



**TOWN OF LIBERTY**

239 S. Fayetteville Street | PO Box 1006 | Liberty, NC 27298

Office (336) 622-4276 | Fax (336) 622-2665

[www.Liberty-NC.com](http://www.Liberty-NC.com)

**A G E N D A**

**Planning Board**

**November 9, 2022 5:30PM**

- 1. Call to Order**
- 2. Member Oath of Office**
- 3. Approval of Minutes October 12, 2022**
- 4. RZ-22-3 - S. Moore- 6853 NC Highway 49 North**
- 5. LDP Update - Proposed agenda and potential workshop dates**
- 6. PTRC Update**
- 7. Game Room Discussion**
- 8. Manager's Report**
- 9. Citizen Comments**
- 10. Committee Comments**
- 11. Adjourn**

Minutes of a Meeting of  
The Liberty Planning Board  
Held on October 12, 2022 5:30PM

Chairman: Kevin Bowman  
Board: Chris Turner, Jason Collins, David Staley, Dennis Hargis and Gail Emerson  
Town Clerk: Jessica Brown  
Planning and Zoning Consultant: Reynolds Neely

To Order

Chair of the Board Kevin Bowman called the meeting to order at 5:35 PM. Town Manager Scott Kidd, Richard Cobb, and Marty Bare are unable to attend.

Minutes

Gail Emerson made a motion to approve the minutes from the September 14, 2022 meeting. David Staley seconded the motion which passed unanimously.

Land Development Plan - Vision, Goals of Plan, Citizen Meeting Planning

Mr. Neely told the Board we have made an agreement with the PTRC (Piedmont Triad Regional Council) to help with the Public rollout of the Land Development Plan. Attached to the agenda is an example of a LDP Public Information Meeting agenda for Liberty and an agenda from one of Summerfield's Public Information meetings. Mr. Neely said they need to go over some of the Visions and Goals of the Plan. Some suggestions were: Protecting neighborhoods, improving the appearance of Liberty, using it as a guide when making Land Use decisions, encouraging economic development, anticipating future growth, and promoting a sense of community. The mission statement is: "The mission of this committee is to update the LDP (Land Development Plan) to maintain Liberty's small town atmosphere by organizing land uses, encouraging beneficial development and coordinating growth." Mr. Neely said whether we adopt a plan or not there is a buffer between residential communities and industry. There is an idea that we need more zones such as an office/institutional zone. The watershed can ensure a small town feel since 24% is low density. There is an example of different "stations" in the Summerfield agenda and we may want to narrow those down for Liberty and assign people to each station. The PTRC can come to the December meeting to narrow down those groups before the proposed January Public Hearings. Chair Kevin Bowman said he would like to have a zoom meeting with the PTRC so they can get on the same page.

Conditional Zoning

Mr. Neely would like to have some guidance to start a piece of this zoning ordinance. It is not included in the 160D. Conditional Use is in our current zoning ordinance. Special Uses need extra review (quasi judicial). Zoning is legislative. There are districts with no permitted uses that applicants would then ask for a specific use permit which they would hold to certain conditions while meeting all the other requirements of the ordinance and that use could be approved. The 160D eliminated this system. Conditional zoning creates zones for a certain use such as a motel. The old system had checks and balances and was quasi judicial. The new system is all legislative. The Planning Board makes recommendations but the new system gives developers tremendous flexibility. Conditional Uses gives multiple specific standards and the staff can't keep up which is a concern. He suggests creating more zones as a safety net.

Interest in training - PTRC

The agenda includes an agenda from a training for the Randolph County Planning Board that was done by the PTRC. They could do something like this for us on a zoom call after the first of the year if interested.

Adjourn

There being no further Planning Board business to discuss David Staley made a motion to adjourn the meeting. The meeting was adjourned.

