

AN ORDINANCE

An Ordinance Regulating And Restricting The Height, Number of Stories, And Size of Building; The Percentage of Lot That May Be Occupied; The Size of Yards, Courts And Other Open Spaces; The Density of Population; The Location And Use of Buildings And Land For Trade, Industry, Residence or Other Purposes; Creating Districts For Said Purposes and Establishing The Boundaries Thereof; Providing For Changes In The Regulation, Restrictions And Boundaries of Such Districts; Defining Certain Terms Used Herein; Providing For Enforcement; Establishing A Board of Adjustment; And Imposing Penalties.

In pursuance of authority conferred by G. S. 160-172-160-181, and for the purpose of promoting the health, safety, morals or general welfare of the inhabitants of Kings Mountain by lessening congestion in the streets, securing safety from fire, panic, and other dangers; providing adequate light and air; preventing the over-crowding of land; avoiding undue congestion of population; facilitating the adequate provision of transportation; water, sewerage, schools, parks and other public requirements; and by other means, in accordance with a comprehensive plan; now, therefore

The Board of Commissioners of the City of Kings Mountain do ordain as follows:

Section 1. Short Title

This ordinance shall be known as the "Zoning Ordinance" and the map herein referred to, which is identified by the title "Zoning Map, City of Kings Mountain, N. C.," shall be known as the "Zoning Map."

Section 2. Definition

For the purpose of this ordinance certain terms and words are herein defined as follows:

Words used in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular; the word "building" includes the word "structure"; and the word "shall" is mandatory and not directory.

Accessory Building: A subordinate building or portion of the main building, the use of which is purely incidental to that of the main building.

Alley: A public thoroughfare which affords only a secondary means of access to abutting property.

Basement: A story partly underground but have at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurements if the vertical distance between the ceiling and the average level of the adjoining ground is more than five (5) feet, or if used for business purposes, or of used for dwelling purposes by other than a servant or his family.

Building, Height of: The vertical distance from the mean elevation of the finished grade along the front of the building to the highest point of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, and gambrel roofs.

Cellar: A story having more than one-half of its height below the average level of the adjoining ground. A cellar shall not be counted as a story for purposes of height measurement.

Dwelling, Two-Family: A detached building designed, or occupied exclusively by one (1) family.

Dwelling, Multiple: A detached building designed for or occupied exclusively by two (2) families living independently by each other. A dwelling, multiple, is a building or portion thereof used or designed as a residence for three (3) or more families living independently of each other and doing their own cooking therein, including apartments, apartment hotels and group houses.

Family: One (1) or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house or hotel.

Garage, Private: A garage used for storage purposes only and having a capacity of not more than three (3) automobiles or not more than one automobile per family housed in the building to which such garage is accessory, whichever is the greater; and in which space may be used for not more than one commercial vehicle, and in which space may be rented for not more than three (3) vehicles of others than occupants of the building, to which such garage is accessory.

Home Occupation: An occupation for gain or support conducted only by members of a family residing on the premises, provided that no special space is designed or arranged for such occupation, and provided that no article is sold or offered for sale except such as may be produced by members of the immediate family residing on the premises.

Lot: A parcel of land occupied or to be occupied by one main building or use, with its accessories and including the open spaces accessory to it. No area shall be counted as accessory to more than one main building or use, and no area necessary for compliance with the open space requirements for one main building or use shall be included or counted in the calculation of the open space accessory to any other main building or use.

Lot, Depth of: The mean horizontal distance between the front and rear lot lines.

Lot, Corner: A lot or portion of a lot at the junction of and abutting upon two or more streets.

Lot, Interior: A lot other than a corner lot.

Lot, Reversed Corner: A corner lot which does not front on the same street with the interior lots on the same side, as distinguished from the same end of the block.

Lot, Through: A lot having frontage on two (2) parallel or approximately parallel streets.

Lot, Lines: The lines bounding a lot as defined herein.

Non-Conforming Use: A building or land occupied by a use that does not conform with the use regulations of the district in which it is situated.

Repeal, Alter, or Amend: Any ordinance of the City of Kings Mountain relating to the maintenance or keeping of animals or livestock within the corporate limits.

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 be no floor above it, then the space between such floor and the ceiling next above it.

Story, Half: A story under a gable, hip or gambrel roof, the wall pieces of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

Street: A public or private thoroughfare which affords the principal means of access to abutting property.

Structure: Anything constructed or erected, the use of which requires more or less permanent location on the ground or attached to something having more or less permanent location on the ground.

