000 square feet GFA
Repair services	4.0 per 1,000 square feet GFA
Research activities	1.4 per employee
Retail convenience goods	4.0 per 1,000 square feet GFA
Retail shoppers goods	4.0 per 1,000 square feet GFA
School; business	1.6 per classroom, 0.33 per student plus 1.0 per staff member
School; technical/vocational	1.6 per classroom, 0.33 per student plus 1.0 per staff member

Schools; nursery/pre-school and the like	1.0 per employee plus 1.0 per facility vehicle, plus 1.0 per 15 children
Schools; public, private, elementary and high schools	1.6 per classroom, 0.33 per student plus 1.0 per staff member
Seasonal sales; temporary	3.0 per 1,000 square feet GFA or outdoor area devoted to sales. The following sections do not apply: §§ 153.142(E), 153.142(F), 153.143 and 154.086
Service station	1.0 per 4 pumps plus 3.0 per repair bay
Sign painting	4.0 per 1,000 GFA
Solar farm	0.6 per employee of largest shift plus 1 space per vehicle used directly in conduct of such use
Stable; commercial	1.0 per 5 stalls
Taxi stand	1.0 per employee
Transfer station	1.0 per employee plus 1.0 per facility vehicle used in conduct of the use
Truck terminal	1.0 per employee

Vehicle towing operation	1.0 per employee plus 1.0 per facility vehicle used in conduct of the use plus 2.0
Warehouse	0.6 per employee of largest shift
Wholesale distribution	0.6 per employee of largest shift

(B) Following is the diagram of parking requirements.

<i>Minimum Dimensions</i>						
<i>A</i>	<i>B</i>	<i>C</i>	<i>D*</i>	<i>E</i>	<i>F</i>	<i>G</i>
45°	9.0 feet	17.5 feet	12.0 feet	12.7 feet	47.2 feet	2.0 feet
60°	9.0 feet	19.0 feet	16.0 feet	10.4 feet	54.0 feet	2.5 feet
75°	9.0 feet	19.5 feet	23.0 feet	9.3 feet	62.0 feet	2.5 feet
90°	9.0 feet	18.0 feet	22.0 feet	9.0 feet	62.0 feet	3.0 feet



Additional width shall be required where the aisle serves as a principal vehicular access to on-site uses or structures or serves 2-way traffic. Two-way traffic requires an additional 12 feet of width.

(1981 Code, Article 600, Table 600-1, Diagram 600-1) (Ord. passed 6-28-2004; Am. Ord. passed 11-23-2009; Am. Ord. passed 7-6-2015; Am. Ord. passed 3-23-2020)

SIGNS

§ 154.160 INTENT.

(A) It is the general intent of this chapter to prohibit signs of a commercial nature in districts in which commerce is barred; to limit signs in the commercial districts in relation to the intensity of the use of the district and its surroundings; and to control the number, area and location of signs in other districts.

(B) These regulations are designed, among other purposes, to stabilize and protect property values, maintain the visual attractiveness of the Town of Liberty and its environs and promote public safety.

(1981 Code, § 701) (Ord. passed 6-28-2004)

§ 154.161 SIGNS SUBJECT TO CONTROL.

(A) All signs visible from the public rights-of-way shall be erected, maintained and operated in accordance with this chapter and other relevant controls, unless specifically excepted.

(B) Signs not subject to the provisions of this chapter are listed in § 154.162 below.

(1981 Code, § 702) (Ord. passed 6-28-2004)

§ 154.162 SIGNS NOT SUBJECT TO CONTROL.

The following signs are not subject to the control of this chapter:

(A) Non-illuminated signs not exceeding 2 square feet in area, not of a commercial nature and bearing only property identification numbers and names, post office box numbers and name(s) of occupant(s) of the premises;

(B) Insignia of any government and historic markers erected by a governmental body;

(C) Legal notices, identification and informational signs and traffic directional signs erected by or on behalf of a governmental body;

(D) Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights;

(E) Signs directing and guiding traffic on private property, but which bear no advertising matter and do not exceed 2 square feet in area. These signs are limited to on site only; and

(F) Incidental signs used in conjunction with equipment or other functional elements of a use or operation. These shall include, but not be limited to drive through window menu boards, signs on automatic teller machines, gas pumps, express mail drop boxes, vending machines or newspaper delivery boxes or signs painted or permanently attached to currently licensed motor vehicles that are not parked or located so as to function as a sign.

(1981 Code, § 703) (Ord. passed 6-28-2004)

§ 154.163 TRAFFIC SAFETY PRECAUTIONS.

The following practices in relation to signs are prohibited, notwithstanding any other provisions in this chapter, in order to preserve the safety of pedestrian and vehicular movement:

- (A) No sign shall be erected so that any part of it intrudes into a sight preservation triangle established;
- (B) No sign shall use words such as “stop,” “slow,” “caution,” “danger” or similar admonitions which may be confused with traffic directional signs erected by governmental agencies;
- (C) No sign shall be erected so as, by its location, color, nature or message, to permit it to be confused with or obstruct the view of traffic signals or signs or so it would tend to be confused with the warning lights of an emergency or public safety vehicle; and
- (D) No sign shall contain pulsating, rotating, occulting or flashing lights. Signs showing time and temperature information and electronic changeable copy are permitted.

(1981 Code, § 704) (Ord. passed 6-28-2004) Penalty, see § 154.999

§ 154.164 PROHIBITED LOCATIONS FOR SIGNS.

- (A) Except where specifically exempted by this chapter, all signs shall be located outside of required setback yards and public rights-of-way.
- (B) No sign shall be attached to any utility pole, tree, rock or other natural object.

(1981 Code, § 705) (Ord. passed 6-28-2004) Penalty, see § 154.999

§ 154.165 MAXIMUM SIZE FOR SIGNS.

The maximum permitted sign size shall be as permitted in § 154.177. No sign permitted by this section shall exceed 200 square feet in area per face where more than 1 face is permitted.

(1981 Code, § 706) (Ord. passed 6-28-2004) Penalty, see § 154.999

§ 154.166 MAXIMUM HEIGHT FOR SIGNS.

No sign permitted by this chapter may exceed 20 feet in height.

(1981 Code, § 707) (Ord. passed 6-28-2004) Penalty, see § 154.999

§ 154.167 RESTRICTION ON DIRECT ILLUMINATION.

(A) No source of illumination on a sign, such as floodlights, spotlights, unshielded bulbs and the like, shall be directly visible from any public rights-of-way, from any residential district or from adjacent premises.

(B) No sign permitted in any Residential District may be illuminated except as permitted in § 154.177.

(1981 Code, § 708) (Ord. passed 6-28-2004) Penalty, see § 154.999

§ 154.168 ELECTRICAL REQUIREMENTS.

All electric signs with internal wiring or lighting equipment, and all external lighting equipment used to direct light on signs, shall bear the seal of approval of an electrical testing laboratory that is nationally recognized as having the facilities for testing and requires proper installation in accordance with the National Electrical Code. All electrical connections shall be in accordance with the National Electrical Code.

(1981 Code, § 709) (Ord. passed 6-28-2004) Penalty, see § 154.999

§ 154.169 ZONING COMPLIANCE PERMIT REQUIRED.

Before any sign, except those specifically exempted from a like requirement, shall be erected or structurally altered a sign zoning compliance permit shall be obtained.

(1981 Code, § 710) (Ord. passed 6-28-2004) Penalty, see § 154.999

§ 154.170 RESPONSIBLE PARTY IDENTIFIED.

Every sign for which a permit is required shall be plainly marked with the name of the person, firm or corporation responsible for the sign.

(1981 Code, § 711) (Ord. passed 6-28-2004) Penalty, see § 154.999

§ 154.171 TEMPORARY SIGNS.

(A) Not requiring permit. The following temporary, unlighted signs may be erected in the manner prescribed without the issuance of a zoning compliance permit.

(1) Real estate signs. A sign located on the premises and offering the premises for sale, rent, lease or development, shall not exceed the following area per sign face.

<i>Residential Districts</i>	
<i>Distance from All Street Right-of-way Lines</i>	<i>Maximum Sign Area Per Face 2/Sided</i>
0 to 49 feet	12 square feet
50 to 99 feet	32 square feet
100 or more	64 square feet

<i>Commercial/Industrial Districts</i>	
<i>Distance from All Street Right-of-Way Lines</i>	<i>Maximum Sign Area Per Face 2/Sided</i>
0 to 49 feet	32 square feet
50 to 99 feet	64 square feet
100 or more feet	96 square feet

(2) Real estate signs, off premises directional.

(a) Two temporary off-premise signs directing traffic to a property offered for sale, rent, lease or development may be permitted in any district.

(b) Signs may not exceed 3 square feet in area or 3 feet in height, shall not be located within the public rights-of-way, shall be limited to 1 sign per zoning lot, where located, with the permission of the property owner, may be located in required yards and must be removed upon sale or leasing of the property.

(3) Construction sign.

(a) A single construction site identification sign shall be permitted.

(b) It shall not exceed 32 square feet in area, shall be located at least 10 feet from the front property line and may contain in its message identification of the project, its owner and/or developer, architect, engineer, land planner, landscape architect, contractor and subcontractors.

(B) Signs requiring permits. The following temporary signs require a zoning compliance permit:

(1) On premises temporary signs or banners announcing openings, closings, management changes or special events.

- (a) A permit may be issued for one temporary sign or banner per street on which any establishment is located;
- (b) The permit may be issued for up to 30 consecutive days;
- (c) The permit shall establish the dates for which the sign will be erected;
- (d) A permit may be issued two times for any zoning lot within a calendar year;
- (e) Signs or banners may be 12 square feet in size if located within ten feet from the rights-of-way; and up to 32 square feet if located over ten feet from the rights-of-way;
- (f) Any sign or banner erected across any vehicle travel lane, parking area or emergency lane shall have a vertical height of at least 14 feet above the area. No such sign or banner shall be erected within any public street right-of-way.

(2) On premises temporary signs or banners announcing non-commercial civic or philanthropic events.

- (a) A permit may be issued for one temporary sign or banner per street on which any establishments is located;
- (b) The permit may be issued for up to 30 consecutive days;
- (c) The permit shall establish the dates for which the sign will be erected;
- (d) A permit may be issued two times for any zoning lot within a calendar year;
- (e) Signs or banners may be up to 32 square feet;
- (f) Any sign or banner erected across any vehicle travel lane, parking area or emergency lane shall have a vertical height of at least 14 feet above the area. No such sign or banner shall be erected within any public street right-of-way;
- (g) Signs described in this section shall be removed within 48 hours from the end of the event;
- (h) Signs described in this section which will be displayed for a period of less than 14 days shall not require a zoning compliance permit. However, the following regulations shall apply: Only one temporary sign or banner may be erected per street on which any establishments is located; Signs or banners may be up to 32 square feet; any sign or banner erected across any vehicle travel lane, parking area or emergency lane shall have a vertical height of at least 14 feet above the area. No such sign or banner shall be erected within any public street right-of-way. Signs described in this section shall be removed within 14 days from erection or 48 hours from the end of the event, whichever is the least amount of time.

(3) On premises temporary signs or banners for a zoning lot where a permit has been issued for any of the following: flea markets; open air sales; temporary, produce sales; temporary, or seasonal sales; temporary:

(a) A permit may be issued for one temporary sign or banner per street on which any temporary establishments is located;

(b) The permit may be issued for up to 60 consecutive days;

(c) The permit shall establish the dates for which the sign will be erected;

(d) A permit may be issued two times for any temporary use, per zoning lot, within a calendar year;

(e) Signs or banners may be up to 32 square feet;

(f) Any sign or banner erected across any vehicle travel lane, parking area or emergency lane shall have a vertical height of at least 14 feet above the area. No such sign or banner shall be erected within any public street right-of- way.

(4) Off premises temporary signs announcing a temporary use as described in division (B)(2) above or a special event.

(a) A permit may be issued for up to two temporary signs or banners per use described in division (B)(2) above;

(b) The permit shall specify that one sign shall be permitted on each of two zoning lots, each of which shall be identified;

(c) The permit shall be issued only for zoning lots located within commercial or industrial zoning districts;

(d) The permit may be issued for up to 30 consecutive days;

(e) The permit shall establish the dates for which the sign or banner will be erected;

(f) No more than three signs for different events, as described in division (B)(2) above, shall be active for any zoning lot at one time;

(g) Signs or banners may be up to 32 square feet;

(h) Any sign or banner erected across any vehicle travel lane, parking area or emergency lane shall have a vertical height of at least 14 feet above the area. No such sign or banner shall be erected within any public street right-of- way;

(i) Signs described in this section shall be removed within 48 hours from the end of the event;

(j) Signs described in this section which will be displayed for a period of less than 14 days shall not require a zoning compliance permit. However, the following regulations shall apply: only two such signs or banners may be erected per event. No

more than three signs for different events, as described in division (B)(2) above, shall be active for any zoning lot at one time; signs or banners may be up to 32 square feet; any sign or banner erected across any vehicle travel lane, parking area or emergency lane shall have a vertical height of at least 14 feet above the area. No such sign or banner shall be erected within any public street right-of-way. Signs described in this section shall be removed within 14 days from erection or 48 hours from the end of the event, whichever is the least amount of time.

(5) Off premises temporary signs directing traffic to a temporary use as described in division (B)(2) above or a special event.

(a) No permit is required for temporary directional signs to direct traffic to the permitted use or special event;

(b) Such signs may be up to three square feet in area and three feet in height;

(c) Such signs may be displayed for up to seven days prior to the use or special event and shall be removed within 48 hours of the termination of the use or special event;

(d) Such temporary directional signs may be located within any zoning district;

(e) Such temporary directional signs may be located within the required front yard;

(f) Such temporary directional signs shall be limited to one sign per zoning lot, where located, with the permission of the property owner;

(g) Such temporary directional signs shall not be located within any public rights-of-way;

(6) No permit is required for the following additional temporary signs erected for a special event.

(a) Two four foot by five foot "A" frame signs directing traffic to a special event; and

(b) Two four foot by five foot "A" frame signs providing information about the special event;

(c) The signs directing traffic may be displayed for up to seven days prior to the special event and shall be removed within 48 hours of the termination of the special event;

(d) The signs for signs providing information may be displayed for up to 14 days prior to the special event and shall be removed within 48 hours of the termination of the special event;

(e) Such temporary signs may be located within any zoning district;

(f) Such temporary signs may be located within the required front yard;

(g) Such temporary signs shall be limited to one sign per zoning lot, where located, with the written permission of the property owner;

(h) Such temporary directional signs shall not be located within any public rights-of-way.

(7) Off premise temporary signs directing construction traffic during the time of construction for a project where a zoning compliance permit has been issued.

(a) A permit may be issued for temporary directional signs to direct traffic to the construction site;

(b) The permit shall limit such signs to three square feet in area and three feet in height;

(c) The permit may be issued for the time period from the issuance of the zoning compliance permit to seven days after the issuance of a certification of zoning compliance;

(d) Such temporary directional signs may be located within any nonresidential zoning district;

(e) Such temporary directional signs may be located within the required front yard;

(f) Such temporary directional signs shall be limited to one sign per zoning lot, where located, with the written permission of the property owner;

(g) Such temporary directional signs shall not be located within any public rights-of-way.