\_\_\_\_\_  
Kevin Bowman, Chairman

ATTEST: \_\_\_\_\_  
Town Clerk

# Zoning Change Staff Report

**Case #** RZ-22-3

**Date** 11-3-2022

## General Information

**Applicant** Stephen Douglas Moore  
**Address** 9156 Hinshaw Shop Road  
**City** Stokesdale, NC 27357  
**Phone** Liberty, N.C. 27298  
**Location** 6853 North Carolina Highway 49 North

**Requested Action** Rezone From R12 Residential to RMF Multi-Family Residential

**Existing Zone** R12                      **Existing Land Use** Residential

**Size** .41 acre                      **Pin #** 8736461972

**Legal Description**      **Deed Book** 2062                      **Page** 2268

## Other Information provided by the Applicant

See Attached Application

## Surrounding Land Use

<b>North</b>	Residential	<b>East</b>	Residential
<b>South</b>	Residential	<b>West</b>	Residential

**Zoning History** None

**Land Development Map** Low Density Residential

## Analysis

1. The property is located at 6853 North Carolina Highway 49 North
2. The property is located within the Balance of the Rocky River Watershed (WS-III).
3. The property does not contain any Flood Hazard Areas.
4. The property is located outside the Town limits.
5. The property is currently served by Town water and sewerage.
6. A residential structure is located on the property.
7. The surrounding area is residential in nature, primarily R12 district single family. A home occupation and a private club (Ruritan Club) are located to the east and an area of R6 district is across N. C. Highway 49 North. Further east at the intersection of N. C. Highway 49 North and Town Country Road is a B2 district.
8. The existing R12 District is consistent with the location and is similar to other properties nearby.

# Zoning Change Staff Report

Case # RZ-22-3

Date 11-3-2022

## Staff Recommendation

**Deny**

## Evaluation of Consistency with Adopted Comprehensive Plans/Reasonableness and Public Interest

Having reviewed and considered the proposed rezoning, Case RZ-22-3, the accompanying documents, the analysis of the planning staff, the Town of Liberty Planning and Zoning Board adopts this statement of consistency.

The Proposed rezoning is inconsistent with the Town of Liberty Land Use Plan. The Plan describes an overall goal for the Town which provides economic development, while at the same time maintaining Liberty's small town character.

Specifically, the request is in conflict with the Future Land Development Map.

The map provides that the property is "Low Density Residential" and is not indicated to support a multi-family district.

The Plan states, concerning multi-family development, that ... Multi-family developments (condominiums, apartments, and town homes) are considered high density growth and will require sewer and water extensions from the Town. Multi-family developments should be located in areas where adequate urban services are available. The Town should also place these homes in areas that have a high potential for annexation (if annexation of the development is not voluntary). The western side of the Town offers the most convenience to citizens commuting to Greensboro, High Point, and Asheboro to work each day. Potential areas for future multi-family development include:

- = Northwest quadrant of the extraterritorial jurisdiction along York-Martin Road.
- = Southwest quadrant of the extraterritorial jurisdiction along Troy Estate Road ...

The Future Land Development Map supports this policy.

**The Proposed rezoning is not reasonable and not in the public interest for the above stated reasons, and;**

the size, physical conditions, and other attributes of the property and area do not support the application;

**Therefore, the action is not in the public interest.**

**Site View  
Randolph County, NC**



REID	79507	OWNER ADDRESS2	
PIN	8736461972	OWNER CITY	LIBERTY
TAXED ACREAGE	0.41	OWNER STATE	NC
PROPERTY DESCRIPTION	R49;N	OWNER ZIP	27298
DEED BOOK & PAGE	002062/02268	LOCATION ADDRESS	6853 NC HWY 49 N
PLAT BOOK & PAGE		LOCATION ZIP	LIBERTY,27298
OWNER	MOORE, STEVEN DOUGLAS	DATA REFRESHED	10/30/2022
OWNER ADDRESS	9156 HINSHAW SHOP RD		

