§ 157 DEFINITIONS

ACCESSORY DWELLING. A separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family structure (SEE Accessory Structure).

ACCESSORY STRUCTURE. A subordinate structure detached from but located on the same lot as a principal building. The use of an accessory structure must be identical and accessory to the use of the principal building. An accessory structure shall not be permitted prior to a principal structure either constructed or with active permits to construct.

ACCESSORY USE. A use incidental to and customarily associated with a specific principal use, located on the same lot or parcel.

ADMINISTRATOR. The Town of Liberty officer or other designated authority charged with administration and enforcement of this chapter, or his or her duly authorized representative or agent. Also designated as the code enforcement officer.

ADULT DAY CARE CENTER. A facility providing care for the elderly and/or functionally impaired adults in a protective setting for a portion of a 24-hour day.

ADULT ESTABLISHMENTS. Any use and/or structure used primarily or ancillary for the purposes of viewing, purchasing, live performances, hourly and/or nightly room stays, modeling, massages, theaters, in which the establishment does not allow minor aged (under 21) patrons to enter. The atmosphere is characterized by the depiction or description of specified sexual activities or specified anatomical areas, either in materials or persons, tangible, virtual, or in the physical presence. Typical uses are: adult bookstore, adult cabaret, adult drive-in theater, adult massage parlor, adult mini-picture theaters, adult picture theater, adult hotel/motel, adult modeling studio, adult retail establishment, and any use corresponding to the primary verbiage of this definition.

AGRICULTURAL USE. The use of land for tree farming or growing or producing field crops, livestock, and livestock products for the production of income. Field crops include, among others, barley, soy beans, corn, hay, oats, potatoes, rye, sorghum, and sunflowers. Livestock includes, among others, dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds, and other animals including dogs, ponies, deer, rabbits, and mink. Livestock products include, among others, milk, butter, cheese, eggs, meat, fur, and honey. The use of waters for stock watering, irrigation, and other farm purposes.

ALLEY. An unnamed public or private right-of-way less than 22 feet wide that is primarily designed to serve as secondary access to the rear or side of those properties whose principal frontage is on some other street.

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 renumeration 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 renumeration 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, DOMESTICATED. An animal that is tame or domesticated and not normally found in the wild state. Hybrids of animals normally found in the wild state are not included within the meaning of domestic animal.

ANIMAL HOSPITAL. Any facility maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, or prevention of animal diseases wherein the animals are limited to dogs, cats, or other comparable household pets and wherein the overnight care of said animals is prohibited except when necessary in the medical treatment of the animal.

ANTENNA ARRAY. 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). The antenna array does not include the support structure.

APPEAL. A request for review of the final determination made to apply to reverse the decision, which is discussed and determined by the Board of Adjustment.

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.

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. An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. This clarification does not include libraries, museums, or non-commercial art galleries.

AUCTION. Any sale where tangible personal property is sold by an auctioneer who is either the agent for the owner of such property or is in fact the owner thereof.

AWNING. A roof-like cover, often of fabric, metal, or glass, designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, door, or the like.

BAKERY, RETAIL. An establishment primarily engaged in the retail sale of baked products for consumption off site. The products may be prepared either on or off site. Such use may include incidental food service.

BAKERY, WHOLESALE. A bakery in which there is permitted the production and/or wholesaling of baked goods, but where over-the-counter or other retail dispensing of baked goods shall be prohibited.

BALANCE OF WATERSHED (BW). The area adjoining and upstream of the critical area in a WS-II and WS-III water supply watershed. The "balance of watershed" is comprised of the entire land area contributing surface drainage to the stream, river, or reservoir where a water supply intake is located.

BANK. A financial institution that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities.

BANQUET HALL. An establishment which is rented by individuals or groups to accommodate private functions including, but not limited to, banquets, weddings, anniversaries and other similar celebrations. Such a use may or may not include: 1) kitchen for the preparation or catering of food; 2) the sale of alcoholic beverages for on-premises consumption, only during scheduled events and not open to the general public; and 3) outdoor gardens or reception facilities. Similar terms include rental hall, reception hall, meeting hall, etc.

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. That portion of a building below the first or ground-floor level and having less than four feet of clearance from its ceiling to the average finished grade of the building perimeter. A basement shall not be considered a story for the purposes of determining building height, except when it is used or suitable for habitation.