(8) "A" and "T" frame portable signs may be permitted to be used as temporary signs as described in divisions (B) above. All "A" and "T" frame signs shall have an approved type of tie-down provision to prevent them from becoming a hazard during high winds. Tie-down provisions will not change a sign's status from a portable sign to a ground sign.

(1981 Code, § 712) (Ord. passed 6-28-2004; Am. Ord. passed - -) Penalty, see § 154.999

§ 154.172 TRAILER, MOBILE, A-FRAME AND T-FRAME PORTABLE SIGNS PROHIBITED.

(A) Trailer and mobile, portable signs are prohibited from location or use within the Town of Liberty and its extraterritorial planning jurisdiction.

(B) A frame and T frame portable signs are prohibited from location or use within the Town of Liberty and its extraterritorial planning jurisdiction, except as permitted in § 154.171(B)(8) above.

(1981 Code, § 713) (Ord. passed 6-28-2004; Am. Ord. passed - -) Penalty, see § 154.999

§ 154.173 BILLBOARDS (OFF-PREMISES BUSINESS SIGNS) PROHIBITED.

Billboards or off-premises business signs are not permitted within the jurisdiction of the Town of Liberty

(1981 Code, § 714) (Ord. passed 6-28-2004) Penalty, see § 154.999

§ 154.174 MAINTENANCE REQUIRED.

(A) All signs, together with braces, guys and supports shall at all times be kept in good repair.

(B) If at any time a sign should become unsafe or poorly maintained, the Zoning Administrator shall notify the owner of the condition, and upon failure of the owner to correct the condition, the Zoning Administrator shall take appropriate legal action to have the signs repaired or removed.

(1981 Code, § 715) (Ord. passed 6-28-2004) Penalty, see § 154.999

§ 154.175 REMOVAL OF OBSOLETE SIGNS.

Signs identifying business establishments no longer in existence, products no longer being sold and services no longer being rendered shall be removed from the premises within 60 days from the termination of the activities. Upon failure of the owner to remove the signs within the prescribed time period, the Zoning Administrator shall take appropriate legal action to have the signs removed.

(1981 Code, § 716) (Ord. passed 6-28-2004) Penalty, see § 154.999

§ 154.176 ALL OTHER SIGN TYPES.

The above and all other sign types shall be regulated as per § 154.177.

(1981 Code, § 717) (Ord. passed 6-28-2004)

§ 154.177 SCHEDULE OF PERMITTED AND PERMISSIBLE SIGNS.

The following is a table of permitted and permissible signs.

<i>Permitted and Permissible Signs</i>									
Sign Type	<i>R40</i>	<i>R12</i>	<i>R6</i>	<i>RMF</i>	<i>B2</i>	<i>B1</i>	<i>I</i>	<i>IP</i>	<i>Note</i>
Auction signs (on and off premises)	T	T	T	T	T	T	T	T	7
Awning type signs; advertising	P 2 1 No	P 2 1 No	P 2 1 No	P 2 2 No	P 30% 2 Yes	P 15% 2 Yes	P 30% 2 Yes	P 30% 2 Yes	6
Billboard /off premise - advertising									
Changeable electronic copy signs (see specific type of signs, i.e., wall, pole, ground and the like)					P	P	P	P	20

Church directional; off premises	P	P	P	P	P	P	P	P	11
Church sign directory or identification	P 25 to 40 1 S/F Yes	P 25 to 40 1 S/F Yes	P 25 to 40 1 S/F Yes	P Per District regs Yes	P Per District regs Yes	P Per District regs Yes	P Per District regs Yes	P Per District regs Yes	21
Directional sign; off premises	P				P	P	P	P	12
Entrance and exit (no advertising)	P 2 No	P 2 No	P 2 No	P 2 No	P 2 Yes	P 2 Yes	P 2 Yes	P 2 Yes	3
Free standing (pole)					P 150 Yes	P 75 Yes	P 150 Yes	P 150 Yes	8
Ground sign					P 150	P 75	P 150	P 150	9

					Yes	Yes	Yes	Yes	
Incidental sign (§ 154.162 Sign types)	P	P	P	P	P	P	P	P	10
Marquee sign (same as awning sign)	P 2 1 No	P 2 1 No	P 2 1 No	P 2 1 No	P 30% 2 Yes	P 15% 2 Yes	P 30% 2 Yes	P 30% 2 Yes	
Non-commercial civic or philanthropic events signs	T	T	T	T	T	T	T	T	15
Nonconforming signs	P	P	P	P	P	P	P	P	4
Off premise advertising /billboard									2
Political sign	T	T	T	T	T	T	T	T	14
Projection sign					P 15 1 Yes	P 15 1 Yes	P 15 1 Yes	P 15 1 Yes	5

Real estate directional; off premises	P	P	P	P	P	P	P	P	13
Real estate sign; on site	P	P	P	P	P	P	P	P	15
Roof sign; attached									16
Special event signs	T	T	T	T	T	T	T	T	22
Special event sign (off premises)					T	T	T	T	22
Subdivision sign	P	P	P	P	P	P	P	P	17
Suspended sign					P 15 1 Yes	P 15 1 Yes	P 15 1 Yes	P 15 1 Yes	
Temporary civic sign					T	T	T	T	15
Wall					P 30% Yes	P 20% Yes	P 30% Yes	P 30% Yes	18

Window					P	P	P	P	19
P=permitted. S=Permitted by special use permit only. T=Permitted as a temporary sign.									
First numeric figure=square footage permitted or percentage of coverage if wall sign. Second numeric figure=number of signs permitted (SF=street frontage).									
Yes or No=Illumination permitted (Applies to Residential Districts only).									

(1981 Code, Article 700, Table 700-1) (Ord. passed 6-28-2004; Am. Ord. passed - -)

§ 154.178 NOTE FILE FOR § 154.177.

(A) Note 2: Billboard/off-premises advertising and off-premises advertising/billboard signs are not permitted in any zoning district within the zoning jurisdiction of the Town of Liberty.

(B) Note 3: Signs directing and guiding traffic, but which bear no advertising matter and do not exceed 4 square feet in area. Presented signs shall be subject to § 154.163. Signs located in Commercial and Industrial Districts may be illuminated subject to § 154.167. Signs are limited to 2 per drive. Signs may be permitted within public rights-of-way after review on an individual basis and approved by the Town Manager and, when located on a state maintained road/street, by the NCDOT. No sign located within public rights-of-way shall be over 2 feet in height.

(C) Note 4: Nonconforming signs legally established prior to the effective date of this chapter or subsequent amendment, which is not in full compliance with the regulations of this chapter subject to §§ 154.250 through 154.254.

(D) Note 5: Projecting and suspended signs are permitted within the B1, B2 and IP Districts subject to the following:

(1) Only 1 projecting or suspended sign shall be permitted per principal structure;

(2) All projecting and suspended signs shall be set back at least 2 feet from the back face of the curb or outer edge of the pavement where there is no curb. Set back distances for projecting signs which front on state roads or streets shall be approved by NCDOT, approval shall be presented when applying for a sign permit. Subject to the above, no projecting or suspended sign shall project horizontally more than 6 feet;

(3) All projecting and suspended signs shall be erected at a height of not less than 9 feet above the sidewalk, walkway or any pedestrian passageway;

(4) No projecting or suspended sign shall exceed 15 square feet in area per feet; and

(5) Projecting and suspended signs may be 2-sided.

(E) Note 6:

(1) Area is calculated based on the area of the awning that appears as a vertical surface and may be viewed from 1 vantage point. Not more than 100 square feet in the B1 District and not more than 200 square feet in the B2, I and IP Districts;

(2) An awning or marquee sign shall be located at least 9 feet above the sidewalk, walkway or pedestrian passageway over which it projects; and

(3) Those signs shall not extend above the roofline of the building on which it is attached.

(F) Note 7: Auction signs:

(1) On-premise shall be regulated by § 154.171(A)(1); and

(2) Off-premise shall be regulated by § 154.171(B)(4).

(G) Note 8: Freestanding signs may be allowed as follows:

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

(3) A maximum height of 20 feet;

(4) All freestanding 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.

(5) A freestanding sign may have 2 faces. In the case of a double-faced sign, which is constructed in the form of a “V” when viewed from above, the angle of the “V” measured at the apex shall not exceed 45 degrees. Each face may contain up to the maximum area indicated above;

(6) Not counted as freestanding signs are entrance and exit signs and signs not subject to control (§ 154.162); and

(7) Any freestanding sign shall be setback 5 feet from any property line.

(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. 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.

(5) A ground sign may have 2 faces. In the case of a double-faced sign, which is constructed in the form of a “V” when viewed from above, the angle of the “V” measured at the apex shall not exceed 45 degrees. Each face may contain up to the maximum area indicated above;

(6) Not counted as ground signs are entrance and exit signs and signs not subject to control (§ 154.162); and

(7) Any ground sign shall be setback 5 feet from any property line.

(I) Note 10: Signs described in § 154.162 which are not subject to control by this chapter.

(J) Note 11: Off premises directional signs for churches or non-profit civic organizations are permitted in any district. If located outside of the public right-of-way, the written permission of the property owner shall be required. Signs may be permitted within public right-of-way after review on an individual basis and approval by the Town Manager and when located on a state maintained road/street, by the NCDOT. Signs are limited to 2 square feet in area.

(K) Note 12: The Zoning Administrator may issue to a qualifying use a zoning compliance permit for a single off premise directional sign provided the following standards are met:

(1) The principal use for which sign is erected is located in a BI, B2, I or IP District;

(2) Any sign located in BI, B2, I or IP District shall not exceed 8 square feet per establishment nor 32 square feet for 3 or more establishments utilizing a single sign. Signs providing directions to multiple establishments shall be of unified design. Signs shall be limited to 6 feet in height;

(3) Signs located within the R40 district shall be limited to 2 square feet in area and 3 feet in height;

(4) Signs shall not be located within any residential district, except the R40 District;

(5) No off-premises directional signs shall be permitted within the defined sight triangle;

(6) Off premises directional signs shall be limited to 1 per zoning lot where the signs are permitted to be erected. Signs are permitted on any lot within R40, BI, B2, IP Districts, and I provided the lot is located at a street intersection;

(7) Written permission of the property owner shall be submitted at the time of application for a sign zoning compliance permit;

(8) All signs permitted shall be of a permanent construction and no portable signs shall be permitted; and

(9) For the purpose of determining zoning lots; railroad rights-of-way shall be considered 1 lot per street block.

(L) Note 13: Subject to § 154.171(A)(2).

(M) Note 14: Non-illuminated political signs, not exceeding 16 square feet in area, are permitted in required front yards. Signs shall be removed within 2 days subsequent to the election or campaign to which they pertain. No political sign shall be posted on any utility pole. Political signs of up to 32 square feet may be permitted within commercial and/or industrial districts as long as they are located outside of any public rights-of-way.

(N) Note 15: Subject to § 154.171.

(O) Note 16: Roof signs are not permitted in any Zoning District within the zoning jurisdiction of the Town of Liberty.

(P) Note 17:

(1) Name markers for subdivisions may be located within the street rights-of-way on NCDOT secondary roads or town maintained streets (after review on an individual basis and approved by NCDOT where applicable), or within the required front yard at the beginning of a subdivision road upon issuance of a zoning compliance permit, provided the location of the marker is outside the intersection sight triangle and the normal maintenance limits; and

(2) In non-residential districts markers may include a listing of the occupants of the subdivision. Issuance of a zoning compliance permit shall be subject to the following conditions:

(a) Property sight distances shall be maintained at all intersections of streets. There shall be a clear sight distance in the triangular area formed by the intersecting street rights-of-way lines and a straight line connecting points on the street rights-of-way lines in accordance with the current edition of the NCDOT Division of Highways Minimum Construction Standards for Subdivision Roads. The sight distance shall be surveyed and platted as street rights-of-way, and no obstruction shall be permitted in this area;

(b) All costs will be the responsibility of the applicant;

(c) Neither the town nor the North Carolina Division of Highways shall maintain the marker or the area around the marker;

(d) The markers shall be removed, if not properly maintained or if required for street improvement purposes, at no expense to the public;

(e) One marker shall be permitted for each intersection and a maximum of 2 markers shall be permitted for each subdivision;

(f) If the sign is to be located within the rights-of-way of any North Carolina state system road, approval of the Division of Highways shall be required;

(g) The applicant shall assume liability for the marker;

(h) Size is limited to 40 square feet and height is limited to 6 feet;

(i) Markers in non-residential districts which list the occupants of the subdivision shall also be subject to the following requirements:

1. A rendering indicating color, size, shape and lighting mechanisms for the marker shall be submitted; and

2. All marker panels shall be of unified design (color, size, shape) and shall not include company logos.

(j) The light source for the marker shall not be directly visible from adjoining properties or rights-of-way; and

(k) The applicant shall agree in writing to these conditions.

(Q) Note 18: Wall signs shall be allowed as follows:

(1) No wall sign shall extend above the roofline of the structure to which it is attached;

(2) Wall signs may be permitted to exceed the district height limit. However, any wall sign shall be limited to identification purposes only;

(3) Wall signs in B1:

(a) No wall sign shall encompass, cover or delineate more than 20% of the exterior building wall upon which it is mounted or painted, provided that no exterior building wall shall display more than 200 square feet of sign area; and

(b) No part of the sign shall extend more than 18 inches from the wall.

(4) Wall signs in B2:

(a) No wall sign shall encompass, cover or delineate more than 30% of the exterior building wall upon which it is mounted or painted provided that no exterior building wall shall display more than 200 square feet of sign area; and

(b) No wall sign shall exceed more than 18 inches from the wall on which it is mounted;

(5) Wall signs in I and IP: no wall sign shall encompass, cover or delineate more than 30% of the exterior building wall upon which it is mounted or painted and no wall sign shall exceed a total of 200 square feet. No wall sign shall extend more than 18 inches from the wall on which it is mounted; and

(6) One or more wall signs are permitted per wall, subject to the total display area per wall listed above.

(R) Note 19: Window signs shall be considered as wall signs and shall be added to the sign area for any wall sign area designated. See Note 18 in division (Q) above.

(S) Note 20: Changeable electronic copy signs are allowed at maximum size up to 80% of the amount of sign face area of the type sign utilized (i.e., freestanding, ground, wall) for the district in which the sign is located.

(T) Note 21: In residential districts, 25 square feet maximum if sign is located less than 40 feet from street rights-of-way. If sign is located more than 40 feet from street rights-of-way, then a maximum of up to 40 square feet may be permitted. In Commercial and Industrial Districts all signs shall meet district regulations.

(U) Note 22: Subject to § 154.171.

(1981 Code, Article 700, Note File) (Ord. passed 6-28-2004; Am. Ord. passed 3-24-2003; Am. Ord. passed - -)

SPECIAL USE REGULATIONS

§ 154.190 INTENT.

(A) It is the intention of the Town Council to create, and from time to time amend, a list of special uses within §§ 154.060 through 154.068, which, because of their inherent nature, extent and external effects, require special care in the control of their location and methods of operation.

(B) The Town Council is aware of its responsibility to protect the public health, safety and general welfare and believes that certain uses which, now or in the future, may be included on this list are appropriately handled as special uses, subject to review in relation to general and specific requirements, rather than as uses permitted by right.

(C) In addition to the listing of uses, the Town Council intends that the general standards, established in §§ 154.060 through 154.068, and the more specific requirements established below shall be used by the Town Council to direct deliberations upon applications for the approval of special uses.