Front Yard: A front yard is an open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the front line of the lot and the front line of the building projected to the side line of the lot. The depth of the front yard shall be measured between the front line of the building and the front line of the lot. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required yard.

Side Yard: A side yard is an open unoccupied space on the same lot, with a main building, situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard. If there be no front yard, the front boundary of the side yard shall be the front line of the lot and if there be no rear yard, the rear boundary of the side yard shall be the rear line of the lot.

Section 3. Districts
(A) In order to regulate and restrict the location of trades, industries, and other uses, and the location of buildings designed, erected, altered or occupied for specified purposes, to regulate and limit the height and size of buildings hereafter erected or altered, to regulate and determine the area of yard and other open spaces, and to regulate and limit the density of population, the City of Kings Mountain is hereby divided into districts of which there shall be four (4) known as:

- (1) Residence District
- (2) Business District
- (3) Industrial District
- (4) Neighborhood Trading Area

(B) The boundaries of each district are indicated upon the zoning map of the City of Kings Mountain, which is hereto attached and made a part of this ordinance. The residence district, business district, industrial district, and neighborhood trading area are shown on said map plain, stippled, crosshatched, or by various colors or otherwise distinguished. Said map and all the notations, references, and other information shown thereon shall be as much a part of this ordinance as if fully described herein.

(C) Except as hereinafter provided:

- (1) No building shall be erected, reconstructed or structurally altered nor shall any building or land be used for any purpose other than is permitted in the district in which such building or land is located.
- (2) No building shall be erected, reconstructed, or structurally altered to exceed the height limit here established for the district in which such building is located.
- (3) No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this ordinance; no yard or open space provided about any building for the purpose of complying with the provisions of this ordinance shall be considered as providing a yard or open space on an adjoining premises or open space on a lot whereon a building is to be erected.

Section 4. Residence District Regulations

(A) **Use Regulations:** In the residence district no building or land shall be used and no building shall be hereafter erected or structurally altered, unless otherwise provided in this ordinance, except for the following uses:

- (1) One-family dwellings, two-family dwellings, multiple dwellings
- (2) Boarding houses, lodging houses, hotels not involving the conduct of any business other than for the sole convenience of the guest thereof.
- (3) Clubs, excepting those the chief activity of which is a service customarily carried on as a business.
- (4) Schools, institutions of an educational or philanthropic nature, public buildings.
- (5) Churches, convents.
- (6) Hospitals, clinics.
- (7) Museums, art galleries, libraries, parks, playgrounds not conducted for profit.

(B) **Height Regulations:** In the residence district no building shall hereafter be erected or structurally altered to exceed 35 feet in height, except as provided in the section relating to side yards.

(C) **Area Regulations:**

- (1) **Front Yards:** On every lot in the residence district there shall be a front yard having a depth of not less than thirty (30) feet, provided, however, as follows:
 - (a) Where lots comprising forty (40) per cent or more of the frontage on one side of a block are developed with buildings at the time of the adoption of this ordinance, having an average front yard with a variation in depth of not more than eight (8) feet, no building hereafter erected or structurally altered shall project beyond the average front yard line so established, provided, further, that this regulation shall not be so interpreted as to require a front yard depth of more than thirty (30) feet.
 - (b) No front yard depth need exceed the average provided for the two adjoining buildings, one on either side thereof, if such two adjoining buildings are less than two hundred (200) feet apart. Provided, however, that when the geographic contours or grade of the lot is such that compliance with the front yard requirement is impossible or will impose undue hardship upon the property owner, the Board of Adjustment will establish a front yard line suitable and practical for such a lot.
- (2) **Side Yards:**
 - (a) On every lot in the residence district there shall be two (2) side yards, one on each side of the building. Neither of such side yards shall be less than eight (8) feet in width and the total of such two (2) side yards shall not be less than sixteen (16) feet.
 - (b) On any lot having a width of less than thirty-eight (38) feet, and of record at the time of the adoption of this ordinance, the required total width of the two (2) side yards shall be that heretofore prescribed less one-half (1/2) foot for each foot said lot is less than thirty-eight (38) feet in width, provided further, however, that no side yard shall be less than three (3) feet in width.
 - (c) The side-yard regulations in (a) and (b) of this paragraph shall apply to all lots including corner lots, except that in the case of a reversed corner lot, which faces an intersecting street, the side yard on the street side of such reversed corner lot shall have a width not less than fifty (50) percent of the front yard depth required on the lots in the rear of such reversed corner lot and no accessory building on such reversed corner lot shall project beyond the front yard line of the lots in the rear of such reversed corner

lot, provided, however, that this regulation for reversed corner lots shall not have the effect of reducing the building width of the main building to less than twenty-six (26) feet or for an accessory building to less than twenty (20) feet on any lot of record at the time of the adoption of this ordinance.