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.

BEST MANAGEMENT PRACTICES (BMP). A structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals.

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 HOUSE. A single-family dwelling where more than two, but fewer than six rooms are provided for lodging for definite periods of times. Meals may or may not be provided, but there is one common kitchen facility. No meals are provided to outside guests.

BUFFER. An area of natural or planted vegetation through which stormwater runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.

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. A structure enclosed within exterior walls, built, erected and framed of a combination of materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals, or property (also includes the term structure). Per the state model watershed ordinance, the connection of two buildings by means of an open porch, breezeway, passageway, carport or other such open structure, with or without a roof, shall not be deemed to make them one building.

BUILDING HEIGHT. The vertical measurement from grade to the highest point of the roof beams in flat roofs; to the highest point on the deck of mansard roofs; to a level midway between the level of the eaves and highest point of pitched roofs or hip roofs; or to a level two-thirds of the distance from the level of the eaves to the highest point of gambrel roofs. For this purpose, the level of the eaves shall be taken to mean the highest level where the plane of the roof intersects the plane of the outside wall on a side containing the eaves.

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

BUILDING, PRINCIPAL. A building, or buildings, in which is conducted the principal use of the lot in which it is situated. In any residential district, any dwelling shall be deemed to be the principal building of the lot on which the same is situated.

BUILT-UPON AREA. Built-upon areas shall include that portion of a development project that is covered by impervious or partially impervious (does not allow water to infiltrate from surface to subsurface) cover including buildings, pavement, gravel areas (e.g. roads, parking lots, paths), recreation facilities (e.g. tennis courts), etc. (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.)

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. A building or portion thereof containing facilities for washing more than two automobiles, using production line methods. The use of personnel for one or more phases of this operation in conjunction with or without complete automatic or mechanical devices does not alter its classification. For the purpose of this ordinance, coin-operated devices . . . operated on a self-service basis shall be construed to be the same.

CELLAR. See Basement definition.

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.

CHEMICAL STORAGE FACILITY. A building, portion of a building, or exterior area adjacent to a building used for the storage of any chemical or chemically reactive products.

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.

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.

CLUSTER DEVELOPMENT. Cluster development means the grouping of buildings in order to conserve land resources and provide for innovation in the design of the project including minimizing stormwater runoff impacts. This term includes nonresidential development as well as single-family residential and multi-family developments. For the purpose of this ordinance, planned unit developments and mixed use development are considered as cluster development.

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.

COLLECTOR STREET. Collector streets perform the function of collecting traffic from local streets and cul-de-sacs and carrying the traffic to minor and major thoroughfares.

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.

COLLOCATION/SITE SHARING. Use of a common wireless communication facility or common site by more that 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.

COMBUSTIBLE LIQUID.

(1) A liquid having a flash point at or above 100°F (378°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 BUSINESS. Any business or enterprise which offers for sale foods or services or which, in any manner, conducts commerce within the town limits.

COMMERCIAL DEVELOPMENTS. Developments consisting primarily of commercial uses.

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

COMMON PLAN OF DEVELOPMENT. Site where multiple separate and distinct development activities may be taking place at different times or different schedules but governed by a single development plan regardless of ownership of parcels.

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.

COMPOSTING FACILITY. A facility in which only stumps, limbs, leaves, grass and untreated wood collected from land clearing or landscaping operations is deposited.

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.

CORNER LOT. Any lot located at the intersection of 2 or more streets. And/or, 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 in the diagram above diagram).

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.

CRITICAL AREA. The area adjacent to a water supply intake or reservoir where risk associated with pollution is greater than from the remaining portions of the watershed. The critical area is defined as extending either one-half mile from the normal pool elevation of the reservoir in which the intake is located or to the ridge line of the watershed (whichever comes first); or one-half mile upstream from the intake located directly in the stream or river (run-of-the-river), or the ridge line of the watershed (whichever comes first). Local governments may extend the critical area as needed. Major landmarks such as highways or property lines may be used to delineate the outer boundary of the critical area if these landmarks are immediately adjacent to the appropriate outer boundary of one-half mile.

CUL-DE-SAC. A cul-de-sac is a short street having but one end open to traffic and the other end being permanently terminated and a vehicular turn-around provided.

