

neighborhood trading area, all structures except residences shall be so located on the lot that a minimum of thirty (30) feet is provided by the owner for off-street parking of motor vehicles between the street right-of-way line and the front of the structure for the entire width of the lot.

Section 8. Non-Conforming Uses

The lawful use of a building or premises existing at the time of the adoption of this ordinance may be continued although such use does not conform with the provisions of this ordinance, and such building may be reconstructed or structurally altered, and non-conforming use therein changed subject to the following regulations:

(A) The order of classification of uses from highest to lowest, for the purposes of this section shall be as follows: Residence district uses, neighborhood trading area uses, industrial district uses, as permitted under the preceding sections of this ordinance.

(B) A non-conforming use may be changed to a use of higher classification but not to a use of lower classification, nor shall non-conforming use be changed to another use of the same classification unless the new use shall be deemed by the Board of Adjustment, after public notice and hearing, to be less harmful to the surrounding neighborhood, from the standpoint of the purposes of this ordinance, than the existing non-conforming use.

(C) A non-conforming use may not be extended, but the extensions of a use to any portion of a building, which portion is at the time of the adoption of this ordinance primarily arranged or designed for such non-conforming use, shall not be deemed to be an extension of a non-conforming use.

(D) The structural alterations made in a non-conforming building shall not during its life exceed fifty (50) percent of its assessed value, nor shall the building be enlarged, unless the use therein is changed to a conforming use, provided, however, that a non-conforming building damaged by fire, explosion, tornado, earthquake, or similar uncontrollable cause to an extent of not more than sixty (60) percent of its assessed value may be repaired or rebuilt within one year of the date of such damage, but no increase.

(E) If a non-conforming use is discontinued, any future use of the buildings and premises shall be in conformity with the provisions of this ordinance. A reasonable interim, however, between tenants or occupants shall not be construed to mean discontinuance.

(F) The foregoing provisions of this section shall also apply to non-conforming uses in districts hereafter changed.

Section 9. Exceptions

The foregoing height and area regulations shall be subject to the following exceptions and regulations:

(A) Height:

(1) On through lots one hundred fifty (150) feet or less in depth the height of a building may be measured from the average elevation of the finished grade along the front of the building, considering the end facing either street as the front. On through lots more than one hundred fifty (150) feet in depth the height regulations and basis of height measurements for the street front permitting the greater height shall apply to a depth of not more than one hundred fifty (150) feet from the street.

(2) Chimneys, cooling towers, elevators, bulkheads, scenery, lofts, monuments, domes, spires, parapet walls, and necessary mechanical appurtenances may be erected to any height in accordance with existing or hereafter adopted ordinance of the City of Kings Mountain.

(B) Area:

(1) Every part of a required yard shall be open and unobstructed from its lowest level to the sky, except for the ordinary projection of sills, belt courses, chimneys, flues, buttresses, ornamental features, and eaves, provided, however, that none of the aforesaid projections shall project into a minimum side yard more than one-third (1/3) of the width of such side yard and in any case more than twenty-four (24) inches.

(2) Open or lattice enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers projecting into a yard not more than five (5) feet shall be permitted where so placed as not to obstruct light and ventilation.

Section 10. Board of Adjustment

(A) A board of adjustment is hereby established. The word "board" when used in this section shall be construed to mean the board of adjustment. The board shall consist of five (5) members who shall be citizens of the City of Kings Mountain appointed by the mayor and approved by the Board of Commissioners. The term of office of the members of the board shall be for three (3) years, excepting that the five (5) members first appointed shall serve, respectively, for terms of one (1) year; two (2) years; and three (3) years; and thereafter members shall be appointed for terms of three (3) years each. Vacancies shall be filled for the unexpired term only. Members shall be removed for cause by the Board of Commissioners upon written charges and after public hearing. The members of the board shall receive no compensation for their services.

(B) The Mayor shall designate one (1) of the members as chairman and another as vice-chairman who shall serve for one (1) year. The board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this section.

(C) All meetings of the board shall be held at a regular place and shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, an indication of such fact; and the final disposition of appeals shall be recorded by resolution indicating the reasons of the board therefore, all of which should

be a public record.

(D) An appeal from the decision of the Building Inspector may be taken to the Board of Adjustment by any person aggrieved, or any officer, department, board, or bureau of the City affected by such decision. Such appeal shall be taken with a reasonable time as provided by the rules of the board by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken.

An appeal stays all 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 reasons of facts stated in his opinion cause imminent peril to life or 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.