(d) **Side yards for multiple dwelling units.** Units constructed, reconstructed, or altered to house more than two dwelling units must add on additional five feet to the total side yard requirements herein prescribed for each additional dwelling unit in excess of two (2) under the same roof.

(e) **Structures may exceed the height limitation herein prescribed but must add five (5) feet to the side yard requirements as outlined hereof for each ten feet or fraction thereof by which the structure exceeds the height limitation as outlined in Section 4 (B).**

(3) **Rear Yards:** On every lot in the residential district there shall be a rear yard having an area equal to twenty (20) per cent of the size of the lot, provided that such rear yard need not exceed thirty (30) feet, measured from the rear property line to the rear of the structure. Garages and accessory buildings may be built in rear yards provided that the area in the rear yards occupied by garages or accessory buildings shall not exceed twenty (20) per cent of the total rear yard area.

Section 5. Business District Regulations
(A) **Use Regulations:** In the business district no building or land shall be used and no building shall be hereafter erected or structurally altered, except as otherwise provided in this ordinance, for any of the following uses:

- (1) Acetylene gas manufacture or storage.
- (2) Acid manufacture.
- (3) Alcohol manufacture.
- (4) Ammonia, bleaching powder, or chlorine manufacture.
- (5) Arsenal.
- (6) Asphalt manufacture or refining.
- (7) Auto wrecking.
- (8) Bay cleaning.
- (9) Bakery in which more than two thousand (2,000) square feet of floor space is devoted to bakery purposes other than retail sales.
- (10) Blacksmith or horseshoeing shop.
- (11) Blast furnace.
- (12) Boiler works.
- (13) Brewery or malt house.
- (14) Brick, tile, or terra-cotta manufacture.
- (15) Building material storage yard.
- (16) Candle manufacture.
- (17) Carting, express, hauling, or storage yard.
- (18) Celluloid manufacture.
- (19) Cement, lime, gypsum, or plaster of paris manufacture.
- (20) Coal, coke, or wood yard.
- (21) Contractor's plant or storage yard.
- (22) Coke ovens.
- (23) Cooperage works.
- (24) Creamery, milk condensing, cheese factory, or dairy plant.
- (25) Cressote treatment or manufacture.
- (26) Disinfectant manufacture.
- (27) Distillation of bones, coal, or wood.
- (28) Dyestuff manufacture.
- (29) Exterminator or insect poison manufacture.
- (30) Emery cloth or sand-paper manufacture.
- (31) Fat rendering.
- (32) Fertilizer manufacture.
- (33) Fish smoking or curing.
- (34) Forge plant.
- (35) Garbage, offal, or dead animal reduction or dumping.
- (36) Gas (illuminating or heating) manufacture.
- (37) Glue, size, or gelatine manufacture.
- (38) Iron, steel, brass, or copper foundry, or fabrication plant.
- (39) Lamp black manufacture.
- (40) Laundry employing more than five (5) persons on the premises.
- (41) Livery stable, corral, riding academy or livestock barn or stable other than a private stable.
- (42) Lumber yard.
- (43) Match manufacture.

(44) Milk distribution station other than retail business conducted on the premises.

(45) Oil cloth or linoleum manufacture.

(46) Oiled or rubber goods manufacture.

(47) Ore reduction.

(48) Paint, oil, shellac, turpentine or varnish manufacture.

(49) Paper or pulp manufacture.

(50) Petroleum products retinning.

(51) Planing mills.

(52) Potash works.

(53) Pyroxin manufacture.

(54) Rock crusher.

(55) Rolling mills.

(56) Rubber or gutta-percha manufacture or treatment.

(57) Sauerkraut or pickle manufacture.

(58) Shoe polish manufacture.

(59) Silt works.

(60) Smelting of tin, copper, zinc, or iron ores.

(61) Soap manufacture.

(62) Soda and washing compound manufacture.

(63) Stock yards or slaughter of animals.

(64) Stone monument works.

(65) Stone quarry or mill.

(66) Storage or piling of rags, iron, or junk.

(67) Sulfuric acid manufacture.

(68) Sulfuric, nitric, or hydrochloric acid manufacture.

(69) Tallow, grease, or lard manufacture or refining from animal fat.

(70) Tanning, curing, or storage of raw hides or skins.

(71) Tar distillation or manufacture.

(72) Tar roofing or waterproofing manufacture.