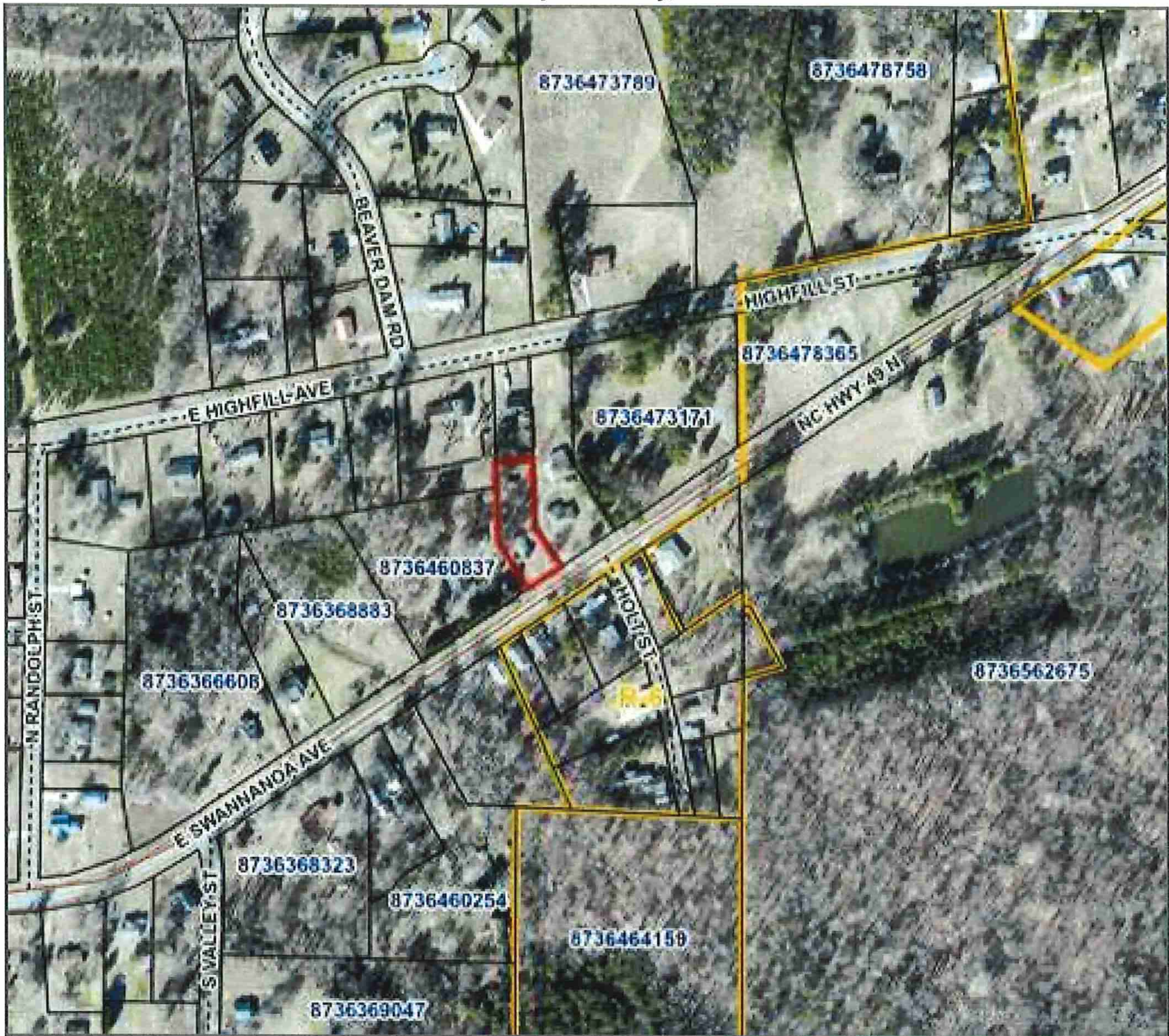


*Disclaimer: This map was compiled from recorded deeds, plats, and other public records and data. Users of this data are hereby notified that the aforementioned public information sources should be consulted for verification of the information. Randolph County, its agents and employees make no warranty as to the accuracy of the information on this map.*