(D) It is the express intent of the Town Council to delineate the areas of concern connected with each special use and to provide standards by which applications for special use shall be evaluated.

(1981 Code, § 801) (Ord. passed 6-28-2004)

§ 154.191 GENERAL STANDARDS.

(A) The Town Council shall find that the following general standards shall be met by all applicants for approval of special uses:

(1) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;

(2) That the use meets all required conditions and specifications;

(3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and

(4) That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development of Liberty and its environs.

(B) The Town Council shall make these general findings based upon substantial evidence contained in its proceedings.

(C) It shall be the responsibility of the applicant to present evidence in the form of testimony, exhibits, documents, models, plans and the like to support the application for approval of a special use.

(1981 Code, § 802) (Ord. passed 6-28-2004)

§ 154.192 PROCEDURE FOR SUBMISSION AND CONSIDERATION OF APPLICATIONS FOR APPROVAL OF SPECIAL USES.

(A) Application submitted to Zoning Administrator.

(1) Application for a special use shall be filed with the Zoning Administrator, who shall, before accepting any application, ensure that it contains all required information, as specified in § 154.195 below.

(2) The deadline for filing of applications for a special use will normally be 5:00 p.m. on the day, which is 30 days prior to the date of the Town Council meeting for which the public hearing is to be set.

(3) The Town Manager, acting as agent for the Town Council, shall schedule each complete application for a public hearing.

(4) Hearings dates may be established for a regular or special meeting of the Town Council; however, the Manager shall not schedule a combined total of more than 5 hearings on amendments to this chapter, special use permits and conditional use permits at any meeting of the Town Council.

(5) Applications which are not complete, or otherwise do not comply with the provisions of this chapter, shall not be accepted by the Zoning Administrator, but shall be returned forthwith to the applicant, with a notation by the Zoning Administrator of the deficiencies in the application.

(B) Planning Director prepares analysis.

(1) The Zoning Administrator shall cause an analysis to be made of the application for consideration by the Town Council.

(2) The analysis shall be a written report which shall be submitted to the Town Council prior to the meeting at which the public hearing described in division (E) below is to be held.

(C) Public hearing required; notice specified. Prior to consideration of the application for approval of a special use, a public hearing thereon shall be held by the Town Council to receive evidence in the form of testimony, exhibits, documents, models, plans and the like to support the application for approval of a special use.

(D) Notice. The Zoning Administrator shall give public notice of the date, time and place of the public hearing. The notice shall be as required by the G.S. Ch. 160A.

(E) Action on the application. After completion of the public hearing, the Town Council shall take action upon the application. This action shall be 1 of the following:

(1) Approval;

(2) Approval with conditions attached; or

(3) Denial. In every case, the action of the Town Council shall include a summary of the evidence supporting the action taken by it on the application.

(F) Action subsequent to the decision.

(1) The Zoning Administrator shall cause notice of the disposition of the application to be sent by certified mail to the applicant and a copy of the decision to be filed in the office of the Zoning Administrator.

(2) The Zoning Administrator, in the case of approval or approval with conditions, shall issue the necessary permit in accord with the Council's action.

(3) The permit shall include and be based upon plans as approved by the Town Council.

(1981 Code, § 803) (Ord. passed 6-28-2004)

§ 154.193 IMPOSED CONDITIONS.

(A) In granting a special use permit, the Town Council may impose additional reasonable and appropriate special requirements upon a permit as it may deem necessary in order that the purpose and intent of this chapter is served, public welfare secured and substantial justice done.

(B) If all requirements and conditions are accepted by the applicant, the Town Council shall authorize the issuance of the special use permit, otherwise the permit shall be denied.

(C) The conditions of a valid special use permit shall run with the land and shall be binding on the original applicant(s) as well as all successors, assigns and heirs.

(1981 Code, § 804) (Ord. passed 6-28-2004)

§ 154.194 DISCONTINUANCE OF PERMITTED ACTIVITY.

(A) If any special use is discontinued for a period of 180 days or replaced by a use otherwise permitted in the zoning district, it shall be deemed abandoned and the special use permit shall be null and void and of no effect.

(B) The owner shall demonstrate that the special use has not been discontinued for a period exceeding 180 days or has not been replaced by a use otherwise permitted to maintain a valid special use permit.

(1981 Code, § 805) (Ord. passed 6-28-2004)

§ 154.195 CONTENTS OF APPLICATION FOR A SPECIAL USE.

(A) The application for a special use shall be submitted on forms provided by the Zoning Administrator. The forms shall be prepared so that, when completed, a full and accurate description of the proposed use, including its location, appearance and operational characteristics shall be disclosed.

(B) A site plan shall be included with the application which details how requirements of § 154.269 will be met along with the information needed to indicate compliance with the specific special use requested.

(C) Additionally, the forms shall, when completed by the applicant, disclose the name(s) and address(es) of the owner(s) of the property involved, the name(s) and address(es) of the applicant, if different from the owner(s) and all relevant information needed to show compliance with the general and specific standards governing the special use which is the subject of the application.

(1981 Code, § 806) (Ord. passed 6-28-2004)

§ 154.196 MINOR CHANGES TO BE APPROVED BY ZONING ADMINISTRATOR; MODIFICATIONS REQUIRE ACTION BY TOWN COUNCIL.

(A) The Zoning Administrator is authorized to approve minor changes in the approved plans of special uses, as long as they are in harmony with action of the approving body, but shall not have the power to approve changes that constitute a modification of the approval.

(B) A modification shall require approval of the Town Council and shall be handled as a new application.

(C) The Zoning Administrator shall use the following criteria in determining whether a proposed action is a minor change or a modification:

(1) Any change in location or any increase in the size or number of signs shall constitute a modification;

(2) Any increase in intensity of use shall constitute a modification. An increase in intensity of use shall be considered to be an increase in usable floor area, an increase in number of dwelling or lodging units, and/or an increase in outside land area devoted to sales, displays or demonstrations;

(3) Any change in parking areas resulting in an increase or reduction of 5% or more in the number of spaces approved by the Town Council shall constitute a modification. In no case shall the number of spaces be reduced below the minimum required by the ordinance;

(4) Structural alterations significantly affecting the basic size, form, style, ornamentation and the like of the building as shown on the approved plan shall be considered a modification;

(5) Substantial change in the amount and/or location of open space, recreation facilities or landscape screens shall constitute a modification;

(6) A change in use shall constitute a modification; and

(7) Substantial changes in pedestrian or vehicular access or circulation shall constitute a modification.

(D) The Zoning Administrator shall, before making a determination as to whether a proposed action is a minor change or a modification, review the record of the proceedings on the original application for the approval of the special use.

(E) The Zoning Administrator shall, if he or she determines that the proposed action is a modification, require the applicant to file a request for approval of the modification, which shall be submitted to the Town Council. The Council may approve or disapprove the application for approval of a modification.

(1981 Code, § 807) (Ord. passed 6-28-2004)

§ 154.197 GENERAL COMPLIANCE WITH THIS CHAPTER.

In addition to the specific conditions imposed by the regulations in this chapter and whatever additional conditions the Town Council deems reasonable and appropriate, special uses shall comply with all regulations set forth in this chapter.

(1981 Code, § 808) (Ord. passed 6-28-2004) Penalty, see § 10.99

§ 154.198 FAILURE TO COMPLY WITH PLANS AND CONDITIONS OF THE PERMIT.

(A) In the event of failure to comply with the plans approved by the Town Council or with any conditions imposed upon the special use permit, the permit shall thereupon immediately become void and of no effect.

(B) No building permits for further construction or certificate of occupancy under this special use permit shall be issued, and all completed structures shall be regarded as non-conforming uses subject to the provisions of §§ 154.190 through 154.239 of this chapter; provided however, that the Town Council shall not be prevented from thereafter rezoning the property for its most appropriate use.

(1981 Code, § 809) (Ord. passed 6-28-2004)

§ 154.199 WITHDRAWAL OF APPLICATION.

An applicant may withdraw his or her or her application at any time by written notice to the Town Manager.

(1981 Code, § 810) (Ord. passed 6-28-2004)

§ 154.200 EFFECT OF DENIAL ON SUBSEQUENT PETITIONS.

When the Town Council shall have denied an application the Town Council shall not receive another application for the same special use, affecting the same property or a portion of it until the expiration of a 1-year period, extending from the date of denial.

(1981 Code, § 811) (Ord. passed 6-28-2004)

§ 154.201 APPEALS.

(A) No appeal may be taken to the Board of Adjustment from the action of the Town Council in granting or denying a special use permit.

(B) Every final decision of the Town Council shall be subject to review by the Superior Court of Randolph County by proceedings in the nature of certioraris.

(1981 Code, § 812) (Ord. passed 6-28-2004)

§ 154.202 FEES.

Fees for filing applications for special uses shall be set by the Town Council.

(1981 Code, § 813) (Ord. passed 6-28-2004)

§ 154.203 STANDARDS APPLICABLE TO INDIVIDUAL SPECIAL USES.

In addition to the general standards contained in § 154.191 above, the following specific standards for individual special uses shall be used in deciding upon applications for special uses.

(1981 Code, § 814) (Ord. passed 6-28-2004)

§ 154.204 ADULT DAY CARE FACILITIES FOR MORE THAN THIRTY CLIENTS.

Adult day care facilities for more than 30 clients may be permitted in B1 and B2 districts provided that the following requirements are met:

- (A) Adult day care facilities must meet the standards provided by the Division of Social Services. Evidence that standards are met shall be presented to the town prior to any certificate of zoning compliance being issued;
- (B) Facilities permitted in any B1 and B2 Districts or that are contiguous to any residential district shall provide screening around parking areas to avoid any nuisance to adjoining residentially zoned property;
- (C) Facilities permitted in any residential district shall maintain the character and appearance of a residential use;
- (D) All facilities shall meet the standards of the North Carolina Building Code;
- (E) Off-street parking shall be provided in accordance with §§ 154.135 through 154.147; and
- (F) Applications for permits under this section shall be accompanied by a site plan or plat which includes the location of all structures; parking areas including ingress, egress and maneuvering space; required screening; permitted signs and additional information as may be necessary to indicate compliance with these regulations.

(1981 Code, § 815) (Ord. passed 6-28-2004)

§ 154.205 AIRPORT; HELIPORT.

An airport/heliport may be permitted in I and IP districts subject to the following requirements:

- (A) Airport/heliport developments shall meet the requirements of the FAA;
- (B) In addition to site plans required, a full master plan including plans or information detailing flight approach patterns and noise cones shall be presented. All plans shall be drawn by a registered professional authorized to design airports;
- (C) Airports/heliports shall be so located and designed as to minimize disturbance of residential areas located outside of approved noise cone contours;
- (D) No structures, runways, taxiways, tiedown areas, parking lots, towers, beacons and the like, shall be located within 50 feet of any property line;
- (E) No petroleum storage tanks or refueling facilities shall be located within 100 feet of any property line;
- (F) All outdoor lighting except navigational, safety and other lighting related to aircraft operations, shall be so designed as to not disturb adjoining properties;

(G) Signs shall be regulated as per §§ 154.160 through 154.178; and

(H) Off-street parking shall be as per §§ 154.135 through 154.147.

(1981 Code, § 816) (Ord. passed 6-28-2004)

§ 154.206 CHILD DAY CARE FACILITIES IN DISTRICTS WHERE THOSE FACILITIES REQUIRE A SPECIAL USE PERMIT.

Child day care facilities may be permitted provided that the following requirements are met:

(A) Child day care facilities must meet the standards provided by the Child Day Care Commission. Evidence that Commission requirements are met shall be presented to the town prior to any certificate of zoning compliance being issued;

(B) Child day care facilities may be permitted in Industrial Districts provided they are operated as an accessory use to a legal permitted use;

(C) Facilities permitted in any Residential, R6 RMF and B1 and B2 Districts or that are contiguous to any residential district shall provide screening around play areas and parking areas to avoid any nuisance to adjoining residentially zoned property;

(D) Facilities permitted in any residential district shall maintain the character and appearance of a residential use;

(E) All facilities shall meet the standards of the North Carolina Building Code;

(F) Off-street parking shall be provided in accordance with §§ 154.135 through 154.147; and

(G) Applications for permits under this section shall be accompanied by a site plan or plat which includes the location of all structures; parking areas including ingress, egress and maneuvering space; play areas; required screening; permitted signs and additional information as may be necessary to indicate compliance with these regulations.

(1981 Code, § 817) (Ord. passed 6-28-2004)

§ 154.207 COLLEGES; UNIVERSITIES.

A parochial or private college or seminary shall be permitted in R40, R12, R6 and RMF districts subject to the following standards. Customary accessory uses to colleges shall also be permitted. This does not include sorority or fraternity houses.

(A) The site for any parochial or private college or seminary shall have an area of at least 10 acres, plus 5 acres for each 100 pupils, or major portion thereof, in excess of 400 pupils. A site shall have a frontage on a major or minor thoroughfare as shown on the Liberty Thoroughfare Plan.

(B) (1) All buildings shall be located at least 100 feet from street lines and at least 50 feet from all other property lines.

(2) Grandstands, gymnasiums, central heating plants and similar buildings shall be set back at least 100 feet from all property lines.

(3) The distance between buildings shall be at least the height of the taller building. Total coverage of the site by all buildings shall be limited to 30%.

(4) Dormitories and single-family dwellings shall be permitted as accessory buildings, provided that the minimum area of the site shall be increased by at least 1,000 square feet for each dormitory bed and by at least the minimum lot area of the applicable zoning district for each single-family dwelling.

(5) Use of dormitories or dwellings shall be limited exclusively to students, teachers or other members of the staff of the school or college, and a dormitory or dwelling shall not subsequently be sold or rented as a private residence, or for any other legal use, unless the building and any required lot surrounding it shall meet all regulations of the district in which it is located.

(C) Any playgrounds or playfields shall be located not closer than 50 feet to any property line.

(D) Buffering and screening shall be installed and maintained as set forth in §§ 154.080 through 154.097.

(E) Off-street parking and loading shall be provided in accordance with §§ 154.135 through 154.147.

(1981 Code, § 818) (Ord. passed 6-28-2004)

§ 154.208 COMBUSTIBLE LIQUID STORAGE IN QUANTITIES GREATER THAN TWO THOUSAND BUT LESS THAN ONE-HUNDRED THOUSAND-GALLONS' AGGREGATE.

Combustible liquid storage, above ground, for wholesale or retail distribution of more than 2,000 but less than 100,000 gallons aggregate storage capacity, may be permitted in I1 and IP Industrial Districts subject to the following requirements:

(A) The requirements of the NFPA Standards shall be met;

(B) All storage tanks and loading facilities shall be located at least 25 feet from any exterior property line;

(C) All storage tanks and loading facilities shall be located at least 100 feet from any exterior property line bordering a residential district;

(D) As a prerequisite to the approval of a special use permit, the Town Council shall find that the use of the proposed site for petroleum storage will not endanger the safety of residential or other properties in the area, and that vehicular access to the storage facility will be provided from major thoroughfares and will not require the use of residential streets for access to the site;

(E) Off-street parking and loading shall be provided in accordance with §§ 154.135 through 154.147; and

(F) Buffers and screening shall be installed as required by §§ 154.080 through 154.097.

(1981 Code, § 819) (Ord. passed 6-28-2004)

§ 154.209 COMBUSTIBLE LIQUID STORAGE IN QUANTITIES GREATER THAN ONE-HUNDRED THOUSAND-GALLONS' AGGREGATE.