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.

CUSTOMARY HOME OCCUPATIONS. Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof. Provided further that no mechanical equipment is installed or used except as is normally used for domestic or professional purposes, and that not over twenty-five percent (25%) of the total floor space of any structure is used for the occupation. No home occupation shall be conducted in any accessory building except for the storage and service of a vehicle that is driven off site, such as a service repair truck, delivery truck and the like.

DAY CARE FACILITY. 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.

(1) 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.

(2) 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.

DETERIORATION. A dwelling unfit for human habitation and can be repaired, altered or improved to comply with all of the minimum standards established by this chapter at a cost not in excess of 50% of its value, as determined by finding of the Inspector.

DEVELOPMENT. Any land disturbing activity which adds to or changes the amount of impervious or partially impervious cover on a land area or which otherwise decreases the infiltration of precipitation into the soil.

DILAPIDATED. No longer adequate for the purpose or use for which is was originally intended, as determined by finding of the Inspector.

DISCHARGE LANDFILL. A facility with liners, monitoring equipment and other measures to detect and/or prevent leachate from entering the environment and in which the leachate is treated on site and discharged to a receiving stream.

DISPOSAL. As defined in G.S. § 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

DISTRICT. The primary zoning district containing a certain land area and shall not be construed to include an overlay district.

DORMITORY. 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. DORMITORIES do not include kitchen facilities except a group kitchen to serve all residents.

DRINKING ESTABLISHMENT. An establishment where alcoholic beverages are obtainable within or thereon and where the beverages are consumed on the premises. 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 EATING ESTABLISHMENTS. Those at which food or beverages are served for consumption by customers in parked motor vehicles.

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. A building or portion thereof designed or used primarily as living quarters for one or more families, but not including hotels, motor lodges, or other accommodations for the transient public.

DWELLING, ATTACHED. A dwelling that is attached to another dwelling, excluding accessory dwellings. To be included in a multifamily designation.

DWELLING, DETACHED. A structure designed exclusively for and occupied exclusively by one family, and detached from any other dwelling. Also known as a single family dwelling.

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, MULTIFAMILY. Any building or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the same, or a residence of three or more families living independently of each other and doing their own cooking in such building. This definition applies to structures with at least three attached dwellings (triplex).

DWELLING UNIT. A building, or portion thereof, providing complete and permanent living facilities for one or more persons.

EASEMENT. A grant by the property owner of a strip of land for a specified purpose and use by public, corporation or persons.

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.

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.

ELEVATED BUILDING. A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

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

ENCROACHMENT. The advance or infringement of uses, fill, excavation, buildings, structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

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.

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.

EXISTING DEVELOPMENT. Those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date of this ordinance based on at least one of the following criteria:

(1) Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid local government approval to proceed with the project, or

(2) Having an outstanding valid building permit as authorized by G.S. §160D-102, or

(3) Having an approved site specific or phased development plan as authorized by G.S. § 160D-102.

EXISTING LOT (LOT OF RECORD). A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to the adoption of this ordinance, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this chapter.

EXISTING MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before the initial effective date of the floodplain management regulations adopted by the community.

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.

EXTERMINATION. The control and elimination of insects, rodents or other pests by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating or trapping; or by any other recognized and legal pest elimination methods approved by the Inspector.

EXTRA-TERRITORIAL AREA. That portion of the territorial jurisdiction of the Town of Liberty which lies outside the corporate limits of the Town of Liberty.

FAMILY. One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage or adoption, no family shall contain over five persons, but further provided that domestic servants employed or living on the premises may be housed on the premises without being counted as a family or families. 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.

FAMILY SUBDIVISION. Family subdivision means a division of a tract of land: (a) to convey the resulting parcels, with the exception of parcels retained by the grantor, to a relative or relatives as a gift or for nominal consideration, but only if no more than one parcel is conveyed by the grantor from the tract to any one relative; or (b) to divide land from a common ancestor among tenants in common, all of whom inherited by intestacy or by will.

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.

FIRE HAZARD. Anything or act which increases, or may cause an increase, of the hazard or menace of fire to a greater degree than reasonable for the conduct of the commercial business on the premises, or which may unreasonably obstruct, delay or hinder, or may unreasonably become the cause of an obstruction, a delay, a hazard or an unreasonable hindrance to the prevention, suppression or extinguishment of fire.