Map Scale  
**1 inch = 100 feet**  
11/3/2022



**Area View  
Randolph County, NC**



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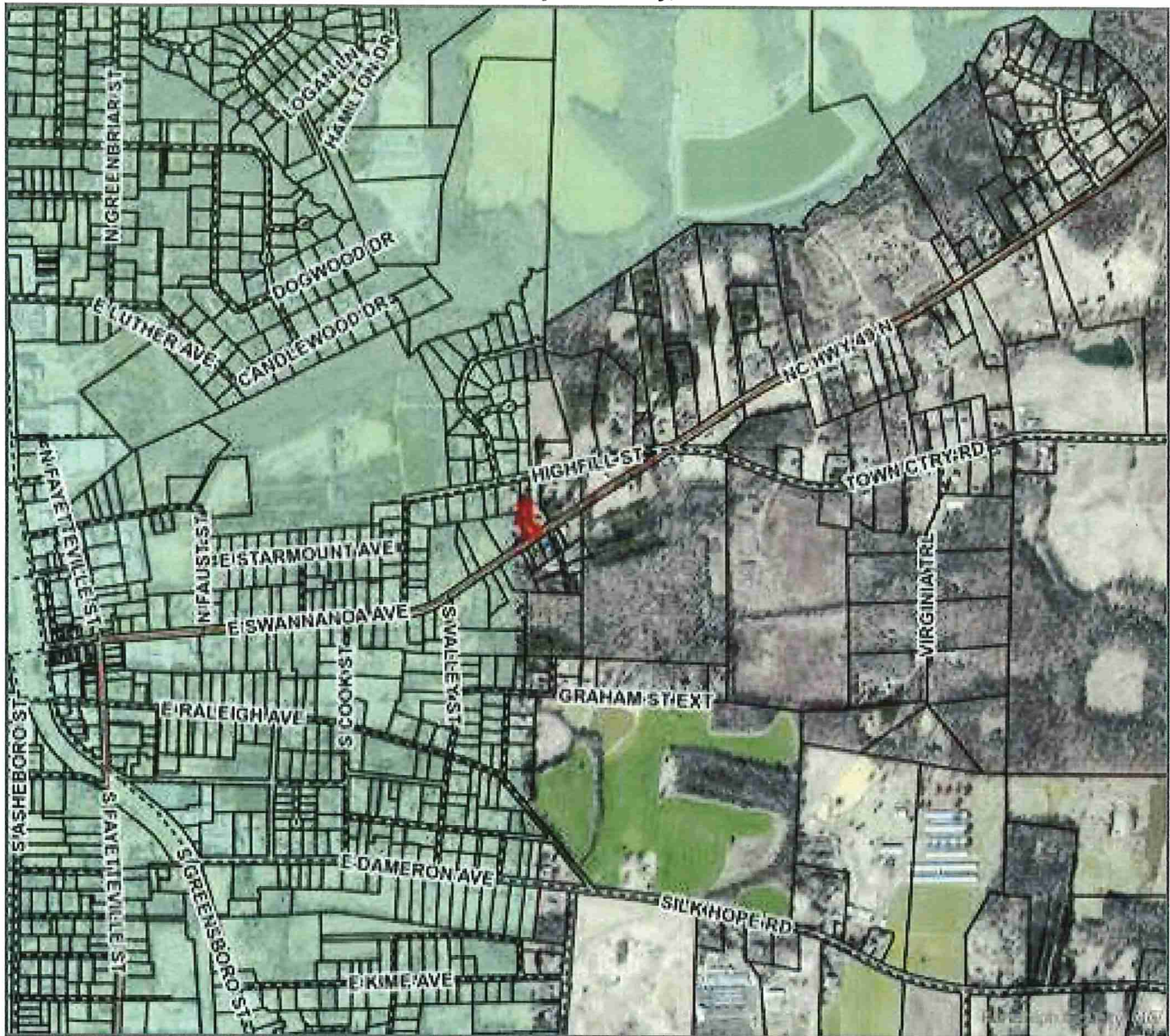


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Map Scale  
1 inch = 400 feet  
11/3/2022



