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## ZONING ORDINANCE

### CITY OF LIBERTY, SOUTH CAROLINA

AN ORDINANCE OF THE CITY OF LIBERTY, SOUTH CAROLINA, REGULATING THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND, THE SIZE OF BUILDINGS AND OTHER STRUCTURES, THE SIZE OF YARDS, AND THE DENSITY OF DISTRIBUTION OF POPULATION: CREATING DISTRICTS FOR SAID PURPOSES AND ESTABLISHING THE BOUNDARIES THEREOF; DEFINING CERTAIN TERMS USED HEREIN: PROVIDING FOR THE METHOD OF ADMINISTRATION AND AMENDMENT: PROVIDING FOR A BOARD OF APPEALS AND PROVIDING FOR THE IMPOSITION OF PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

## ARTICLE I

### AUTHORITY AND ENACTMENT CLAUSE

In pursuance of authority conferred by the General Statutes of South Carolina, 1976 Code of Laws, 1994 Cumulative Supplement, Volume 2, Title 6, Chapter 29, Section 710, and for the purpose of promoting the health, safety, morals or general welfare of the community; lessening congestion in the streets, securing safety from fire; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population; facilitating the adequate provision of transportation, water, sewage, schools, parks, and other public improvements, protecting scenic areas, and protecting areas subject to periodic flooding against development, in accordance within a Comprehensive Plan, the City Council of the City of Liberty does ordain and enact into law the following articles and sections:

#### **Section 100. Jurisdiction.**

The regulations set forth in this ordinance shall be applicable within the corporate limits of the City of Liberty, South Carolina, as now or hereafter established.

**Section 101. Compliance.**

This ordinance shall take effect and all regulations included herein shall be in full force from and after the date of its adoption by the Liberty City Council.

**ARTICLE II****SHORT TITLE**

This ordinance shall be known and may be cited as "The Zoning Ordinance of the City of Liberty, South Carolina."

**ARTICLE III****ESTABLISHMENT OF ZONING DISTRICTS AND  
RULES FOR THE INTERPRETATION OF DISTRICT BOUNDARIES****Section 300. Establishment of Districts.**

For the purpose of this Ordinance, the City of Liberty is hereby divided into the following zoning districts:

LR	Low Density Residential District
MR	Medium Density Residential District
RM-8	Multi-Family Residential District
RM-16	Multi-Family Residential District
MH-SF	Mobile Home Single Family Residential District
MH	Mobile Home Park District
OC	Office Commercial District
NC	Neighborhood Commercial District
GC	General Commercial District
CC	Core Commercial District
LI	Limited Industrial District
BI	Basic Industrial District
PDD	Planned Development District

**Section 301. District Boundaries.**

The boundaries of the above zoning districts are hereby established as shown on the Official Zoning Map of the City of Liberty, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the Seal of the City under the words: "Official Zoning Map, City of Liberty, South Carolina," together with the date of the adoption of this Ordinance.

If, in accordance with the provisions of this Ordinance and South Carolina 1976 Code of Laws, 1994 Supplement, Volume 2, Title VI, Chapter 29, Section 730, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the official zoning map promptly by the City Clerk within seven days after the amendment has been approved by the City Council. No amendment to this Ordinance, which involves matter portrayed on the Official Zoning Map, shall become effective until after such change has been made on said map.

No changes of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind, by any person or persons, shall be considered a violation of this Ordinance and punishable as provided by law.

Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map, which shall be located in the office of the City Clerk, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the City.

### **Section 302. Rules for Interpretation of District Boundaries.**

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- 302.1 Boundaries indicated as approximately following the centerlines of right-of-way lines of streets, highways, alleys, or public utility easements shall be construed to follow such centerlines;
- 302.2 Boundaries indicated as approximately following platted lots or tract lines shall be construed as following such lines, whether public or private;

- 302.3 Boundaries indicated as approximately following city limits shall be construed as following such city limits;
- 302.4 Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- 302.5 Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such centerlines;
- 302.6 Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 5 above shall be so construed. In the case of distances not specifically indicated on the Official Zoning Map, or in other circumstances not covered by Subsections 1 through 5 above, the Board of Appeals shall interpret the district boundaries.

### **Section 303. Annexation and Other Adjustments to City Limits.**

Where city limit boundaries change by virtue of annexation or some other means, the following provisions shall apply:

- 303.1 When new land areas are incorporated or otherwise annexed into the City, the ordinance to annex the area shall designate a zoning district or zoning districts for which the annexed area is to be classified.
- 303.2 In all cases, where additions or deletions in the City of Liberty's total land area require adjustments in the Zoning District boundaries, said amendments shall be made on the Zoning Map within 60 days and the date of Council action shall be noted.

## **ARTICLE IV**

### **APPLICATION OF DISTRICT REGULATIONS**

The regulations set by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure of land, except as hereinafter provided. Except where provisions for relief are set forth elsewhere in this Ordinance, the following general standards for the enforcement of District Regulations shall apply.

**Section 400. Use of Land or Structures.**

- 400.1 No land or structure shall hereinafter be used or occupied, and no structure or parts hereafter be constructed, erected, altered or moved, unless in conformity with all the regulations herein specified for the district in which located.
- 400.2 No structure shall hereafter be erected or altered:
- a) with greater height, size, bulk, or other dimensions;
  - b) to convert any structure into a dwelling or to increase the number of units within a dwelling so as to accommodate a greater number of dwelling units or families than is permitted in the zoning district in which located;
  - c) to occupy a greater percentage of lot area;
  - d) to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this Ordinance.
- 400.3 No part of a yard, or other open space, off-street parking or loading required in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

**Section 401. Lot Reduction Prohibited.**

No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

**Section 402. Use of Substandard Lots of Record.**

Where, at the time of the adoption of this ordinance, an existing lot of record, that was recorded in compliance with all regulations in effect at the time it was recorded, does not conform to the dimensional requirements of this ordinance, it may nonetheless be used as a building site and the Zoning Administrator is authorized to issue a Certificate of Zoning Compliance for the use of the

property. The Zoning Administrator shall establish setbacks to conform as closely as possible to the dimensional requirements of this ordinance, but so as not to prohibit reasonable use of the parcel. If any of two (2) or more adjoining lots under the same ownership do not conform to the dimensional requirements of this ordinance, then the lots must be combined to meet more closely, if not completely, the dimensional requirements of this ordinance for the issuance of a Certificate of Zoning Compliance.

**Section 403. Railroad Right of Way Requirements.**

In all districts, where property adjoins the Norfolk Southern Railroad's one hundred (100) foot right of way, the rear and/or side setback requirement shall be waived.

**ARTICLE V**

**REQUIREMENTS BY DISTRICTS**

**Section 500. LR Low Density Residential District.**

500.1 Intent of District. it is the intent of this Section that the LR Zoning District be developed and reserved for low-density residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for one-family dwellings situated on lots having an area of 12,000 square feet or more and to discourage any encroachment by commercial, industrial or other uses capable of adversely affecting the residential character of the district.

500.2 Permitted Uses. The following uses shall be permitted in any LR Zoning District:

- a) One-Family dwelling (other than a mobile home).
- b) Unlighted golf course, excluding miniature golf courses and driving ranges.
- c) Non-commercial horticulture or agriculture, but not including the keeping of poultry, livestock, or kennels.
- d) Customary home occupation established under the provisions of Section 709.

- e) Accessory use in compliance with the provisions of Sections 710 and 711.

## 500.3

Conditional Uses. The following uses shall be permitted in any LR Zoning District on a conditional basis, subject to conditions set for in Article VIII, Section 804. For any conditional uses within the LR District, a buffer strip in compliance with Section 726 of this ordinance shall be installed and maintained along all property lines bordering a parcel that is zoned for residential usage.

- a) Church, synagogue, temple and other places of worship; provided that: (1) such use is housed in a permanent structure which meets all building, electrical, and plumbing codes for places of public assembly, (2) such use is located on a lot not less than 20,000 square feet in area, (3) no structure on the lot is closer than 25 feet to any abutting property line zoned for residential use, and (4) exterior and parking lot lights do not reflect onto adjoining residences.
- b) Private kindergarten, Day-Care Center, or pre-school nursery; provided that: (1) such uses meet the minimum standards set forth for such facilities by the State Board of Health; (2) such use is located on a lot not less than 20,000 square feet in area; (3) no structure on the lot is closer than 25 feet to any abutting residential property line, and (4) a five (5) foot wall or chain link fence is constructed around any play area.
- c) Publicly owned building or facility with a minimum lot size of 20,000 square feet.
- d) Public utility substation or sub-installation including water towers; provided that: 1) such use is enclosed by a wall or chain link fence at least six (6) feet in height above finished grade, (2) there is neither office nor commercial operation nor storage of vehicles or equipment on the premises, and (3) a landscaped strip not less than five (5) feet in width is planted and suitably maintained around the facility.
- e) Communication towers, in accordance with the provisions set forth in Section 727 of this Ordinance.

- f) Cemetery, provided that such use: (1) consists of a site of at least five (5) acres, (2) has a front yard setback of at least seventy (70) feet from the center line of the street right-of-way, and (3) maintains only a non-illuminated sign no greater than thirty (30) square feet.
- g) Temporary use in compliance with the provisions of Article VIII, Section 804.
- h) Bed and Breakfast Inn, providing at least three, but no more than six rooms for paying guests and provided that such use:
- (1) is operated by the individual owner of the property and the use is subordinate and incidental to the principal residential use; (2) produces no alteration or change in the character or the exterior appearance of the principal building from that of a dwelling; (3) serves no meals other than breakfast to the paying guests; (4) maintains a guest register containing names, addresses and dates of occupancy, and which is available upon request to the City of Liberty; (5) sells only articles made on the premises or those articles custom made for the establishment and does not display products to the street or neighboring property; (6) provides off-street parking, no more and no less than the one parking place per bedroom plus three additional places (parking need not be paved); (7) limits signage to one sign, not to exceed three square feet; (8) does not sell alcoholic beverages; (9) does not host commercial meetings. Commercial meetings include the following activities: luncheons, banquets, parties, weddings, meetings, charitable fund raising, commercial or advertising activities, or other gatherings for direct or indirect compensation.

500.4 Prohibited Uses. Sexually Oriented Businesses (see Liberty Ordinance 0102).

500.5 Other Requirements. Uses permitted in LR Zoning Districts shall be required to conform to the following standards, except that the use of substandard lots of record as of the effective date of this Ordinance may be subject to whatever relief is provided in Article IV, Section 402 of this Ordinance.

- a) Minimum Lot Area: Twelve thousand (12,000) square feet.
- b) Minimum Land Area Per Dwelling Unit: Twelve thousand (12,000) square feet.
- c) Minimum Lot Width measured at Building Line: Seventy-Five (75) feet.
- d) Minimum Front Yard Depth measured from the nearest right-of-way line: Thirty-five (35) feet. For exceptions to this requirement, see Article VII, Section 704 and 705.
- e) Minimum Side Yard: No less than ten (10) feet. For side yard requirements pertaining to corner lots, see Article VII, Section 702 and 704.
- f) Minimum Rear Yard: Twenty (20) feet. For rear yard requirements pertaining to double frontage lots, see Article VII, Section 704.
- g) Maximum Building Height: Thirty-five (35) feet. For exceptions to height regulations, see Article VII, Section 722.
- h) Additional Requirements: Uses permitted in LR Zoning Districts shall meet all standards set forth in Article VII, pertaining to off-street parking, loading, and other requirements.
- i) Signs: Signs permitted in R-20 Zoning Districts, including the conditions under which they may be located are set forth in Article VI.

**Section 501. MR Medium Density Residential District.**

- 501.1 Intent of District. It is the intent of this Section that the MR Zoning District be developed and reserved for medium density one-family residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for one-family dwellings situated on lots of 8,000 square feet or more; and to discourage any encroachment by commercial, industrial, or other use capable of adversely affecting the residential character of the district.
- 501.2 Permitted Uses. The following uses shall be permitted in any MR Zoning District:

- a) All uses permitted in LR One-Family Residential District, as shown in Section 500.2.
- 501.3 Conditional Uses. All conditional uses permitted in the LR One-Family Residential District, as shown in Section 500.3, shall be permitted in any MR Zoning District on a conditional basis, subject to conditions set forth in Article VIII, Section 804. For any conditional uses within the MR District, a buffer strip in compliance with Section 726 of this ordinance shall be installed and maintained along all property lines bordering a parcel that is zoned for residential usage.
- 501.4 Prohibited Uses. Sexually Oriented Businesses (see Liberty Ordinance 0102).
- 501.5 Other Requirements. Uses permitted in MR Districts shall be required to conform to the following standards, except that use of substandard lots of record as of the effective date of this Ordinance may be subject to whatever relief is provided by Article IV, Section 402, of this Ordinance.
- a) Minimum Lot Area: Eight thousand (8,000) square feet, one-family.
- b) Minimum Lot Width measured at the Building Line: Fifty (50) feet.
- c) Minimum Front Yard Depth measured from the nearest street right-of-way line: Fifteen (15) feet. For exceptions to this requirement, see Article VII, Sections 704 and 705.
- d) Minimum Side Yard: Eight (8) feet. For side yard requirements pertaining to corner lots, see Article VII, Sections 702 and 704.
- e) Minimum Rear Yard: Fifteen (15) feet. For rear yard requirements pertaining to double frontage lots, see Article VII, Section 704.
- f) Maximum Building Height: Thirty-five (35) feet. For exceptions to height regulations, see Article VII, Section 722.
- g) Additional Requirements: Uses permitted in MR Zoning Districts shall meet all standards set forth in Article VII, pertaining to off-street parking, loading and other requirements.
- h) Signs: Signs permitted in MR Zoning Districts, including the conditions under which they may be located, are set forth in Article VI.

**Section 501(a). MRD Medium Density Duplex Residential District.**

- 501.1(a) Intent of District. It is the intent of this Section that the MRD Zoning District be developed and reserved for medium density one-family residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for one-family and two-family dwellings situated on lots of 8,000 square feet or more; and to discourage any encroachment by commercial, industrial, or other use capable of adversely affecting the residential character of the district.
- 501.2(a) Permitted Uses. The following uses shall be permitted in any MRD Zoning District:
- a) All uses permitted in LR One-Family Residential District, as shown in Section 500.2.
  - b) “Duplex Units” as defined by Two-Family Dwellings in this Ordinance.
- 501.3(a) Conditional Uses. All conditional uses permitted in the LR One-Family Residential District, as shown in Section 500.3, shall be permitted in any MRD Zoning District on a conditional basis, subject to conditions set forth in Article VIII, Section 804. For any conditional uses within the MRD District, a buffer strip in compliance with Section 726 of this ordinance shall be installed and maintained along all property lines bordering a parcel that is zoned for residential usage.
- 501.4(a) Prohibited Uses. Sexually Oriented Businesses (see Liberty Ordinance 0102).
- 501.5(a) Other Requirements. Uses permitted in MRD Districts shall be required to conform to the following standards, except that use of substandard lots of record as of the effective date of this Ordinance may be subject to whatever relief is provided by Article IV, Section 402, of this Ordinance.
- a) Minimum Lot Area: Eight thousand (8,000) square feet, one-family.
  - b) Minimum Lot Width measured at the Building Line: Fifty (50) feet.
  - c) Minimum Front Yard Depth measured from the nearest street right-of-way line: Fifteen (15) feet. For exceptions to this requirement, see Article VII, Sections 704 and 705.

- d) Minimum Side Yard: Eight (8) feet. For side yard requirements pertaining to corner lots, see Article VII, Sections 702 and 704.
- e) Minimum Rear Yard: Fifteen (15) feet. For rear yard requirements pertaining to double frontage lots, see Article VII, Section 704.
- f) Maximum Building Height: Thirty-five (35) feet. For exceptions to height regulations, see Article VII, Section 722.
- g) Additional Requirements: Uses permitted in MRD Zoning Districts shall meet all standards set forth in Article VII, pertaining to off-street parking, loading and other requirements.
- h) Signs: Signs permitted in MRD Zoning Districts, including the conditions under which they may be located, are set forth in Article VI.

#### **Section 502. RM-8 Residential, Multi-Family District**

502.1 Intent of District. It is the intent of this section that the RM-8 Zoning District be developed and reserved for medium-to-high density residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for several different types of multi-family dwellings, and to discourage unwanted encroachment of commercial, industrial, or other uses capable of adversely affecting the residential character of the district.

502.2 Permitted Uses. The following uses shall be permitted in any RM-8 Zoning District:

- a) All uses permitted in the MR Residential District, as shown in Section 501.2. Such uses shall be subject to development specifications included in Section 501.
- b) One-Family duplex unit, accommodating no more than two (2) families per lot.
- c) Multi-family dwellings.
- d) Boarding houses.

- e) Professional offices limited to professional occupations licensed by the State of South Carolina.

502.3 Conditional Uses. The following uses may be permitted in any RM-8 Zoning District on a conditional basis subject to the provisions set forth in Article VIII, Section 804.

- a) All conditional uses permitted in the MR Zoning District as set forth in Section 501.3.
- b) Public or private care homes, provided such facilities conform with the requirements of the State Board of Health, provided plans for such facilities receive the written approval of the Pickens County Board of Health prior to the issuance of any permits for construction and operation; copies of such approval to be attached to the building permit and to be retained in the files of the Zoning Administrator.

502.4 Prohibited Uses. Sexually Oriented Businesses (see Liberty Ordinance 0102).

502.5 Other Requirements. Unless otherwise specified elsewhere in this Ordinance, multi-family uses permitted in RM-8 Zoning Districts shall be required to conform to the following standards:

- a) **Minimum Lot Area:** Twenty thousand (20,000) square feet. For fee simple townhouse developments, the minimum lot area requirement applies to the townhouse development, not individual lots.
- b) **Minimum Lot Area per Dwelling Unit:** The minimum area per dwelling unit on a lot shall not be less than indicated by dwelling unit type on the following schedule (for fee simple townhouse developments, requirements apply to the development, not individual units):

One-family residence ..... 9,000 square feet

Two-family residence ..... 4,500 square feet

Multiple family dwelling .... According to specifications set forth below:

- 1) **Minimum Lot Area:** Twenty thousand (20,000) square feet.
- 2) **Minimum Lot Area per Dwelling Unit:** Five thousand (5,000) square feet. This figure is the minimum average area per unit.

- c) The maximum density for multi-family dwellings shall be eight (8) units per acre.
- d) Minimum Lot Width measured at the Building Line: One hundred (100) feet.
- e) Minimum Front Yard Depth measured from the nearest abutting street right-of-way line: thirty (30) feet. For exceptions to this requirement, see Article VII, Sections 704 and 705.
- f) Minimum Side Yard: Not less than fifteen (15) feet for each side. For side yard requirements pertaining to corner lots, see Article VII, Sections 702 and 704.
- g) Minimum Rear Yard: Thirty (30) feet. For rear yard requirements pertaining to double frontage lots, see Article VII, Section 704.
- h) A buffer strip in compliance with Section 726 of this ordinance, shall be provided if the parcel borders any parcel zoned LR or MR.
- i) Maximum Building Height: Thirty-five (35) feet, as measured upward from the point of lowest ground level elevation of said building. Multi-family dwellings may exceed thirty-five (35) feet in height only after approval of the Fire Chief. For other exceptions to the height regulations, see Article VII, Section 721.
- j) The maximum number of residents permitted in any dwelling unit within the RM-8 zone shall be two (2.00) per bedroom.
- k) The minimum heated floor area for multi-family dwelling units shall be as shown:
- |                        |           |
|------------------------|-----------|
| Efficiency             | 500 s. f. |
| One-Bedroom            | 550 s. f. |
| Two Bedrooms           | 600 s. f. |
| Three or more bedrooms | 700 s. f. |
- l) Additional Requirements: Uses permitted in RM-8 Zoning Districts shall meet all standards set forth in Article VII, pertaining to off-street parking, loading and other requirements.