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 BOUNDARY AND FLOODWAY MAP (FBFM). An official map of a community, issued by the Federal Emergency Management Agency, on which the special flood hazard areas and the floodways are delineated. This official map is a supplement to and shall be used in conjunction with the flood insurance rate map (FIRM).

FLOOD CONTROL WORKS. Any human made 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 HAZARD BOUNDARY MAP (FHBM). An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the special flood hazard areas have been defined as Zone A.

FLOOD INSURANCE RATE MAP (FIRM). An official map of a community, issued by the Federal Emergency Management Agency, on which both the special flood hazard areas and the risk premium zones applicable to the community are delineated.

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.

FLOODPLAIN DEVELOPMENT PERMIT. Any type of permit that is required in conformance with the provisions of this chapter, prior to the commencement of any development activity.

FLOODPLAIN MANAGEMENT. The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

FLOODPLAIN MANAGEMENT REGULATIONS. This chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power. This term describes federal, state or local regulations, in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

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.

FLOOD ZONE A geographical area shown on a flood hazard boundary map or flood insurance rate map that reflects the severity or type of flooding in the area.

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.

FREEBOARD. The height added to the base flood elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed. The base flood elevation plus the freeboard establishes the regulatory flood protection elevation.

FUNCTIONALLY DEPENDENT FACILITY. A facility which cannot be used for its intended purpose unless it is located in close proximity to water, limited to a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

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.

GARBAGE. The animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

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.

GENDER. Words having a masculine gender shall include the feminine and neuter genders.

HABITABLE ROOM. A room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, heater rooms, foyers or communicating corridors, closets and storage spaces.

HAZARDOUS MATERIALS. Any substance listed as so in: SARA § 302, Extremely Hazardous Substances, CERCLA Hazardous Substances, or § 311 of CWA (oil and hazardous substances).

HAZARDOUS WASTE MANAGEMENT FACILITY. As defined in G.S. Ch. 130A, Article 9, a facility for the collection, storage, processing, treatment, recycling, recovery, or disposal of hazardous waste.

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.

(3) 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.

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.

HIGHEST ADJACENT GRADE (HAG). The highest natural elevation of the ground surface, prior to construction, immediately next to the proposed walls of the structure.

HISTORIC STRUCTURE.

(1) Any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a local inventory of historic landmarks in communities with a Certified Local Government (CLG) Program; or

(d) Certified as contributing to the historical significance of a historic district designated by a community with a Certified Local Government (CLG) Program.

(2) Certified Local Government (CLG) Programs are approved by the U.S. Department of the Interior in cooperation with the North Carolina Department of Cultural Resources through the State Historic Preservation Officer as having met the requirements of the National Historic Preservation Act of 1966, as amended in 1980.

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 DEVELOPMENT. Any non-residential development that requires a NPDES permit for an industrial discharge and/or requires the use or storage of any hazardous material for the purpose of manufacturing, assembling, finishing, cleaning or developing any product or commodity.

INFESTATION. The presence, within or around a dwelling, of any insects, rodents or other pests in a number as to constitute a menace to the health, safety or welfare of the occupants or the public.

INSPECTOR. The Housing Inspector of the town or any authorized agent of the Inspector.

INTERIOR LOT. Any lot other than a corner lot and abutting 1 street. Alleys shall not be considered as streets for purposes of this definition.

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. A facility for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A Article 9 of the N.C. General Statutes. For the purpose of this ordinance this term does not include composting facilities or the disposal of hazardous waste.

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.