# City Limits Randolph County, NC



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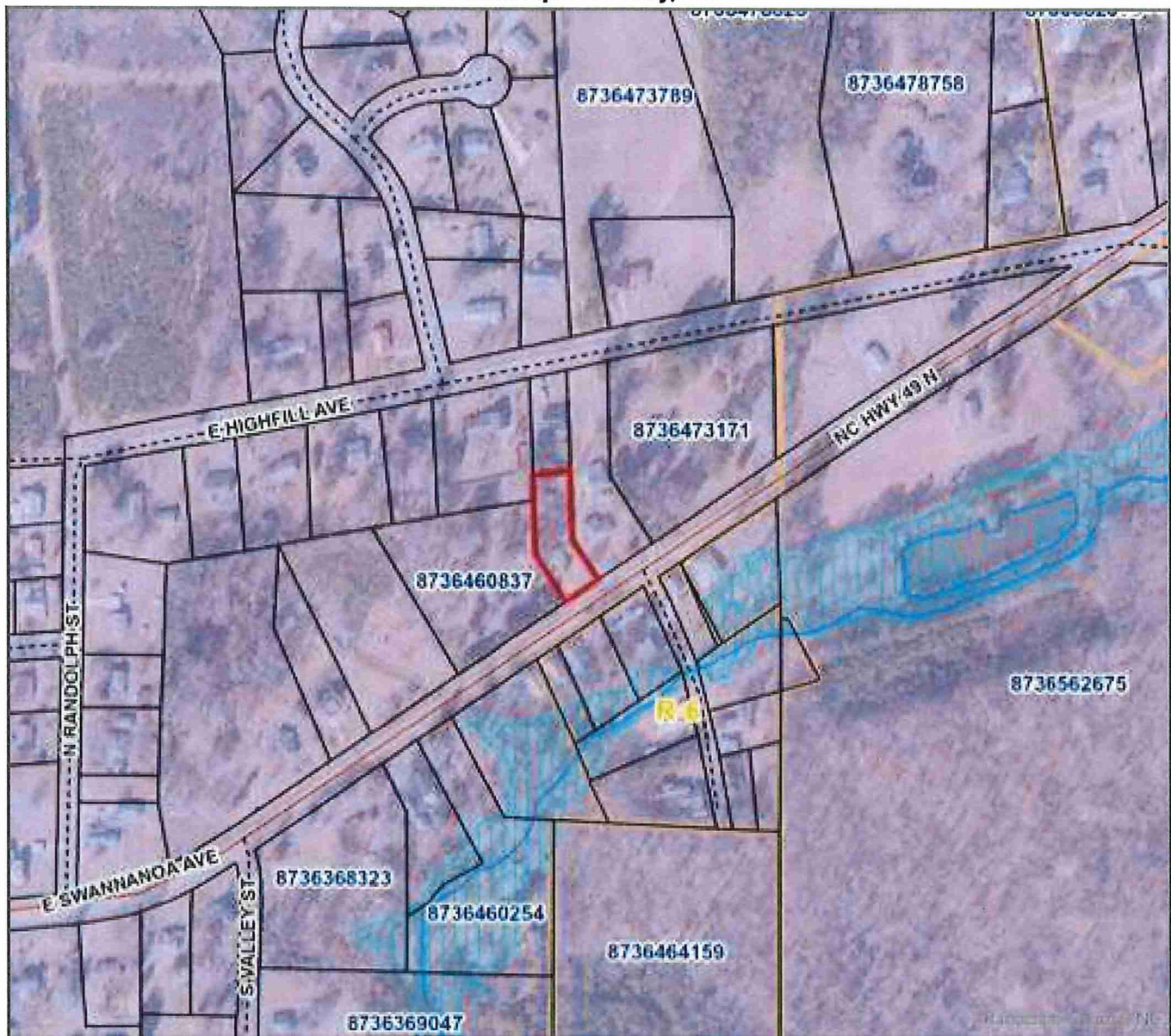


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Map Scale  
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11/3/2022



# Watershed & Flood Areas Randolph County, NC



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DEED BOOK & PAGE	002062/02268	LOCATION ADDRESS	6853 NC HWY 49 N
PLAT BOOK & PAGE		LOCATION ZIP	LIBERTY,27298
OWNER	MOORE, STEVEN DOUGLAS	DATA REFRESHED	10/30/2022
OWNER ADDRESS	9156 HINSHAW SHOP RD		



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Map Scale  
1 inch = 400 feet  
11/3/2022

Liberty Zoning Ordinance

**TOWN OF LIBERTY**  
**APPLICATION FOR ZONING MAP AMENDMENT**

Applicant Steven D. Moore  
Applicant's Address 9156 Hinshaw Shop Rd.  
Liberty NC 27298  
Applicant's Phone Number (336) 215 - 1185  
A One Hundred dollar (\$100.00) filing fee is required for any amendment.