- m) Signs: Signs are permitted in accordance with the provisions set forth in Article VI of this Ordinance.

**Section 503. RM-16 Residential, Multi-Family District.**

- 503.1 Intent of District. It is the intent of this section that the RM-16 Zoning District be developed and reserved for medium-to-high density residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for several different types of multi-family dwellings, and to discourage unwanted encroachment of commercial, industrial, or other uses capable of adversely affecting the residential character of the district.
- 503.2 Permitted Uses. The following uses shall be permitted in any RM-16 Zoning District:
- a) All uses permitted in the MR Residential District, as shown in Section 501.2. Such uses shall be subject to development specifications included in Section 501.
  - b) Multi-family dwellings.
  - c) Boarding houses.
  - d) Professional offices limited to professional occupations licensed by the State of South Carolina.
- 503.3 Conditional Uses. The following uses may be permitted in any RM-16 Zoning District on a conditional basis subject to the provisions set forth in Article VIII, Section 804.
- a) All conditional uses permitted in the MR Zoning District as set forth in Section 501.3.
  - b) Public or private care homes, provided such facilities conform with the requirements of the State Board of Health, provided plans for such facilities receive the written approval of the Pickens County Board of Health prior to the issuance of any permits for construction and operation; copies of such approval to be attached to the building permit and to be retained in the files of the Zoning Administrator.

- 503.4 Prohibited Uses. Sexually Oriented Businesses (see Liberty Ordinance 0102).
- 503.5 Other Requirements. Unless otherwise specified elsewhere in this Ordinance, multi-family uses permitted in RM-16 Zoning Districts shall be required to conform to the following standards:
- a) Minimum Lot Area: Twenty thousand (20,000) square feet (except as noted in Section 503.2.a). For fee simple townhouse developments, the minimum lot area requirement applies to the townhouse development, not individual lots.
  - b) Minimum Lot Area per Dwelling Unit: The minimum area per dwelling unit on a lot shall not be less than indicated by dwelling unit type on the following schedule:
    - One-family residence ..... 6,000 square feet
    - Two-family residence ..... 4,500 square feet
    - Multiple family dwelling .... According to specifications set forth below:
      - 1) Minimum Lot Area: Twenty thousand (20,000) square feet.
      - 2) Minimum Lot Area per Dwelling Unit: Two thousand five hundred (2,500) square feet. This figure is the minimum average area per unit.
  - c) The maximum density for multi-family dwellings shall be sixteen (16) units per acre.
  - d) Minimum Lot Width measured at the Building Line: One hundred (100) feet.
  - e) Minimum Front Yard Depth measured from the nearest abutting street right-of-way line: Thirty (30) feet. For exceptions to this requirement, see Article VII, Sections 704 and 705.
  - f) Minimum Side Yard: No less than fifteen (15) feet for each side. For side yard requirements pertaining to corner lots, see Article VII, Sections 702 and 704.

- g) Minimum Rear Yard: Thirty (30) feet. For rear yard requirements pertaining to double frontage lots, see Article VII, Section 704.
- h) A buffer strip in compliance with Section 726 of this ordinance shall be provided if the parcel borders any parcel zoned LR or MR.
- i) Maximum Building Height: Thirty-five (35) feet, as measured upward from the point of lowest ground level elevation of said building. Multi-family dwellings may exceed thirty-five (35) feet in height only after approval of the Fire Chief. For other exceptions to the height regulations, see Article VII, Section 722.
- j) The maximum number of residents permitted in any dwelling unit within the RM-16 zone shall be two (2.00) per bedroom.
- k) The minimum heated floor area for multi-family dwelling units shall be as shown:
- |                        |           |
|------------------------|-----------|
| Efficiency             | 500 s. f. |
| One-Bedroom            | 550 s. f. |
| Two Bedrooms           | 600 s. f. |
| Three or more bedrooms | 700 s. f. |
- l) Additional Requirements: Uses permitted in RM-16 Zoning Districts shall meet all standards set forth in Article VII, pertaining to off-street parking, loading and other requirements.
- m) Signs: Signs are permitted in accordance with the provisions set forth in Article VI of this Ordinance.

#### **Section 504. Mobile Home-Single Family District.**

- 504.1 Intent of District. It is the intent of this Section that the MH-SF Zoning District be developed and reserved for medium density one-family and two-family residential purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy environment for one-family and two-family dwellings situated on lots of 8,000 square feet or more; and to discourage any encroachment by commercial,

industrial, or other use capable of adversely affecting the residential character of the district.

504.2 Permitted Uses. The following uses shall be permitted in any MH-SF Zoning District:

a) All uses permitted in MR Low Density Residential District, as shown in Section 501.2.

504.3 Conditional Uses.

a) All conditional uses permitted in the MR One-Family Residential District, as shown in Section 501.3, shall be permitted in any MH-SF Zoning District on a conditional basis, subject to conditions set forth in Article VIII, Section 804. For any of these conditional uses within the MH-SF District, a buffer strip in compliance with Section 726 of this ordinance shall be installed and maintained along all property lines bordering a parcel that is zoned for residential usage.

b) One mobile home unit per parcel, in full compliance with all standards included in Section 725 of this Ordinance.

504.4 Prohibited Uses. Sexually Oriented Businesses (see Liberty Ordinance 0102).

504.5 Other Requirements. Uses permitted in MH-SF Districts shall be required to conform to the following standards, except that use of substandard lots of record as of the effective date of this Ordinance may be subject to whatever relief is provided by Article IV, Section 402, of this Ordinance.

a) Minimum Lot Area: Eight thousand (8,000) square feet, one-family; nine thousand (9,000) square feet, two-family.

b) Minimum Lot Width measured at the Building Line: Fifty (50) feet.

c) Minimum Front Yard Depth measured from the nearest street right-of-way line: Fifteen (15) feet. For exceptions to this requirement, see Article VII, Sections 704 and 705.

d) Minimum Side Yard: Five (5) feet from one side, provided that the total of both side yards is not less than thirty (30%) percent of the total lot

width. For side yard requirements pertaining to corner lots, see Article VII, Sections 702 and 704.

- e) Minimum Rear Yard: Fifteen (15) feet. For rear yard requirements pertaining to double frontage lots, see Article VII, Section 704.
- f) Maximum Building Height: Thirty-five (35) feet. For exceptions to height regulations, see Article VII, Section 722.
- g) Additional Requirements: Uses permitted in MH-SF Zoning Districts shall meet all standards set forth in Article VII, pertaining to off-street parking, loading and other requirements.
- h) Signs: Signs permitted in MH-SF Zoning Districts, including the conditions under which they may be located, are set forth in Article VI.

#### **Section 505. Mobile Home Park District (MH).**

505.1 Purpose. The purpose of the Mobile Home Park District is to provide a sound and healthy residential environment sufficient to meet the unique needs of inhabitants living in the mobile homes, to protect mobile home parks from encroachment by incompatible uses, and to encourage the consolidation of mobile homes into mobile home parks. Any mobile home park within the City of Liberty shall henceforth be located in conformance with the regulations set forth herein.

505.2 Permitted Uses. The following uses shall be permitted in any mobile home zoning park district.

- a) Mobile home parks: Provided they are first submitted to and approved by the Planning Commission, and are found to be in conformance with the following minimum requirements:
  - (1) The minimum area for a mobile home park shall be two (2) acres.
  - (2) The maximum number of mobile homes per acre shall not exceed four (4).

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- (3) The development of mobile home parks shall be considered in accordance with an overall plan which shall be reviewed and approved by the Planning Commission and shall include provisions for:
- (a) The maximum height of a mobile home shall be fifteen (15) feet.
  - (b) The site plan for a mobile home park shall be reviewed by the Pickens County Department of Health and Environmental Control, which shall advise the Planning Commission of its findings in writing, prior to the Commission's recommendations on the proposal.
  - (c) Signs for mobile home parks shall conform to Article VI of this Ordinance.
  - (d) The City Council may revoke any license to maintain and operate a mobile home park when the licensee has been found guilty by a court of competent jurisdictions of violating any provisions of this Ordinance.
  - (e) No mobile home unit or other structure within a mobile home park shall be placed closer than 25 feet to any front property line, 15 feet to any side property line, or 35 feet to any rear property line.
  - (f) A minimum of twenty percent (20%) of the mobile home park area or twenty thousand (20,000) square feet shall be reserved as open space.
  - (g) All mobile home units located in the City subsequent to the adoption of this Ordinance must be in full compliance with Section 725 herein.
- (4) The location use plan and dimension of each building or structure to be constructed and the location of each mobile home unit to be parked. The location, dimension and arrangement of all open spaces, yards, access ways, entrances, exits, off-street

parking facilities, pedestrian walkways, location and width of roads, streets, and sidewalks, location, dimensions and arrangements of all areas devoted to planting lawns, trees, or similar purposes with a description including the height and density of all trees for planting to be used for screening, location and description of all facilities to be used for sewage disposal, water supply and stormwater drainage.

- (5) The mobile home park shall be developed in accordance with the plan submitted. Any changes shall be reviewed and approved by the Planning Commission.

- 505.3 Landscaping. The proposed development shall be designated as a single architectural scheme with appropriate common landscaping.
- 505.4 Parking. Parking spaces shall be provided at a ratio of one and one-half (1-1/2) spaces for each mobile home.
- 505.5 Prohibited Uses. Sexually Oriented Businesses (see Liberty Ordinance 0102).
- 505.6 Other Requirements. Uses permitted shall meet all standards set forth in Article 7 pertaining to off-street parking, loading, and other requirements.

#### **Section 506. OC Office Commercial District.**

- 506.1 Intent of the District. It is the intent of this section that the OC Zoning District be developed and reserved for professional office oriented business purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy, and compatible environment for professional office and institutional uses; to control traffic and parking congestion; to avoid the development of “strip” business districts; and to discourage the encroachment of industrial and other uses capable of adversely affecting the localized commercial character of the district.
- 506.2 Permitted Uses. The following uses shall be permitted in OC Zoning District:
- a) Professional Offices.

- b) Banks and other financial institutions.
- c) Day care centers.
- d) Cultural and community centers, including libraries, theaters, neighborhood recreation centers, churches and other religious facilities.
- e) Public utility facilities, including offices, electric transformer stations, gas regulator stations, telephone switching stations, excluding utility and communication towers, which are permitted as conditional uses, as listed in Sections 506.3 (a) and 506.3 (b).
- f) Schools.
- g) Clinics, nursing and convalescent homes, community residential care facilities.
- h) Veterinary offices with no external runs.
- i) Kennels, as an accessory use to a veterinary office only, with no external runs
- j) Funeral homes.
- k) Auto parking lots.
- l) Commercial printers.
- m) Facilities of city, county, state or federal government.
- n) Facilities of the Pickens County School System or other public service districts.

506.3 Conditional Uses. The following uses shall be permitted on a conditional basis in any OC Zoning District, subject to the conditions set forth in Article VIII, Section 804.

- a) Public Utility substations or subinstallation, including standpipes, water tanks, or fire towers, provided such use is enclosed by a painted or chain link fence or stockade-type fence or wall at least six (6) feet in height above finished grade, provided there is neither an office nor commercial operation nor storage of vehicles on site, provided a landscaped buffer

strip, in compliance with Section 725 of this Ordinance, not less than ten (10) feet in width is installed and maintained.

- b) Communication towers, in accordance with the provisions set forth in Section 727 of this Ordinance.
- c) A residential use as an accessory activity to any use permitted within the OC district, provided the residential use is housed within the primary office or commercial structure.
- d) Temporary use in compliance with the provisions of Article VIII, Section 804.

506.4 Prohibited Uses. Sexually Oriented Businesses (see Liberty Ordinance 0102) and mobile homes.

506.5 Other Requirements. Unless otherwise specified elsewhere in this Ordinance, uses permitted in OC Office Commercial Zoning Districts shall be required to conform to the following standards:

- a) Minimum Lot Area: Twelve thousand (12,000) square feet.
- b) Minimum Lot Width measured at the Building Line: Seventy-five (75) feet.
- c) Minimum Front Yard measured from the nearest abutting street right-of-way line: Thirty (30) feet. For exceptions to this requirement, see Article VII, Sections 704 and 705.
- d) Minimum Side Yard: Not less than fifteen (15) feet from each side. In addition, where the district abuts any residential zoning district not separated by a street right-of-way, a landscaped buffer strip, in compliance with Section 726 of this Ordinance, shall be required. For side yard requirements pertaining to corner lots, see Article VII, Sections 702 and 704.
- e) Minimum Rear Yard: Twenty (20) feet. Where the district abuts any residential zoning district not separated by a street right-of-way, a landscaped buffer strip, in compliance with Section 726 of this Ordinance, shall be required. For rear yard requirements pertaining to double frontage lots, see Article VII, Section 704.

- f) Maximum Building Height: Thirty-five (35) feet. For exceptions to height regulations, see Article VII, Section 721.
- g) Additional Requirements: Uses permitted in OC Zoning Districts shall meet all standards set forth in Article VII, pertaining to off-street parking, loading, and other requirements.
- h) Signs: Signs permitted in OC Zoning Districts, including the conditions under which they may be located, are set forth in Article VI.

**Section 507. NC Neighborhood Commercial District.**

507.1 Intent of District. It is the intent of this Section that the NC Zoning District be developed and reserved for local or neighborhood oriented business purposes. The regulations which apply within this district are designed to encourage the formation and continuance of a stable, healthy, and compatible environment for uses that are located so as to provide nearby residential areas with convenient shopping and service facilities; control traffic and parking congestion; avoid the development of "strip" business districts; and discourage industrial and other encroachment capable of adversely affecting the localized commercial character of the district.

507.2 Permitted Uses. The following uses shall be permitted in NC Zoning District:

- a) General retail stores, excluding supermarkets, package liquor stores, and large discount stores.
- b) Service businesses, including - but not limited to plumbers, electricians, barbers, beauticians, repair services, photographers, etc., provided all services take place within an enclosed building and there is no external storage of inventory, parts, machinery or equipment.
- c) Professional Offices
- d) Banks and other financial institutions
- e) Neighborhood food stores, including produce stands, retail bakeries, meat markets (without slaughtering on-site), delicatessens and similar businesses. Supermarkets are expressly prohibited.

- f) Day care centers.
- g) Cultural and community centers, including libraries, theaters, neighborhood recreation centers, churches and other religious facilities.
- h) Schools.
- i) Clinics, nursing and convalescence homes. Veterinary offices with no external runs. Kennels, as an accessory use to a veterinary office only, with no external runs.
- j) Coin operated laundries
- k) Funeral homes.
- l) Auto parking lots.
- m) Facilities of city, county, state or federal government.
- n) Facilities of the Pickens county School System or other public service districts.
- o) Group community residential care facilities.

## 507.3

Conditional Uses. The following uses shall be permitted on a conditional basis in any NC Zoning District, subject to the conditions set forth in Article VIII, Section 804.

- a) Convenience stores with gasoline pumps and automobile gasoline stations, provided there is no repair of automobiles on site, there is no storage of automobiles or automobile parts, all pumps are set back at least twenty-five (25) feet from any public right-of-way, and fuel tanks are installed underground.
- b) Dry cleaning or laundry pickup agency, provided that any laundering, cleaning or pressing done on the premises involves only articles delivered to the premises by individual customers.
- c) Public utility substations or subinstallation, including standpipes, water tanks, or fire towers, provided such use is closed by a painted or chain link fence or wall at least six (6) feet in height above finish grade, provided there is neither an office nor commercial operation nor storage of vehicles,

provided a landscaped strip not less than five (5) feet in width is planted and suitably maintained.

- d) Communication towers, in accordance with the provisions set forth in Section 727 of this Ordinance.
- e) Private kindergarten, day care centers, or pre-school nursery, provided that such use is located on a parcel of at least twenty thousand (20,000) square feet.
- f) Combination of residential structure with any use herein permitted, provided that all dwelling units have direct access to an abutting street. Parking provisions shall be complied with for each use.
- g) Residential use lawfully existing at the time of adoption of this Ordinance.
- h) Temporary use in compliance with the provisions of Article VIII, Section 804.

507.4 Prohibited Uses. Sexually Oriented Businesses (see Liberty Ordinance 0102) and mobile homes.

507.5 Other Requirement. Unless otherwise specified elsewhere in this Ordinance, uses permitted in NC Neighborhood Commercial Zoning Districts shall be required to conform to the following standards:

- a) Minimum Lot Area: Twelve thousand (12,000) square feet.
- b) Minimum Lot Width measured at the Building Line: Seventy-five (75) feet.
- c) Minimum Front Yard measured from the nearest abutting street right-of-way line: Thirty (30) feet. For exceptions to this requirement, see Article VII, Sections 704 and 705.
- d) Minimum Side Yard: Not less than fifteen (15) feet from each side. In addition, where the district abuts any residential zoning district not separated by a street right-of-way, a buffer strip in compliance with Section 726 of this ordinance shall be required. For side yard requirements pertaining to corner lots, see Article VII, Sections 702 and 704. If a common wall is used the side setback shall be zero (0) feet.
- e) Minimum Rear Yard: Twenty (20) feet. Where the district abuts any residential zoning district not separated by a street right-of-way, a buffer

strip in compliance with Section 726 of this ordinance shall be required. For rear yard requirements pertaining to double frontage lots, see Article VII, Section 704.

- f) Maximum Building Height: Thirty-five (35) feet. For exceptions to height regulations, see Article VII, Section 722.
- g) Maximum floor area for any use within the NC Zoning District shall be ten thousand (10,000) square feet.
- h) Additional Requirements: Uses permitted in NC Zoning Districts shall meet all standards set forth in Article VII, pertaining to off-street parking, loading, and other requirements.
- i) Signs: Signs permitted in NC Zoning Districts, including the conditions under which they may be located, are set forth in Article VI.
- j) No external display of inventory shall be permitted within any NC Zone.
- k) No external storage of equipment, inventory, or supplies shall be permitted within any NC Zone, unless completely enclosed by a solid fence or wall.

**Section 508. GC General Commercial District.**

- 508.1 Intent of District. It is the intent of this Section that the GC Zoning District be developed and reserved for general business purposes. The regulations which apply within this district are designed to encourage the formation of continuance of a compatible and economically healthy environment for business, financial service and professional uses which benefit from being located in close proximity to each other; and to discourage any encroachment capable of adversely affecting the general commercial character of the district.
- 508.2 Permitted Uses. The following uses shall be permitted in any GC Zoning District.
- a) General retail stores.
  - b) Service businesses, including - but not limited to plumbers, electricians, barbers, beauticians, repair services, photographers, etc.
  - c) Professional Offices.
  - d) Banks and other financial institutions.
  - e) Restaurants.
  - f) Retail food stores, including general groceries, produce standards, bakeries, meat markets (without slaughtering on-site), etc.
  - g) Food preparation establishments for off-premise delivery.
  - h) Day care centers.
  - i) Cultural and community centers, including libraries, theaters, neighborhood recreation centers, churches and other religious facilities.
  - j) Public utility facilities, including offices, electric transformer stations, gas regulator stations, telephone switching stations, and water towers.
  - k) Schools.
  - l) Clinics, nursing and convalescence homes.
  - m) Veterinary offices with no external runs.
  - n) Kennels, as an accessory use to a veterinary office only, with no external runs.
  - o) Coin operated laundries, dry cleaning - excluding dry cleaning plants.
  - p) Funeral homes.
  - q) Auto parking lots.

- r) Commercial printers.
- s) Facilities of city, county, state or federal government.
- t) Facilities of the Pickens County School System or other public service districts.
- u) Radio or television studios.
- v) Group community residential care facilities.
- w) Hotels, motels, bed and breakfast inns.
- x) Day care centers, adult and child.