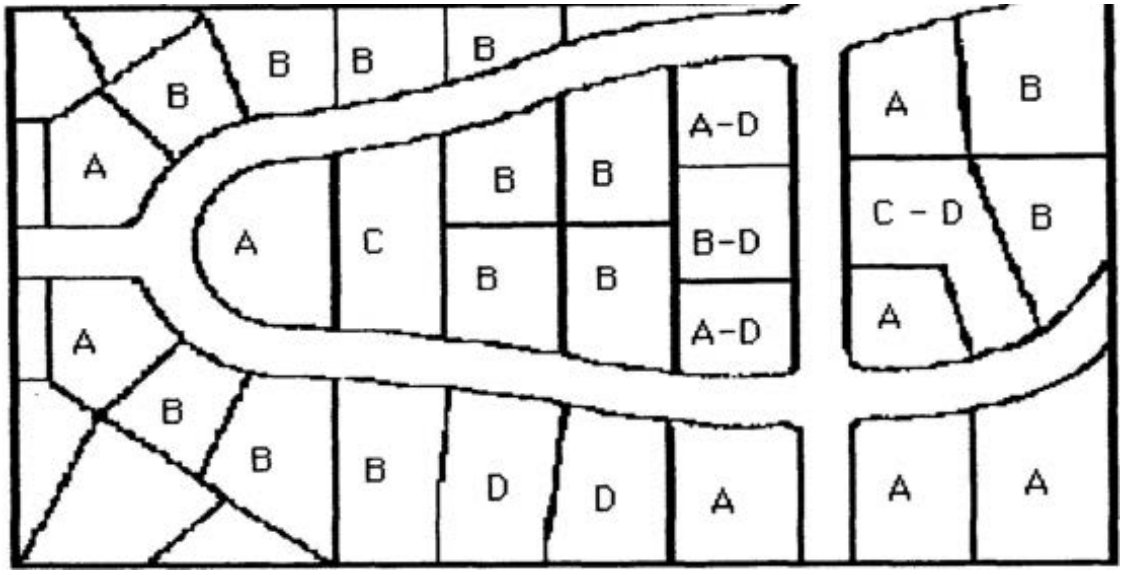
LOADING, OFF-STREET. Space located outside of any street right-of-way easement and designed to accommodate the temporary parking of vehicles used for bulk pickups and deliveries.

LOCAL STREET. A local street serves primarily to provide direct access to abutting land and access to higher systems. It offers the lowest level of mobility and through-traffic is usually deliberately discouraged.

LOT. A portion of subdivision, or any other parcel of land, intended as a unit for transfer of ownership or for development or both. A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same. Includes the words PLOT, PARCEL or TRACT.

LOT OF RECORD. A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds of Randolph County prior to the adoption of this chapter, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of the original Subdivision Ordinance, dated September 28, 1981.

LOT TYPES.



LOWEST ADJACENT GRADE (LAG). The elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

LOWEST FLOOR. Lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or limited storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

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. Streets that provide for urban areas. These thoroughfares are specifically designated in the Thoroughfare Plan of the Town of Liberty.

MAJOR VARIANCE. A variance that is not a Minor Variance as defined in this ordinance.

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.

MARKET VALUE. Tthe building value, not including the land value and that of any accessory structures or other improvements on the lot. MARKET VALUE may be established by independent certified appraisal; replacement cost depreciated for age of building and quality of construction (Actual Cash Value); or adjusted tax assessed values.

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.

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.

MICROBREWERY/MICRODISTILLERY/MICROWINERY. An establishment less than 18,000 square feet in area primarily engaged in the wholesale production and distribution of beer, ale, porter, other fermented malt beverages, wine, and/or alcoholic spirits. Accessory uses may include the serving of food for on-site consumption, a taproom, seating areas, ancillary sales of related merchandise, event space, and warehouse space for the stored product(s).

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

MINOR SUBDIVISION. The division of 1 existing tract of land into parcels, whether contiguous or not. No new streets or street extensions shall be included in a MINOR SUBDIVISION. (G.S. § 160A-376)

MINOR THOROUGHFARE. Minor thoroughfares are important streets in the system and perform the function of collecting traffic from collector streets and carrying it to the major thoroughfare system. MINOR THOROUGHFARES are specifically designated in the Thoroughfare Plan of the Town of Liberty.

MINOR VARIANCE**.** A variance from the minimum statewide watershed protection rules that results in a relaxation, by a factor of up to five (5) percent of any buffer, density or built-upon area requirement under the high density option; or that results in a relaxation, by a factor of up to ten (10) percent, of any management requirement under the low density option. For variances to a vegetated setback requirement, the percent variation shall be calculated using the foot print of built-upon area proposed to encroach with the vegetated setback divided by the total area of vegetated setback within the project.

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.

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 Ordinance.

NONCONFORMING LOT OF RECORD. A lot described by a plat or a deed that was recorded prior to the effective date of local watershed protection regulations (or their amendments) that does not meet the minimum lot size or other development requirements of the statewide watershed protection rules.