(E) The board shall have the following powers:

(1) To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the building inspector. The concurring vote of four (4) members of the board shall be necessary to reverse any order, requirement, decision, or determination of the building inspector or to decide in favor of the applicant any matter upon which it is required to pass under the zoning ordinance or to effect and variation in such ordinance.

(2) To permit a temporary building for business or industry in the residence district which is incidental to the residential development, such permit to be issued for a period of not more than one (1) year.

(3) To permit a garage, other than a private garage, for storage purposes only, as an accessory building to a house, hospital, or similar institution in the residence district where it is deemed necessary for the public convenience or welfare, and where this can be done without substantially derogating from the intent and purpose of this ordinance.

(4) If recommended by the State Utilities Commission of North Carolina to permit in appropriate cases and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of this ordinance, a building or premises to be erected or used by a public service corporation or for public utility purposes in any location and for any purposes which is reasonable necessary for the public convenience and welfare.

(5) To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship, and so that the spirit of this ordinance shall be observed and substantial justice done.

(F) Any person or persons, jointly or severally, aggrieved by any decision of the board, or any taxpayer, or any officer, department, board, or bureau of the City of Kings Mountain may within thirty (30) days after the filing of the decision in the office of the board, but not thereafter, present to a court of competent jurisdiction a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of illegality, whereupon such decision of said board shall be subject to review by certiorari as provided by law.

Section 11. Certificate of Occupancy

No land shall be used or occupied, except for agricultural purposes, and no building hereafter structurally altered or erected shall be used or changed in use until a certificate of occupancy shall have been issued by the building inspector stating that the building or the proposed use thereof complies with the provisions of this ordinance. A like certificate shall be issued for the purpose of maintaining, renewing, changing, or extending a non-conforming use. A certificate of occupancy, either for the whole or a part of a building, shall be applied for coincident with the application for a building permit and shall be issued within ten days after the erection or structural alteration of such building, or part, shall have been completed in conformity with the provisions of this ordinance. A record of all certificates shall be kept on file in the office of the building inspector and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building erected. No permit for excavation for, or erection of, any building, or part of a building, or for repairs to, or alteration of, a building shall be issued until after a statement of its intended use has been filed by the applicant.

Section 12. Plats

Each application for a building permit shall be accompanied by a plat in duplicate, drawn to scale, showing accurate dimensions of the lot to be built upon, accurate dimensions of the building to be erected, its location on the lot, and such other information as may be necessary to provide for the enforcement of this ordinance. A careful record of such applications and plats shall be kept in the office of the building inspector.

Section 13. Boundaries and Districts

Where uncertainty exists with respects to the boundaries of the various districts as shown on the zoning map the following rules shall apply: (A) The district boundaries are either streets, alleys, or lot lines unless otherwise shown, and where the districts designated on the zoning map are bounded approximately by street, alley, or lot lines, said street or alley or said lot line shall

spectively shall be construed to be the boundary of such district.

(B) Where the district boundaries are neither streets, alleys, nor lot lines, unless otherwise clearly indicated on the zoning map, they shall be determined by use of the scale on said zoning map.

Section 14. Interpretation, Purpose and Conflict

In interpreting and applying the provisions of this ordinance they shall be held to be minimum requirements for the promotion of the public safety, health, convenience, prosperity, or general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provisions of this ordinance shall govern.

Section 15. Changes and Amendments

The Board of Commissioners may from time to time on its own motion or on petition, after public notice and hearing as provided by the law, amend, supplement, change, modify or repeal the boundaries or regulations herein or subsequently established, after submitting the same to the town Zoning Commission for its recommendations and report. In case, however, of a protest against such change duly signed and acknowledged by the owners of twenty (20) per cent or more of the frontage proposed to be changed, or of the frontage immediately in rear thereof, or directly opposite thereto, such amendment shall not be passed except by a three-fourths vote of all the members of the Board of Commissioners.

Section 16.—Validity

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Commissioners hereby declares that it would have passed this ordinance and each section, subsection, clause, and phrase hereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 17. Enforcement

The building inspector is hereby authorized, and it shall be his duty to enforce the provisions of this ordinance. Appeal from the decision of the building inspector may be made to the board of adjustment as provided in Section 10.

Section 18. Building Permits Prior To Effective Date.

No section of this ordinance shall in any way prohibit, restrict, or affect in any manner or form any person, firm, or corporation who has secured a building permit issued by the City of Kings Mountain prior to the effective date of this ordinance.

Section 19. Penalty

Any person, firm, or corporation who violates the provisions of this ordinance, shall upon conviction, be guilty of a misdemeanor and shall be fined not exceeding fifty dollars (\$50.00) or imprisoned not exceeding thirty (30) days. Each day that a violation continues to exist shall be considered a separate offense.