508.3 Conditional Uses. The following uses shall be permitted on a conditional basis in any GC Zoning District, subject to the conditions set forth in Article VIII, Section 804.

- a) Automobile service station provided all fuel pumps are set back at least twenty-five (25) feet from the right-of-way line of the street; provided all fuel tanks are installed underground. In addition, where the use abuts any residential zoning district not separated by a street right-of-way, a buffer in compliance with Section 726 of this ordinance shall be required.
- b) Garage for the repairing and servicing of motor vehicles provided all operations are conducted within a fully enclosed building; and provided there is no open storage of wrecked vehicles; dismantled parts, or parts visible beyond the premises. One or more of the following options can be used to meet the screening requirements:
  - (1) Solid stockade type fence or wall so as to be 100 percent opaque, of at least six (6) feet in height, constructed of treated wood, masonry, or stone
  - (2) Chain link fence fitted with slats so as to be 100 Percent opaque, of at least six (6) feet in height
  - (3) Natural vegetative buffer of evergreen/non-deciduous plantings that at the time of planting shall be no less than five (5) feet in height and positioned in such a manner that at full growth, the buffer shall be no less than five (5) feet in height and that no discernible visual contact can be made through the buffer. The buffer shall be no less than four (4) feet wide. The ground area within the buffer shall be maintained with a natural landscaping treatment (bark, mulch, etc.), or land

cover plantings (grass, creeping junipers, etc.). Natural existing evergreen/non-deciduous vegetation located on the same premises as the use may be used to fulfill or partially fulfill the buffer requirements.

- c) Combination of residential structure with any use permitted herein.
- d) Newspaper publishing plant provided that the requirements for parking, loading, and unloading conform to those for industrial buildings, as set forth in Article VII.
- e) Car wash provided an off-street paved parking area capable of accommodating not less than one-half of hourly vehicle washing capacity awaiting entrance to the washing process is suitably located and maintained on the premises (such space to contain at least two hundred (200) square feet per waiting vehicle; and, provided no safety hazard or impediment to traffic movement is created by the operation of such an establishment.
- f) Animal hospital and/or boarding facility provided all board arrangements are maintained within a building and no noise connected with the operation of the facility is audible beyond the premises.
- g) Automobile, boat, recreational vehicle dealerships, open yard for the sale, rental, and/or storage of materials or equipment excluding junk or other salvage. In addition, where the use abuts any residential zoning district not separated by a street right-of-way, a buffer in compliance with Section 726 of this Ordinance shall be required.
- h) Community hospitals or clinics including any functions which relate directly to the operation of the hospitals or clinics and are contained within the confines of said hospital or clinic, and provided such uses are in compliance with the provisions of Section 711.
- i) Mini warehouse self-storage facilities, so long as no storage unit doors can be viewed from a public right-of-way, or adjoining parcel.
- j) Transmission towers, in accordance with the provisions set forth in Section 727 of this Ordinance.
- k) Temporary uses in compliance with the provisions of Article VIII, Section 804.

- 508.4 Prohibited Uses. Sexually Oriented Businesses (see Liberty Ordinance 0102) and mobile homes.
- 508.5 Other Requirements. Unless otherwise specified elsewhere in this Ordinance, uses permitted in GC General Commercial Zoning Districts shall be required to conform to the following standards:
- a) Minimum Lot Area: Twelve thousand (12,000) square feet.
  - b) Minimum Lot Width measured at the Building Line: Seventy-five (75) feet.
  - c) Minimum Front Yard measured from the nearest abutting street right-of-way line: Thirty (30) feet.
  - d) Minimum Side Yard: Not less than fifteen (15) feet for each side. Where the district abuts any residential zoning district not separated by a street right-of-way, a buffer strip in compliance with Section 726 of this ordinance shall be required. For side yard requirements pertaining to corner lots, see Article VII, Section 702 and 704. If a common wall is used the side setback shall be zero (0) feet.
  - e) Minimum Rear Yard: Twenty (20) feet. Where the district abuts any residential zoning district not separated by a public right-of-way, a buffer strip in compliance with Section 726 of this ordinance shall be required. For rear yard requirements pertaining to double frontage lots, see Article VII, Section 704.
  - f) Maximum Building Height: Thirty-five (35) feet. For structures in excess of thirty-five (35) feet, the Fire Chief's approval is necessary. For exceptions to height regulations, see Article VII, Section 722.
  - g) Additional Requirements: Uses permitted in GC Zoning Districts shall meet all standards set forth in Article VII, pertaining to off-street parking, loading and other requirements.
  - h) Signs: Signs permitted in GC Zoning Districts, including the conditions under which they must be located, are set forth in Article VI.

**Section 509. CC Core Commercial District.**

- 509.1        Intent of District. The intent of the CC Core Commercial District is to encourage the maintenance of a centrally located trade and commercial service area and to provide for the orderly expansion of such uses.
- 509.2        Permitted Uses. The following uses shall be permitted in any CC Core Commercial District:
- a) General retail stores, provided that any external storage of inventory, parts, or machinery is established to the rear of the front line of the principal structure and provided that such storage be completely enclosed by a solid fence or wall of at least six feet in height composed of treated wood or brick.
  - b) Service businesses, including - but not limited to plumbers, electricians, barbers, beauticians, repair services, photographers, etc., provided all services take place within an enclosed building and there is no external storage of inventory, parts, machinery or equipment.
  - c) Professional Offices.
  - d) Banks and other financial institutions.
  - e) Restaurants.
  - f) Retail food stores, including general groceries, produce stands, bakeries, meat markets (without slaughtering on-site), etc.
  - g) Food preparation establishments for off-premise delivery.
  - h) Day care centers.
  - j) Public utility facilities, including offices, electric transformer stations, gas regulator stations, telephone switching stations, excluding transmission towers.
  - k) Schools.
  - l) Clinics, nursing and convalescence homes.
  - m) Veterinary offices with no external runs.
  - n) Kennels, as an accessory use to a veterinary office only, with no external runs.
  - o) Coin operated laundries, dry cleaning - excluding dry cleaning plants.
  - p) Funeral homes.
  - q) Auto parking lots.
  - r) Commercial printers.

- s) Facilities of city, county, state or federal government.
- t) Facilities of the Pickens County School System or other public service districts.

509.3 Conditional Uses. The following uses shall be permitted on a conditional basis in the CC Zoning District, subject to the conditions set forth in Article VIII, Section 804.

- a) Automobile service stations provided all fuel pumps are set back at least twenty-five (25) feet from the right-of-way line of the street; provided all fuel pumps are installed underground. In addition, where the use abuts any residential zoning district not separated by a street right-of-way, a buffer strip in compliance with Section 726 of this ordinance shall be required.
- b) Combination of residential structure with any use permitted herein provided that all dwelling units have direct access to the street.
- c) Animal hospital and/or boarding facility provided all board arrangements are maintained indoors and no noise connected with the operation of the facility is audible beyond the premises.
- d) Clinics.
- e) Temporary uses in compliance with the provisions of Article VIII, Section 804.

509.4 Prohibited Uses. Sexually Oriented Businesses (see Liberty Ordinance 0102) and mobile homes.

509.5 Other Requirements. Unless otherwise specified elsewhere in this Ordinance, uses permitted in CC Core Commercial Districts shall be required to meet all standards set forth in this Ordinance for uses permitted in GC Zoning Districts, except that all front and side yard requirements, as well as all off-street parking and loading requirements shall be waived.

### **Section 510. LI Limited Industrial District.**

510.1 Purpose. The intent of the LI Zoning District is to provide areas for limited industrial activities which do not produce emissions of noise, odor, fumes, smoke, gas, dust, fire hazard, dangerous radiation, or other obnoxious conditions,

that are detectable on surrounding properties. The regulations which apply within this district are designed to encourage the formation and continuance of a compatible environment for uses generally classified to be limited industrial in nature; protect and reserve undeveloped areas in the City of Liberty, which are suitable for such industries; and discourage encroachment by those residential, commercial, or other uses capable of adversely affecting the basic industrial character of the district.

510.2 Permitted Uses. The following uses, or those uses similar in nature shall be permitted in any LI Zoning District:

- a) Research or experimental laboratory.
- b) Transportation terminal, excluding truck terminals which shall be permitted as conditional uses subject to the requirements of Section 510.3.f).
- c) Public building, facility, or land other than a school, playground, hospital, clinic, care home, or cultural facility
- d) Public utility installation, not including transmission towers (see 510.3.j).
- e) Agricultural farm.
- f) Horticultural nursery.
- g) Office building and/or offices for governmental, business, professional, or general purposes.
- h) Commercial, trade, or vocational school.
- i) Off street commercial parking lot or garage, as well as off-street parking or storage area for customer, client, or employee-owned vehicles.
- j) Restaurants, delicatessens and other eating establishments.
- k) Food preparation establishments for off-premise delivery.
- l) Manufacturing facilities that produce no emissions.
- m) Tattoo Parlors

510.3 Conditional Uses. The following uses, or those uses similar in nature shall be permitted on a conditional basis in any LI Zoning District, subject to the conditions set forth in Section 804.

- a) Warehouse or other storage facility, provided that there is no external storage of junk or salvage materials of any type in conjunction with the operation.

- b) Wholesale business outlet, provided that there is no open storage of junk or salvage materials of any type in conjunction with the operation.
- c) Automobile service station provided that all fuel pumps are set back at least twenty-five (25) feet from the right-of-way line of any street; provided all fuel tanks are installed underground; and, provided that there is no open storage of any type in conjunction with the operation.
- d) Animal hospital and/or boarding facility provided all boarding arrangements are maintained within a building and no noise connected with the operation of the facility is audible beyond the premises.
- e) Retail business provided such business is incidental to a permitted use; is located on the same premises as a permitted use; and involves no open storage of junk or salvage materials or any type in conjunction with the operation.
- f) Truck terminal provided that paved acceleration and deceleration lanes of at least twelve (12) feet in width and one hundred (100) feet in length, respectively, are furnished and maintained at every point where trucks enter or leave terminal sites located adjacent to major streets, provided no safety hazard or impediment to traffic movement is reduced on any access road, and provided no open storage of any type is conducted in connection with the operation.
- g) Watchman or caretaker's one-family dwelling provided that such a dwelling is located on the premises of a permitted use; and, provided a member of the household is employed by the industry as a watchman or caretaker.
- h) Dwelling incidental to a permitted agricultural or horticultural use provided that such related dwellings are occupied only by persons employed directly on the premises.
- i) Garage or shop for the repair and servicing of motor vehicles, equipment or machine parts provided any open yard storage incidental to such an operation conforms to the provisions of Subsection 508.3 (b); and, provided no objectionable sound, vibration, heat, glare, or electrical disturbance is created which is perceptible beyond the premises.
- j) Transmission towers, in accordance with the provisions set forth in Section 727 of this Ordinance.

- k) Temporary use in compliance with the provisions of Article VIII, Section 804.

510.4 Prohibited Uses. Sexually Oriented Businesses (see Liberty Ordinance 0102) and mobile homes.

510.5 Other Requirements. Unless otherwise specified elsewhere in this Ordinance, uses permitted in the LI Limited Industrial Districts shall be required to conform to the following standards:

- a) Minimum Lot Area: Twenty thousand (20,000) square feet.
- b) Minimum Lot Width measured at the Building Line: one hundred (100) feet.
- c) Minimum Front Yard measured from the nearest abutting street right-of-way line: Forty (40) feet.
- d) Minimum Side Yard: Not less than twenty (20) feet on each side, except that when the property abuts a non-industrial zoning district not separated by a public right-of-way, a buffer strip in compliance with Section 726 of this ordinance shall be required. For side yard requirements pertaining to corner lots, see Section 702 and 704.
- e) Minimum Rear Yard: Thirty-five (35) feet, except that when the property abuts a non-industrial zoning district not separated by a right-of-way, a buffer strip in compliance with Section 726 of this ordinance shall be required. For rear yard requirements pertaining to double frontage lots, see Article VII, Section 704.
- f) Maximum Building Height: Not more than thirty-five (35) feet, unless approved by the Fire Chief. For exceptions to height regulations, see Article VII, Section 722.
- g) Additional Requirements: Uses permitted in LI Zoning Districts shall meet all standards set forth in Article VII, pertaining to off-street parking, loading and other requirements.
- h) Signs: Signs permitted in LI Zoning Districts, including the conditions under which they may be located are set forth in Article VI.
- i) Any external storage of inventory, parts, or machinery is established to the rear of the front line of the principal structure and provided that such

storage be completely enclosed by a solid fence or wall of at least six feet in height composed of treated wood or brick.

**Section 511. BI Basic Industrial District.**

- 511.1 Intent of District. The intent of the BI, Basic Industrial, District is to promote the development and continued use of land for basic or primary industrial purposes which involve extensive manufacturing, processing, or assembly operations; and to preserve undeveloped sizable tracts of land with industrial potential for industrial uses.
- 511.2 Permitted Uses. The following uses, or those uses similar in nature shall be permitted in any BI Zoning District:
- a) Any use permitted in any LI Zoning District, subject to the standards set forth in this Section.
  - b) Any industrial use plus operations incidental to such use which involves manufacturing, processing, or assembly operations, or the storage and sale of heavy materials, products, or equipment; but not including junk or salvage yards or uses which may cause injurious or obnoxious noise, vibration, smoke, gas fumes, odor, dust, fire hazards, dangerous radiation or similar conditions.
  - c) Animal hospital and/or board facility.
  - d) Warehouse.
  - e) Bulk storage of petroleum products.
- 511.3 Conditional Uses. The following uses, or those uses similar in nature shall be permitted on a conditional basis in any BI Zoning District, subject to the conditions set forth in Section 804:
- a) Any use permitted on a conditional basis in any LI Zoning District, subject to the conditions of Subsection 510.3 and Article VIII, Section 804.
  - b) Retail or wholesale business or service, provided such business or service is incidental to a permitted industrial use; and is located on the same premises.

- c) Truck terminal, provided that paved acceleration and deceleration lanes of at least twelve (12) feet in width and one hundred (100) feet in length, respectively, are furnished and maintained at every point where trucks enter or leave terminal sites; and, provided sites for such facilities have direct access to major streets.
- d) Private recreation facilities provided such facility is incidental to a permitted use and located on the same premises.
- e) Open yard use for the sale, rental and/or storage of new, used or salvaged, materials, or equipment, provided that such use is conducted in a manner that it will be located on a site no less than one (1) acre in size, and provided no burning of materials or products is conducted on the premises except by means approved by the Fire Chief or Fire Inspector; and in the case of external storage or used or salvaged materials and/or equipment, a buffer strip in compliance with Section 726 of this ordinance shall be required along all property lines.
- f) Temporary uses are permitted in compliance with the provisions of Article VIII, Section 804.

511.4 Prohibited Uses. Mobile homes.

511.5 Other Requirements. Unless otherwise specified elsewhere in this Ordinance, uses permitted in BI Basic Industrial Zoning Districts shall be required to conform to the following standards:

- a) Minimum Lot Area: Twenty thousand (20,000) square feet.
- b) Minimum Lot Width measured at the Building Line: One Hundred (100) feet.
- c) Minimum Front Yard measured from the nearest abutting street right-of-way line: Forty (40) feet.
- d) Minimum Side Yard: No less than twenty (20) feet on each side, except that when the property abuts a non-industrial zoning district not separated by a right-of-way, a buffer strip in compliance with Section 726 of this ordinance shall be required. For side yard requirements pertaining to corner lots, see Article VII, Sections 702 and 704.

- e) **Minimum Rear Yard:** Thirty-five (35) feet, except that where the property abuts another zoning district not separated by a right-of-way, a buffer strip in compliance with Section 726 of this ordinance shall be required be required. For rear yard requirements pertaining to double frontage lots see Article VII, Section 704.
- f) **Maximum Building Height:** No more than thirty-five (35) feet, unless approved by the Fire Chief. For exceptions to height regulations, see Article VII, Section 722.
- g) **Additional Requirements:** Uses permitted in BI Zoning Districts shall meet all standards set forth in Article VII pertaining to off-street parking, loading, and other requirements.
- h) **Signs:** Signs permitted in BI Zoning Districts, including the conditions under which they may be located, are set forth in Article VI.
- i) Any external storage of inventory, parts, or machinery is established to the rear of the front line of the principal structure and provided that such storage be completely enclosed by a solid fence or wall of at least six feet in height composed of treated wood or brick.

### **Section 512. Planned Development District**

512.1 **Intent of District.** The PDD district is established to encourage innovative and creative design of residential and/or commercial developments and to permit a greater amount of flexibility to a developer by removing some of the restrictions of conventional zoning. It is the intent of the district that such design and planning features be incorporated properly into all PDD districts hereafter created, and that the Planning Commission shall consider the existence and appropriateness of such features before any amendment to the Zoning Map is adopted to create such districts. The district is also intended to encourage developments that provide a full range of residential types to serve the inhabitants of the district. The regulations provide a mechanism to evaluate each application on its own merit. It is recognized that some concepts will be more successful than others and the approval of an application in one situation does not necessarily indicate the development will be applicable in other situations. It is emphasized that these provisions are not to be confused with nor designed to

circumvent the intent or use of conventional zoning classifications as set forth in this ordinance.

A planned residential development is not intended to encourage greater density of development but rather to encourage ingenuity and resourcefulness in land planning, and to ensure the provision of park and recreation land and facilities for use of occupants in order to obtain a more desirable environment.

512.2 Types of Planned Development Districts. Two types of planned development districts accommodating primarily residential and/or nonresidential uses are created as follows:

- a) PDD-R Planned Unit Development - Residential: The PDD-R district is intended to accommodate primarily residential uses, with non-residential uses integrated into the design of such districts as secondary uses.
- b) PDD-C Planned Unit Development - Commercial: The PDD-C district is intended to accommodate primarily non-residential uses, with residential uses integrated into the design of such districts as secondary uses.

512.3 Minimum Area. The minimum area of a PDD shall be ten (10) contiguous acres to be under the control of a single developer or entity at the time of zoning approval.

512.4 Maximum Area of Commercial or Service. Uses in PDD-R districts in which commercial or service uses are permitted, the area of land devoted to such uses, including structures, parking, and related characteristics and accessory uses thereto shall not exceed the following percentages for any specific site size:

Site size in acres	Maximum percentage of Commercial or Service
0 but less than 25	20
25 but less than 50	30
50 but less than 80	40
80 or more	50

Provided, however, that these percentages shall apply only to commercial and service uses, and not to other non-residential uses such as schools, parks,

- community buildings, or public facilities. Required parking for commercial and service uses shall be counted towards maximum percentages.
- 512.5 Permitted Accessory Uses and Structures. Accessory uses and structures shall not be permitted in residential segments of planned unit developments.
- 512.6 Uses and Structures Permitted Upon Review. No review action by the Board of Adjustments is required to establish any specific use. Uses and structures permitted in the least restrictive land use classifications indicated in Section 511.3 for any specific site size are permitted outright, provided, however, that the Planning Commission shall ascertain that the effect and benefit usually derived from safeguards and conditions normally imposed upon uses permitted by review.
- 512.7 Minimum Lot Area. No minimum lot area is required for any specific structure.
- 512.8 Minimum Lot Width, Minimum Yard Requirements. Maximum Lot Coverage, Maximum Height of Structures. No structure shall be erected within twenty-five (25) feet from any external lot line of any planned development. Minimum lot width, minimum yard sizes, maximum lot coverage, and maximum height are not otherwise regulated within PDD districts, provided, however, that the Planning Commission shall ascertain that the characteristics of building siting shall be appropriate as related to structures within the planned unit development and otherwise fulfill the intent of this ordinance.
- 512.9 Minimum Off-Street Parking and Loading. The Planning Commission shall not approve a PDD site plan until the Building Inspector has reviewed and approved a parking scheme for the development.
- 512.10 Amenity Area. Each PDD with a residential component shall be provided with a public common area of at least one (1) acre in size, plus four hundred (400) square feet for each dwelling unit above twenty (20). Such common area shall be developed by the person, entity, corporation or developer developing the PDD and shall be deeded over to a neighborhood association within one (1) year after all units are sold. Such common area shall be completed before seventy-five

percent (75%) of the occupancy permits for the total number of proposed units are issued. Such common area may be maintained as open space or may include recreational features such as tennis courts a swimming pool, a clubhouse or similar facilities.