Combustible liquid storage, above ground, for wholesale or retail distribution of more than 100,000-gallons' aggregate storage capacity, may be permitted in I Industrial Districts subject to the following requirements:

(A) The requirements of the NFPA Standards shall be met;

(B) All storage tanks and loading facilities shall be located at least 50 feet from any exterior property line;

(C) All storage tanks and loading facilities shall be located at least 150 feet from any exterior property line bordering a residential district;

(D) As a prerequisite to the approval of a special use permit, the Town Council shall find that the use of the proposed site for petroleum storage will not endanger the safety of residential or other properties in the area, and that vehicular access to the storage facility will be provided from major thoroughfares and will not require the use of residential streets for access to the site;

(E) Off-street parking and loading shall be provided in accordance with §§ 154.135 through 154.147; and

(F) Buffers and screening shall be installed as required by §§ 154.080 through 154.097.

(1981 Code, § 820) (Ord. passed 6-28-2004)

§ 154.210 CONGREGATE LIVING FACILITIES; NURSING HOME; GROUP HOME.

Congregate living facilities shall be permitted in R40, R12, R6 and RMF subject to the following requirements:

- (A) No like use shall be established within 1,200 feet of another a use or a professional residential facility;
- (B) Evidence shall be submitted that the requirements and standards of the North Carolina Department of Social Services have been and shall continue to be met;
- (C) No external evidence of a use, distinguishing the living facility from a regular dwelling, shall be visible from adjacent property, public or private; and
- (D) Each facility shall be designed and built to appear as similar to a residential structure as possible.

(1981 Code, § 821) (Ord. passed 6-28-2004)

§ 154.211 CULTURAL FACILITY.

Cultural facilities may be permitted in R40, R12, R6 and RMF districts subject to the following requirements:

- (A) Facilities shall have a minimum of 2 acres within the zoning lot;
- (B) No structures or parking areas may be located within 50 feet of any zoning lot line;
- (C) Buffers and screens shall be installed and maintained as per §§ 154.080 through 154.097;
- (D) Signs shall be regulated as per §§ 154.160 through 154.178;
- (E) Off-street parking shall be regulated as per §§ 154.135 through 154.147; and
- (F) The parking areas and walkways shall be illuminated for public safety at night. However, lighting shall be designed so as not to disturb adjacent properties.

(1981 Code, § 822) (Ord. passed 6-28-2004)

§ 154.212 DWELLING MULTI-FAMILY UP TO .35 FAR.

Multi-family dwelling units may be permitted in RMF districts with a FAR of up to .35 subject to the following requirements:

- (A) Developments shall have a minimum of 1 acre of land;
- (B) The yard regulations and height regulations set forth in § 154.066 may be modified for multifamily dwelling units, provided that for the development as a whole, the maximum permitted FAR shall not be exceeded;
- (C) Points of access and egress shall consist of a driveway or roadway at least 20 feet in width and shall be located a sufficient distance from highway intersections to minimize traffic hazards, inconvenience and congestion;
- (D) Required parking and parking areas shall be designed according to §§ 154.135 through 154.147. All parking areas shall have a paved surface;
- (E) Adequate water service and sanitary and storm sewerage shall be provided. Plans for a publicly maintained systems shall be designed by a registered engineer and submitted as part of the application for SUP;
- (F) Buffers and screening shall be installed and maintained as required by §§ 154.080 through 154.097;
- (G) General landscaping, including parking lot landscaping, shall be installed and maintained. Plans indicating landscaping shall be submitted as part of the application;
- (H) A soil erosion and sediment control plan shall be submitted to and approved by the appropriate agency prior to the issuance of a zoning compliance permit;
- (I) (1) The parking areas and walkways shall be illuminated for public safety at night.
(2) However, lighting shall be designed so as not to disturb adjacent properties; and
- (J) Signs shall be regulated as per §§ 154.160 through 154.178.

(1981 Code, § 823) (Ord. passed 6-28-2004)

§ 154.213 EXTRACTION OF EARTH PRODUCTS.

Extraction of earth products may be permitted in all districts subject to the following requirements.

- (A) Required submissions. In addition to the information required for all applications for approval of special uses, the following shall be submitted as part of the application:

(1) Three copies of site plan, prepared by a North Carolina registered land surveyor or engineer, which shall contain the following:

- (a) North point, scale and date;
- (b) Extent of area to be excavated or mined;
- (c) Locations, width and elevation of all easements and rights-of-way within or adjacent to the extraction site;
- (d) Location of all existing or proposed structures on site;
- (e) Location of all areas on the site subject to flood hazard or inundation as shown on flood maps or soils map;
- (f) Location of all water courses on the site, including direction of flow and normal fluctuation of flow;
- (g) Actual field topography survey at a contour interval of 5 feet based on mean sea level datum;
- (h) Proposed handling and storage areas for overburden, byproducts and excavated materials;
- (i) Proposed fencing, screening and gates; parking, service and other areas;
- (j) Any areas proposed for ponding; and

(k) Access roads to the site, as well as on-site roads, with indication of surface treatment to limit dust. Sight distances on all roads used for access to the site shall be shown.

(2) An operations plan, which shall include:

- (a) The date proposed to commence operations and their expected duration;
- (b) Proposed hours and days of operations;
- (c) Estimated type and volume of extraction;
- (d) Description of method of operation, including the disposition of topsoil, overburden and byproducts;
- (e) Description of equipment to be used in the extraction process;
- (f) Any phasing of the operation and the relationship among the various phases; and
- (g) Operating practices which will be followed to comply with the performance standards applicable to the operation.

(3) A rehabilitation plan, which shall include:

(a) A statement of planned rehabilitation of the excavated land, including detailed methods of accomplishment and planned future use of the rehabilitated land;

(b) A map showing the final topography, after rehabilitation, to the same scale as the site plan, it shall also depict any water areas and methods for preventing stagnation and pollution thereof, landscaping and ground cover proposed to be installed and the amount and type of backfill to be employed, if any;

(c) A phasing and timing plan, related to the phasing and timing portion of the operations plan, showing the progression of the rehabilitation and the date when it will be complete;

(d) The method of disposing of all equipment, structures, dikes and spoil piles associated with the operations;

(e) The name, address and signatures of land owners and applicants;

(f) A written legal description of survey of the property, prepared by a North Carolina registered land surveyor or engineer; and

(g) A fee, as set by the Town Council.

(B) Standards for evaluation. The following standards shall be used in evaluating an application for a permit to conduct extraction of earth products:

(1) All operations associated with extraction shall conform to the following performance standards.

(a) Direct illumination resulting from the operation shall not fall upon any land not covered by the application.

(b) Equivalent sound levels at the boundaries of the extraction site shall not exceed the following standards:

1. Between 7:00 a.m. and 7:00 p.m.: 68 dBA; and

2. Between 7:00 p.m. and 7:00 a.m.: 58 dBA.

(c) Vibration levels at the boundaries of the extraction site shall not exceed the following standards: maximum peak particle velocity: steady state=1.0 inches/second; and impact=2.0 inches/second.

(d) Note: The maximum particle velocity shall be the product of 2 times the frequency in cycles per second times the sum of 3 mutually perpendicular displacement components recorded simultaneously. For purposes of this chapter, steady state vibrations

are vibrations which are continuous, or vibrations in discrete impulses more frequent than 60 per minute. Discrete impulses which do not exceed 60 per minute, shall be considered impact vibrations. Maximum air blast vibration, measured at the lot lines of the zoning lot containing the extractive use, shall be 125 decibels on the linear scale.

(2) The Rehabilitation Plan shall be referred to the Randolph County Soil and Water Conservation District for review and recommendation, which shall not be binding upon the Town Council, in particular regarding the landscape material specified, the planting and maintenance proposed to insure continuous growth and development, and the acceptability of the proposals for the handling of lakes, ponds and the like;

(3) The permanent roads, defined as those to be used in excess of 1 year, within the excavation site shall be surfaced with a dust-free material such as soil cement, bituminous concrete or portland cement concrete from the nearest public road to the yard area. Also, all permanent roads located within 300 feet of residentially zoned and shall be treated the same;

(4) Roads other than permanent roads shall be treated with dust inhibitors, to be specified in the Operations Plan, which will reduce to a minimum the generation of dust from the road surfaces as a result of wind or vehicular action. Properly operated water wagons shall be an acceptable method of dust inhibition;

(5) Where the proposed extraction shall take place within 300 feet of a dwelling, school, church, hospital, commercial or industrial building, public building or public land, a security fence at least 6 feet high shall be installed;

(6) Spoil piles and other accumulations of byproducts shall not be created to a height more than 40 feet above the original contour and shall be so graded that the vertical slope shall not exceed the material's natural angle of repose;

(7) The Operations Plan and the Rehabilitation Plan shall be coordinated so that the amount of disturbed land is kept to the absolute minimum consonant with good practices and so that rehabilitation proceeds in concert with extraction; and

(8) (a) The Town Council shall require, for all extractive uses, a performance guarantee to ensure that the provisions of the Rehabilitation Plan are met.

(b) Performance guarantees shall be in a form approved by the town.

(c) The amount of the guarantee shall cover the cost of rehabilitation.

(d) The applicant's engineer shall certify the costs of rehabilitation on a per acre basis, if the cost does not exceed the amount posted with the State of North Carolina.

(e) If the rehabilitation costs exceed the amount required by the state, then the difference shall be made up in a bond to the Town of Liberty.

(1981 Code, § 824) (Ord. passed 6-28-2004)

§ 154.214 GOLF COURSE.

Golf courses shall be permitted in R40, and R12 Districts subject to the following regulations:

- (A) If the proposed development includes development lots or housing, the requirements of the Liberty Subdivision Chapter shall be met;
- (B) No building other than residential structures shall be located within 100 feet of any property line;
- (C) No green shall be located within 150 feet of any property line;
- (D) Lighting shall be so shielded as to cast no direct light upon adjacent property;
- (E) Signage shall be per §§ 154.160 through 154.178;
- (F) Off-street parking shall be as per §§ 154.135 through 154.147; and
- (G) Buffers and screening shall be as per §§ 154.080 through 154.097.

(1981 Code, § 825) (Ord. passed 6-28-2004)

§ 154.215 HOME OCCUPATIONS.

Home occupations requiring a SUP hearing shall be permitted subject to the following regulations:

- (A) The approval of a home occupation shall be for a specific use as requested in the application;
- (B) The outside appearance of the dwelling unit shall not change due to the home occupation;
- (C) The home occupation shall not generate traffic, parking, sewage or water use in excess of that which is normal in a residential district;
- (D) The home occupation shall not create a hazard to persons or property or as a nuisance per se or per accident;
- (E) The home occupation shall not utilize any accessory structure;

(F) The home occupation shall not be permitted any outdoor storage or display of anything;

(G) No advertising signs shall be permitted;

(H) Parking for home occupations shall be located in the rear or interior side yard of the property but not in the front or in the street side yards. Parking within the street right-of-ways is prohibited. All other requirements of §§ 154.135 through 154.147 shall be met; and

(I) In addition to site plan required by this subchapter, information or plans indicating compliance with the above regulations shall be submitted with the SUP application.

(1981 Code, § 826) (Ord. passed 6-28-2004)

§ 154.216 JUNKYARDS.

Junkyards shall be permitted in I District subject to the following requirements:

(A) The site shall have direct access to a major or minor thoroughfare as shown on the Liberty Thoroughfare Plan;

(B) No activities shall be permitted within 200 feet of any residential district;

(C) Buffers and screens shall be provided as per §§ 154.080 through 154.097;

(D) No materials shall be stored closer than 30 feet from the zoning lot lines;

(E) Plans for handling hazardous materials shall be submitted along with the application for a special use permit which indicates compliance with all applicable regulations;

(F) Signage shall be regulated as per §§ 154.160 through 154.178;

(G) No materials shall be permitted to accumulate outside of screened areas or within any public rights-of-way; and

(H) Storage of combustible materials shall be in accordance with NFPA standards. The Fire Department with jurisdiction over this proposed site shall review plans for storage of combustible materials. A statement of compliance with NFPA standards shall be submitted along with the application for SUP. In no case, shall combustible materials be permitted within 30 feet of a zoning lot line.

(1981 Code, § 827) (Ord. passed 6-28-2004)

§ 154.217 LANDFILLS; SANITARY.

Sanitary landfills may be permitted in II District subject to the following requirements:

(A) The site shall have direct access to a major/minor thoroughfare or a state secondary road as shown on the Liberty Thoroughfare Plan, or a road designed for commercial vehicles, which connects directly to the street. No access shall be through local residential streets;

(B) The site shall be fenced by a 6-foot high fence or masonry wall;

(C) The landfill shall not be located:

(1) Within 100 feet of any right-of-way line of a publicly-owned road, street or highway;

(2) Within 100 feet of the boundary line of a publicly-owned drainage or utility easement;

(3) Within 500 feet of any interior lot line; or

(4) Within 1,000 feet of a school, measured along the shortest distance between the perimeter of the landfill and the boundary of the property upon which the school is situated;

(D) The developer shall provide the following information, in addition to the general information required in § 154.191 above:

(1) The haul routes and points of access to the property;

(2) The proposed date that the land alteration will commence and the projected date of completion;

(3) Evidence that all requirements of the State of North Carolina and the United States have been and shall continue to be met;

(4) An explanation of the volume of waste to be received, expressed in cubic yards per day or tons per day;

(5) An explanation of the type of landfill requested and type of wastes to be received; and

(6) A statement specifying the hours of operation.

(1981 Code, § 828) (Ord. passed 6-28-2004)

§ 154.218 MANUFACTURING, PROCESSING AND ASSEMBLY; LIGHT.

Light manufacturing activities may be permitted in the B2 district subject to the following standards:

- (A) Off-street parking and loading spaces provided in accordance with §§ 154.135 through 154.147;
- (B) The applicant shall have adequate utilities (water, sewerage and the like) so that the proposed operation shall meet the requirements of the Town Fire, Building Inspection and Engineering Departments;
- (C) The activity shall not endanger, damage or have any other undesirable effects upon nearby non-industrial development by reason of its existence and operation;
- (D) Buffering and screening shall be required as set forth in §§ 154.080 through 154.097;
- (E) Approvals granted under this section shall be for 1 specific use, to be identified by the applicant at the time of application, and shall not be transferable to other light industrial uses. Requests for changes in use shall be covered by the submission of a separate special use permit application; and
- (F) LIGHT MANUFACTURING, PROCESSING AND ASSEMBLY as permitted by this SUP shall mean activities which are conducted within a fully enclosed structure, require no outdoor storage, utilizes no boilers or other equipment in excess of 25 HP individually, and employ a total of 10 or fewer employees.

(1981 Code, § 829) (Ord. passed 6-28-2004)

§ 154.219 MOBILE AND MANUFACTURED HOME PARKS.