**PROVIDE ANSWERS AND OR INFORMATION AS REQUIRED BELOW:**

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.

The lack of available housing in the Liberty Area

The manner in which the proposed amendment will carry out the intent and purpose of the adopted Land Development Plan.

pg 10 of the "land development plan" states, the town realizes the need for a variety of housing types to provide housing for all citizens. multi-family developments such as condominiums, apartments, town houses, manufactured housing.

All other circumstances, factors and reasons which applicant offers in support of the proposed amendment.

also on pg 10 it says that over the next decade as the housing market in Liberty changes so must residential development standards. Zoning and subdivision regulations should reflect the current increase in the demand for multi-family housing

Property Owner's Name Steven Douglas Moore  
Title to the property was acquired 12/1/08, 20\_\_\_\_  
The Deed is recorded in Deed Book 2062, on Page 2268  
The Randolph Co. Parcel Identification (PIN) # 8736 46 1972  
Subdivision \_\_\_\_\_, Section \_\_\_\_\_, Lot # \_\_\_\_\_  
Plat Book \_\_\_\_\_ Page \_\_\_\_\_

Application for a Zoning Map Amendment

(Page 1 of 2)



## Liberty Zoning Ordinance

Exact Location of Property (Plat Reference or Street Address)

4853 NC Hwy 49 N

Area of Property (sq. ft or acres)

.41 AC

Present Zoning District

R-12

Requested Zoning District

MF

JR

Attach 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. ✓

Attach a legal description of such land. ✓

Attach a list of all adjoining property owners, including across any streets or roads.

Attached

Applicant signature:

Steven Douglas Moore

Date:

10/12/2022

Received and found complete by:

JR

Date:

10/19/22



20080201000019650 DEED  
Bk: RE2062 Pg: 2268  
02/01/2008 04:22:45 PM 1/2



**NORTH CAROLINA GENERAL WARRANTY DEED**

Tax Lot No. \_\_\_\_\_ Parcel Identifier No. \_\_\_\_\_

Verified by \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Mail After Recording to Grantee(s), P.O. Box 546 Liberty N.C 27298

This Instrument was prepared by \_\_\_\_\_ Grantor

THIS DEED made this 12<sup>th</sup> day of JANUARY, 2008, by and between

GRANTOR	GRANTEE
PHILIP HEATH ETCHISON AND WIFE, MURRAY ROBINSON ETCHISON	(Single) STEVEN DOUGLAS MOORE

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.q. corporation or partnership

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in LIBERTY Township, Randolph County, North Carolina, and more particularly described as follows:

BEGINNING at an existing iron pipe in the northern right of way of NC Highway 49, said iron pipe being 1.1 mile along the northern right of way of NC Highway 49 Northeast of the intersection of said right of way with the center line of Randolph Street; thence from said beginning point along the eastern edge of a twenty-foot roadway North 31 deg. 03 min. 41 sec. West 111.79 feet to an existing iron pipe; thence continuing along the eastern edge of said roadway North 01 deg. 00 min. 00 sec. East 143.19 feet to a new iron pipe; thence leaving said roadway North 83 deg. 25 min. 00 sec. East 75.28 feet to a new iron pipe; thence South 01 deg. 00 min. 02 sec. West 131.08 feet to a new iron pipe; thence South 31 deg. 03 min. 39 sec. East 90.02 feet to an existing iron pipe in the northern right of way of NC Highway 49; thence along said right of way South 58 deg. 59 min. 31 sec. West 74.93 feet to an existing iron pipe, the point of beginning, containing 0.409 acres, more or less, according to a survey by Phillip M. Henley, RLS, dated October 17, 1994, Job No. S-3634.