512.11 Each PDD development shall be serviced by sidewalks in the public right-of-way to be located parallel to the front yard lines of each lot in the PDD. Said sidewalks shall be installed by the developer of the PDD.

512.12 Utilities Requirements. Each lot within a PDD development shall be serviced by underground utilities.

512.13 Spacing Requirements. All residential structures within a PDD shall be spaced a minimum of fifteen (15) feet from any other residential structures.

512.14 PDD Application and Preliminary Development Plan Approval.

1. An applicant shall communicate his intentions to establish a Planned Development District, and the proposed characteristics thereof, to the zoning administrator prior to initiating an application for amendment to the zoning map. The zoning administrator shall place the developer on the agenda of the next Planning Commission meeting for a presentation and exchange of ideas.
2. Applications for a Planned Development District shall be by amendment to the official zoning map in accordance with the provisions of Article III and shall include the following:
  - a. Preliminary Development Plan - The applicant shall submit three (3) copies of the proposed Planned Development which shall include the following:
    - (1) Vicinity map, title block, scale, north arrow, and property line survey.
    - (2) Total acreage of overall site.
    - (3) Location and number of acres of various areas by type of use (e.g., single-family detached, recreation, office, commercial, etc.).

- (4) Number of units and density of various residential types, such number to represent the maximum number of units.
  - (5) Minimum setbacks.
  - (6) Minimum and maximum residential dwelling unit floor areas.
  - (7) Preliminary landscape plan.
  - (8) Description of what is to be included in the common area.
  - (9) Approximate square footage of non-residential uses and approximate number of bedrooms in each residential unit.
  - (10) Primary traffic circulation pattern, including major points of ingress and egress.
  - (11) Approximate number of parking spaces per use.
  - (12) An indication that an acceptable drainage system can be designed for the proposed project.
  - (13) Any such information or descriptions as may be deemed reasonably appropriate for review.
- b. Statement of Intent - The applicant shall submit three (3) copies of a descriptive statement setting forth the characteristics of proposed Planned Unit Development including the following:
- (1) A description of the formation procedures and policies of any proposed homeowners association or other group maintenance agreement.
  - (2) A statement setting forth the proposed development schedule.
  - (3) A statement of the public improvements, both on and off-site, that are proposed for dedication and/or construction, and an estimate of the timing for providing such improvements.
  - (4) A statement of impact on public facilities, including water, sewer collection and treatment, schools, garbage collection, fire protection, etc., along with letters from the appropriate agencies or districts verifying that such facilities or services are available and adequate to serve the proposed Planned Development.
  - (5) A statement concerning the appearance, landscaping, screening, and maintenance of any proposed pond, lake, or retention pond contained in the development.

- (6) Any such information of descriptions as may be deemed reasonably appropriate for review.
3. A public hearing shall be held in accordance with procedures set forth in Article X.
4. The Planning Commission at its next regular meeting following the public hearing, shall make a recommendation on the proposed Planned Development which shall be advisory to City Council.
5. The City Council may, after fulfilling all applicable requirements of this section and all applicable requirements of Article X, act to either approve, approve with modifications, or disapprove the application for a Planned Development.
6. Following approval of a PDD District, the official zoning map shall be amended to reflect such approval. Approval of a Planned Development District shall constitute authority for the applicant to submit a Final Development Plan to the Planning Commission for approval in accordance with the provisions of Section 512.17.

512.15 Failure to Submit a Final Development Plan. If no final development plan shall have been submitted within twelve (12) months of approval of PDD, the Planning commission and City Council of the City of Liberty may consider rezoning the property to the most appropriate zoning category in accordance with Article X of this Ordinance.

512.16 Final Development Plan. No building permit or certificate of occupancy shall be issued in a PDD district until the Planning Commission has approved and there is recorded a Final Development Plan meeting the requirements of this section. Three (3) copies of the final plan setting forth specific design characteristics of the Planned Development in accordance with the approved Preliminary Development Plan shall be submitted on paper plats no larger than 22 x 27 inches to the Planning Commission office and shall include, but not be limited to, the following information:

1. Vicinity map, title block, scale, north arrow and property line survey.
2. Location arrangement, and proposed use of all buildings or structures within the Planned Development.

3. Names of boundary streets.
4. Number of residential dwelling units by type and number of bedroom units in each.
5. Sketches of typical proposed structures, design standards, outdoor lighting fixtures, signs and landscaping.
6. Location of any utility easements.
7. Total floor area for all non-residential uses by type.
8. Open space areas, specifying the proposed treatment of improvements of all such areas and delineating those areas proposed for specific types of developed recreational facilities.
9. All off-street parking and loading areas and structures and the total number of spaces.
10. Traffic and pedestrian circulation systems including the location and width of all streets, driveways, service areas, entrances to parking areas, walkways, bicycle paths, etc.
11. Yard dimensions from the development boundaries and adjacent streets.
12. A detailed drainage plan.
13. Other such information or descriptions as may be deemed reasonably appropriate for Planning Commission review.

512.17 Planning Commission Action. The Planning Commission, acting upon the recommendation of the planning staff, may approve or disapprove the Final Development Plan submitted by the applicant. In reviewing the Final Development Plan, the Planning Commission may require any such design modifications as will assure compliance with the approved Preliminary Development Plan. In the event that the Planning Commission finds that the Final Development Plan is not in accordance with the approved Preliminary Development Plan, it shall disapprove the final plan.

512.18 Recording of Final Development Plan and Statement of Intent. Following approval of the Final Development Plan by the Planning Commission, one (1) copy of the Final Development Plan and Statement of Intent shall be recorded in the Register of Clerk of Court, Pickens County, one (1) copy of both documents

shall be filed with the City Zoning Administrator and one (1) copy of both documents shall be filed with the Chairman of the Liberty Planning Commission.

512.19 Subdivision Plats. Approval of a Final Development Plan shall constitute authority for the applicant to prepare subdivision plats, in accordance with procedures set forth in the City of Liberty Subdivision Regulations.

512.20 Changes to Planned Development Districts. Changes to a proposed Planned Development District or to an approved Planned Development District may be permitted in accordance with one of the following procedures as determined by the Zoning Administrator.

1. Minor Changes - Changes to a Planned Development District which are of a design nature and which do not alter the original concept or use characteristics of the Planned Development District may be approved by the Planning Commission in accordance with the procedures established by Section 511.14, except that no minor change may be approved by the Planning Commission which is in conflict with specific conceptual considerations previously contained in City Council's preliminary approval.
2. Major Changes - Changes to a Planned Development District which would alter the basic concept and general characteristics of the Planned Development District may be approved by City Council in accordance with the procedures established by Section 512.15. Examples of major changes include but are not limited to the following: boundary changes, changes in the maximum number of structures or residential units; increased density; substantial changes to residential housing type; use changes; access changes, etc. Approval of a major change by City Council must be followed by final approval of a detailed design plan showing such changes as approved by the Planning Commission in accordance with Section 512.6.

512.21 Failure To Begin, Failure To Complete, of Failure To Make Adequate Progress. One year after final approval and each year thereafter, the Zoning Administrator shall present to the Planning Commission a status report on the progress of an

approved development. If there is failure to complete, or failure to make adequate progress as set forth in the Statement of Intent, City Council may consider changing the district classification of the Planned Development in accordance with Article X.

- 512.22 Screening Requirements. Where non-residential commercial uses or structures in a planned unit development abut a residence or residentially zoned parcel, or where non-residential commercial uses or structures abut residential buildings in the same development, such non-residential areas shall be provided with a buffer strip in compliance with Section 726 of this ordinance.
- 512.23 Public Facilities. Final plans for all public facilities shall be submitted containing all information required in the preliminary plan. All public facilities and improvements made necessary as a result of the planned unit development shall be either constructed in advance of the approval of the final plan, or, at the election of the City, escrow deposits, irrevocable letters of credit in a form approved by the City, or performance bonds shall be delivered to guarantee construction of the required improvements.
- 512.24 Application Fee Plan Unit Development. As planned unit developments are by their nature technical and complex and whereas the City of Liberty has no full time professional planner, applications for PDDs will be accompanied by a fee, to be established by City Council. The fee shall be used by the City of Liberty to retain an engineer, planning consultant, or other such professional to assist in the review of the preliminary plan, amendments to the plan and/or final plan. Upon completion of the project any unused portion of the application fee shall be refunded to the applicant.
- 512.25 Prohibited Uses. Sexually Oriented Businesses (see Liberty Ordinance 0102) and mobile homes.

### **Section 513. Historic Preservation Overlay District**

- 513.1 Intent of the District. The intent and purpose of the Historic Overlay District is to provide for the preservation and protection of historic and architecturally valuable structures, neighborhoods, scenic areas, cultural sites, or any

combination thereof, by means of restricting the right to erect, demolish, modify, or alter the exterior appearance of all buildings or structures within the boundaries of the district. The regulations within this district shall protect against the destruction of, or encroachment upon, areas and structures that would have an adverse effect upon the intended character of this district and will assure that new structures, and modifications to existing structures, within such districts, will be in keeping with the character to be preserved and enhanced.

513.2 Establishment of Boundaries. The City Council, upon receiving a recommendation from the Planning Commission, may establish, change, and define districts that are deemed to be of historic or architectural value in accordance with amendment procedures as set forth within this ordinance. Historic district boundaries shall be shown on the official zoning map. All provisions and requirements for the underlying zoning district shall be applicable, in addition to the provisions for the Historic Preservation Districts.

513.3 Historic District Commission.

- a) A Historic Commission, with a membership of five (5) persons, all of whom are to be residents of the City of Liberty, and all of whom are qualified by special interest, knowledge, or training in such fields as history, architecture, preservation, or urban design, and who have knowledge of and have demonstrated an interest in the preservation of historic and architectural areas in the City, shall be established to administer the regulations of the historic district.
- b) Members shall be appointed for terms of three (3) years each. Initial appointments shall be made at one (1) member for one (1) year, two (2) members for two (2) years, and two (2) members for three (3) years in order to insure that members' terms do not expire at the same time.
- c) In the event of a vacancy on the Commission, the City Council shall make an interim appointment for the remainder of an unexpired term.
- d) Organization and Regulation
  - (1) The Commission shall organize annually, and elect a chairman.
  - (2) The Commission shall establish rules relating to its function and responsibilities, provided that such rules are published and approved

by the City Council. Prior to adopting said rules, obtain public hearing and comment.

- (3) All meetings shall be open to the public, and any interested person may appear before the Commission and be heard.
- (4) The Commission shall keep a written record of its proceedings and actions on all applications, and provide a copy on file for public view.

513.4 Applications, Powers and Procedures.

a) Application.

- (1) Any person, individual, firm, or corporation proposing to construct, alter, reconstruct, move, demolish, or repair any structure within the Historic District, if such changes would affect the exterior appearance, shall file an application for said work. The application shall be filed with the zoning department.
- (2) The Historic Commission shall review the applications within the Historic District, under the above noted requirement, and approve or reject such application.
- (3) In reviewing the application and plans, the Historic District Commission shall give consideration to:
  - (a) The historic, or architectural value of the structure and its relation to the historic value of its surrounding area.
  - (b) The general compatibility of exterior design, arrangement, texture, and materials proposed to be used.
  - (c) Special features in historic areas, such as their architectural integrity and spatial relationship among buildings. Spatial relationships include courtyards, street patterns, the scale of buildings, and open space.
  - (d) Any other factors, including aesthetic factors, which the Commission deems to be pertinent to the proposed application.

- b) Intent of the Commission. It is the intent of the Commission to not limit new construction to any one (1) period or architectural style. It is also the intent of the Commission to be lenient in its judgment of plans for structures of little historic value, or for plans involving new construction,

except where such plans would seriously impair the historic or architectural value of surrounding structures.

- c) Approval or Rejection of Application.
  - (1) The Commission shall file with the zoning administrator and the building inspector its certificate of approval, modification, or rejection of all applications submitted for review. All certificates shall be in writing and shall set forth the reasons for approval, modification, or rejection of the application.
  - (2) No work shall begin until such certified approval has been filed.
  - (3) Failure of the historic commission to act within forty-five (45) days from the date of the application being filed shall constitute approval unless an extension is mutually agreed upon by the applicant and the Commission.
- d) Appeals. Any applicant, person, firm or corporation aggrieved by a decision of the Historic District Commission shall have the right of appeal of that decision to the zoning board. Written notice of appeal shall be submitted to the secretary of the zoning board within thirty (30) days from the Historic District Commission's decision.

## **ARTICLE VI**

### **SIGN REGULATIONS**

The regulations herein shall apply and govern all zoning districts. Regulations apply to any sign intended for view from a public right-of-way. No sign shall be erected or maintained unless it is in compliance with the regulations of this Article, except that a nonconforming sign, which shall comply with the provisions set forth in Article VII, may be maintained if in existence prior to the adoption of this ordinance.

#### **Section 600. General Provisions.**

The following regulations shall apply to all permitted signs in the City of Liberty.

- 600.1 A permit shall be required for the erection, alteration, or reconstruction of any sign intended for view from the public right-of-way unless otherwise noted, and

shall be issued by the Zoning Administrator in accordance with Article VIII of this Ordinance. Sign permits are \$25.00. Religious and non-profit organizations are exempt from a fee.

- 600.2 Signs must be constructed of durable materials, maintained in good condition, and not permitted to become dilapidated. Signs are made of a ridged material. Banners are made of a flexible material.

### **Section 601. Prohibited Signs.**

The following signs are prohibited in the City of Liberty:

- 601.1 Signs Imitating Warning Signals. No sign shall display intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, or rescue vehicles, nor shall any sign use the words "stop," "danger," or any other word, phrase, symbol, or character in a manner that might mislead or confuse the driver of an automobile.
- 601.2 Signs Within A Street or Highway Right-of-Way. Except as herein provided, no sign whatsoever, whether temporary or permanent except traffic signs and signals and information signs erected by a public agency, is permitted within any street or highway right-of-way.
- 601.3 Certain Attached and Painted Signs. Signs painted on or attached to trees, fence posts, and telephone or other utility poles or signs painted on or attached to rocks or other natural features or painted on the roofs of buildings are prohibited.
- 601.4 Fluttering Ribbons and Banners. Flutter ribbons and banners and similar devices are prohibited, except the flags of governments and their agencies (except as noted in Section 607.3).
- 601.5 Roof Signs: Attached, mounted, or painted on a roof structure are prohibited. This does not pertain to signs attached to or printed on a fascia.

- 601.6            Projections Signs: Are prohibited on a building
- 601.7            Stick In the Ground Signs.

**Section 602. Signs For Which a Permit is Not Required.**

A permit is not required for the following types of signs in any Zoning District.

- 602.1            Traffic, directional, warning, or information signs authorized by any public agency.
- 602.2            Official notices issued by any court, public agency, or office.
- 602.3            One non-illuminated "for sale," "for rent," or "for lease" sign not exceeding six (6) feet in area in residential districts and twenty (20) square feet in other than residential districts and located not less than ten (10) feet back from the street right-of-way line, unless attached to the front wall of a building.
- 602.4            Entrance, exit and instructional signs, so long as they do not exceed four (4) square feet in area, are no higher than three (3) feet above adjacent pavement and contain no advertisement.
- 602.5            Identification signs indicating the name and street number or owner or occupant of a parcel, so long as such signs do not exceed four (4) square feet of copy area.
- 602.6            Bulletin boards, which are defined as permanent signs which primarily displays the name of a non-commercial place of public assembly and announces the upcoming events of that organization. To not require a permit, such a sign shall not exceed thirty-two square feet of copy area or five (5) feet in height. Signs of this type shall be restricted to one (1) per parcel.
- 602.7            Signs identifying projects under construction which denote the name of the project, the architect, engineer, contractor, owner, etc., so long as such signs do not exceed twenty-five (25) square feet in residential districts, or Fifty (50)

square feet in non-residential zones, are not illuminated, and are removed within seven days of completion of the project.

602.8 Signs attached or integrated into a gasoline pump, automatic bank teller machine, or drive through component of a fast food restaurant, which give operational instructions to users, the price of the product, the brand name of the product, or descriptive information about the product. Signs cannot be attached to the building.

602.9 Signs inside of the glass of any building.

### **Section 603. Regulations Applying to Specified Types of Signs.**

The following regulations apply to the following specified types of signs:

603.1 Wall Signs. Signs on the walls of a building (including signs attached flat against the wall, painted wall signs and projecting signs) shall meet the following requirements:

- a) Signs on the Front Surface of a Building. The total area of signs on the exterior front surface of a building shall not exceed fifteen (15%) percent of the front surface of the building, so long as the figure does not exceed the total amount of sign area permitted within the Zoning District where the sign or signs are to be located.
- b) Signs on the Side and Rear Surface of a Building. The total area of signs on a side or rear surface of a building shall not exceed ten (10%) percent of the exterior side or rear surface of the building, respectively, so long as this figure does not exceed the total amount of sign area permitted within the Zoning District where the sign or signs are to be located.

603.2 Subdivision Entrance Signs. One (1) or two (2) signs shall be permitted at each entrance of a residential subdivision, provided that such signs do not exceed a total of Thirty Two (32) square feet at any subdivision entrance. Provided further that such signs shall have a maximum height of six (6) feet. If illuminated, only indirect lighting shall be permitted.

- 603.3 Private Directional Signs. Signs indicating the location and direction of premises available for or in the process of development, but not erected upon such premises, and having inscribed thereon the name of the owner, developer, builder, or agency, may be erected and maintained, provided:
- a) the size of any such sign is not in excess of thirty two (32) square feet.
  - b) not more than one (1) such sign is erected for each five hundred (500) feet of street frontage.
- 603.4 Free-Standing Sign. Freestanding signs shall meet Building Code structural provisions and UL (Underwriter's Laboratories) electrical requirements.
- 603.5 Political Campaign Signs.
- a) Political campaign signs shall be permitted in compliance with the regulations included herein. Such signs shall not count in the number of signs permitted calculations or sign area permitted calculations included in Section 607.1 (b) of this ordinance and shall be permitted in any zoning district. Such signs shall conform with all other provisions of this and all other applicable ordinances of the City of Liberty.
  - b) Usage of a political campaign sign by any candidate or supporters of any issue shall require issuance of a Political Campaign Sign Permit by the City of Liberty.
  - c) Political campaign signs shall be permitted in any zoning district but shall not exceed a maximum of 25 signs per candidate town wide.
  - d) Permits for political campaign signs shall not exceed a period commencing from (45) forty-five days prior to the date of the election through the seventh day after the last date upon which that candidate's name or that issue appears on a ballot for a primary, runoff, general or special election.
  - e) To secure a political campaign sign permit, the applicant must pledge to remove all political signs within seven days after the expiration of the political campaign sign permit. The property owner's permission must be granted for the placement of any political sign on private property. The placement of such sign on the public right-of-way, or the attachment of any such sign to a tree, fence post, or utility pole is prohibited.

- f) The size of any such sign is not in excess of six (6) square feet, and not in excess of three (3) three feet in length;

#### **Section 604. Sign Illumination.**

Illumination devices shall be so placed and so shielded that rays therefrom or from the sign itself will not be directly cast into any residential district, sleeping room in any district, or in the eyes of an automobile driver. All illumination devices and wiring shall be installed in a permanent and safe manner.