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-ENCROACHMENT AREA. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1 foot as designated in the Flood Insurance Study report.

NONRESIDENTIAL. Any building or portion of a building occupied or intended to be occupied, in whole or in part, for a use other than a dwelling, home, residing place, living space, or sleeping space for one or more human beings, either permanently or transiently.

NON-RESIDENTIAL DEVELOPMENT. All development other than residential development, agriculture and silviculture.

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

NUISANCE.

(1) Any public nuisance known at common law or in equity jurisprudence, or as provided by the State General Statutes or the ordinances of the town.

(2) Any condition including an attractive nuisance which may prove detrimental to human health or safety, whether in a building, on the premises of a building or part of a building, or upon an occupied lot.

(3) A physical condition dangerous to human life or detrimental to health of persons in, on or near the premises where the condition exists.

(4) An unsanitary condition or condition that is dangerous to public health, well-being or the general welfare.

(5) Fire hazard.

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.

OCCUPANT. Any person, living, sleeping, cooking or eating in, or having actual possession of a dwelling, dwelling unit or rooming unit.

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.

OFFICIAL MAPS OR PLANS. Any maps or plans officially adopted by the Town Council as a guide to the development of the Town of Liberty.

OPEN SPACE. An area (land and/or water) generally lacking in humanmade structures and reserved for enjoyment in its unaltered state. That area of a zoning lot not encumbered by buildings, parking or other required improvements. OPEN SPACE may contain required buffers, screens, lawn and the required recreation space. 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.

OPERATOR. Any person who has charge, care or control of a building, or part thereof, whether with or without the knowledge and consent of the owner, or any person, individually or jointly, entitled to possession regardless of whether the premises is actually occupied, in which dwelling units or rooming units are let.

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.

OWNER. Any person, agent, firm, corporation, or partnership that alone, jointly, or severally with others:

(1) has legal or equitable title to any premises, dwelling, or dwelling unit, with or without accompanying actual possession thereof; or

(2) has charge, care, or control of any premises, dwelling or dwelling unit, as agent of the owner or as executor, administrator, trustee, or guardian of the estate of the beneficial owner. The person shown on the records of the recorder of deeds of the county to be the owner of a particular property shall be presumed to be the person in control of that property.

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.

PLACE OF WORSHIP. A building or buildings wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes synagogue, temple, mosque, or other such place for worship and religious activities.

PLAN. Any documented and approved program of recommended action, policy, intention and the like, which sets forth goals and objectives along with criteria, standards and implementing procedures necessary for effectively guiding and controlling decisions relative to facilitating development and growth management.

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.

PLANNED UNIT DEVELOPMENT.

(1) A permitted use designed to provide for developments incorporating a single type or a variety of residential and related uses which are planned and developed as a unit.

(2) This development may consist of individual lots or common building sites.

(3) Common land must be an element of the plan related to effecting the long-term value of the entire development.

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.

PLANNING AND ZONING BOARD. The Planning and Zoning Board of the Town of Liberty, North Carolina.

PLAT. A map or plan of a parcel of land which is to be, or has been, subdivided.

PLUMBING. Includes all of the following supplied facilities and equipment: gas pipes, gas burning equipment, water pipes, mechanical garbage disposal units (mechanical sink grinders), sewage disposal pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents and other similar supplied fixtures, together with all connections to water, sewer or gas lines.

POST-FIRM. Construction or other development for which the start of construction occurred on or after the effective date of the initial flood insurance rate map.

PRE-FIRM. Construction or other development for which the start of construction occurred before the effective date of the initial flood insurance rate map.

PREMISES. A lot, plot or parcel of land including the buildings or structures thereon, under control by the same owner or operator and devoted to or zoned for commercial use, together with all adjacent land.

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.

PRINCIPALLY ABOVE GROUND. That at least 51% of the actual cash value of the structure is above ground.

PRIVATE STREET. An undedicated private right-of-way which affords access to abutting properties and requires a subdivision streets disclosure statement in accordance with G.S. § 136-102.6.

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.

PROTECTED AREA. The area adjoining and upstream of the critical area of WS-IV watersheds. The boundaries of the protected area are defined as within five miles of and draining to the normal pool elevation of the reservoir or to the ridgeline of the watershed; or within 10 miles upstream and draining to the intake located directly in the stream or river or to the ridgeline of the watershed.