The property hereinabove described was acquired by Grantor by instrument recorded in \_\_\_\_\_

A map showing the above described property is recorded in Plat Book \_\_\_\_\_ Page \_\_\_\_\_

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

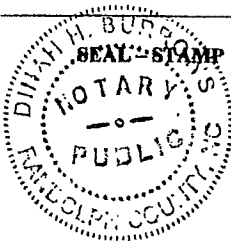
Use Black Ink Only

Philip Heath Etchison (SEAL)  
Philip Heath Etchison

By: \_\_\_\_\_  
President

Ann Murray Robinson Etchison (SEAL)  
Ann Murray Robinson Etchison (SEAL)

ATTEST: \_\_\_\_\_  
Secretary (Corporate Seal)



NORTH CAROLINA, \_\_\_\_\_ Randolph \_\_\_\_\_ County

I, a Notary Public of the County and State aforesaid, certify that  
Philip Heath Etchison and wife, Ann Murray Robinson Etchison Grantor(s),  
personally appeared before me this day and acknowledged the execution of the  
foregoing instrument. Witness my hand and official stamp or seal, this 12  
day of January, 2008  
My commission expires: 1-3-09 D. H. B. Bureau Notary Public

SEAL - STAMP

NORTH CAROLINA, \_\_\_\_\_ County  
I, a Notary Public of the County and State aforesaid, certify that \_\_\_\_\_  
personally came before me this day and acknowledged that she is Secretary of  
\_\_\_\_\_ a North Carolina corporation, and that by authority duly  
given and as the act of the corporation, the foregoing instrument was signed in its name  
by its President, sealed with its corporate seal and attested by her as its Secretary.  
Witness my hand and official seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
My commission expires: \_\_\_\_\_ Notary Public

The foregoing Certificate(s) of \_\_\_\_\_

is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

REGISTER OF DEEDS FOR \_\_\_\_\_ RANDOLPH \_\_\_\_\_ COUNTY  
By \_\_\_\_\_ Deputy/Assistant - Register of Deeds



9/2/2022

**Randolph County GIS**  
**Current Owner Information**

Randolph County, Its Agents and Employees  
make not warranty to the correctness of the  
information set forth on this document.

PIN	TAX ACRES	DESCRIPTION	DEED BOOK/PAGE	OWNER	ADDRESS	ADDRESS2	CITY STATE ZIP
8736460837	1.62	SWANNANOVA AVE:N	001366/01824	ESPAILLAT, CANDIDA P	6835 NC HWY 49 N		LIBERTY, NC 27298
8736461972	0.41	R49:N	002062/02268	MOORE, STEVEN DOUGLAS	9156 HINSHAW SHOP RD		LIBERTY, NC 27298
8736462647	0.41	D C HOLT PROP-L11-14	002671/01406	CHOLO, FELIX GALICIA (PENNERA, YOLANDA ELVIRA)	6850 NC HWY 49 N		LIBERTY, NC 27298
8736463733	0.46	R49:S	00020E/01027	COBLE, LYNNE BARKER (HUNT, LESLIE COBLE)	6461 WHITES CHAPEL RD		STALEY, NC 27355
8736470113	0.98	E HIGHFILL AVE:S	001352/00087	MANCUSO, ISABELLE F	P O BOX 1527	564 E HIGHFILL ST	LIBERTY, NC 27298
8736471166	0.32	HIGHFILL ST:S (PT L3)	001434/00062	SUTPHIN, JOSEPH M (SUTPHIN, BECKY L)	7092 HIGHFILL ST		LIBERTY, NC 27298
8736472038	0.85	E SWANNANOVA AVE:N	002551/01354	SHORES, AMANDA	6871 NC HWY 49 N		LIBERTY, NC 27298



# Steven D. Moore



## Addressing

### Structures

### MultiStructures

## Transportation

### ROADS

#### Jurisdiction

- Highways
- Highways
- Highways
- - - Secondary Roads
- - - Secondary Roads
- - - Secondary Roads
- - - Secondary Roads

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DEED BOOK & PAGE	002062/02268	LOCATION ZIP	LIBERTY,27298
PLAT BOOK & PAGE		DATA REFRESHED	8/28/2022
OWNER	MOORE, STEVEN DOUGLAS	_CALCULATED ACREAGE	0.405
OWNER ADDRESS	9156 HINSHAW SHOP RD	_SQFEET	17644
OWNER ADDRESS2			



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Map Scale  
1 inch = 71 feet  
9/2/2022

## **LDP Mission Statement**

“The mission of this committee is to update the LDP (Land Development Plan) to maintain Liberty’s small town atmosphere by organizing land uses, encouraging beneficial development and coordinating growth.”