#### **Section 605. Height Limitations.**

No signs, except as otherwise provided, shall exceed the height limit of the district in which they are located.

#### **Section 606. Signs Permitted in Residential Districts.**

- 606.1 Permitted Signs and Conditions. The following types of signs are permitted in LR, MR, MH, RM-8 and RM-16 Districts:
- a) Signs for which permits are not required.
  - b) For multiple family dwellings, group dwellings, and for buildings other than dwellings, a single non-illuminated business identification sign or bulletin board not exceeding thirty two (32) square feet in area. Such sign or bulletin board shall be set back not less than ten (10) feet from any street right-of-way line.
  - c) Subdivision signs and private directional signs, under the provisions of Subsections 603.2 and 603.3.
  - d) Political campaign signs, in accordance with Section 603.5.
  - e) One (1) non-illuminated professional or business name plate not exceeding three (3) square foot in area mounted flat against the wall of a building in which there is conducted a permitted home occupation.

#### **Section 607. Signs Permitted in Commercial and Industrial Districts.**

- 607.1 Permitted Signs and Conditions.

- a) All signs permitted in residential districts are permitted in commercial and industrial districts.
- b) All freestanding signs shall be of either a berm or a solid base design.
- c) The height of a freestanding monument sign shall be measured from the finished grade elevation at the edge of the adjacent public roadway.
- d) Sign lighting shall be positioned so that no light shines on adjacent streets and roadways or properties.
- e) Signs shall be illuminated internally only, and the lighting shall be limited to one color.
- f) Neon banding shall not be incorporated within or around the sign.
- g) One freestanding monument sign is allowed for a parcel of land containing a single business or use, and this sign shall:
  - (1) Be limited to one (1) freestanding sign monument; sign assembly a maximum of sixty (60) square feet in area (to be included in the total allowable sign area) may be incorporated into the freestanding monument sign;
  - (2) Be located on the premises of the business to which it refers;
  - (3) Be setback ten (10) feet from any public road right-of-way and property line and may be located in a buffer yard.
  - (4) Be a maximum of fifteen (15) feet above the finished grade elevation at the edge of the adjacent public roadway.
  - (5) Be a maximum of twenty (20) feet in width;
  - (6) No restrict visibility to vehicular or pedestrian traffic;
  - (7) Be permanently mounted to the ground;
- H. One (1) freestanding monument sign is allowed for a parcel of land containing more than one business or use, and this sign shall:
  - 1. Be limited to one (1) freestanding monument sign assembly or structure;
  - 2. Be located on the premises of said business;
  - 3. Be set back ten (10) feet from any public right-of-way and property line and may be located within a buffer yard;
  - 4. Be a maximum of fifteen (15) feet above the finished grade elevation at the edge of the adjacent public roadway;

5. Be a maximum of one-hundred and twenty (120) square feet in total area;
6. If containing one (1) area for changeable copy or an electronic message board; this area is to be incorporated within the main sign area, and be included as part of the total allowable sign area. The area for changeable copy or electronic message board a maximum of twenty-four (24) square feet.
7. Be permanently mounted to the ground;
8. No restrict visibility to vehicular or pedestrian traffic.

607.2

Portable or A Frame Signs:

- a) Definition: A mobile sign that is mounted on a trailer-type frame or portable wood or metal frame not permanently attached to the ground.
- b) Usage of portable signs shall conform to permitting requirements in Section 600.1, construction and maintenance requirements in Section 600.2.
- c) If a portable sign is to be illuminated it shall be in compliance with the National Electrical Code. Utilization of an above ground electric extension cord is expressly prohibited.
- d) Portable signs shall not exceed a maximum size of thirty-two (32) square feet. A Frame signs shall not exceed twelve (12) square feet per side.
- e) One (1) portable sign, in addition to the number of signs permitted under Section 607.1 b) of this ordinance, may be used by a licensed business, institution, or civic organization for a maximum of up to sixty (60) days the first calendar year. Utilization of a portable sign under this provision shall require the issuance of a Sales Event Sign Permit by the City of Liberty. The City Council of Liberty is hereby authorized to establish a fee for the Sales Event Sign Permit. Any sign permitted under this provision shall conform to all requirements of the Zoning Ordinance and all applicable ordinances of the City of Liberty.

607.3

Temporary Use of Fluttering Ribbons and Banners. Fluttering ribbons and banners may be used by a licensed business, institution, or civic organization for a maximum of up to sixty (60) days the first calendar year. Utilization of

fluttering ribbons or a banner under this provision shall require the issuance of a Special Event Sign Permit by the City of Liberty. The City Council of Liberty is hereby authorized to establish a fee for the Special Event Sign Permit.

607.4 Religious and non-profit organizations may receive a permit from the Zoning Administrator provided that it does not impair the intent of the sign ordinance

#### **Section 608. Signs Permitted in Mobile Home Districts.**

608.1 Permitted Signs and Conditions. The following types of signs are permitted in MH Districts:

- a) Signs, illuminated or non-illuminated, not to exceed a combined total sign area of one hundred twenty (120) square feet per Mobile Home Park.

#### **Section 609. Application for Sign Permit**

609.1 General. Applications for sign permits shall include a sketch of the sign to show:

- Size
- Shape
- Materials to be utilized
- Copy
- Illumination
- Location on building, if attached

609.2 Detached Signs. In addition, permit applications for detached signs shall be accompanied by a plot plan or sketch of the site, to show:

- The location of the sign
- Scale
- Dimensions of parcel lines
- Height of the sign
- Any support structure to be utilized

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## ARTICLE VII

### GENERAL PROVISIONS

#### **Section 700. Water and Air Pollution.**

All uses must satisfactorily comply with the requirements of the State Board of Health and the Pickens County Board of Health regarding the protection of waterways from pollution by dust, smoke, or other waste materials.

#### **Section 701. Street Access.**

Except as herein provided, no building shall be erected, constructed, moved, or relocated on a lot not located on a publicly dedicated, publicly accepted or publicly maintained street with a right-of-way of not less than thirty (30) feet.

#### **Section 702. Corner Lots.**

On lots having frontage on more than one street at an intersection, the minimum street side yard requirement shall be equal to the minimum front yard requirement.

#### **Section 703. Location of Buildings on Lots and Residential Limitations.**

Every building or use hereafter erected or established shall be located on a Lot of Record, and every one- and two-family residential structure, except as herein provided, shall be located on an individual Lot of Record. In all cases, the principal buildings on a lot shall be located within the area formed by the building lines at outer boundaries, and in no case shall such buildings infringe beyond the building lines into the respective front, side, rear yard, or other setbacks required for the district in which the lot is located.

**Section 704. Double Frontage Lots.**

On lots having frontage on two streets, but not located on a corner, the minimum front yard shall be provided on each street in accordance with the provisions of this Ordinance. On lots having frontage on more than two streets, the minimum front yard shall be provided in accordance with the regulations set forth in this Ordinance on all of the street frontages.

**Section 705. Front Yard Requirements.**

The setback requirements of this Ordinance shall not apply to any lot where the average setback on already built upon lots, located wholly or in part within one hundred (100) feet of each such lot and within the block and zoning district and fronting on the same street as such lot, is less than the minimum required setback. In such cases, the setback on such a lot may be less than the required setback but not less than the average of the existing setbacks on the developed lots. However, in no case shall setbacks be less than fifteen (15) feet.

**Section 706. Measurement of Front, Side, Rear Yards; Determination of Buildable Area.**

The required front, side, and rear yards for individual lots, as set forth for the particular Zoning District within which a given lot is located, shall be measured inward toward the center of said lot from all points along the respective front, side, and rear property lines of the lot. Once the yard areas of a given lot have been established, the remaining area of the lot which is not included in any required front, side, or rear lot shall be know as the "Buildable Area."

**Section 707. Nonconforming Buildings or Uses.**

Nonconforming buildings or uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. However, to avoid undue hardship, the lawful use of any building or land use at the time of the enactment of this Ordinance may be continued even though such use does not conform to the provisions of this Ordinance. However, in the event that any of the following shall occur, the nonconforming status shall terminate, and the parcel, building, structure, or land, shall only be used in full compliance with the requirements of this Ordinance for the zoning district in which the use is located, as well as any other town, county, state, or federal regulation, law, or statute.

- (1) changed to another nonconforming use;
- (2) re-established, reoccupied, or replaced with the same or similar building, or land use after physical removal or relocation from its specific site location;
- (3) enlarged or altered in a way which increases its nonconformity except for single-family homes which are considered exempt.
- (4) Single family homes can be rebuilt to the same size.

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

**Section 708. Nonconforming Building or Use Discontinuance.**

Notwithstanding other provisions of this Ordinance, certain nonconforming building or land uses, after this Ordinance is enacted into law, shall be discontinued, and/or shall be torn down, altered or otherwise made to conform with this Ordinance within the periods of time set forth below.

<u>Nonconformities</u>	<u>To Be Discontinued Within</u>
1. Wrecking, junk, scrap, or salvage yards and other open uses of land, automotive storage yards, or outdoor storage yards for lumber, building materials, contractor's equipment, except that outdoor storage yards for lumber, building materials, parts, or equipment that is an accessory use may be extended past the two (2) year termination period if a solid stock type wall of at least six (6) feet in height is constructed and maintained to completely enclose the use.	1 Year
2. Nonconforming fences and hedges impeding vision at intersections.	60 Days
3. Nonconforming portable signs.	60 Days

**Section 709. Home Occupation.**

A home occupation shall be permitted in any residential district, provided such occupation:

- (1) shall have no employees other than members of the family residing on the premises report for work at the residence;
- (2) utilizes not more than fifty percent (50%) of the total floor area of the principal building (such use may be conducted in a garage or accessory structure, so long as such structure is compatible with the residential character of the area);
- (3) produces no alteration or change in the character or exterior appearance of the principal building from that of a dwelling;
- (4) no display of products shall be visible from the street and only articles made on the premises may be sold; except that nondurable articles (consumable products) that are incidental to a service, which service shall be the principle use in the home occupation, may be sold on the premises;
- (5) creates no disturbing or offensive noise, vibration, smoke, dust, odor, heat, glare, traffic hazard, unhealthy or unsightly condition;
- (6) is not visibly evident from outside the dwelling except for a sign of three (3) square feet or smaller in size and mounted against a wall of the principal building;
- (7) provides off-street parking commensurate with its occupation type as cited in Article VII, Section 712.
- (8) a home occupation permit is obtained from the Zoning Administrator. Home occupation permits may be issued for periods not to exceed twenty-four (24) months. An unlimited number of renewals are permitted; however, the issuance in no way obligates the City to issue additional permits.
  - a. If the Zoning Administrator denies the issuance of a home occupation permit based on a determination that the proposed activity does not meet one or more of the requirements of this section, the denial may be appealed to the Board of Adjustments.

**Section 710. Accessory Uses.**

In addition to the principal uses, each of the following uses is considered to be a customary accessory use, and as such may be situated on the same lot with the principal use or uses to which it serves as accessory.

710.1 Uses Customarily Accessory to Dwellings.

- a) Private garage not to exceed the following storage capacities: one- or two-family dwelling -- 4 automobiles; multi-family dwelling -- 2 automobiles per dwelling unit; board house -- 1.5 automobiles per dwelling unit.
- b) Open storage space or parking area for motor vehicles provided that such space does not exceed the maximum respective storage capacities listed under Subsection 710.1 (a) above; and provided that such space shall not be used for more than one (1) commercial vehicle licensed as one ton or less in capacity per family residing on the premises.
- c) Shed or tool room for the storage of equipment used in grounds or building maintenance.
- d) Private kennels. Kennels used for commercial purposes are prohibited.
- e) Private swimming pool and bathhouse or cabana.
- f) Structures designed and used for purposes of shelter in the event of man-made or natural catastrophes.
- g) Noncommercial flower, ornamental shrub or vegetable garden, greenhouse or slat house not over eight (8) feet in height.

710.2 Uses Customarily Accessory to Church Building.

- a) Religious education buildings.
- b) Parsonage, parsonage or parish house, together with any use accessory to a dwelling as listed under Subsection 710.1.
- c) Off-street parking area for the use, without charge, of members and visitors of the church.

710.3 Uses Customarily Accessory to Retail Businesses, Office Use and Commercial Recreation Facilities.

- a) Off-street parking or storage area for customer, client, or employee owned vehicles.

- b) Completely enclosed building for the storage of supplies, stock, or merchandise.
- c) Light manufacturing and/or repair facility incidental to the principal use provided that dust, odor, smoke, noise, vibration, heat, or glare produced as a result of such manufacturing or repair operation is not perceptible from any boundary line of the lot on which said principal and accessory uses are located and provided such operation is not otherwise specifically prohibited in the district in which the principal use is located.

**Section 711. Setback and Other Yard Requirements for Accessory Uses.**

The minimum front setback of the zoning district in which the parcel is located shall serve as the minimum front setback for accessory uses. For accessory structures of not greater than six hundred (600) square feet in area, or fifteen (15) feet in height and swimming pools, the minimum rear setback shall be ten (10) feet and the minimum side setback shall be ten (10) feet, except that in the RM zoning district the minimum side setback shall be eight (8) feet, and in the CBD district the minimum side and rear setbacks shall be five (5) feet. The accessory use shall occupy not more than thirty (30) percent of the required rear and side yard. For any accessory use of greater than six hundred (600) square feet in area or fifteen (15) feet in height, except swimming pools, the minimum setbacks of the zoning district in which the use is located shall apply, except that in the CBD district the minimum setback shall be five (5) feet.

**Section 712. Off-Street Parking.**

Areas suitable for parking or storing automobiles in off-street locations shall hereafter be required in all zoning districts, except in the CC, Core Commercial Zone, at the time of the initial construction or any principal building producing an increase in dwelling units, guest rooms, floor area, seating or bed capacity, or when a conversion in use occurs. Each individual parking space shall have unobstructed access either directly to a street or alley or to a street or alley through interior drive lanes. No parking space shall be designed or laid out in a manner so that it is completely blocked from access to a public street or alley by other parking spaces. Parking spaces shall be provided and maintained in accordance with the following requirements:

USE

PARKING SPACES REQUIRED

Automobile repair garages	1 space per 150 square feet of net floor area
Automobile sales lots	1 space per 50 square feet of net floor area for customer and employee parking
<u>USE</u>	<u>PARKING SPACES REQUIRED</u>
Automobile service stations	3 spaces for each service bay, with a minimum of 5 spaces required. Self service gasoline sales: Minimum of 2 permanent parking spaces
Banks and other financial	1 space per 200 square feet of institutions net floor area
Business and professional offices, government offices	1 space per 200 square feet of net floor area
Boarding and lodging houses	1 spaces per bedroom, plus 3 additional spaces
Churches and other places of worship	1 space per 3 seats in main auditorium
Clinics and similar operations	1.25 space per 200 square feet of net floor area
Dwellings, single and two-family	2 spaces per dwelling unit
Food stores, equal to or less than 3,500 square feet	1 space per 100 square feet of net floor area
Food stores, from 3,500 to 25,000 square feet	1 space per 200 square feet of floor area
Food stores, greater than 25,000 square feet	1 space per 300 square feet of floor area

<u>USE</u>	<u>PARKING SPACES REQUIRED</u>
Funeral homes	1 space per each 4 seats in main chapel or parlor
General business, commercial or personal service establishments catering to retail trade, but not including foods stores, service and repair businesses	1 space per 200 square feet of net floor area
Homes for the aged, rest homes, personal care homes, and similar institutional uses	1 space per 3 beds
Hospitals, sanitariums and nursing homes	1 space per 2 beds
Lodges, fraternal or social organizations	1 space per 200 square feet of net floor area
Motels, hotels, tourist homes and transient hotels	1.25 spaces per unit
Mobile homes	2 spaces per each mobile home lot
Multi-family apartment and condominium communities	1.75 parking space for each dwelling unit
Fee-simple dwelling units, attached or detached	2 spaces per dwelling unit
Restaurants, delicatessens, etc.	1 space per 300 square feet of net floor area

<u>USE</u>	<u>PARKING SPACES REQUIRED</u>
Shopping centers	1 space per 200 square feet of net floor area for all stores other than supermarkets or grocery stores. For grocery stores, see food store requirements above.
Schools, elementary, junior high	2 spaces per classroom
Schools, secondary	5 spaces per classroom
Schools, college, trade, or vocational	8 spaces per classroom
Community recreation centers, swimming pools, golf courses and similar uses	20 spaces
Theaters, auditoriums, funeral homes, gymnasiums, stadiums and other places of assembly	1 space per 4.00 seats
Wholesale, warehousing operations	1 space per 200 square feet of net area devoted to sales or display. 1 space per 500 square feet of net manufacturing area. 1 space per 5,000 square feet of net floor area devoted to storage. Manufacturing facilities 1 space per 200 square feet of net area devoted to sales or display. 1 space per 500 square feet of net manufacturing area. 1 space per 5,000 square feet of net floor area devoted to storage.

**Section 713. Parking Space Area Requirements.**

Parking lot design shall conform to the following standards.

a)

<u>Angle of Parking Space</u>	<u>Width of Stall</u>	<u>Depth of Stall</u>	<u>Area of Stall</u>	<u>Minimum Driveway Width</u>	<u>Length of Curb</u>
Parallel	9'	23' 0"	207' 0"	12' - 24'	23' 0"
30 degree	9'	17' 4"	156' 0"	11' - 24'	18' 0"
45 degree	9'	19' 10"	178' 6"	13' - 24'	12' 9"
60 degree	9'	20' 0"	189' 0"	18' - 24'	10' 5"
90 degree	9'	20' 0"	180' 0"	24'	9' 0"

b) All parking areas except those within Agricultural Districts shall be paved.

**Section 714. Location on Other Property.**

If the required automobile space cannot reasonably be provided on the same lot on which the principal use is conducted, such spaces may be provided on other off-street property provided such property lies within four hundred (400) feet of the main entrance to such principal use. Such automobile parking space shall be associated with the principal use and shall not thereafter be reduced or encroached upon in any manner.

**Section 715. Common Off-Street Parking Areas.**

Two or more principal uses may utilize a common area in order to comply with off-street parking requirements, providing that the total number of individual spaces available in such common area is not less than the sum of the spaces required for the individual uses as separately computed in accordance with the provisions of this section, and provided that the owner of said lot relinquish his development rights over the property until such time as parking space is provided elsewhere. If activities sharing combined parking are not in operation at the same time, each parking space may be counted for each activity.

**Section 716. Use of Public Rights-of-Way for Maneuvering.**

When determining parking area requirements for uses other than residential, portions of the public right-of-way on streets may not be considered as permissible for maneuvering incidental to parking. Parking facilities shall provide space outside the public rights-of-way for maneuvering incidental to parking.

**Section 717. Extension of Parking Space Into a Residential District.**

Required parking space may extend up to one hundred twenty (120) feet into a residential zoning district, provided that: (1) the parking space adjoins a commercial or industrial district; (2) has its only access to, or fronts upon, the same street as the property in the commercial or industrial district for which it provides the required parking space; and (3) is separated from abutting properties in the residential district by a ten (10) foot wide evergreen buffer strip.

**Section 718. Spacing Requirements for Curb Cuts.**

Curb cuts for service drives, entrances, exits and similar facilities shall not be located closer than fifty (50) feet to the intersection of any public street right-of-way lines. Private curb cuts shall be no greater than forty (40) feet in width and shall be placed no closer than ten (10) feet to any property or lot line.