(73) Tobacco (chewing) manufacture or treatment.

(74) Vinegar manufacture.

(75) Wholesale houses, storing, chickens, or fresh vegetables.

(76) Wool pulling or scouring.

(77) Yeast plant.

(78) And in general those uses which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas or noise.

(B) **Height Regulations:**

(1) In the business district every building hereafter erected or structurally altered to exceed fifty (50) feet in height, shall, above said height, be set back from the front lot line on the ratio of one (1) foot for each (2) feet rise above said fifty (50) feet in height, but in no case shall the required set back exceed ten (10) feet.

(2) Where lots comprising more than one-half (1/2) of the frontage on one (1) side of a block are zoned residence and the lots comprising the remainder of said frontage are zoned business the height regulations for the residence district shall apply to the lots zoned business.

(C) Area Regulations:

(1) **Side Yards:** In the business district no side yard shall be required except as follows:

(a) Buildings erected for dwelling purposes exclusively shall comply with the side yard regulations of the residence district.

(b) Where a building is erected for mixed use, namely, for both dwelling and business purposes, each story of such building used in any part for dwelling purposes shall, if more than two (2) rooms in depth, be provided with two (2) side yards, one (1) on each side of the building, neither of which shall be less than eight (8) feet in width, provided, however, that this regulation shall not apply to the street side of a corner lot.

(2) Where a lot abuts upon the side of a lot zoned residence there shall be a side yard of not less than eight (8) feet in width.

Section 6. Industrial District Regulations

(A) **Use Regulations:** In the industrial district buildings and land may be used for any purpose whatsoever not in conflict with any ordinance of the City of Kings Mountain, provided, however, that no building or occupancy permit shall be issued for any of the following uses:

- (1) Acid manufacture.
- (2) Cement, lime, gypsum, or plaster of Paris manufacture.
- (3) Distillation of bones.
- (4) Explosives, manufacture or storage.

(5) Fat rendering.

(6) Fertilizer manufacture.

(7) Garbage, offal, or dead animal reduction or dumping.

(8) Glue manufacture.

(9) Petroleum retinning.

(10) Smelting of tin, copper, zinc, or iron ores.

(11) Stock yards or slaughter of animals.

(B) **Area Regulations:** In the industrial district neither rear yards nor side yards shall be required except as follows:

- (1) Buildings erected for dwelling purposes exclusively shall comply with the side yard regulations for the residence district.
- (2) Buildings erected for mixed use, namely for both dwelling and business purposes, shall comply with side yard regulations prescribed for such buildings in the business district.

Section 7. Neighborhood Trading Area

(A) In a neighborhood trading area hereafter land shall be used and buildings, when constructed, altered extended and used, shall be arranged, intended and designed to be used and shall be so used for one or more of the following specified uses:

- (1) Residential.
- (2) Retail business.
- (3) Parking lots, garages, and filling stations.
- (4) Store or shop for custom work or for the making of articles, the major portion of which are to be sold at retail on the premises.
- (5) Business or professional office.
- (6) Theatre.
- (7) Outdoor advertising structure or sign.
- (8) Places of business where service is rendered such as: Tailoring and clothes pressing, barber shop, beauty parlor, photographic establishment, radio shop, shoe repair shop, upholstery shop, automobile or storage battery vehicle station.
- (9) Accessory building and uses customarily or necessarily incidental to the above specified uses.

(B) **Uses Prohibited in Neighborhood Trading Area:** In a neighborhood trading area, land shall not be used and no building shall be used, constructed, extended, or altered where such construction, extension, or alteration is arranged, intended, or designed to be used or to change any use for:

- (1) Coal, wood, or lumber yard.
- (2) Storage yard for building material or contractor's construction equipment or plant.
- (3) Gasoline or other inflammable oil in bulk storage for wholesale distribution to retailers or to consumers off premises.
- (4) Automobile storage yard for wrecking, dismantling, or junking cars or for salvaging parts.
- (5) Junk yard or shop for purchases, sales, handling, baling, or storage of scrap paper, scrap metals, scrap rubber, scrap or rags, where, in the conduct of which establishment those materials are on the premises.
- (6) Any use or trade, which, though properly and safely operated with ordinary care, according to good and reasonable practice, causes noxious or offensive odors, gas, fumes, smoke, dust, vibration, or noise which substantially interferes with other uses of property permitted in the district.
- (7) Wholesale laundry or dyeing and cleaning establishment.
- (8) Wholesale and warehouse business.
- (9) Manufacturing except as permitted in Item 4, Subdivision A above.
- (10) Bottling plants.
- (11) Machine shop or blacksmith shops.
- (12) Livery stables.
- (13) Undertaking establishment or commercial funeral home.