Section 20. Effective Date

This ordinance shall take effect and be in force from and after the date of its passage and publication. Duly adopted by the Board of Commissioners this the 12th day of November, 1948.

H. T. Fulton, Mayor
S. A. Crouse, Clerk
Approved as to form: E. A. Harrill,
City Attorney.
Published this 19th day of November, 1948.

An Ordinance Regulating The Construction Of Driveways For Business, Commercial Or Residence Purposes.

Be It Ordained By The Board of Commissioners of The City of Kings Mountain:

SECTION 1. Permit required. It shall be unlawful for any person, firm, or corporation to construct a driveway across any public sidewalk, walkway, or parkway, or into any street or cut any curb for such purpose without first having obtained a permit therefor as required herein.

SECTION 2. Application. Application for such permit shall be made to the City Engineer and shall state, among other things, the location, grade and dimensions of the proposed driveway and the purpose for which it is desired. If the proposed driveway complies with provisions of this ordinance, the City Engineer shall issue a permit therefor.

SECTION 3. Standard for driveways.

(A) Driveways for business or commercial installations.

1. No driveway shall exceed 30 feet in width at the outer or street edge of the driveway as illustrated in Plates 1 through 7 attached hereto and made a part of this ordinance. (On file with city clerk.)

2. All radii of curves of driveways at the point where driveways meet the curb shall be as specified for business and commercial buildings, as indicated by Plates 1 through 7 according to the illustration which is most similar to the proposed construction.

3. Not more than two driveways shall be permitted to service one business or commercial installation from one street and then only if the two driveway are at least 30 feet apart as indicated on Plates 3 and 4 attached hereto.

4. Any business or commercial establishment located at the intersection of two or more streets and which desires a driveway into two intersecting streets shall construct said driveways so as to comply with the minimum requirements as shown on Plates 5 and 6 according to the illustration which is most similar to the proposed construction.

Burlington Made Gift Of \$5,000

Greensboro. — The Burlington Foundation, a charitable trust established by Burlington Mills Corporation, has contributed \$5,000 to the new War Memorial Building in Vinton, Virginia. Vinton is the home of the Roanoke Weaving Company, a unit of Burlington Mills.

The \$93,000 commemorative building, completed after a successful campaign for funds in Vinton, was dedicated recently as a tangible memorial to Vinton's 29 men who gave their lives in World War II.

The town's new civic center should serve many of Vinton's social and recreational activities. Housed in the new building are meeting rooms for the various civic clubs, Veterans of Foreign Wars, American Legion, Scouts, a community library, a large dining hall and meeting room and a very modern kitchen.

Also included in the project is a large swimming pool situated atop a knoll behind the main building.

In addition to the \$5,000 check given by the Foundation, employees at Roanoke Weaving donated approximately \$1,200 to the campaign fund which made the Memorial possible. Roanoke Weaving also aided the townspeople in securing the services of a landscape architect to design the grounds surrounding the building.

ON PATROL DUTY

Carroll J. Cranford, airman, USN, son of Z. F. Cranford, is now serving in Patrol Squadron Seven based at the Naval Air Station, Agostia, Newfoundland. Before entering the Navy, Cranford was graduated from Bethware high school, and was employed by Craftsman Yarns.

Four-H Club boys and girls at the Gaston County Fat Stock Show exhibited eight choice, five good, and seven medium steers which sold for an average of \$37.13 per 100 pounds. The champion sold for 66 cents per pound.

Beekeepers Reach Goal, Set Record

North Carolina beekeepers increased the number of their bee colonies by 14,000 this year and this attained the distinction of being the only State group in the country to meet their suggested goal as set by the U. S. Department of Agriculture.

Figures just released by the Bureau of Agricultural Economics show that the number of bee colonies in the Old North State increased from 173,000 in 1947 to 187,000 this year. The suggested goal was 177,000.

Alabama, with an increase of 10,000 colonies, had the second best record in the nation. Most of the northern states had fewer colonies this year than last.

W. A. Stephen, Extension beekeeper at State College, said the North Carolina record speaks well for the future of agriculture.

"Bees are necessary for the pollination of more than 50 crops, and by increasing their bee population the beekeepers are keeping pace with increasingly diversified agriculture," he declared.

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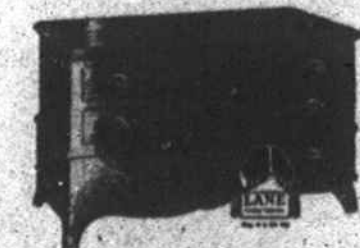


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