**Section 719. Off-Street Loading and Unloading Spaces.**

Except in CC Core Commercial District every lot on which a business, trade, or industry is hereafter established, shall provide space as indicated herein for the loading and unloading of vehicles off the street. Such space shall have access to an alley, or if there is no alley, to a street. For the purpose of this section an off-street loading space shall have minimum dimensions of twelve (12) feet by forty (40) feet and be clear and free of obstructions at all times. Required space shall be considered as follows:

1. Retail Business: One (1) space for each five thousand (5,000) square feet of gross floor area.

2. Wholesale, industrial, governmental and institutional uses, including public assembly places, hospitals, and educational institutions: One (1) space for the first twenty-five thousand (25,000) square feet of total floor space area. For anything in excess of twenty-five thousand (25,000) square feet, such uses shall provide loading spaces according to the following schedule:

<u>Square Feet</u>	<u>No. of Spaces</u>
25,001 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
240,000 - 349,999	5
For each additional 100,000 or fraction thereof	1 additional

3. Multi-family residences with ten (10) or more dwelling units: One (1) space.

**Section 720. Visibility at Street Intersections.**

In all zoning districts established by this Ordinance, except the CC Core Commercial District, no fence, wall, terrace, sign, shrubbery, planting or other structure or object capable of obstructing driver vision between the heights of three (3) and ten (10) feet above the finished street level shall be permitted on a corner lot within twenty-five (25) feet of the point formed by the intersection of the street right-of-way lines (or such lines extended in case of a rounded corner) which bound said lot.

**Section 721. Visibility at Private Drives and Entrances Intersecting with Public Streets.**

At the intersection of any private drive or entrance or exit with a public street, no fence, wall, hedge, or other planting or sign forming a material impediment to visibility between a height of two and one-half (2-1/2) feet and seven (7) feet shall be erected, planted, placed or maintained within fifteen (15) feet of the intersection.

**Section 722. Exceptions to Height Limits.**

The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, observation towers, transmission towers, silos, chimneys, smokestacks, conveyors, roof signs, flag poles, masts and aerials, provided evidence from appropriate authorities is submitted to the effect that such building or structure will not interfere with any airport approach zones or flight patterns.

**Section 723. Parking, Storage or Use of Campers or Other Major Recreational Equipment.**

1. No recreational equipment or utility trailer shall be stored on any lot in a municipal corporate limits in the front yard.
2. Parking must be ten (10) feet from the side and rear property lines.
3. This equipment may be parked anywhere for a period of twenty-four (24) hours for loading and unloading . No such equipment shall be used for living, sleeping, housekeeping purposes when parked or stored on a municipal corporate limits.
4. No commercial vehicle larger than one (1) ton may be parked in a residential area without permission of the Zoning Administrator, except for loading or unloading.
5. A maximum number of licensed vehicles parked at any residential home shall match the number of licensed drivers residing in the home. By city ordinance, only two (2) individuals may reside an a bedroom.
6. Any change to the above regulations shall take approval from the Zoning Administrator.

**Section 724. Parking and Storage of Certain Vehicles.**

It shall be unlawful for any person, partnership, corporation, or other legal entity to park or store a truck, automotive vehicle of any kind or type, on any property within the municipal corporate limits: (1) that is not operable; and (2) that does not display a lawful and current license tag. These vehicles must be stored in a completely enclosed building or in the rear yard behind a minimum of a 6' solid fence.

If property is used for commercial purposes the above rules apply except these vehicles may also be stored in the side yard.

**Section 725. Mobile Home Standards.**

- 725.1 All mobile homes brought into the City of Liberty or relocated within the City subsequent to the adoption of this ordinance, whether placed in a mobile home park or on an individual parcel, shall be required to be in compliance with each of the requirements listed in Section 725.3 of this ordinance.
- 725.2 No Certificate of Occupancy shall be issued for any mobile home originally brought into the City of Liberty or relocated within the City subsequent to the adoption of this ordinance unless a Certificate of Zoning Compliance shall have been issued by the Zoning Administrator, to certify that the mobile home is in full compliance with each of the requirements included in Section 725.3 below. No Certificate of Occupancy shall be issued for a mobile home brought into or relocated within the City unless it meets the requirements Section 725.
- 725.3 Mobile Home Requirements. All mobile homes subject to this ordinance shall meet or exceed the construction standards promulgated by the U. S. Department of Housing and Urban Development, as well as the South Carolina Manufactured Housing Board.
- a) Permanent steps, composed of either precast concrete, mortar, brick, wood, or metal are to be installed.
  - b) If steps are 30 inches or greater in height, permanent handrails are to be installed.
  - c) All corners are to be supported by double piers, and additional piers are to be spaced no greater than 10 feet apart.
  - d) Corner piers and all other piers of at least 40 inches in height are to have minimum length and width dimensions of 16" x 16", are to be composed of interlocking masonry units, and are to be capped with a minimum of 4-inch thick solid masonry unit.
  - e) All piers are to be set in a concrete base with dimensions of at least 16" x 16" x 4".
  - f) Either over-the-top or frame based tie-downs are to be installed and maintained.
  - g) Solid skirting of either wood, brick, vinyl, metal, or masonry is to be installed prior to the issuance of a Certificate of Occupancy, and is to be painted, unless composed of brick or stone.

- h) Skirting is to be constructed and maintained in a manner so as not to create a fire hazard or to harbor trash or rodents.
- i) Skirting material is to be maintained in a sound state of repair, is to be vented, and is to have an access door.

### **Section 726. Bufferyards.**

726.1 Purpose. The purpose of the bufferyard is to ameliorate the relationship between adjacent land uses including (1) minimizing nuisances and (2) promoting compatibility.

The bufferyard offers several options, each of which will buffer to an equivalent degree by varying distance (setback) and/or density (mass).

726.2 Definition. A bufferyard is a permanent unit of land, together with planting, fences, berms, walls, and other screening devices required thereon.

726.3 Location. Bufferyards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Bufferyards shall not be located on any portion of an existing public or private right-of-way.

726.4 Determination of Bufferyard Requirements. To determine the bufferyard required between two adjacent parcels, the following procedure shall be followed:

- (1) Identify the proposed land use;
- (2) Identify the use of lands adjacent to the proposed use;
- (3) Determine the bufferyard required on each boundary (or segment thereof) of the proposed land use by referring to the Table of Bufferyard Requirements and Illustrations contained in Appendix B, which specify the bufferyard options required between a proposed use and the existing adjacent uses.

726.5 Responsibility for Bufferyard/Screening. A buffer shall be required along any property line that borders a property of less intense zoning, as specified in Appendix B.

726.6 Bufferyard Specifications. The illustrations in Appendix B specify the type and quantity of plant materials required by each bufferyard. The requirements are stated in terms of width of the bufferyard and the number of plants required per 100 feet of bufferyard. The requirements of a bufferyard may be specified by any one of the options illustrated. The "plant unit multiplier" is a factor by which the basic number of plant materials required for a given bufferyard is determined given a change in the width of that yard. Each illustration depicts the total bufferyard required between two uses. Whenever a wall, fence, or berm is required within a bufferyard, these are shown as "structures" in the following illustrations wherein their respective specifications also are shown.

The exact placement of required plants shall be the decision of the developer except that evergreen (or conifer) plant materials shall be planted in clusters rather than singly in order to maximize their chances of survival and increase screening. All bufferyard areas shall be seeded with lawn grass or suitable ground cover.

726.7 Minimum Plant Size. Plants shall be sufficiently sized to insure buffering and screening at the time of installation. Where the Bufferyard Illustration indicate a mass or line of plants parallel the length of the property line, the plant materials shall be sufficiently sized to insure obscurity at the time of installation. However, seeding plants may be used where berms or structures are required as part of the bufferyard.

Minimum Plant Sizes

Plant Material Type	Planting in Buffer yards Abutting Structures, Fences, Berms	All Other Plants
Canopy Tree Single Stem Multi-Stem Clump	1-1/2" Caliper 6' Height	2-1/2" Caliper 10' Height
Understory Tree	4' Height	1-1/2" Caliper
Evergreen Tree	3' Height	5' Height

Shrub		
Deciduous	15" Height	24" Height
Evergreen	12" Height	18" height

- 726.8            Bufferyard Substitutions.
- (1) Any existing healthy, well-formed plant materials which are greater than or equal to the recommended buffer and which otherwise satisfy the requirements of this section may be counted towards satisfying all such requirements.
- (2) Structures, where required, may be substituted with approval of the Planning Commission.
- 726.9            Use of Bufferyards. A bufferyard may be used for passive recreation; however, no plant material may be removed and such use shall not be a nuisance.
- 726.10           Containers and Dumpsters. All exterior dumpsters or exterior garbage containers (excluding containers of groups of containers with a combined capacity of less than six cubic yards) shall be screened on all but one side by a fence or wall, intensive landscaping, or other suitable opaque enclosure. The average height of the enclosure shall be one (1) foot more than the height of the container but shall not be required to exceed eight (8) feet in height. The open side shall not be visible from the street.
- 726.11           Fences and Walls - Appearance. All fences and walls used as part of the bufferyard requirements must have a finished side facing adjoining property. The interior side of the fence or wall may be finished as the owner deems appropriate. Where fences or walls are applicable bufferyard requirements, they shall be established along the inside line of the bufferyard, toward the proposed use, except for ornamental fences, which may be built on the property line.
- 726.12           Berms. Where required, berms may be located anywhere within the bufferyard, provided they parallel the property line.
- 726.13           Required Maintenance. The maintenance of required bufferyards shall be the responsibility of the property owner. And all such yards shall be properly

maintained so as to assure continued buffering. Failure to do so is a violation of this Ordinance, and may be remedied in the manner prescribed for violations.

### Bufferyard Table

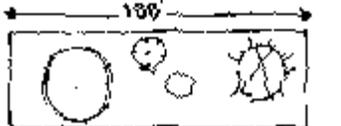
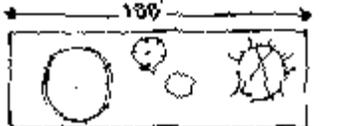
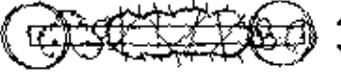
Proposed Land Use	Existing Adjacent Land Uses										
	Single Family Residential on Local Streets	All Other Single Family Residential	Mobile Home Park	Multi-Family & All Other Residential	Religious Recreation & Child Care	Office & Commercial	Industrial	Research & Institutional	Vacant Industrial & Commercial **	Vacant Single Family Residential***	Streets
Single Family Residences and Duplexes	0	0	0	0	0	0	0	0	0	0	0
Multi-Family Residential:											
1-3 units per gross acre	2	0	0	0	1	1	1	1	1	2	1
4-11 units per gross acre	4	1	1	1	1	1	2	2	1	4	1
12 or more units per gross acre	5	2	1	2	1	1	2	2	1	5	1
Mobile Home Park	4	2	0	2	2	1	2	2	2	2	2
Religious, Recreational, or Child Care	2	2	2	2	0	0	0	0	0	2	0
Office & Commercial Use:											
less than .35 F.A.R. *	4	2	1	2	2	0	0	2	0	2	1
.35 to 1.00 F.A.R. *	5	3	2	3	3	0	0	2	0	3	1
1.00 F.A.R. * to shopping Centers	6	5	4	4	4	3	0	6	0	5	2
Industrial	6	5	4	5	5	3	0	5	3	5	2
Research & Institutional Uses	4	3	2	3	3	1	1	0	2	3	1

### BUFFERYARD 1

Required Plants Per 100' of Length

- 2 Canopy Trees 
- 4 Understory Trees 
- 4 Evergreens/Conifers 
- 4 Shrubs 

14 Total

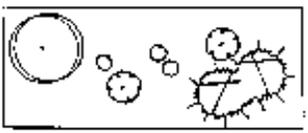
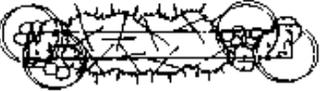
Percentage of Required Plant Material		Buffer Yard Width
25%	<p><b>Proposed Use</b></p>  <p><b>Adjacent Use</b></p> 	30 feet
50%		20 feet
75%		10 feet
100%		5 feet

## BUFFERYARD 2

Required Plants Per 100' of Length

- 
- 4 Canopy Trees 
  - 6 Understory Trees 
  - 8 Evergreen/Conifers 
  - 10 Shrubs 
- 

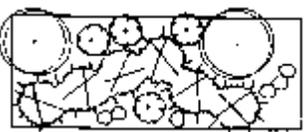
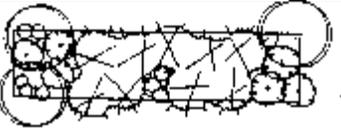
28 Total

Percentage of Required Plant Material		Buffer Yard Width
25%	<p><b>Proposed Use</b></p>  <p><b>Adjacent Use</b></p>	40 feet
50%		30 feet
75%		20 feet
100%		10 feet

### BUFFERYARD 3

Required Plants Per 100' of Length

4	Canopy Trees	
8	Understory Trees	
12	Evergreens/Conifers	
12	Shrubs	
<hr/>		
36	Total	

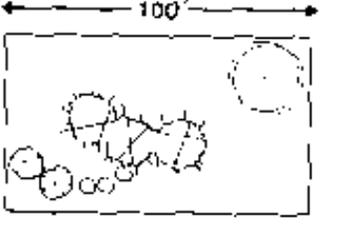
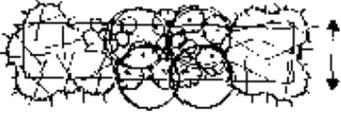
Percentage of Required Plant Material		Buffer Yard Width
25%	<p><b>Proposed Use</b></p>  <p><b>Adjacent Use</b></p>	50 feet
50%	 <p>structure required B1</p>	40 feet
75%	 <p>structure required B3</p>	25 feet
100%	 <p>structure required F3</p>	15 feet

### BUFFERYARD 4

Required Plants Per 100' of Length

- 4 Canopy Trees 
- 8 Understory Trees 
- 12 Evergreens/Conifers 
- 12 Shrubs 

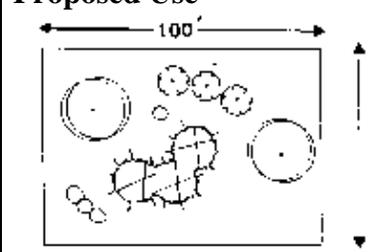
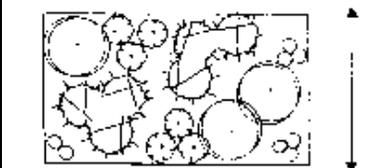
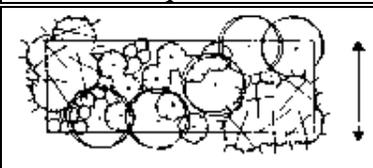
36 Total

Percentage of Required Plant Material		Buffer Yard Width
25%	<p><b>Proposed Use</b></p>  <p><b>Adjacent Use</b></p> 	60 feet
50%	 <p>structure required B1</p>	50 feet
75%	 <p>structure required B3</p>	30 feet
100%	 <p>structure required F3</p>	20 feet

**BUFFERYARD 5**

Required Plants Per 100' of Length

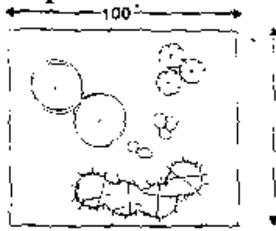
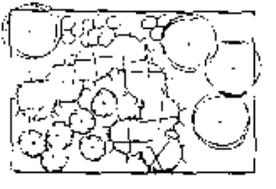
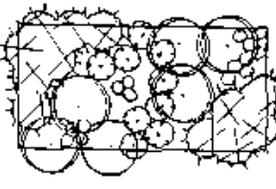
6	Canopy Trees	
12	Understory Trees	
12	Evergreen/Conifers	
16	Shrubs	
46	Total	

Percentage of Required Plant Material		Buffer Yard Width
25%	<p><b>Proposed Use</b></p>  <p><b>Adjacent Use</b> structure required B1</p>	75 feet
50%	 <p>structure required B2</p>	60 feet
75%	 <p>structure required B3/F1</p>	35 feet
100%	 <p>structure required F3</p>	25 feet

## BUFFERYARD 6

Required Plants Per 100' of Length

8	Canopy Trees	
12	Understory Trees	
16	Evergreens/Conifers	
20	Shrubs	
56 Total		

Percentage of Required Plant Material		Buffer Yard Width
25%	<p><b>Proposed Use</b></p>  <p><b>Adjacent Use</b> structure required B1</p>	90 feet
50%	 <p>structure required B2</p>	70 feet
75%	 <p>structure required F3/B3</p>	45 feet
100%	 <p>structure required F4/B1</p>	30 feet

## STRUCTURE ILLUSTRATIONS

**FENCES:**

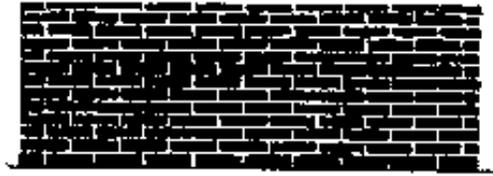
<u>Symbol</u>	<u>Height</u>
F1	3 feet
F2	4 feet
F3	6 feet



Wood Stockade/Opaque Fence (non-perishable supports)

**WALLS:**

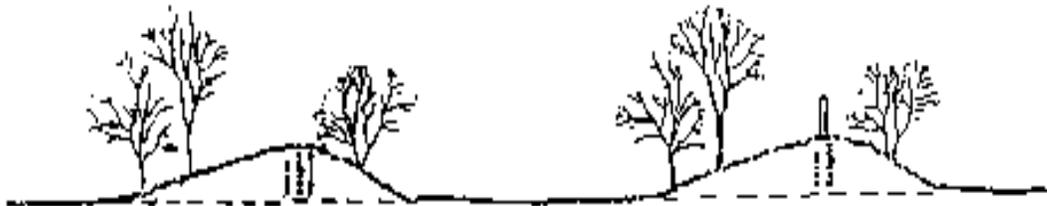
<u>Symbol</u>	<u>Height</u>
F4	6 feet
F5	8 feet



Masonry Wall (poured concrete, stucco, concrete block, brick, etc.)

**BERMS:**

**BERMS/FENCES**



<u>Symbol</u>	<u>Height</u>	<u>Material</u>	<u>Symbol</u>	<u>Height</u>
B1	3 feet	Earth	BF1	3 foot berm with 3 foot stockade fence
B2	4 feet	Earth	BF2	4 foot berm with 4 foot stockade fence
B3	5 feet	Earth	BF3	5 foot berm with 5 foot stockade fence

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**Section 727. Communication Towers.**

Communication towers shall be permitted in the following zoning districts, in accordance with the height specified, upon a finding by the Zoning Board of Appeals that the tower is compatible with the surrounding area.

<u>Districts</u>	<u>Height Limitation</u>
LR, MR, RM-8 RM-16, MH-SF	Communication Towers are not permitted in residential zones listed to the left.
OC, NC, GC	Freestanding and guyed towers are permitted, with a height not to exceed one hundred eighty (180) feet. An antenna mounted on a building is permitted, with a height not to exceed twenty (20) feet above the highest part of the structure.
LI, BI	Freestanding and guyed towers are permitted, with a height not to exceed three hundred sixty (360) feet. An antenna mounted on a building is permitted, with a height not to exceed twenty (20) feet above the highest part of the structure.

727.2 Other Requirement. Unless otherwise specified elsewhere in this Ordinance, communication towers permitted within the City of Liberty shall be required to conform to the following standards:

- a) Minimum Front Setback: Fifty (50) percent of the height of the proposed communication tower.
- b) Minimum Rear Setback: Fifty (50) percent of the height of the proposed communication tower.
- c) Minimum Side Setback: Fifty (50) percent of the height of the proposed communication tower.
- d) Fencing: A solid stockade type fence or wall of at least six (6) feet in height, constructed of treated wood, masonry, or stone or a chain link fence of at least six (6) feet in height must be installed to secure the premises.