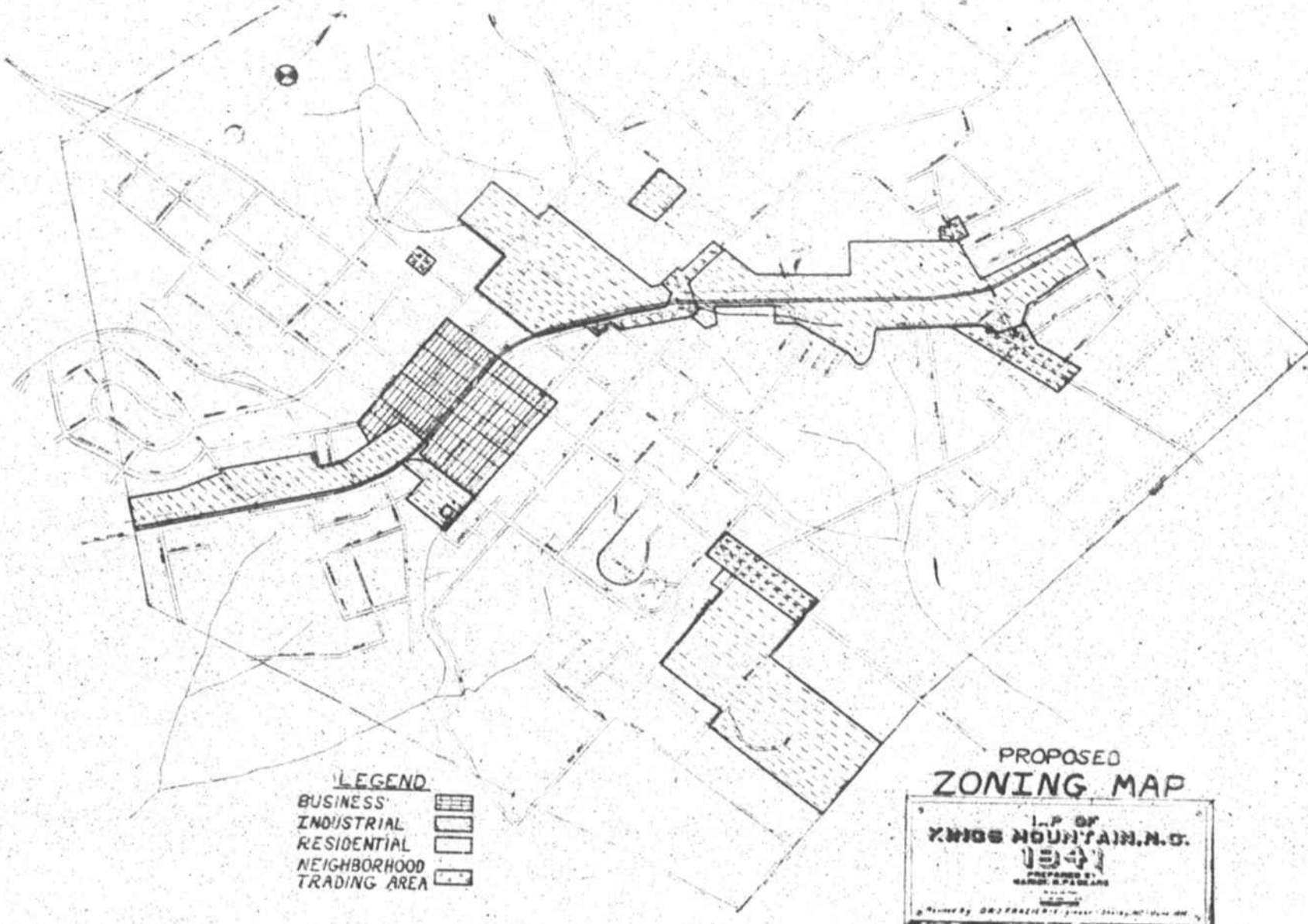
(C) Side Yards:

A minimum side yard of eight (8) feet shall be provided adjacent to a business structure abutting a lot zoned residential.

(D) Off Street Parking:

In the

(Cont'd on page four)



LEGEND
 BUSINESS [shaded box]
 INDUSTRIAL [shaded box]
 RESIDENTIAL [shaded box]
 NEIGHBORHOOD TRADING AREA [shaded box]

PROPOSED ZONING MAP
 CITY OF KINGS MOUNTAIN, N.C.