Mobile home parks may be permitted in an R40 District, subject to the following regulations. These regulations shall not apply to sales lots on which unoccupied mobile homes are parked:

- (A) The minimum site area for a mobile home park shall be 1 zoning lot or parcel of land containing not less than 3 acres;
- (B) A mobile home lot shall be a least 60 feet in width, and shall contain at least 6,000 square feet of area;
- (C) Off-street parking spaces shall be provided within each mobile home park on the ratio of at least 2 spaces per mobile home lot;

(D) There shall be a front yard of at least 20 feet between any mobile home and the internal roadway. Where exterior property lines of the mobile home park are coincident with public street rights-of-way, all mobile homes and structures within the park along the rights-of-way shall observe the front yard setback from the right-of-way as required by this chapter;

(E) There shall be a side yard along each side of every mobile home lot. Each side yard shall be at least 10 feet wide. The distance between mobile homes, including any enclosed extension thereof, shall not be less than 20 feet. No mobile home shall be located closer than 15 feet to any exterior property line of the mobile home park or to any other structure on the premises;

(F) There shall be a rear yard of at least 20 feet between any mobile home and the rear of the lot on which it is located;

(G) All mobile home lots shall abut a roadway of not less than 25 feet in width, which shall provide unobstructed access to a public street or highway. These roadways shall be illuminated to ensure the safe movement of pedestrians and vehicles at night;

(H) Buffering and screening shall be installed and maintained as required by §§ 154.080 through 154.097;

(I) Adequate water service and sanitary and storm sewerage shall be provided for each lot. Plans for publicly maintained systems shall be designed by a registered engineer and submitted as part of the application for SUP;

(J) The collection of trash and garbage and their disposal shall be provided for in a manner so as to maintain a clean and orderly appearance at all times. Plans to meet this requirement shall be submitted as part of the application for SUP;

(K) Each mobile home park shall have a minimum of 5% of the total area set aside and developed for recreational purposes. If a swimming pool is provided, it shall be separated from other uses by a fence having a gate which is capable of remaining closed;

(L) The required plans shall show the topography of the site at contour intervals no greater than 5 feet; location and approximate size of all existing and proposed buildings and structures within the site; proposed points of ingress and egress together with the proposed pattern of internal circulation; location and dimensions of individual mobile home lots; location and types of screening to be provided; and the location and size of open play space and all other accessory features customarily incident to the operation of a mobile home park;

(M) Mobile home parks shall be subject to the regulations within the Flood Damage Prevention Chapter;

(N) Signs shall be regulated by §§ 154.160 through 154.178 for the district in which the park is located;

(O) Mobile homes offered for sale within the park shall not exceed 10% of the total approved spaces at any given time. Every mobile home offered for sale shall be located only on an approved mobile home space and shall be subject to the same locational requirements as any home within the park. No advertising signs for mobile home sales shall be permitted except 1 sign posted outside each mobile home offered for sale. Signs shall conform with the regulations in §§ 154.160 through 154.178; and

(P) Accessory structures may be permitted for uses such as laundries, offices, recreation, storage and the like. However, the total gross square foot of all building area shall not exceed 5% of the total approved park area.

(1981 Code, § 830) (Ord. passed 6-28-2004)

§ 154.220 PLANNED UNIT DEVELOPMENT.

Planned Unit Developments may be permitted in all districts subject to the following requirements:

(A) Planned Unit Developments may be permitted in any zoning district. However, only those uses ordinarily permitted by right, by SUP, or as an accessory within the district the development is to be located may be included in the development. Uses requiring a SUP must satisfy requirements for the permit;

(B) Review of an application for a PUD SUP shall occur simultaneously with a review of plats submitted in compliance with the Liberty Subdivision Chapter;

(C) PUDs shall be located so that they have direct access to major or minor thoroughfares as shown on the Liberty Thoroughfare Plan;

(D) Streets within a PUD may be public or private according to the regulations of the Liberty Subdivision Chapter;

(E) The yard and height regulations set forth in § 154.066 may be modified for a PUD, provided that, for the development as a whole, excluding driveways and streets but including parks and other permanent open spaces, there shall not be less than the required area per dwelling unit for the district in which the development is located;

(F) Utilities shall be planned and installed according to the Liberty Subdivision Chapter;

(G) Provisions and plans for garbage and waste collection shall be included with the application;

(H) Buffers and screening shall be installed and maintained based on the types of individual uses contained within the development as per §§ 154.080 through 154.097;

(I) Signs will be regulated as per §§ 154.160 through 154.178;

(J) Off-street parking shall be provided as per §§ 154.135 through 154.147;

(K) General landscaping shall be installed and maintained. Plans indicating all required and nonrequired landscaping shall be submitted as part of the application; and

(L) Developments located within RMF, B1 and B2 districts may increase the permissible FAR to .35.

(1981 Code, § 831) (Ord. passed 6-28-2004)

§ 154.221 PUBLIC USE FACILITIES.

Public use facilities shall be reviewed by utilizing one of the following options.

(A) Town Council grants the authority to staff to issue all necessary permits for public use facilities that meet all regulatory requirements of this chapter.

(B) In cases where there is a deficiency in the ability of a public use facility to meet all regulatory requirements of this chapter, Town Council shall review the application for a public use facility and evaluate whether or not a special use permit shall be issued for the proposed public use facility solely on the basis of the general standards prescribed by § 154.191 of this chapter. For the limited purpose of evaluating public use facilities under § 154.191(A)(2), a public use facility shall be deemed to have satisfied this standard if a site plan has been submitted in accordance with this chapter.

(C) Notwithstanding the preceding provisions of § 154.221 of this chapter, a special use permit shall not be required for public facilities which are developed as part of a new residential subdivision. However, the following standards shall be met:

(1) The uses shall be restricted to waste treatment plants, water treatment, pumping stations, lift stations, telephone exchanges, electrical and distribution substation locations and similar uses required to serve the needs of the immediate residential, office and commercial districts. Specifically excluded are energy generation plants, freight and marshaling yards, terminals and similar uses.

(2) Buffers and screens shall be installed and maintained per § 154.082.

(3) Signs will be regulated as per §§ 154.082 through 154.178.

(4) Off street parking shall be provided as per §§ 154.135 through 154.147.

(5) All structures permitted under this section shall be planned and constructed to be harmonious with the area in which they are located. In addition to plans required, elevations shall be submitted indicating final appearance in compliance with this section.

(6) The parking areas and walkways shall be illuminated for public safety at night. However, such lighting shall be designed so as not to disturb adjacent properties.

(7) Any lot created for a public facility that is to be in public ownership shall not be required to meet lot area and width regulations as established in Table 154.066 Area, Height, Bulk and Placement Regulations. Such lots shall meet the regulations established in § 154.033.

(Ord. passed 8-8-2023)

§ 154.222 RESERVED.

§ 154.223 RECREATIONAL VEHICLE; TRAVEL PARKS AND CAMPS.

Recreational vehicle/travel parks and camps shall be permitted in R40 and B2 districts subject to the following regulations:

- (A) Parks/camps shall have a minimum area of 2 acres;
- (B) The minimum area occupied by any recreational vehicle or other camping structure shall be 1,500 square feet with a minimum width of 30 feet;
- (C) A clearance of at least 20 feet shall be maintained between each recreational vehicle, camping structure and/or building within the park;
- (D) Buffers and screening shall be provided as per §§ 154.080 through 154.097;
- (E) All campsites shall abut a driveway which shall be paved and maintained in a serviceable condition to a continuous width of 25 feet. All interior drives shall have unobstructed access to a public street;
- (F) The park/camp shall meet the standards for adequate fire protection as established by the latest edition of the National Fire Protection Association Bulletin No. 501-A;
- (G) No recreational vehicle or other camping structure shall stay within any camp for a period of more than 30 days within a 6-month period;
- (H) Parks/camps shall provide a service building containing toilet facilities provided as set forth below:

(1) For each 8 spaces or fraction thereof, there shall be provided the following:

- (a) Male toilets to include 1 commode, 1 urinal, 1 lavatory and 1 shower;
- (b) Female toilets to include 2 commodes, 1 lavatory and 1 shower; and
- (c) Both toilets shall provide an adequate supply of hot and cold running water.

(2) All garbage and refuse in every park/camp shall be stored in a suitable watertight and fly-tight standard garbage receptacle and shall be kept covered with tight fitting covers. At least 1 like receptacle shall be provided and conveniently located for every campsite except where a dumpster or dumpsters are conveniently located and used in the same manner as separate receptacles. It shall be the duty of the park/camp operator to see that all garbage and refuse is disposed of regularly. It shall also be the duty of the park/camp operator to see that no materials which attract insects or rodents is stored or allowed to remain on the premises. All areas of the premises shall be kept clean and free from weeds or undergrowth.

(I) Signage shall be limited to 1 ground sign per establishment. The sign shall not exceed 16 square feet, may be illuminated and shall be an identification sign only. Location of sign shall be governed by sign regulations for the R40 district. No advertising signs of any nature shall be permitted.

(1981 Code, § 834) (Ord. passed 6-28-2004)

§ 154.224 PUBLIC, PRIVATE ELEMENTARY AND HIGH SCHOOLS.

A public or private elementary or high school shall be permitted in any district except the I1 and IP districts, subject to the following standards, provided that it is a school in compliance with the North Carolina Compulsory Attendance Law. Customary accessory uses to schools shall also be permitted.

(A) The site for any private or public K to 5 school shall have an area of at least 3 acres, plus 1/2 acre for each 100 pupils, or major portion thereof, in excess of 300 pupils. A site shall have frontage on a suitable improved public street.

(B) The site for any public or private 6 to 12 school shall have an area of at least 5 acres, plus 1 acre for each 100 pupils, or major portion thereof, in excess of 250 pupils. The site shall have frontage on a suitable improved public street.

(C) (1) All buildings shall be located at least 100 feet from street lines and at least 50 feet from all other property lines.

(2) Grandstands, gymnasiums, central heating plants and similar buildings shall be set back at least 100 feet from all property lines.

(3) The distance between buildings shall be at least the height of the taller building. Total coverage of the site by all buildings shall be limited to 30%.

(D) A school site shall contain suitable designed and improved outdoor playground or playfield areas.

(E) Playgrounds or playfields shall be located not closer than 50 feet to any property line.

(F) Buffering and screening shall be installed and maintained as set forth in §§ 154.080 through 154.097.

(G) Off-street parking and loading shall be provided in accordance with §§ 154.135 through 154.147.

(H) The parking areas and walkways shall be illuminated for public safety at night. However, the lighting shall be designed so as not to disturb adjacent properties.

(1981 Code, § 835) (Ord. passed 6-28-2004)

§ 154.225 ADULT ESTABLISHMENTS.

(A) Business dealing in any activity which exhibits specified sexual activities or specific anatomical areas.

(B) The display of specific of sexual activities or specific anatomical areas are not the primary function of the establishment, such as, but not limited to:

(1) Adult cabaret, adult lounge, adult bar, adult nightclub, adult carwash;

(2) Business dealing primarily in sexually explicit materials or activities; business dealing primarily in sexually explicit materials or activities including, but not limited to, adult book stores and adult motion picture theaters; or

(3) Massagist as permitted under the Liberty code of ordinances (The business, trade or profession of massagist and the carrying on of the business, trade or profession commonly known as massage parlors, health salons, physical culture studios or similar establishments wherein massage or physical manipulation is carried on or practiced, may be permitted subject to the following requirements):

(a) Minimum lot area as per§ 154.066;

(b) No use permitted under § 154.225 shall be located within 1,000 feet of another like use, as measured from the property line;

(c) No use permitted under § 154.225 shall be located with 1,000 feet of residentially zoned property, as measured from the property line;

(d) No use permitted under § 154.225 shall be located within 1,000 feet of a church or synagogue, as measured from the property line;

(e) No use permitted under § 154.225 shall be located within 1,000 feet of any school (public or private) as measured from the property line; and

(f) Plans shall be submitted:

1. Which meet the requirements of § 154.254; and
2. Plan shall include the following information:
 - a. Land owner;
 - b. Lessee; and
 - c. Hours of operation.

(C) Signs shall be limited to 1 ground sign and not more than 3 wall signs. No portable signs shall be permitted.

(D) Activities taking place on the premises shall be confined to the area inside the structure and not be visible from the street rights-of-way.

(E) Off-street parking (§§ 154.135 through 154.147) shall apply as required by the type of business. (Only applies to uses in B1 district).

(1981 Code, § 836) (Ord. passed 6-28-2004)

§ 154.226 NONCONFORMING SITUATIONS.

(A) Non-conforming lots. If a non-conforming lot of record cannot be used in conformance with all regulations other than those pertaining to minimum area or width, a special use permit may be issued if the following findings are made:

(1) The proposed use of the lot is one permitted by the regulations applicable to the district in which the property is located; and

(2) (a) The property can be developed as proposed without any significant negative effect on the surrounding property or the public health, safety or welfare.

(b) The Town Council may allow deviations from applicable dimensional requirements (such as setback lines and minimum yard sizes) if it finds that no reasonable use of the property can be made without the deviations.

(B) Non-conforming situations; repairs to property. Maintenance and repair of property are encouraged. If proposed repairs to a nonconforming property are estimated to exceed 50% or more of the appraised value of the property to be renovated, a special use permit may be issued subject to the following:

(1) The Town Council must find that the proposed repairs or renovation will not result in a violation of §§ 154.250 through 154.254 below, dealing with extension or enlargement of nonconforming situations;

(2) The renovation will not make the property more incompatible with the surrounding neighborhood;

(3) If reconstruction is done in accordance with the repair of a partially or totally destroyed structure, all work shall proceed in accordance with §§ 154.250 through 154.254 below; and

(4) A building permit for the repair or renovation must be obtained from the Building Inspector.

(C) Non-conforming use; change to another non-conforming use. The Town Council may issue a special use permit to allow property used for a nonconforming use to be changed for use to a different nonconforming use, if the following findings are made:

(1) The proposed new nonconforming use will be more compatible with the surrounding neighborhood than the old nonconforming use in operation at the time the permit is applied for;

(2) If a nonconforming use is changed to any use other than a conforming use without obtaining a special use permit pursuant to §§ 154.250 through 154.254 below, that change will constitute a discontinuance of the nonconforming use with consequences as stated in §§ 154.250 through 154.254 below; and

(3) The above divisions (C)(1) and (2) shall apply equally to situations including any combination of nonconforming uses, or of conforming and nonconforming uses existing on any 1 lot or parcel of land.

(D) Reinstatement of a discontinued nonconforming use. If a nonconforming use has been discontinued for a period of 180 days or more, the Town Council may issue a special use permit to allow a reinstatement of that nonconforming use, subject to the following:

(1) The nonconforming use has been discontinued for a period of less than 2 years; and/or

(2) The discontinuance resulted from factors that, for all practical purposes, were beyond the control of the person or persons maintaining the nonconforming use.

(E) Allowing property to be used for a conforming use without correcting an existing nonconforming situation. The Town Council may issue a special use permit to allow property to be used for a conforming use without requiring correction of an existing nonconforming situation, if the following findings are made:

(1) The nonconforming situation cannot be corrected without undue hardship or expense; and

(2) The nonconforming situation is of a minor nature that does not adversely affect the surrounding property, or the general public, to any significant extent.

(1981 Code, § 837) (Ord. passed 6-28-2004)

§ 154.227 MENTAL INSTITUTION; SANITARIUM.

(A) All mental institutions/sanitariums shall have direct frontage onto a collector or arterial street, as shown on the Thoroughfare Plan.

(B) The minimum lot size shall be 5 acres with a minimum frontage of 200 feet.

(C) The structures shall be located a minimum of 200 feet from any zoning lot boundary.

(D) Signs shall be limited to 1 non-illuminated sign with a maximum area of 6 square feet. No other external evidence of the mental institution/sanitarium for identification or advertising purposes shall be permitted.