**Section 728. Nuisance Abatement of Conditions Creating a Threat to the Public Health and Safety.**

- (1) It shall be the duty of the Zoning Administrator to enforce this Article. He may enforce the provisions of this Article by the inspection of the property, investigation of complaints and observance of persons who violate any of its provisions. He may enter at any reasonable time upon public or private property to investigate conditions related to the matters covered by this chapter.
- (2) The Zoning Administrator shall be empowered to issue a written notice when any provisions of this Article have been violated. Such notice shall allow ten (10) days from its receipt for performance of any act it requires, shall specify the manner in which the violation may be corrected, and shall state that noncompliance may result in further legal action, provided, however, that where it appears that the same owner, occupant, or person responsible has been given notice for the same violation at the same location within the previous one hundred eighty (180) days, such requirements of a ten (10) day waiting period may be waived and action commenced immediately.
- (3) Within five (5) days following receipt of the notice, any person receiving such notice, believing that the literal application of this Article will cause undue hardship or has been misconstrued, may file a written appeal with the Construction, Maintenance and Aesthetic Board of Appeals for such relief as may grant, by way of a reasonable extension of time or relief from strict compliance with the provisions of this Article. The circumstances justifying such findings are:
  - (a) inability to immediately comply due to severe financial distress;
  - (b) the non-availability of services or equipment with which to comply, without fault of the applicant; or
  - (c) other extenuating circumstances showing a good faith intention on the part of the applicant.
- (4) In the event that any person receiving such notice fails or refuses to correct the violation within the time prescribed, such person shall be deemed in violation of this Article.
- (5) Such violation shall be a misdemeanor, punishable by penalty as prescribed herein. In the event such violation has not been corrected within ten (10) days as set forth above, the City of Liberty, or its agents, may go upon the property to correct the violation and the City of Liberty shall bill the owner directly for such costs (including inspection, administration, labor and equipment costs), and if not

paid in full within ninety (90) days, the City shall obtain a judgment against the property owner or add the costs to the ad valorem taxes on such property.

728.1            Notification of Violators.    Service of notice to violators shall be as follows:

- (1)        by delivering personally to one or more of the following: the owner of the property, or the person responsible;
- (2)        by depositing the notice in the U. S. postal service addressed to the owner or person responsible at his last known address with the postage prepaid thereon, and certified; and

- (3) in the event service of notice cannot be obtained in either of the above methods, by posting and keeping posted for 24 hours a copy of the notice in a conspicuous place on the premises where the violation has occurred and published once a week for three (3) weeks in a newspaper of general circulation in the City such information as is necessary to inform an owner or person responsible of the location of the premises and type of offense.

728.2 Nuisance Abatement of Conditions Creating Peril to Public Health and Safety. Whenever the Zoning Administrator shall determine that a public nuisance is such an imminent peril to the health or safety of the public or to public or private property and that the time required to follow the procedures outlined in Section 13-20 would seriously threaten the health or safety of the public or create injury to public or private property, the Zoning Administrator may order forthwith the abatement of such nuisances in the form of public nuisance, requiring that the public nuisance be eliminated within 72 hours, or else the party or parties responsible shall be guilty of a misdemeanor. The City may use city forces or it may employ contractors when, after 72 hours, the party or parties responsible have not acted in accordance with the City's notice. Thereafter, all proceedings required by Section 13-20 shall be held. The City may at its option bill the owner directly for such costs (including inspections, administration, labor and equipment costs) and if not paid in full within ninety (90) days, a judgment against the property owner may be obtained.

728.3 Immunity. No person carrying out the provisions of this Article shall be held to answer in any civil or criminal action.

**Section 729. Property Appearance.**

729.1            Purpose. It is the intent of the City of Liberty to provide for uniform prohibition throughout the City of all litter on all public or public property, and to curb thereby the desecration of the beauty of the City and harm to the health, welfare, and safety of its citizens caused by individuals who litter. It is further the purpose of this Section to ensure to the greatest extent possible that all lands of the City of Liberty shall be maintained in a clean condition that shall be defined herein as having no litter.

729.2            Definition. Litter includes but is not limited to sand, gravel, slag, brickbats, rubbish, waste materials, including but no limited to tin or aluminum cans, refuse, garbage, rash, debris, dead animals, bottles, scrap glass, scrap metal, junk, junk vehicles, junk vehicle parts, scrap paper, disposable packages, or containers and all other similar materials and any substance of any kind or nature whatsoever and discarded materials of every kind and description that creates a public health, safety, or fire hazard or a public nuisance, defined as interference with the enjoyment and use of property.

729.3            Requirements. All residential, commercial, institutional and vacant properties are required to be kept free of litter by the owners, managers, tenants, or agents. Such areas shall include but are not limited to:

- 1) Sidewalks, driveways, yards, and parking areas must be kept clean by owners, tenants, agents, and managers.
- 2) Garbage container areas must be maintained in a clean condition.
- 3) Construction sites must be kept clean.





## ARTICLE VIII

### ADMINISTRATION, ENFORCEMENT, APPEAL, COMPLAINTS AND REMEDIES

#### **Section 800. Administration and Enforcement.**

The duly appointed Zoning Administrator shall hereby be given the authority and responsibility to administer and enforce the provisions of this Ordinance.

If the Zoning Administrator shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violations, indicate the nature of the violation, and order the action necessary to correct it. He shall order discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with its provisions.

#### **Section 801. Building and Sign Permits Required.**

No building, sign, or other structure shall be erected, moved, added to, or structurally altered without a permit therefore, issued by the Building Official. No building or sign permit shall be issued unless a Certificate of Zoning Compliance shall have been issued by the Zoning Administrator to indicate that the proposed building or sign is in full compliance with the provisions of this Ordinance, unless a variance is granted as provided by this Ordinance.

The Zoning Administrator shall issue sign permits in accordance with the provisions of this Ordinance and the Building Code in effect in the City of Liberty.

**Section 802. Application for Certificates of Zoning Compliance.**

802.1 New Constructions, Additions and Alterations. All applications for Certificates of Zoning Compliance shall be accompanied by plans in duplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the Zoning Administrator, including existing or proposed buildings or alterations, existing or proposed uses of buildings and land, the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Ordinance.

For multi-family residential, office, institutional, commercial, and industrial construction, plans shall be stamped by a licensed surveyor, architect, engineer, or site planner.

One copy of the plan shall be returned to the applicant by the Zoning Administrator, with demarcation of approval or disapproval and shall be attested to the same by the signature of the Zoning Administrator on such copy. The original copy of the plans, similarly marked, shall be retained by the Zoning Administrator.

**Section 803. Certificates of Occupancy for New or Altered Uses.**

It shall be unlawful to use, occupy or permit the use of any building or premises, or both, or parts thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Occupancy shall have been issued therefore by the Building Official stating that the proposed use of the building or land conforms to the requirements of this Ordinance.

The Building Official shall maintain a record of all Certificates of Occupancy and a copy shall be furnished upon request to any person.

Failure to obtain a Certificate of Occupancy shall be a violation of this Ordinance, and punishable under Section 807 of this Ordinance.

**Section 804. Conditional and Temporary Uses.**

Conditional uses, as set forth in Article V of this Ordinance, are declared to possess characteristics that require certain controls in order to insure compatibility with other uses in the District within which they are proposed for location.

804.1           General Requirements. Conditional uses shall be permitted subject to a determination by the Zoning Administrator that they conform to all regulations set forth herein and elsewhere in this Ordinance, with particular reference to those requirements established for those districts in which they are proposed for location.

804.2           Conditional Use Administration and Duration. Applications for permission to build, erect, or locate a conditional use shall be submitted and processed in accordance with the regulations set forth in this Article, prior to the issuance of any permits.

804.3           Temporary Uses. The Zoning Administrator is authorized to issue a temporary Certificate of Zoning Compliance for temporary uses, as follows:

- a) Carnival or circus for a period not to exceed twenty-one (21) days, subject to the approval of the City Council.
- b) Religious meeting in a tent or other temporary structure in GC, LI, and BI Districts, for a period not to exceed sixty (60) days.
- c) Open lot sale of Christmas trees, in the NC, GC, CC, LI, and BI Districts for a period not to exceed forth-five (45) days.
- d) Real estate sales office, in any district, for a period not to exceed one (1) year, provided no cooking or sleeping accommodations are maintained in the structure.
- e) Contractor's office and equipment sheds, in any district, for a period of one (1) year, provided that such office be placed on the property to which it is appurtenant.
- f) All temporary Certificates of Zoning Compliance may be renewed provided that it is determined that said use is clearly of a temporary nature, will cause no traffic congestion and will not create a nuisance to surrounding uses.

**Section 805. Expiration of Building Permit.**

If the work in any building has not begun within six (6) months from the date of issuance thereof, said permit shall expire; the building inspector shall cancel it, and written notice thereof shall be given to the persons affected.

**Section 806. Complaint Regarding Violations.**

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator, who shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.

**Section 807. Penalties for Violation.**

Any person charged with violating any provisions of this Ordinance shall be charged with a misdemeanor and, upon conviction, shall be fined up to \$200 per day or imprisoned, as determined by the Court, for each offense.

Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

**Section 808. Appeal from the Decision of the Zoning Administrator.**

It is the intention of this Ordinance that all questions arising in connection with the enforcement of the Ordinance shall be presented first to the Zoning Administrator and that such question shall be presented to the Zoning Board of Appeals only on appeal from the decision of the Zoning Administrator.

## ARTICLE IX

### ZONING BOARD OF APPEALS & PLANNING COMMISSION

#### **Section 900. Establishment of Zoning Board of Appeals.**

A Zoning Board of Appeals is hereby established. Said Board shall consist of five (5) members, who shall be citizens of the City of Liberty and shall be appointed by the Liberty City Council for overlapping terms of three (3) years. Initial appointment shall be as follows: One (1) member for a term of three (3) years; two (2) members for a term of two (2) years; and two (2) members for a term of one (1) year. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. Members shall serve without pay but may be reimbursed for any expenses incurred while representing the Board.

#### **Section 901. Proceedings of the Zoning Board of Appeals.**

The Zoning Board of Appeals shall elect a chairman and a vice-chairman from its members who shall serve for one (1) year or until re-elected or until their successors are elected. The Board shall appoint a secretary, who may be a City officer, an employee of the City, or a member of the Board of Appeals. The Board shall adopt rules and bylaws in accordance with the provisions of this Ordinance and of the General Statutes of South Carolina, 1976 Code of Law, 1984 Cumulative Supplement, Title VI, Chapter 29, Section 780. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. All meetings of the Board shall be open to the public.

**Section 902. Decisions of the Zoning Board of Appeals.**

The concurring vote of three (3) members of the Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to affect any variation of this Ordinance. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. On all appeals, applications and matters brought before the Board of Appeals, the Board shall inform in writing all the parties involved of this decisions and the reasons therefore.

**Section 903. Appeals, Hearing, and Notice.**

Appeals to the Board may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality. An appeal from an administrative decision must be filed within 30 days after the decision becomes a matter of public record by denial of issuance of a permit or the filing of a written decision in the office of the Zoning Administrator. An appeal shall be filed by delivery of the approved appeal form with the officer from whom the appeal is taken and with the Board of Appeals notice of appeal specifying the ground thereof. The Zoning Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate of stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

The Board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, within thirty (30) days of when the appeal was filed, and give public notice

thereof in a newspaper of general circulation in the community and post a sign on the property affected by the zoning appeal at least fifteen (15) days prior to the meeting, as well as provide notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or by attorney.

**Section 904. Powers and Duties of the Board of Appeals.**

The Zoning Board of Appeals shall have the following powers and duties:

- 904.1 To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this act.
- 904.2 To authorize, upon appeal in specific cases, a variance from the terms of the Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual cases as unnecessary hardship upon a finding by the Board of Appeals that:
- a) there are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;
  - b) the application of the Ordinance on this particular piece of property would create an unnecessary hardship;
  - c) such conditions are peculiar to the particular piece of property involved;

- d) relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the Ordinance or the comprehensive plan, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited in a given district.

904.3 To decide on other such matters where a decision of the Board of Appeals may be specifically required by the provisions of the Ordinance.

In exercising the above powers, the Board of Appeals may, in conformity with the provisions of this act: reverse or affirm wholly or in part, or may modify the order, requirements, decision, or determination; and, to that end, shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. The Board, in the execution of the duties for which appointed, may subpoena witnesses and in case of contempt may certify such fact to the circuit court in and for the County of Pickens.

#### **Section 905. Appeals from Decisions of the Board of Appeals.**

Any person who may have a substantial interest in any decision of the Board of Appeals may appeal any decision of the Board to the Circuit Court in and for the County of Pickens by filing with the clerk of such court a petition in writing setting forth plainly, fully, and distinctly wherein such decision is contrary to law. Such appeal must be filed with the Clerk of court within thirty (30) days after the decision of the board is mailed.

#### **Section 906. Planning Commission.**

##### **906.1 Planning Commission**

1. **Planning Commission:** The official name of the planning shall be the Liberty Planning Commission
2. **Authority:** The Liberty Planning Commission is hereby created in accordance to Article X of the Official Zoning Ordinance of the Town of Liberty.

## 906.2 Membership

1. **Eligibility:** Any individual that resides within the corporate limits of the Town of Liberty, South Carolina.
2. **Election of Secretary:** Any individual deemed eligible that has been duly selected and approved by Town Council.
3. **Length of Term:** Planning Commission Members shall serve a staggered term of three years that will commence with notification from the Town Council and last until September 30 of the year in which the term expires. Members of the Planning Commission may be reappointed without limit.
4. **Resignation:** Any member of the Planning Commission may resign at any time by submitting notice of resignation to the Secretary.

## 906.3 Officers

1. **Officers:** Annually, at the regular meeting of the Planning Commission meeting held the month of January, the Commission shall elect a Chairman, Vice Chairman, and a Secretary. The officers may succeed themselves. The Planning Commission shall have seven members.
2. **Tenure:** The officers shall serve from the date of their election until January 30 of the following year or until their successors shall have been elected.
3. **Chairman:** The Chairman shall preside at all meetings of the Planning Commission and at other meetings and public hearings called by the Commission.
4. **Vice Chairman:** The Vice Chairman shall serve as Chairman in the absence or disability of the Chairman. In the event of the death or resignation of the Chairman, the Vice Chairman shall perform the latter's duties until such time as the Commission shall elect a new Chairman.
5. **Secretary:** The secretary shall assist the Chairman in the preparation of agenda for Planning Commission meetings, shall prepare and send out notices for regular and special meetings, shall prepare and distribute minutes of the Commission meetings.
6. **Additional Duties:** The Chairman, Vice Chairman, and Secretary shall perform such other duties and functions as may from time to time be required by the Commission by its by-laws.

## 906.4 Meetings

1. **Regular Meetings:** A regular meeting of this Commission shall be held on the 1<sup>st</sup> Tuesday of each month. When a regular day falls on a legal holiday as recognized by the State of South Carolina, the meeting shall be held on the

following day. The regular meeting in June shall be termed the annual meeting.

2. **Special Meetings:** Special meetings may be held at the call of the chairman or of an acting chairman, provided that notice of such meetings shall be given to all members at least twenty-four (24) hours before the hour for which the meeting is called.
3. **Open Meetings and Records:** All meetings of the Planning Commission at which official action is taken shall be open to the public and all records of the Commission shall be a public record.
4. **Quorum:** Four members shall constitute a quorum of this Commission for transacting business and taking official action. Whenever a quorum is not present at a regular or special meeting, those present may postpone the meeting to another day or hold the meeting for the purpose of considering such matters as are on the agenda or introduced by members. No action taken at such a meeting shall be official unless and until ratified and confirmed in a subsequent meeting of this Commission at which a quorum is present.
5. **Voting:** Voting shall be by vote and shall not be recorded by yeas and nays unless such a record is requested at the time the vote is taken by a member of this Commission.
6. **Conflict of Interest:** No member shall vote or participate in discussion on any issue in which they have a personal, professional, or financial interest.
7. **Attendance by Commissioners:** No member of the Commission shall miss three consecutive meeting without due cause. Absence from the three consecutive meetings shall be considered appropriate cause for dismissal of the member from the Commission by the Town Council. A new member shall then be appointed by the Mayor and Council.
8. **Proxy:** None shall be accepted.
9. **Parliamentary Procedure:** Procedure in all meetings of this Commission shall be governed by Roberts Rules of Order except when such rules of order are in conflict with Commission By-Laws.

#### **906.5 Committees**

1. **Special Committees:** The Chairman of this Commission may create special committees, without limit to the number of members, to study matters which in his judgment would not be properly included in the work of the Commission. He shall designate one member of each committee as its Chairman.
2. **Committee Meetings:** Any committee shall meet at the call of its Chairman.
3. **Quorum Ratification:** A majority of its members shall constitute a quorum of any committee. When a quorum is not present at a committee meeting, the Chairman of the Commission may designate other members of this commission as temporary members of such committee with full functional

rights in that particular meeting. In the absence of a quorum any member of the committee, after reviewing the fill and after discussion with a member who was present, may join in making a recommendation to this Commission; if a majority action of the committee is so attained, the resultant recommendation may be received. However, such satisfying action shall be called to the attention of this Commission at the time of presentation.

**906.6 Amendment to the Bylaws**

1. **Amendments to the By-Laws:** Changes may be made to the by-laws of the Planning Commission by the affirmative vote of four members of the planning commission.

**ARTICLE X**  
**AMENDMENTS**

**Section 1000. Authority.**

This Ordinance, including the Official Zoning Map of Liberty, South Carolina, may be amended from time to time by the City Council as herein specified, but no amendment shall become effective unless it shall have been proposed by or shall first have been submitted to the Planning Commission for review or recommendation. The Planning Commission shall have thirty (30) days within which to submit its report. If the Planning Commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendment.

**Section 1001. Requirements for Change.**

When the public necessity, convenience, general welfare, or good zoning practice justifies such action, and after the required review and report by the Planning Commission, the City Council may undertake the necessary steps to amend the Zoning Ordinance.

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**Section 1002. Procedure for Amendments.**

Requests to amend the Zoning Ordinance shall be processed in ordinance with the following requirements:

1002.1        Initiation of Amendments. A proposed amendment to the Zoning Ordinance may be initiated by the City Council, the Planning Commission or by application filed with the Secretary of the Planning Commission by the owner or owners of the property proposed to be changed, provided, however, that action shall not be initiated for a zoning amendment affecting the same parcel or parcels of property, or any part thereof, and requesting the same change in district classification by a property owner or owners more often than once every six (6) months.

1002.2        Application Procedure. Application forms for amendment requests shall be obtained from the Secretary of the City of Liberty. Completed forms, together with an application fee to cover administrative costs (as established by City Council resolution), plus any additional information the applicant believes to be pertinent, will be filed with the City for submission to the Planning Commission. Any communication purporting to be an application for an amendment shall be regarded as mere notice of intent to make application until it is made in the form required. Applications for amendments must be submitted, in proper form, at least seven (7) days prior to a Planning Commission meeting in order to be heard at that meeting.

1002.3        Hearing by the Planning Commission. All papers and other data submitted by the applicant on behalf of the amendment request shall be transmitted to the Planning Commission. The Planning Commission, at regular meeting shall review the application, conduct a public hearing, and prepare a report, including its recommendation, for transmittal to the City Council.

All meetings of the Planning Commission shall be open to the public. At a meeting, any party may appear in person, or by agent, or by attorney.

No member of the Planning Commission shall participate in a matter in which he has any pecuniary or special interest.

The Planning Commission shall hold a public hearing regarding any proposed amendments. Such hearing shall be advertised with the time and place of the hearing to be published in a newspaper of general circulation serving the municipality at least fifteen (15) days prior to the hearing. In rezoning cases, conspicuous notice must be posted at least fifteen (15) days prior to the hearing on or adjacent to the property, with one notice visible from each public street bordering the property.

Following action by the Planning Commission, the recommendation along with all papers and data pertinent to the application shall be transmitted to the City Council for final action.