## **Vision and Goals**

- Protecting neighborhoods
- Improving the appearance of Liberty
- Using as a guide when making Land Use decisions
- Encouraging economic development
- Anticipating future growth
- Promoting a sense of community

# Game Rooms

## NC General Statutes:

§ 160A-181. Regulation of places of amusement.

§ 160A-194. Regulating and licensing businesses, trades, etc.

*Both give the town the ability to regulate game rooms as they see fit.*

## Other Towns:

Fairmount, NC (a town of comparable size):

**GAME ROOM.** Any place of business that operates 1 or more mechanical games, video gaming machines, pay devices, coin-operated machines, video games, pinball machines and other computer, electronic or mechanical devices that are operated and played for amusement, including any machine that involves the use of skill or dexterity to solve problems or tasks or to make varying scores or tallies and that do not emit, issue, display, print out or otherwise record any receipt, paper, coupon, token, other form of record which is capable of being redeemed, exchanged or repurchased for cash, cash equivalent or prizes or reward free replays.

Town of Biscoe:

**GAME ROOM.** Any place of business that principally operates mechanical games or pay devices or tables for which charge is made either directly or indirectly. Examples, by way of illustration and not limitation, are pool rooms, bowling alleys, billiard halls, amusement centers, video game rooms and the like.

Asheboro, NC:

**Gamerrooms.** Unless more specifically and appropriately defined by another use, any establishment offering the operation of amusement devices, and/or mechanical or electronic amusement devices and which derives more than 25% of its annual revenues from such devices.

Sedalia, NC:

**GAMING ESTABLISHMENT, ADULT.** Any establishment featuring one or more stand-alone electronic or conventional gaming units, skill-based or otherwise, or serving one or more patrons in such a capacity at one time, which also rewards patrons with cash or other monetary payments, goods or certificates for services which are redeemable for cash or other monetary payment on or off premise and including on-line redemptions, as well as any rewards which cannot be legally obtained, consumed, or otherwise used by minors. Any use meeting this definition is considered to be a primary use regardless of association or location in conjunction with other permissible primary uses. (The only permitted use for these businesses are under a special use permit in a singular business zone.)



Burlington, NC:

A commercial establishment providing patrons with the opportunity to compete against others for cash or other prizes in games where the outcome is based on skill, not chance. (Only allowed in a conditional Business zone)

Electronic gaming operations shall comply with the following standards: a. Such uses shall be separated from the following use types by at least one-half mile (2,640 feet): i. A bar, cocktail lounge, private club; ii. A community/youth/senior center; iii. An elementary, middle, or high school; iv. A nightclub or dancehall; v. A park (whether public or private); vi. A pool hall; vii. A religious institution; or viii. Another commercial operation offering games of skill; b. Such uses shall not operate between the hours of 11:00 PM and 7:00 AM; and c. Such uses shall not include or display electronic sweepstakes.

Events in Other Towns and Counties:

Thomasville and Wilkesboro have both had moratoriums on these types of businesses. There has also been several warrants served and businesses shut down due to illegal gambling in Davidson County as well.

*Thus said, the town should have significant control over the classification of these businesses. By controlling the definition, the town can then control where these game rooms can be established.*

**GAME ROOMS.** Any establishment offering the operation of amusement devices, and/or mechanical or electronic amusement devices including machines and software that requires skill to manipulate the outcome of winning and which derives more than 50% of its annual revenues from the devices. Included in this definition is ***SWEEPSTAKES BUSINESS / INTERNET CAFÉ***.

**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.

## **§ 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)