(E) At the time of the special use request, the operator of a facility shall provide information on, and if approved, shall utilize adequate measures to prevent the unauthorized exit of the patients. The more dangerous the patients are to the public, the more elaborate and certain the security measures shall be.

(F) Buffering and screening shall be as required by §§ 154.080 through 154.097.

(G) Parking shall be provided as required by §§ 154.135 through 154.147.

(H) The facility shall comply with all applicable federal, state and local requirements.

(1981 Code, § 838) (Ord. passed 6-28-2004)

§ 154.228 PROFESSIONAL RESIDENTIAL FACILITY (STRUCTURED ENVIRONMENT).

(A) All professional residential facilities shall have direct frontage onto a collector or arterial street, as shown on the Thoroughfare Plan.

(B) No use shall be established within 1/2 mile of another like use.

(C) No sign identifying the facility shall be permitted beyond the name of the facility on the mailbox.

(D) At the time of the special use request, the operator of the facility shall provide information on, and if approved, shall utilize adequate measures to prevent the unauthorized exit of the patients. The more dangerous the patients are to the public, the more elaborate and certain the security measures shall be.

(E) Buffering and screening shall be as required by §§ 154.080 through 154.097.

(F) Parking shall be provided as required by §§ 154.135 through 154.147.

(G) The facility shall comply with all applicable federal, state and local requirements.

(1981 Code, § 839) (Ord. passed 6-28-2004)

§ 154.229 GAME ROOMS.

Game rooms may be permitted in B2 Districts subject to the following requirements:

(A) The site shall have direct access to a major or minor thoroughfare as shown on the Thoroughfare Plan;

(B) Off-street parking shall be provided as required in §§ 154.135 through 154.147;

(C) A site plan showing compliance with the requirements for a zoning compliance permit, as required by § 154.269, shall be submitted;

(D) Signage shall be limited to 1 ground sign and not more than 2 wall signs. No portable signs or banners shall be permitted. No printed material, slide, video, photograph, written text, live show or other visual presentation format shall be visible from outside the walls of the establishment;

(E) The requirements of §§ 154.080 through 154.097 shall be met and maintained;

(F) No game room shall be located within 350 feet of residentially zoned property nor shall a game room be located within 1,000 feet of any other game room. Measurements shall be from the nearest property line to nearest property line;

(G) Activities taking place on the premises shall be confined to the area inside the structure and shall not be visible from the street rights-of-way;

(H) Failure to comply with the plans approved by the Town Council or with any conditions imposed upon this special use permit shall cause the permit to immediately become void and of no effect as set forth in § 154.198; and

(I) Game Rooms approved under this special use permit shall be supervised and operated by a person over 21 years of age who:

(1) Has not been convicted or plead guilty or no contest to any criminal offense involving moral turpitude, gambling or the unlawful possession, sale, distribution or use of any alcoholic beverage or controlled substance within the 5 years next preceding the date of the application for a special use permit; and

(2) Is a resident of North Carolina or does have a registered agent in North Carolina who is authorized to accept service of process.

(1981 Code, § 840) (Ord. passed 6-28-2004; Am. Ord. passed 3-23-2020)

§ 154.230 STORAGE OF HAZARDOUS MATERIAL WITHIN BALANCE OF WATERSHED.

No activity, situation, structure or land use shall be allowed within the watershed which poses a threat to water quality and the public health, safety and welfare. Conditions may arise from the absence or improper implementation of a spill containment plan for hazardous materials or any other situation found to pose a threat to water quality.

(A) Application of this SUP shall demonstrate that the proposed hazardous materials which are to be stored cannot pose a threat of contamination to the water supply.

(B) All spill containment structures and plans shall be designed by a North Carolina registered professional engineer or architect.

(C) (1) All spill containment structures shall be conditioned on the posting of adequate financial assurance for the purpose of maintenance, repairs or reconstruction necessary for adequate performance.

(2) Financial assurance shall be in the form of a security performance bond.

(3) The bond shall be in an amount equal to 1.25 times the total cost of the spill containment structure. (The total cost shall include the value of all materials; design and engineering; and grading, excavation, fill and the like. The costs shall not be prorated as part of a larger project, but rather under the assumption of an independent mobilization).

(D) The applicant shall enter into a binding operation and maintenance agreement between the Watershed Review Board and all interests in the development. The agreement shall require the owning entity to maintain, repair, and if necessary, reconstruct the spill containment structure in accordance with the operation and management plan or manual provided by the developer. The operation and maintenance agreement shall be filed with the Randolph County Register of Deeds by the Watershed Review Board.

(E) The spill containment structure shall be inspected by the Watershed Administrator, or his or her designated representative, after the owning entity notifies the Watershed Administrator that all work has been completed. At this inspection, the owning entity shall provide:

(1) A certification sealed by an engineer or architect stating that the spill containment structure is complete and consistent with the approved plans and specifications; and

(2) The Watershed Administrator shall approve the materials submitted by the developer and the inspection report.

(a) A watershed protection occupancy permit shall not be issued for any building within the permitted development until the spill containment structure and/or plan is approved.

(b) All spill containment structures shall be inspected at least on an annual basis to determine whether the controls are performing as designed and intended.

(c) In the event the Watershed Administrator discovers the need for corrective action or improvements, the Watershed Administrator shall notify the owning entity of the needed improvements and the date by which the corrective action is to be completed.

(d) All improvements shall be made consistent with the plans and specifications and the operation and maintenance plan or manual.

(e) After notification by the owning entity, the Watershed Administrator shall inspect and approve the completed improvements.

(1981 Code, § 841) (Ord. passed 6-28-2004)

§ 154.231 TRANSFER STATIONS.

Transfer stations may be permitted in I and IP districts subject to the following requirements.

(A) A site plan meeting the requirements of § 154.254 below shall be submitted as part of the application for this permit. The plans shall also incorporate additional information as required to indicate compliance with other requirements of this section.

(B) The use shall be located on a major or minor thoroughfare or within an industrial development with direct access to the thoroughfare (direct access shall mean without having to travel residential streets).

(C) Actual transfer activities shall be conducted within an enclosed structure.

(D) All access and maneuvering areas shall have a paved surface meeting the requirements of §§ 154.135 through 154.147.

(E) Storm water control meeting all local, state and federal requirements shall be submitted as part of the required plans.

(F) If the property adjoins residential districts, in addition to the required buffering and screening, a setback of 100 feet for all activities shall be observed.

(G) At the close of each business day, the facility shall be left in a clean and sanitary manner. Written plans indicating compliance with this requirement shall be submitted as part of the application.

(H) Evidence of compliance with all applicable requirements of the Zoning Chapter shall be submitted as part of the application.

(1981 Code, § 842) (Ord. passed 6-28-2004)

§ 154.232 DWELLINGS IN I AND IP DISTRICTS.

Single-family dwellings may be permitted in I and IP districts subject to the following findings:

(A) The dwelling is to be built and occupied by the property owner or other family member; and

(B) The dwelling will not place anyone in danger due to proximity to any industrial use.

(1981 Code, § 843) (Ord. passed 6-28-2004)

§ 154.233 STRUCTURES MAY EXCEED THE HEIGHT LIMITS ESTABLISHED IN § 154.066(A).

(A) Where structures are permitted by § 154.018 to exceed the height limits set forth the following shall apply.

(B) For each foot of height over the permitted height in § 154.066(A) any permitted structure shall be set back from any property line as follows:

(1) If the adjoining property line is a residential line, an additional foot of setback shall be provided for each foot of height over the established height limit;

(2) If the adjoining property line is a commercial or industrial line, an additional 1/2 foot of setback shall be provided for each foot of height over the established height limit; and

(3) A site plan meeting the requirements of § 154.269 below shall be submitted as part of the application for this SUP.

(1981 Code, § 844) (Ord. passed 6-28-2004)

§ 154.234 TELECOMMUNICATIONS TOWERS.

All applications for a special use permit for a telecommunication tower must include the following:

(A) Identification of the intended provider(s);

(B) Documentation by a registered engineer that the tower has sufficient structural integrity to accommodate more than 1 user;

(C) A statement from the owner indicating intent to allow shared use of the tower and how others will be accommodated;

(D) Evidence that the property owners of residentially zoned property within 300 feet of the site have been notified by the applicant of the proposed tower height and design;

(E) Documentation that the telecommunication tower complies with the federal radio frequency emission standards;

(F) Documentation that towers over 199.9 feet are necessary for a minimal level of service, if applicable;

(G) Screening must be shown on the site plan detailing the type, amount of plants and location; and

(H) Documentation of crumple zones.

(1981 Code, § 845) (Ord. passed 6-28-2004)

Cross-reference:

Development standards for wireless communication facilities, see §§ 154.110 through 154.120

§ 154.235 COMMERCIAL DEVELOPMENTS WITH MULTI USE AND/OR STRUCTURES AND FAR BETWEEN .27 AND .35.

All requirements of the Zoning Chapter shall be met.

(1981 Code, § 846) (Ord. passed 6-28-2004)

§ 154.236 COMMERCIAL DEVELOPMENTS WITH MULTI-USE AND/OR STRUCTURES AND FAR UP TO .35.

All requirements of the Zoning Chapter shall be met.

(1981 Code, § 847) (Ord. passed 6-28-2004)

§ 154.237 COUNTRY, RACQUET, TENNIS AND SWIM CLUBS.

(A) (1) Country, tennis, racquet and swim club and related activities are for members only and their registered guests and not available to public use.

(2) Related activities may include dining and other food and beverage services.

(B) The site for any country, tennis, racquet and swim club and related activities shall have an area of at least 3 acres.

(C) All facilities permitted under this section shall be planned and constructed to be harmonious with the area in which they are located.

(1981 Code, § 848) (Ord. passed 6-28-2004)

§ 154.238 FRATERNITY AND SORORITY HOUSES.

(A) All facilities permitted under this section shall be planned and constructed to be harmonious with the area in which they are located.

(B) No parking shall be permitted within the front yard between the structure and the street right-of-way.

(C) (1) Only 1 identification sign shall be permitted.

(2) Size shall be as per §§ 154.160 through 154.178.

(1981 Code, § 849) (Ord. passed 6-28-2004)

§ 154.239 WATERSHED 10/70 OPTION DEVELOPMENT.

(A) Projects must comply with Chapter 153, Watershed Protection.

(B) Projects must minimize build upon surface area.

(C) Projects must direct storm water away from surface waters.

(D) Projects must incorporate best management practices to minimize quality impacts.

(E) Projects must be connected to the town's water and sewer.

(F) Projects must provide a positive economic benefit to the community.

(1981 Code, § 850) (Ord. passed 6-28-2004; Am. Ord. passed 8-8-2023)

§ 154.240 SOLAR FARM IN R40 DISTRICT.

(A) Purpose. This section is intended to provide the opportunity for solar energy to serve as a viable form of energy generation while protecting public health, safety and general welfare. These regulations are particularly intended to ensure the compatibility of these facilities with the low intensity residential character of the R40 Residential Zoning District.

(B) General requirements. A solar farm located in a R40 district shall be subject to the following requirements:

(1) All structures, parking, storage, solar collectors, inverters, transformers and any other accessory or related equipment associated with solar farms shall observe a minimum of a 50 foot wide setback, as measured from lot, parcel or lease boundary lines. The setback shall not be used for any other use except for pedestrian or vehicular access to the property or adjoining property and screening as required below.

(2) The landscaping requirements in § 154.086 of this chapter are replaced by the screening requirements in division (3) below.

(3) The buffer and screen requirements in § 154.082 of this chapter are replaced by the screening requirements in division (4) below.

(4) The setback as described in division (1) above shall serve as the required area to screen the solar farm. The screening shall consist of and be regulated as:

(a) A row of evergreen shrubs placed not more than five feet apart on center which will grow to form a continuous opaque hedge a minimum of six feet in height above finished grade within two years from planting. A berm with a minimum height of three feet above finished grade, as measured from the exterior side of the berm, may be utilized to assist in achieving the minimum planting height of six feet;

(b) A staggered row of evergreen trees, which are not less than six feet in height at the time of planting and are spaced not more than 15 feet apart which at maturity will form an intermittent visual barrier from above the opaque hedge to a minimum height of 20 feet; and

(c) Lawn and or low-growing evergreen shrubs, evergreen ground cover or mulch covering the balance of the screening yard.

(d) All plant materials shall be selected which are appropriate to soil and site conditions. It is recommended that species be selected which are resistant to heat, draught, insects and diseases and which require little maintenance. Selected plant materials shall meet the requirements and be installed according to ANLA (American Nursery and Landscape Association) standards.

(e) The required screen shall be located on the outer perimeter of a lot or parcel, extending along the lot, parcel or lease boundary lines and shall not be located on any portion of an existing or dedicated public or private street or other existing or dedicated public rights-of-way. No landscaping shall be permitted which interferes with the sight distance required at any roadway or driveway intersection.

(f) In lieu of this screen an applicant may propose a 50 foot wide buffer consisting of existing mature vegetation. The applicant shall provide documentation that the existing vegetation proposed to serve as an alternative buffer provides a degree of opacity, compatibility, and protection to adjoining properties that is equal to or greater than the requirements set forth above. Additional

evergreen plantings shall be incorporated into this alternative buffer as necessary to achieve this intent. The required site plan shall indicate any areas proposed for an alternative buffer.

(5) Electric solar energy components shall have a UL listing and be designed with anti-reflective coating(s).

(6) Solar collection devices shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard to aircraft.

(7) Solar devices within a solar farm must be enclosed by a fence at least six feet in height and must have clearly visible warning signage concerning voltage.

(8) An emergency shut-off mechanism is required and notice of its location shall be submitted to Randolph County Emergency Management and the Town of Liberty. The mechanism shall be clearly identified and unobstructed and shall be noted clearly on the site plan.

(9) No business signs, billboards, or other advertising shall be installed on the property, any fence or a solar device.

(10) The property owner shall have six months to complete decommissioning of the solar facility if no electricity is generated for a continuous period of 12 months. A project is properly decommissioned when all structures and equipment are removed and the site is re-vegetated. Applicant must submit decommissioning plans that describe the anticipated life of the solar project, the party responsible for decommissioning, the estimated decommissioning costs in current dollars, and the method for ensuring that funds will be available for decommissioning and restoration.

(11) The applicant shall be required to provide written documentation stating that the facility is in compliance with all applicable Federal and state regulations.

(12) No burning shall be utilized in the clearing or development of the site.

(Ord. passed 7-6-2015; Am. Ord. passed - -)

NONCONFORMING SITUATIONS

§ 154.250 CONTINUATION OF NONCONFORMING SITUATIONS.

Nonconforming situations that were otherwise lawful on the effective date of this chapter may be continued, subject to the restrictions and qualifications set forth in §§ 154.251 through 154.254 below.

(1981 Code, § 1001) (Ord. passed 6-28-2004)

§ 154.251 NONCONFORMING LOTS.

(A) When a nonconforming lot can be used in conformity with all of the regulations (other than the area or width requirements) applicable to the district in which the lot is located, a use may be made as of right. Otherwise, the nonconforming lot may be used only in accordance with a special use permit issued by the Town Council (see § 154.226).

(B) (1) If an undeveloped (a lot that has no principal structures upon it) nonconforming lot adjoins and has continuous frontage with one or more other undeveloped lots under the same ownership, then neither the owner of the nonconforming lot nor his or her successors in interest may take advantage of the provisions of this section.