PUBLIC AUTHORITY. The Town Housing Inspector or any officer who is in charge of any department or branch of the government of the town or of Randolph County or the State of North Carolina relating to health, fire, building regulations or other activities concerning dwellings in the town.

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

PUBLIC SAFETY AND/OR NUISANCE. Anything which is injurious to the safety or health of an entire community or neighborhood, or any considerable number of persons, or

unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

PUBLIC SEWAGE DISPOSAL SYSTEM. A system serving 2 or more dwelling units and approved by the Randolph County Health Department or the North Carolina Department of Natural Resources and Community Development, Division of Environmental Management.

PUBLIC STREET. A public right-of-way which affords access to abutting properties and when the rights-of-way are designated as PUBLIC, it shall be presumed to be an offer of dedication to the public.

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 no 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.

PUBLIC WATER SUPPLY. Any water supply furnishing potable water to ten or more residences or businesses, or combination of residences or businesses. Approval by the Division of Health Services, Department of Human Resources is required.

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

QUALIFIED INDIVIDUAL**.** A person certified to perform stream determinations by completing and passing the Surface Water Identification Training and Certification (SWITC) course offered by the N.C. Div. of Water Resources at N.C. State University**.**

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 AREA or PARK. An area of land or combination of land and water resources that is developed for active and/or passive recreation pursuits with various manmade features that accommodate those activities.

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.

REFERENCE LEVEL. The top of the lowest floor for structures within special flood hazard areas designated as Zone Al -A30, AE, A, A99 or AO.

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.

REGULATORY FLOOD PROTECTION ELEVATION. The base flood elevation plus the freeboard. In special flood hazard areas where base blood elevations (BFEs) have been determined, this elevation shall be the BFE plus 2 feet of freeboard. In special flood hazard areas where no BFE has been established, this elevation shall be at least 2feet above the highest adjacent grade.

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.

REMEDY A VIOLATION. To bring the structure or other development into compliance with state and community floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the chapter or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

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.

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

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.

RESIDENTIAL DEVELOPMENT. Buildings for residence such as attached and detached single-family dwellings, apartment complexes, condominiums, townhouses, cottages, etc. and their associated outbuildings such as garages, storage buildings, gazebos, etc. and customary home occupations.

RESIDUALS. Any solid or semi-solid waste generated from a wastewater treatment plant, water treatment plant or air pollution control facility permitted under the authority of the Environmental Management Commission.

SINGLE-FAMILY RESIDENTIAL. Any development where:

(1) No building contains more than one dwelling unit;

(2) Every dwelling unit is on a separate lot; and

(3) Where no lot contains more than one dwelling unit.

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.

REVERSED FRONTAGE LOT. Any lot on which the frontage is at right angles or approximately right angles (interior angles less than 135 degrees) to the general pattern in the area. A REVERSED FRONTAGE LOT may also be in a corner lot (A-D in the diagram under LOT TYPES), an interior lot (B-D) or a through lot (C-D).

RIVERINE. Relating to, formed by, or resembling a river (including tributaries), stream, brook, and the like.

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.

ROOMING HOUSE. Any dwelling, or that part of any dwelling containing 1 or more rooming units, in which space is let by the owner or operator to 3 or more persons who are not husband or wife, son or daughter, mother or father or brother or sister of the owner or operator.

ROOMING UNIT. Any building or part of any building or dwelling unit occupied by more than three persons who are not a family or by a family and more than two other persons and where a fee or other consideration is charged for periods of occupancy usually longer than one night and where a bathroom or toilet room is shared. This term includes any building or part of any building in which one or more persons share a toilet room or bathroom.

RUBBISH. Combustible or noncombustible waste materials, except garbage, and the term shall include the residue from the burning of wood, coal, coke, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, and dust, and other similar materials.

SALVAGE YARD. Any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

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.

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.

SETBACK. The minimum distance by which any building or structure must be separated from a street right-of-way or lot line.

SEWAGE. Waste from a flush toilet, bathtub, sink, lavatory, dishwashing or laundry machine, or water-carried waste from any other fixture of equipment or machine.

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

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

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 or 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.

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

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.