1002.4 Changes to the Zoning Ordinance Text or Map. The original Ordinance or amendment to the Zoning Ordinance must be adopted by an ordinance on two (2) readings by Town Council at least six days apart. Any necessary changes shall be made in the Zoning Ordinance text or Map. A written record of the type and date of such change shall be maintained by the City Clerk. Until such change is made, no action by the City Council on text or map amendments to the Zoning Ordinance shall be considered official, unless the City Clerk fails to make the change within seven (7) days after formal action by the City Council. In the latter event, action by the City Council shall be considered official seven (7) days after the date of action even if the City Clerk has failed to make the appropriate changes.

## ARTICLE XI

### DEFINITION OF TERMS USED IN THIS ORDINANCE

#### **Section 1100. Interpretation of Certain Terms or Words.**

Except as specifically defined herein, all words used in this ordinance have their customary dictionary definitions. For the purpose of this ordinance, certain words or terms used herein are defined as follows:

The word "shall" is mandatory.

The word "may" is permissive.

The word "lot" includes the word "plot" or "parcel".

The word "structure" includes the word "building".

The word "person" includes a firm, association, organization, partnership, trust company, or corporation as well as an individual.

The word "used" or "occupied" as applied to any land or building shall be construed to imply that said land or building is in actual use or occupancy and shall be construed to include the words intended, arranged, or designed to be used or occupied.

The word "map" or "zoning map" shall mean the Official Zoning Map of the City of Liberty, South Carolina.

The term "Planning Commission" refers to the Liberty Planning Commission. The term "Council," "City Council," or "Mayor and Council" refer to the legally constituted and elected governing body of the City of Liberty. The term "Building Official" refers to that person so designated by the Council and so employed as the Building Official for the City of Liberty. The term "Board of Appeals" refers to the Zoning Board of Appeals of the City of Liberty.

- 1100.1        Accessory. A use of building subordinate to the principal building on a lot and used for purposes customarily incidental to the main or principal use or building and located on the same lot therewith.
- 1100.2        Alley. A secondary way that affords access to the side or rear of abutting property.
- 1100.3        Alteration of Building. Any change in the supporting members of a building (such as bearing walls, columns, or girders), any addition or reduction to a building; any change in use; or any relocation of a building from one location or position to another.
- 1100.4        Automobile Service Station. Buildings and premises on any parcel or lot where gasoline, oils, greases, batteries, tires, or automobile accessories may be supplied and dispensed at retail (or in connection with a private operation), where no part of the premises is used for the storage of dismantled or wrecked vehicle parts, and also where the following services may be rendered, and none other:
- a)    sale and service of spark plugs, batteries, and distributors;
  - b)    tire repair and servicing, but no recapping;
  - c)    replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, floor mats, seat covers, wiper blades, windshield wipers, grease retainers, and wheel bearings.
  - d)    washing and polishing;
  - e)    greasing and lubrication;
  - f)    exchanging fuel oil pumps and installing fuel lines;
  - g)    minor servicing and replacing of carburetors;

- h) emergency wiring repairs;
- i) adjusting and repair of brakes;
- j) minor repairs of engines, not involving removal of the head and/or crank case, or racing the motor;
- k) sale of cold drinks, packaged foods and other products targeted to the traveling public, as accessory only to the principal operation.

1100.5 Board House. Any dwelling in which three (3) or more persons either individually or as families are housed for rent with or without meals.

1100.6 Buildable Area. That portion of any lot which may be used or built upon in accordance with the regulations governing the given zoning district, within which the particular lot is located once the various front, side, and rear yard requirements for the District have been subtracted from the total lot area. For instructions related to the determination of Buildable Area, see Section 707.

1100.7 Building. A structure which is completely enclosed by a roof and by solid exterior walls along whose outside faces can be traced an unbroken line for the complete circumference of the structure, which is permanently affixed to a lot or lots, and used or intended for the shelter, support or enclosure of persons, animals, or property of any kind.

1100.8 Building, Principal. A building in which is conducted the principal use of the lot on which said building is situated.

- 1100.9        Building Line. That line which represents the distance from which a building or structure must be set back from a lot boundary line or a street right-of-way line or a street centerline according to the terms of this Ordinance. In all cases, the building lines of a lot shall be determined to run parallel to and set back the appropriate distance required within the district in which the lot is located from street right-of-way lines, street centerlines, or other boundary lines.
- 1100.10      Camper. A mobile home, tent, trailer, or other self-contained vehicle, designed for recreational purposes, made of metal or other materials, mounted on two or more wheels and either self-propelled or rigged for towing, provided such vehicle is less than thirty (30) feet in length and is not used for residential purposes within the City of Liberty.
- 1100.11      Care Homes. A rest home, nursing home, convalescent home, home for the aged, or similar use established and operated on a profit or non-profit basis to provide lodging and/or meals and/or domiciliary care for aged, infirm, chronically ill, or convalescent persons.
- 1100.12      Clinic. An establishment where medical or dental patients, who are not lodged overnight, are admitted for examination or treatment.
- 1100.13      Communication Tower. A tower, pole or similar structure that supports a commercially operated telecommunications antenna above ground in a fixed location, freestanding, guyed, or on a building.
- 1100.14      Density. The number of dwelling units per acre of land developed or used for residential purposes. Unless otherwise clearly stated, density requirements in this Ordinance are expressed in dwelling units per net acre. That is per acre of land devoted to residential use exclusive of land utilized for streets, alleys, parks, playgrounds, school ground, or other public uses.
- 1100.15      District. The term applied to various geographical areas of the City of Liberty for the purpose of interpreting the provisions of this Ordinance.

The districts are designated with the use of symbols on the Official Zoning Map. Regulations controlling land use in the various districts within the City of Liberty are set forth in Article V of this Ordinance. The terms "district" and "zoning district" are synonymous and are used interchangeably throughout this Ordinance.

- 1100.16 Dwelling. A building or portion of a building arranged or designed to provide living quarters for one (1) family, but not to include a tent, travel trailer, tourist home, hotel, or motel.
- 1100.17 Dwelling, One-Family. A detached dwelling other than a mobile home designed or occupied exclusively by one family on a single lot.
- 1100.18 Dwelling, Two-Family. A dwelling arranged or designed to be occupied by two (2) families in separate dwelling units living independently of each other on a single lot.
- 1100.19 Dwelling, Multi-Family. A building or series of buildings on the same lot or portions thereof used or designed as dwellings for three (3) or more families living independently of each other, with the number of families in residence not exceeding the number of dwelling units provided. The terms "multiple-family" and "multi-family" are synonymous and are used interchangeably throughout this Ordinance.
- 1100.20 Dwelling Unit. One (1) or more rooms connected together and constituting a separate, independent housekeeping establishment for use on a basis with provisions for cooking, eating, sleeping, and physically set apart from any other rooms and dwelling units in the same structure or another structure, intended and designed to provide living quarters to one family.
- 1100.21 Drive-In. A retail or service enterprise oriented to automobile driving patrons wherein service is provided to the consumer on the outside and/or inside of the principal building. The term "drive-in" includes

drive-in restaurants, and dairy bars, theaters, banks, laundries, food stores, car washes, and other similar retail service activities.

- 1100.22 External Storage. Storage of materials, inventory, parts, machinery, or equipment outside of the primary building.
- 1100.23 Family. One (1) or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, or adoption, no such family shall contain over three (3) persons.
- 1100.24 Fee Simple Townhouse. An attached housing unit in which real land property is platted and converted to the titleholder of the housing unit.
- 1100.25 Fence. "Fence" shall mean a substantial, continuous barrier aesthetically constructed and extending from the surface of the ground to uniform height of not less than six (6) feet. The finished side of the fence shall face the public and be constructed of treated lumber, stockade, masonry, chain link or other approved material. Fabric fences shall not be allowed.
- 1100.26 Floor Area Ratio. A number generated by dividing the total gross area (in square feet) of a structure by the total gross area (in square feet) of the parcel containing the structure.
- 1100.27 Garage, Private. An accessory building or portion of a principal building used only for the private storage of motor vehicles as an accessory use.
- 1100.28 Garage, Public. Any garage other than a private garage which is used for storage, minor repair, rental, servicing, washing, adjusting, or equipping of automobiles or other vehicles.
- 1100.29 Garage, Repair. Buildings and premises designed or used for purposes indicated under "automobile service station" and/or major commercial repairs; provided that body work and painting shall be conducted within

- fully enclosed buildings and provided further that self-propelled vehicles in process of repair shall be stored in a fully enclosed and secluded area.
- 1100.30 Home Occupation. Any business activity conducted out of a dwelling. A home occupation shall include either a business operated on-site or a business in which the primary office, or storage facility is on-site but activities take place off-site.
- 1100.31 Hotel. A building or buildings in which lodging, with or without meals, is provided and offered to the public for compensation, which is open to transient or permanent guest. The word "hotel" includes the terms "motel" and "tourist court."
- 1100.32 Junk or Salvage Yards. The use of any part of a lot, whether inside or outside of a building, for the storage, keeping, abandonment, sale or resale of junk, salvage, or scrap materials; or the dismantling, demolition or abandonment of automobiles and other vehicles, machinery, equipment, or parts thereof.
- 1100.33 Junked Car. "Junked or abandoned vehicle" shall mean any vehicle without a current and valid license plate. A wrecked vehicle with a current license plate shall also be considered a junk vehicle.
- 1100.34 Loading Space, Off-Street. Space logically and conveniently located for pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled.
- 1100.35 Lot. An area designated as a separate and distinct parcel of land on a legally recorded deed as filed in the official records of Pickens County, as maintained in the Pickens County Court House.  
The terms "lot," "plot," "lot of record," "property," or "tract" whenever used in this Ordinance, are interchangeable.
- 1100.36 Lot, Corner. A lot located at the intersection of two (2) or more streets.

- 1100.37      Lot, Double Frontage. A lot which has frontage on more than one (1) street, provided, however, that no corner lot shall qualify as a double frontage lot unless said corner lot has frontage on three (3) or more streets.
- 1100.38      Lot, Interior. A lot, other than a corner lot, which has frontage on only one (1) street other than an alley.
- 1100.39      Lot Depth. The mean horizontal distance between front and rear lot lines.
- 1100.40      Lot of Record. An area designed as a separate and distinct parcel of land on a legally recorded subdivision plot or in a legally recorded deed as filed in the official records of Pickens County, as maintained in the Pickens County Court House.  
The terms "lot," "plot," "lot of record," "property," or "tract" whenever used in this Ordinance, are interchangeable.
- 1100.41      Lot Width. The distance between side lot lines measured at the front building line.

- 1100.42      Major Recreational Equipment.    Equipment or vehicles used for recreational purposes, including but not limited to motor homes, recreational vehicles, campers, trailers, motorboats, sailboats, boat trailers, all terrain vehicles, off-road vehicles, motorcycles, snowmobiles, and bicycles.
- 1100.43      Mobile Homes.    "Mobile Homes" means a movable or portable dwelling on wheels or on a permanent foundation of masonry units cemented together and supported on concrete footings; conforming to typical construction standards for the area of location. The unit is constructed to be towed on its own chassis and designed for year-round occupancy, which includes two (2) or more units separately towable but designed to be joined into one integral unit, as well as a portable dwelling composed of a single unit. All mobile homes under the jurisdiction of this Ordinance shall comply with the standards for mobile homes by the American National Standards Institute, Inc. (ANSI), A119.1 - 1969.
- 1100.44      Mobile Home Park.    Premises where two (2) or more mobile homes are parked for living or sleeping purposes, or where spaces are set aside or offered for sale or rent for use for mobile homes for living or sleeping purposes, including any land, building, structure, or facility used by occupants or mobile homes on such premises.
- 1100.45      Mobile Home Space.    A plot of ground within a mobile home park designed for the accommodation of one (1) mobile home.
- 1100.46      Motel.    A building or buildings in which lodging, with or without meals, is provided and offered to the public for compensation, which is open to transient or permanent guests.  
The word "motel" includes the terms "hotel" and "tourist court."
- 1100.47      Natural Material.    Wood or other organic matter.
- 1100.48      Nonconforming Use.    A structure of land lawfully occupied by an existing use which does not conform with the permitted uses for the

zoning district in which it is situated, either at the effective date of this Ordinance or as the result of subsequent amendments to this Ordinance.

- 1100.49 Parking Lot. Any public or private open area used for the express purpose of parking automobiles and other vehicles, with the exception of areas on the premises of single-family dwellings used for parking purposes incidental to the principal use. Otherwise, parking lots may be the principal use on a given lot or an accessory use to the principal use on a given lot.
- 1100.50 Parking Space. A space within a parking lot or on a single-family dwelling lot expressly provided for purposes of parking an automobile or other vehicle.
- 1100.51 Permanently Mounted. Attached securely to a building, wall, canopy, or the ground or pavement; by means of concrete, bolts, metal braces, treated wood, or cedar.
- 1100.52 Plot. An area designated as a separate and distinct parcel of land on a legally recorded subdivision plat or in a legally recorded deed as filed in the official records of Pickens County, as maintained in the Pickens County Court House.  
The terms "lot," "plot," "lot of record," "property," or "tract" whenever used in this Ordinance are interchangeable.
- 1100.53 Residence. A building or portion of a building arranged or designated to provide living quarters for one (1) family.  
The terms "dwelling" and "residence" shall be interchangeable.
- 1100.54 Service Station. See definition of "Automobile Service Station," 1100.4.
- 1100.55 Sign. The term "sign" shall mean and include every sign, billboard, poster panel, free-standing ground sign, roof sign, projecting sign, pylon sign, illuminated sign, sign painted on a wall, window, marquee, awning

or canopy, and shall include any announcement, declaration, demonstration, display, ribbon, banner, illustration, or insignia used to advertise or promote the interests of any person when the same is placed in view of the general public, traveling along a public street right-of-way.

- a) Free-Standing Sign Structure. A freestanding sign structure may contain a sign or signs on one (1) side only, or it may be a V-shaped structure or one containing signs back to back. A freestanding sign structure is one (1) sign.
- b) Sign Area. The area of a sign is the area of the face of the sign formed by a perimeter consisting of a series of straight lines enclosing all parts of the sign. The area of a freestanding sign structure is the area of the face or faces on one (1) side only.
- c) Business Identification Sign. A business identification sign is a sign that contains the name of the business enterprise located on the same premises as the sign and the nature of the business conducted there.
- d) Business Identification Pylon Sign. A business identification sign is a sign erected on a single pole or multiple poles that contains only the name or the nature of the business conducted on the premises on which it is located.
- e) Illuminated Signs. A sign in which illumination techniques are used in any fashion to project the message on a sign.
- f) Portable Sign. Temporary, moveable sign.

- 1100.56      Special Exception. A use so specifically designated in this Ordinance, that would not be appropriate for a location generally or without restriction throughout a given zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would in the opinion of the Board of Appeals, promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare.
- 1100.57      Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no above floor, then the space between the floor and the above ceiling.
- 1100.58      Story, Half. A story in which one (1) or more exterior walls intersect a sloping roof no more than two (2) feet above the floor of such story.
- 1100.59      Street. A dedicated and accepted public right-of-way for vehicular traffic that affords the principal means of access to abutting properties.
- 1100.60      Street Centerline. That line surveyed and monumented by the governing body shall be the centerline of a street; or in the event that no centerline has been so determined, it shall be that line running midway between and parallel to the general direction of, the outside right-of-way lines of such streets.
- 1100.61      Structure. Anything constructed or erected, the use of which requires more or less permanent location on the ground, or which is attached to something having more or less permanent location on the ground. A "building," as defined in 1100.7, is a "structure."

- 1100.62      Subdivision. "Subdivision" means all divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development, and includes all division of land involving a new street or a change in existing streets, and includes resubdivision and, where appropriate, to the process of subdividing or to the land or area subdivided; provided, however, that the following exceptions are included within this definition only for the purpose of requiring that the local planning commission be informed and have record of such subdivisions:
- 1) the combination or recombination of portions or previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the governing authority.
  - 2) the division of land into parcels of five (5) acres or more where no new street is involved.
- 1100.63      Tract. See "Lot," 1100.30.
- 1100.64      Trailer. Any vehicle or structure capable of moving, or being moved, over streets and highways on its own wheels or on flat beds or other carriers, which is designed or utilized to:
- 1) provide temporary or permanent quarters for the conduct of business, profession, trade, or occupation;
  - 2) serve as a carrier of people, new or used goods, products, or equipment;
  - 3) be used as a selling, advertising, or display device. For purposes of this Ordinance, the term "trailer" shall not include the term "camper," "mobile home," or "house trailer."
- 1100.65      Travel Trailer. A portable vehicle structure built on a chassis and designed to be used as a temporary dwelling for travel or recreational purposes.

- 1100.66      Trailer, House. The term "house trailer," for purposes of this Ordinance, shall be interchangeable with the term "Mobile Home," as defined in 1100.38.
- 1100.67      Use, Accessory. See "Accessory," 1100.1.
- 1100.68      Use, Principal. The primary purpose for which a lot is occupied and/or used.
- 1100.69      Variance. A modification of the strict terms of this Ordinance granted by the Board of Appeals where such modification will not be contrary to the public interest, and where, owing to conditions peculiar to the property and not as the result of any action on the part of the property owner, a literal enforcement of the Ordinance would result in unnecessary and undue hardship, and where such modification will not authorize a principal or accessory use of the property which is not permitted within the zoning district in which the property is located.
- 1100.70      Yard. A space on the same lot with a principal building, open, unoccupied and unobstructed by building or structures from ground to sky except where encroachments and accessory buildings and structures are expressly permitted.
- 1100.71      Yard, Front. A yard situated between the front building line and the front lot line extending the full width of the lot.
- 1100.72      Yard, Rear. A yard situated between the rear building line and the rear lot line extending the full width of the lot.
- 1100.73      Yard, Side. A yard situated between a side building line and a side line and extending from the front yard to the rear yard.
- 1100.74      Zoning District. See "District," 1100.14.

## ARTICLE XII

### LEGAL STATUS PROVISIONS

#### **Section 1200. Conflict with Other Laws.**

Whenever the regulations of this Ordinance require a greater width or size of yards, or require a greater percentage of lot to be left unoccupied, or impose other more restrictive standards than are required in or under any other statutes, the requirements of this Ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this Ordinance, the provisions of such statute shall govern.

#### **Section 1201. Validity.**

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof that is not specifically declared to be invalid or unconstitutional.

#### **Section 1202. Repeal of Conflicting Ordinances.**

All ordinances and parts of ordinances in conflict herewith are repealed to the extent necessary to give this Ordinance full force and effect.

#### **Section 1203. Effective Date.**

This Ordinance shall take effect and be in force from and after the date of its adoption by the Liberty City Council.

**Section 1204. Comprehensive Plan Revision Requirements.**

All planning elements must be an expression of the planning commission recommendations to the appropriate governing bodies with regard to the wise and efficient use of public funds, the future growth, development, and redevelopment of its area of jurisdiction, and consideration of the fiscal impacts on property owners. Regulations of the zoning ordinance must be made in accordance with the comprehensive plan for the jurisdiction, and be made with a view to promoting the purposes set forth throughout this chapter. As the plan or elements are revised, it is important to amend any ordinances based on the plan to conform to the most current comprehensive plan. Regular review of the comprehensive plan is mandatory under SC Code 6-29-510(E) that requires the following plan updates:

The Planning Commission must re-evaluate the comprehensive plan elements at least every five years to determine whether changes in the amount, kind, or direction of development of the area or other reasons make it desirable to make additions or amendments to the plan.

Last Review Date: August 11, 2008                      Next Review Date: August 11, 2013

The comprehensive plan, including all elements of the plan, must be updated at least every ten years. The Planning Commission must prepare and recommend a new plan and the governing body must adopt a new comprehensive plan every ten years.

Last Update Date: August 11, 2008                      Next Update Date: August 11, 2013