(2) This section shall not apply to a nonconforming lot if a majority of the developed lots located on either side of the street where the lot is located and within 500 feet of the lot are also nonconforming.

(3) The intent of this division (B) is to require nonconforming lots to be combined with other undeveloped lots to create conforming lots under the circumstances specified herein, but not to require the combination when that would be out of character with the way the neighborhood has previously been developed.

(4) Exception: where the nonconforming lots were created by the exercise of the power of eminent domain or threat thereof or as a result of a court order, recombination of the lots shall not be required.

(1981 Code, § 1002) (Ord. passed 6-28-2004)

§ 154.252 EXTENSION OR ENLARGEMENT OF NONCONFORMING SITUATIONS.

(A) Except as specifically provided in this subsection, it shall be unlawful for any person to engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation.

(B) Subject to division (D) below, a nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by this chapter, was manifestly designed or arranged to accommodate the use. A nonconforming use may not be extended to additional buildings or to land outside the original building.

(C) A nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming, except that a use that involves the removal of natural materials from the lot (e.g., a quarry) may be expanded to the boundaries of the lot where the use was established at the time it became nonconforming, if 10% or more of the earth products had already been removed at the effective date of this chapter.

(D) The volume, intensity or frequency of use of property where a nonconforming situation exists may be increased and the equipment or processes used at a location where a nonconforming situation exists may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in kind and no violations of other paragraphs of this subsection occur.

(E) Physical alteration of structures or the placement of new structures on open land are unlawful if they result in:

(1) An increase in the total amount of space devoted to a nonconforming use;

(2) Greater nonconformity with respect to dimensional restrictions such as yard requirements, height limitations or density requirements; or

(3) The enclosure of previously unenclosed areas, even though those areas were previously used in connection with the nonconforming activity. An area is unenclosed unless at least 75% of the perimeter of the area is marked by a permanently constructed wall or fence.

(F) Minor repairs to and routine maintenance of property, not required by the partial or total destruction of a structure (see division (H) below), where non-conforming situations exist are permitted and encouraged. Except for single-family residential structures (including mobile homes), if the estimated costs of the renovation work exceeds 50% of the appraised value of the structure, the work may be done only after issuance of a special use permit by the Town Council (see § 154.226).

(G) (1) Notwithstanding any part of division (E) below, any structure used for single-family residential purposes and maintained as a nonconforming use may be replaced with a similar structure of a larger size, so long as the replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to yard size and setback requirements.

(2) In particular, a mobile home may be replaced with a larger mobile home, and a single-wide mobile home may be replaced with a double-wide. The replacement mobile home must meet the criteria for manufactured/mobile homes as listed in Note 23 of §§ 154.060 through 154.068. This division is subject to the limitations stated in § 154.254 on abandonment and discontinuance of nonconforming situations.

(H) A structure that is nonconforming in any respect or a structure that is used in a nonconforming manner may be reconstructed or replaced if partially or totally destroyed, subject to the following restrictions:

(1) The total amount of space devoted to a nonconforming use may not be increased, except that a larger, single-family residential structure may be constructed in place of a smaller one and a larger mobile home intended for residential use may replace a smaller one;

(2) The reconstructed building may not be more nonconforming with respect to dimensional restrictions such as yard requirements, height limitations or density requirements, and the dimensional nonconformities must be eliminated if that can reasonably be accomplished without unduly burdening the reconstruction process or limiting the right to continue the nonconforming use of a building;

(3) The reconstructed building may not enclose areas that were previously unenclosed, even though those areas were used in connection with the nonconforming activity. An area is unenclosed unless at least 75% or more of the perimeter of the area is marked by a permanently constructed wall or fence; and

(4) Except for single-family residential structures (including mobile homes), if the estimated costs of the reconstruction work exceeds 50% of the appraised value of the structure, the work may be done only after issuance of a special use permit by the Town Council (see § 154.226).

(1981 Code, § 1003) (Ord. passed 6-28-2004) Penalty, see § 154.999

§ 154.253 CHANGE IN KIND OF NONCONFORMING USE.

(A) A nonconforming use may be changed to a conforming use. Thereafter, the property may not revert to a nonconforming use.

(B) (1) A nonconforming use may be changed to another nonconforming use only in accordance with a special use permit issued by the Town Council (see § 154.226).

(2) If a nonconforming use is changed to any use other than a conforming use without obtaining a special use permit pursuant to this division, that changes shall constitute a discontinuance of the nonconforming use, with consequences as stated in § 154.254.

(C) If a nonconforming use and a conforming use, or any combination of conforming and nonconforming uses, or any combination of nonconforming uses exist on 1 lot, the use made of the property shall not be changed except to a conforming use or uses, unless a special use permit is issued by the Town Council (see § 154.226).

(D) (1) Notwithstanding any other provisions of this chapter, a legally nonconforming mobile home may be relocated on the same lot provided that relocation does not further encroach upon the side, front or rear yard required for a single-family dwelling on the lot.

(2) Any legally nonconforming mobile home may be replaced by another mobile home provided that:

- (a) It is owner-occupied;
- (b) The total number of nonconforming mobile homes is not increased; and
- (c) All side, rear and lot area requirements for a single-family dwelling are met.

(3) Any person or persons desiring to relocate or replace a legally non-conforming mobile home shall first make or have made an application for and have been issued a zoning compliance permit.

(1981 Code, § 1004) (Ord. passed 6-28-2004)

§ 154.254 ABANDONMENT AND DISCONTINUANCE OF NONCONFORMING SITUATIONS.

(A) When a nonconforming use is discontinued for a consecutive period of 180 days, or discontinued for any period of time without a present intention to reinstate the nonconforming use, the property involved may thereafter be used only for conforming purposes, except as provided in division (B) below.

(B) The Town Council may issue a special use permit to allow a nonconforming use that has been discontinued for more than 180 consecutive days to be reinstated (see § 154.266).

(C) If the principal activity on property where a nonconforming situation other than a nonconforming use exists is discontinued for a consecutive period of 180 days, or discontinued for any period of time without a present intention of resuming that activity, then that property may thereafter be use only in conformity with all of the regulations applicable to the district in which the property is located, unless the Town Council issues a special use permit to allow the property to be used (for a conforming purpose) without correcting the nonconforming situation (see § 154.266).

(D) (1) For purposes of determining whether a right to continue a non-conforming situation is lost pursuant to this section, all of the buildings, activities and operations maintained on a lot are generally to be considered as a whole.

(2) For example, the failure to rent 1 apartment in a nonconforming apartment building, or 1 space in a nonconforming mobile home park for 180 days, shall not result in a loss of the right to rent that apartment or space thereafter, so long as the apartment building or mobile home park as a whole is continuously maintained.

(3) But if a nonconforming use is maintained in conjunction with a conforming use, discontinuance of a nonconforming use for the required period shall terminate the right to maintain it thereafter.

(4) And so, if a mobile home is used as a nonconforming use on a residential lot where a conforming residential structure is also located, removal of that mobile home for 180 days terminates the right to replace it.

(E) When a structure or operation made nonconforming by this chapter is vacant or discontinued at the effective date of this chapter, the 180-day period for purposes of this subsection begins to run at the effective date of this chapter.

(1981 Code, § 1005) (Ord. passed 6-28-2004)

ADMINISTRATION AND LEGAL PROVISIONS

§ 154.265 ESTABLISHMENT OF ADMINISTRATIVE OFFICER.

The provisions of this chapter shall be administered by the Zoning Administrator, who shall be designated by the Town Manager.

(1981 Code, § 1101) (Ord. passed 6-28-2004)

§ 154.266 DUTIES OF THE ZONING ADMINISTRATOR.

(A) The Zoning Administrator shall have the power to grant zoning compliance permits and certificates of zoning compliance and to make or cause to be made inspections of buildings or premises necessary to carry out the enforcement of this chapter.

(B) In connection with the enforcement of this chapter, the Zoning Administrator shall make all necessary determinations and interpretations as required by this chapter. Persons aggrieved by a decision or a determination made by the Zoning Administrator may appeal that action to the Board of Adjustment.

(1981 Code, § 1102) (Ord. passed 6-28-2004)

§ 154.267 POWERS AND LIMITATIONS OF THE ZONING ADMINISTRATOR.

If any proposed excavation, construction, moving, alteration or use of land as set forth in an application for a zoning compliance permit is in conformity with the provisions of this chapter, the Zoning Administrator shall issue a zoning compliance permit; however:

- (A) Issuance of a zoning compliance permit shall in no case be construed as waiving any provisions of this chapter;
 - (B) Under no circumstance is the Zoning Administrator permitted to grant exceptions to the actual meaning of any clause, standards or regulation contained in this chapter to any person making application to excavate, construct, move, alter or use either building, structures or land;
 - (C) Under no circumstance is the Zoning Administrator permitted to make changes to this chapter or to vary the terms of this chapter in carrying out his or her duties;
 - (D) The Zoning Administrator shall issue a permit when the imposed conditions of this chapter are complied with by the applicant regardless of whether the use of the permit would violate contractual or other arrangements (including, but not by way of limitation, restrictive covenants) among private parties; and
 - (E) If an application for a permit is disapproved, the Zoning Administrator shall state in writing the cause of the disapproval.
- (1981 Code, § 1103) (Ord. passed 6-28-2004)

§ 154.268 ZONING COMPLIANCE PERMIT REQUIRED.

- (A) It shall be unlawful to begin the excavation for the construction, the moving, alteration or repair, except ordinary repairs, of any building or other structure, including an accessory structure, costing more than \$100 or exceeding 100 square feet in area, until the Zoning Administrator has issued for the work a zoning compliance permit which includes a determination that plans, specifications and the intended use of a structure do, in all respects, conform to the provisions of this chapter.
- (B) Prior to the issuance of a zoning compliance permit, the Zoning Administrator shall consult with all applicable departments including, but not limited to, the Department of Public Works, the Building Inspection Department and the Fire Department.
- (C) A zoning compliance permit shall be valid for a period of 6 months from date of issuance. A zoning compliance permit does not constitute a vested right.
- (D) Also, it shall be unlawful to change the type of use of land, or to change the type of use or type of occupancy of any building, or to extend any use or any lot on which there is a nonconforming use, until the Zoning Administrator has issued for the intended use a zoning compliance permit, including a determination that the proposed use does, in all respects, conform to the provisions of this chapter.

(E) In all cases where a building permit is required, application for a zoning compliance permit shall be made prior to or coincidentally with the application for a building permit; in all other cases, it shall be made prior to that date when a new or enlarged use of a building or premise or part thereof is intended to begin.

(F) All zoning compliance permit applications shall be made in writing to the Zoning Administrator on forms provided for that purpose. A record of all applications shall be kept on file by the Zoning Administrator.

(1981 Code, § 1104) (Ord. passed 6-28-2004) Penalty, see § 154.999

§ 154.269 CONTENTS OF APPLICATION FOR ZONING COMPLIANCE PERMIT.

Every application for a zoning compliance permit for site clearance, excavation, grading, filling, construction, moving, alteration or change in type of use or type of occupancy, shall be accompanied by a written statement and plans or plats, drawn to scale, showing the following in sufficient detail to enable the Zoning Administrator to ascertain whether the proposed work or use is in conformance with the provisions of this chapter:

(A) The actual shape, location and dimensions of the lot; if the lot is not a lot of record, sufficient data to locate the lot on the ground;

(B) The shape, size and location of all buildings, or other structures, to be erected, altered or moved, and of any other buildings, or other structures already on the lot;

(C) The existing and intended use of the lot and of all structures upon it;

(D) Location and size of any buffers as required by §§ 154.080 through 154.097 (show on site plan);

(E) Location and type of any screening as required by §§ 154.080 through 154.097 (show on site plan);

(F) Location and type of screening used to screen mechanical equipment as required by § 154.084 (show on site plan);

(G) Location, access to and screening of central solid waste area as required by § 154.085 (show on site plan);

(H) Location and dimensions of off street parking and loading spaces as required by §§ 154.135 through 154.147 (no parking shall be located within the first 10 feet of any required front yard § 154.142(D));

(I) Grade separation of building and parking areas as required by § 154.143(B)(1);

- (J) Paving material for parking lots designed for more than 10 spaces as required by § 154.142(E);
 - (K) Interior landscaping of parking lots designed for more than 10 spaces as required by § 154.143(B)(2) (show on site plan);
 - (L) Curb cuts as required by § 154.142(L);
 - (M) Landscaping within the first 10 feet of any front yard as required by § 154.086 (show on site plan);
 - (N) Location, size and height of any signs as permitted by §§ 154.160 through 154.178;
 - (O) Compliance with performance standards for Industrial or Commercial Districts (§§ 154.094 and 154.095);
 - (P) Compliance with Chapter 153; and
 - (Q) Other information concerning the lot, adjoining lots or other matters as may be essential for determining whether the provisions of this chapter are being observed.
- (1981 Code, § 1105) (Ord. passed 6-28-2004)

§ 154.270 CERTIFICATE OF ZONING COMPLIANCE.

- (A) No building, structure or zoning lot for which a zoning compliance permit has been issued shall be used or occupied until the Zoning Administrator has, after final inspection, issued a certificate of zoning compliance indicating compliance has been made with all the provisions of this chapter.
- (B) Guarantees in the form of certified checks, bonds, cash or unrevocable letter of credit may be accepted to ensure the actual installation of certain landscaping, buffers and screens, and paving requirements.
- (C) The guarantee shall be in an amount not less than 100% nor more than 110% of the estimated costs of the requirements as estimated by the Zoning Administrator.
- (D) The guarantee shall not be for more than a period of 6 months from the date of issuance of certificate of zoning compliance. However, the issuance of a certificate of zoning compliance shall in no case be construed as waiving the provisions of this chapter.

(1981 Code, § 1106) (Ord. passed 6-28-2004)

§ 154.271 SITE SPECIFIC DEVELOPMENT PLAN.

The purpose of this section is to implement the provisions of G.S. § 160A-385.1 pursuant to which a statutory zoning vested right is established upon the approval of a site specific development plan.

(A) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPROVAL AUTHORITY. The Town Council by this chapter is being authorized to grant the specific zoning or land use permit or approval that constitutes a site specific development plan.

SITE SPECIFIC DEVELOPMENT PLAN.

(a) A plan of land development submitted to the Town of Liberty for purposes of obtaining 1 of the following zoning or land use permits or approvals:

1. Zoning compliance permit; as per § 154.268 above;
2. Conditional use permit; as per § 154.277 below;
3. Special use permit; as per §§ 154.190 through 154.239; or
4. Subdivision preliminary plat approval; as per the Subdivision Chapter.

(b) Notwithstanding the foregoing, neither a variance, a sketch plan nor any other document that fails to described with reasonable certainty the type and intensity of use for a specified parcel or parcels of property shall constitute a SITE SPECIFIC DEVELOPMENT PLAN.

ZONING VESTED RIGHT. A right pursuant to G.S. § 160A-385.1 to undertake and complete the development and use of property under the terms and conditions of an approved site specific development plan.

(B) Establishment of a zoning vested right.

(1) A zoning vested right shall be deemed established upon the valid approval, or conditional approval, by the Town Council of a site specific development plan, following notice and public hearing.

(2) The Town Council may approve a site specific development plan upon terms and conditions as may reasonably be necessary to protect the public health, safety and welfare.

(3) Notwithstanding divisions (B)(1) and (2) above, approval of a site specific development plan with the condition that a variance be obtained shall not confer a zoning vested right unless and until the necessary variance is obtained.