SOLID WASTE DISPOSAL FACILITY. Any facility involved in the disposal of solid waste, as defined in G.S. § 130A-290(a)(35).

SOLID WASTE DISPOSAL SITE. As defined in G.S. § 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other method.

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 FLOOD HAZARD AREA (SFHA). The land in the floodplain subject to a 1% or greater chance of being flooded in any given year, as determined in § 155.07 of this chapter.

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

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.

STORMWATER CONTROL MEASURE (SCM). means a permanent structural device that is designed, constructed, and maintained to remove pollutants from stormwater runoff by promoting settling or filtration; or to mimic the natural hydrologic cycle by promoting infiltration, evapo-transpiration, post-filtration discharge, reuse of stormwater or a combination therefof.

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

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. Includes the word BUILDING.

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.

SUBDIVIDER. Any person, firm or corporation who subdivides or develops any land deemed to be a subdivision as herein defined.

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

(1) The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this ordinance;

(2) The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved;

(3) The public acquisition by purchase of strips of land for the widening or opening of streets;

(4) The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of this ordinance;

(5) The division of a tract into plots or lots used as a cemetery;

(6) The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure during any 1-year period whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred. See definition of SUBSTANTIAL IMPROVEMENT. SUBSTANTIAL DAMAGE also means flood-related damage sustained by a structure on 2 separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any combination of repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during any 1-year period for which the cost equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

(1) Any correction of existing violations of state or community health, sanitary, or safety code specifications which have been identified by the community code enforcement official and which are the minimum necessary to assure safe living conditions; or

(2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

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.

SURFACE WATERS: All waters of the State as defined in NCGS 143-212 except underground waters.

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.

TEMPORARY HOUSING. Any tent, trailer or other structure used for human shelter which is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than 30 consecutive days.

TEMPORARY WIRELESS COMMUNICATION FACILITY. A wireless communication facility to be placed in use for 90 or fewer days.

THROUGH LOT or a DOUBLE FRONTAGE LOT. Any lot other than a corner lot, and with frontage on more than 1 street. THROUGH LOTS abutting 2 streets (may) shall be referred to as double-frontage lots unless a corner lot. Alleys shall not be considered as streets for purposes of this definition.

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.

TOXIC SUBSTANCE. Any substance or combination of substances (including disease causing agents) which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, has the potential to cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions or suppression in reproduction or growth) or physical deformities in the organisms or their off spring or other adverse health effects.

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.

VESTED RIGHT. The right to undertake and complete the development and use of property under the terms and conditions of an approved site-specific development plan or an approved phased development plan. Refer to the North Carolina General statutes Section 160D-108 for more information.

VIOLATION. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in §§ 155.20 through 155.24 and §§ 155.35 through 155.41 is presumed to be in violation until such time as that documentation is provided.

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.

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.

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.

WASHROOM. An enclosed space containing one or more bathtubs, showers or both, and which also shall include any toilet, lavatory or fixture serving similar purposes.

WATER CLOSET COMPARTMENT. Enclosed space containing one or more toilets which may also contain one or more lavatories, urinals and other plumbing fixtures.

WATER DEPENDENT STRUCTURE. Any structure for which the use requires access to or proximity to or citing within surface waters to fulfill its basic purpose, such as boat ramps, boat houses, docks and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage area are not water dependent structures.

WATER SURFACE ELEVATION (WSE). The height, in relation to mean sea level, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

WATERCOURSE. A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. WATERCOURSE includes specifically designated areas in which substantial flood damage may occur.

WATERSHED. The entire land area contributing surface drainage to a specific point (e.g. the water supply intake) or alternatively, the geographic region within which water drains to a particular river, stream, or body of water.

WATERSHED ADMINISTRATOR. The Liberty Town Manager who is responsible for administration and enforcement of this chapter.

WATERSHED VARIANCE. A permission to develop or use property granted by the Watershed Review Board relaxing or waiving a water supply watershed management requirement adopted by the Environmental Management Commission that is incorporated into this chapter.

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

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.

WORDS HAVING CERTAIN MEANING. Whenever the word dwelling, dwelling unit, rooming house, rooming unit, premises are used in this chapter, they shall be construed as though they were followed by the words “or any part thereof.”

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.

ZONING MAP. The official zoning map of the town and its extraterritorial jurisdiction.