(4) A site specific development plan shall be deemed approved upon the effective date of the approval authority's action or ordinance relating thereto.

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

(b) Otherwise applicable new or amended regulations shall become effective with respect to property that is subject to a site specific development plan upon the expiration or termination of the vested right in accordance with this subchapter.

(6) A zoning vested right is not a personal right, but shall attach to and run with the applicable property. After approval of a site specific development plan, all successors to the original landowner shall be entitled to exercise that right while applicable.

(C) Approval procedures and approval authority.

(1) An application for a site specific development plan in conjunction with a request for a zoning compliance permit, special use permit or subdivision preliminary plat approval shall be processed in accordance with the procedures established by this chapter for a special use permit application. An application for a site specific development plan in conjunction with a conditional use permit request application shall be processed in accordance with the procedure established by this chapter for a conditional use permit application. The Town Council in reviewing and approving a site-specific development plan application shall be governed by the requirements for the accompanying permit or approval for which application is made.

(2) Notwithstanding the provisions of division (C)(1) above, if the authority to issue a particular zoning or land use permit or approval has been delegated by ordinance to a board, committee or administrative official other than the Town Council, in order to obtain a zoning vested right, the applicant must request in writing at the time of application that the application be considered and acted on by the Town Council following notice and a public hearing as provided in G.S. § 160A-364.

(3) In order for a zoning vested right to be established upon approval of a site specific development plan, the applicant must indicate at the time of application, on a form to be provided by the Town of Liberty, that a zoning vested right is being sought.

(4) Each map, plat, site plan or other document evidencing a site specific development plan shall contain the following notation: "Approval of this plan establishes a zoning vested right under G.S. § 160A-385.1. Unless terminated at an earlier date, the zoning vested right shall be valid until (date)."

(5) Following approval or conditional approval of a site specific development plan, nothing in this chapter shall exempt a like plan from subsequent reviews and approvals to ensure compliance with the terms and conditions of the original approval, provided that the reviews and approvals are not inconsistent with the original approval.

(6) Nothing in this chapter shall prohibit the revocation of the original approval or other remedies for failure to comply with applicable terms and conditions of the approval or this chapter.

(D) Duration.

(1) A zoning right that has been vested as provided in this chapter shall remain vested for a period of 2 years unless specifically and unambiguously provided otherwise pursuant to division (D)(2) below.

(2) (a) Notwithstanding the provisions of division (D)(1) above, the Town Council may provide that rights shall be vested for a period exceeding 2 years but not exceeding 5 years where warranted in light of all relevant circumstances, including, but not limited to, the size of the development, the level of investment, the need for or desirability of the development, economic cycles and market conditions.

(b) These determinations shall be in the sound discretion of the Town Council at the time the site specific development plan is approved.

(3) Upon issuance of a building permit, the expiration provisions of G.S. § 160A-418 and the revocation provisions of G.S. § 160A-422 shall apply, except that a building permit shall not expire or be revoked because of the running of time while a zoning vested right under this section is outstanding.

(E) Termination. A zoning right that has been vested as provided in this chapter shall terminate:

(1) At the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed;

(2) With the written consent of the affected landowner;

(3) Upon findings by the Town Council, by ordinance after notice and a public hearing, that natural or human-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;

(4) (a) Upon payment to the affected landowner of 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 town, together with interest thereon at the legal rate until paid.

(b) Compensation shall not include any diminution in the value of the property which is caused by that action;

(5) Upon findings by the Town Council, by ordinance after notice and a hearing, that the landowner or his or her representative intentionally supplied inaccurate information or made material misrepresentations which made a difference in the approval by the approval authority of the site specific development plan; or

(6) Upon the enactment or promulgation of a state or federal law or regulation that precludes development as contemplated in the site specific development plan, in which case the approval authority 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.

(F) Voluntary annexation.

(1) A petition for annexation filed with the town under G.S. §§ 160A-31 or 160A-58.1 shall contain a signed statement declaring whether or not any zoning vested right with respect to the properties subject to the petition has been established under G.S. §§ 160A-385.1 or 153A-344.1.

(2) A statement that declares that no zoning vested right has been established under G.S. §§ 160A-385.1 or 153A-344.1, or the failure to sign a statement declaring whether or not a zoning vested right has been established, shall be binding on the landowner and any zoning vested right shall be terminated.

(G) Limitation. Nothing in this chapter is intended or shall be deemed to create any vested right other than those established pursuant to G.S. § 160A-385.1.

(H) Repealed. In the event that G.S. § 160A-385.1 is repealed, this chapter shall be deemed repealed and the provisions hereof no longer effective.

(1981 Code, § 1107) (Ord. passed 6-28-2004)

§ 154.272 FEES.

Before any zoning compliance permit or certificate of zoning compliance shall be issued covering building or other operations regulated by this chapter, a fee in an amount fixed by the Town Council shall be paid.

(1981 Code, § 1108) (Ord. passed 6-28-2004)

§ 154.273 DETERMINATION OF EXACT LOCATION OF ZONING DISTRICT BOUNDARY LINES.

(A) The Zoning Administrator shall decide the exact location of zoning district boundary lines when a question arises concerning boundary lines shown on zoning maps, subject to administrative review by the Board of Adjustment provided for in §§ 154.045 through 154.048.

(B) The determination of the exact location of a zoning district's boundary line shall be guided by the provisions of § 154.062.
(1981 Code, § 1109) (Ord. passed 6-28-2004)

§ 154.274 BUILDING PERMITS ISSUED PRIOR TO ADOPTION OF THIS CHAPTER.

Nothing herein contained shall require any change in the plans, construction, size or designated use of any building, structure or part thereof for which a building permit had been granted by the Building Inspector before the time of passage of this chapter; provided, however, that where construction is not begun under an outstanding permit within a period of 60 days subsequent to passage of this chapter or where it has not been prosecuted to completion within 18 months subsequent to passage of this chapter, any further construction or use shall be in conformity with the provisions of this chapter.

(1981 Code, § 1110) (Ord. passed 6-28-2004)

§ 154.275 CHANGES AND AMENDMENTS.

For the purpose of establishing and maintaining sound, stable and desirable development within Liberty and its extraterritorial planning jurisdiction, this chapter shall not be amended except to correct a manifest error in the chapter, or because of changed or changing conditions in a particular area or in the jurisdiction of the Town of Liberty generally, to rezone an area, extend the boundary of an existing zoning district, or to change the regulations and restrictions thereof, and then, only as reasonably necessary to the promotion of the public health, safety or general welfare, and to achieve the purposes of the adopted Land Development Plan.

(A) Amendment initiation. Subject to the limitations of the foregoing statement of intent, an amendment to this chapter may be initiated by:

- (1) The Town Council on its own motion;
- (2) The Planning Board; or

(3) Application by any property owner or his or her or her agent, a citizen or his or her or her agent.

(B) Filing and contents of amendment application.

(1) Filing of applications. All applications for amendments to this chapter shall be in writing, signed and filed, 1 copy with the Town Manager for presentation to the Town Council and 1 copy with the Zoning Administrator.

(2) Contents of application. All applications for amendments to this chapter, without limiting the right to file additional material, shall contain at least the following:

(a) If the proposed amendment would require a change in the zoning atlas, a fully dimensioned map, at a scale of not more than 200 feet to the inch, showing the land which would be covered by the proposed amendment;

(b) A legal description of the land, if applicable;

(c) Any alleged error in this chapter which would be corrected by the proposed amendment with a detailed explanation of the error in the chapter and detailed reasons how the proposed amendment will correct same;

(d) The changed or changing conditions, if any, in the jurisdiction of the Town of Liberty generally, which make the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare;

(e) The manner in which the proposed amendment will carry out the intent and purpose of the adopted Land Development Plan; and

(f) All other circumstances, factors and reasons which applicant offers in support of the proposed amendment.

(C) Referral of application to Planning Board and Zoning Administrator.

(1) The Town Manager, acting as agent for the Town Council, shall upon receipt of an application to amend this chapter, examine and approve as to form the application and shall refer the same to the Planning Board for study and report.

(2) The Town Manager, concurrently with the referral to the Planning Board, shall require the Zoning Administrator to prepare a report on the application.

(3) The Zoning Administrator shall prepare and submit a written report to the Planning Board.

(4) The report shall be submitted prior to the meeting at which the Board will consider the application.

(5) The Administrator shall also submit a copy of the report to the Town Council prior to the public hearing described in division (D) below.

(D) Public hearing and notice thereof.

(1) A public hearing shall be held by the Town Council before adoption of any proposed amendment to this chapter.

(2) Notice of the public hearing shall be given as required by G.S. Ch. 160D. Amendments to G.S. Ch. 160D shall be incorporated within this section without any further action by the Town Council.

(E) Receipt of applications and public hearings thereon.

(1) The Town Manager, acting as agent for the Town Council, shall receive applications for amendments to this chapter and shall refer them for recommendation as stated in division (C) above.

(2) The deadline for filing of applications for changes and amendments and special use permits and conditional use permits will normally be 5:00 p.m. on the day which is 35 days prior to the date of the Town Council meeting for which the public hearing is to be set.

(3) The Town Manager, acting as agent for the Town Council, shall schedule each complete application for a public hearing.

(4) Hearing dates may be established for a regular or special meeting of the Town Council.

(F) Action of Town Council. The Town Council, after the public hearing on the application and the receipt of the recommendation of the Planning Board and the Zoning Administrator, shall then take 1 of the following actions:

(1) Approval of the application;

(2) Approval of a modified version of the application; or

(3) Denial of the application.

(G) Citizen comments. Subject to the limitations of this chapter, zoning regulations may from time to time be amended, supplemented, changed, modified, or repealed. If any resident or property owner in the local government submits a written statement regarding a proposed amendment, modification, or repeal to a zoning regulation, including a text or map amendment that has been properly initiated as provided in G.S. § 160D-601, to the Clerk to the Board at least 2 business days prior to the proposed vote on such change, the Clerk to the Board shall deliver such written statement to the Governing Board. If the proposed change is the subject of a quasi-judicial proceeding under G.S. § 160D-705 or any other statute, the Clerk shall provide only the names and

addresses of the individuals providing written comment, and the provision of such names and addresses to all members of the Board shall not disqualify any member of the Board from voting.

(H) Withdrawal of application. An applicant may withdraw his or her or her application at any time by written notice to the Town Manager.

(I) Effect of denial on subsequent petitions.

(1) When the Town Council shall have denied an application the Town Council shall not receive another application for the same or similar amendment, affecting the same property or a portion of it until the expiration of a 1-year period, extending from the date of denial.

(2) Not more than 2 applications may be filed for rezoning all or part of the same property within any 12-month period.

(J) Fees. Fees for filing application for amendments shall be set by the Town Council.

(1981 Code, § 1111) (Ord. passed 6-28-2004; Am. Ord. passed 8-8-2023)

§ 154.276 PROHIBITION OF CERTAIN TESTIMONY.

It is the intent of this section that the applicant for rezoning shall be prohibited from offering any testimony or evidence concerning the specific manner in which he or she intends to use or develop the property.

(1981 Code, § 1112) (Ord. passed 6-28-2004; Am. Ord. passed 8-8-2023)

§ 154.277 RESERVED.

§ 154.278 ENFORCEMENT AND REVIEW.

(A) Complaints regarding violations.

(1) Whenever the Zoning Administrator receives a written, signed complaint alleging a violation of this chapter, he or she shall investigate the complaint, take whatever action is warranted, and inform the complainant in writing what actions have been or will be taken.

(2) Nothing in this section shall be construed to prohibit the Zoning Administrator from initiating an investigation and taking any enforcement action authorized by this chapter when the Zoning Administrator, regardless of whether or not a signed complaint has been received, has any reason to believe that any provision of this chapter is being violated.

(B) Persons liable. The owner, tenant or occupant of any building or land or part thereof and any architect, builder, contractor, agent or other person who participates in, assists, directs, creates or maintains any situation that is contrary to the requirements of this chapter may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

(C) Procedures upon discovery of violations.

(1) If the Administrator finds that any provision of this chapter is being violated, he or she shall send a written notice to the person responsible for the violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the Administrator's discretion.

(2) The final written notice (and the initial written notice may be the final notice) shall state what action the Administrator intends to take if the violation is not corrected and shall advise that the Administrator's decision or order may be appealed to the Board of Adjustment as provided in § 154.047.

(3) Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of this chapter or pose a danger to the public health, safety or welfare, the Administrator may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in this section.

(D) Permit revocation.

(1) A zoning, building, sign, special use or conditional use permit may be revoked by the permit issuing authority (in accordance with the provisions of this section) if the permit recipient fails to develop or maintain the property in accordance with the plans submitted, the requirements of this chapter, or any additional requirements lawfully imposed by the permit issuing board.

(2) Before a conditional use or special use permit may be revoked, all requirements of §§ 154.265 through 154.279 shall be complied with. The notice of violation shall inform the permit recipient of the alleged grounds for the revocation.

(3) Before a zoning or sign permit may be revoked, the Administrator shall give the permit recipient 10 days notice of the intent to revoke the permit and shall inform the recipient of the alleged reasons for the revocation and of his or her right to obtain an informal hearing on the allegations. If the permit is revoked, the Administrator shall provide to the permittee a written statement of the decision and the reasons therefore.

(4) No person may continue to make use of land or buildings in the manner authorized by any zoning, sign, special use or conditional use permit after the permit has been revoked in accordance with this section.

(E) Judicial review. Every decision of the Town Council granting or denying any rezoning, special use permit, or conditional use permit and every final decision of the Board of Adjustment shall be subject to review by the Superior Court of Randolph County by proceedings in the nature of certioraris.

(1981 Code, § 1114) (Ord. passed 6-28-2004)

§ 154.279 INTERPRETATION; CONFLICT; PURPOSE.

(A) In interpreting and applying the provisions of this chapter they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, prosperity and general welfare.

(B) It is not intended by this chapter to interfere with or abrogates or annuls any easements, covenants or other agreements between parties; provided, however, that where this chapter imposes a higher standard or greater restriction than is imposed or required by other ordinances, rules, regulations and statutes or by easements, covenants or agreements, the provisions of this ordinance shall govern.

(C) When the provisions of any other ordinances, rules, regulations or statutes impose higher standards than are required by the provisions of this chapter, the provisions of that ordinance, rule, regulation or statute shall govern.

(1981 Code, § 1116) (Ord. passed 6-28-2004)

§ 154.999 PENALTY.

(A) Violations of the provisions of the chapter or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with grants of variances or special use or conditional use permits, shall constitute a misdemeanor, punishable as provided in G.S. § 160A-175.

(B) Any act constituting a violation of the provisions of this chapter or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or special use or conditional use permits, shall also subject the offender to a civil penalty of not more than \$500. If the offender fails to pay this penalty within 10 days after being cited for a violation, the penalty may be recovered by the town in a civil action in the nature of a debt. A civil penalty may not be appealed to the Board of Adjustment if the offender was sent a final notice of violation in accordance with § 154.278(C) above and did not take an appeal to the Board of Adjustment within the prescribed time.

(C) This section may also be enforced by any appropriate equitable action. Each day that any violation continues after notification by the Administrator that the violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this section. Any one, all or any combination of the foregoing penalties and remedies may be used to enforce this chapter.

(1981 Code, § 1114) (Ord. passed 6-28-2004)