

ZONING ORDINANCE  
THE CITY OF KINGS MOUNTAIN, NORTH CAROLINA  
EXECUTIVE SUMMARY

1996

AMENDED  
JUNE 30, 1998

## INTRODUCTION

The purpose of the executive summary is to provide the reader with a concise overview of the proposed City of Kings Mountain Zoning Ordinance rewrite. It describes the intent of the respective chapters and their subsections. It may serve as a guide to the reader as to what are zoning regulations and how they achieve the goal of the City which is to protect the community's health, safety and welfare by influencing land uses. The executive summary will provide answers to major questions, and the reader is encouraged to contact the Planning and Inspections Department either in person or by phone at 734-4595 for an in-depth review of any question.

One additional explanation to the reader is necessary. Throughout this document references are made to subsections of the proposed Zoning Ordinance rewrite so the reader may go to that subsection for specific information. For example "all aspects of signage are provided for in the ordinance (10.2)" means refer to subsection 10.2 for additional information about the standards for signs.

Copies of the Planning and Zoning Board's draft of the proposed new City of Kings Mountain Zoning Ordinance are available in Planning Department for \$15.

The ordinance contains a table of contents and sixteen (16) articles. This executive summary contains information on all of the articles.

### Article I. Purpose, Authority and Title

In this article the ordinance's purpose is explained, its authority which stems from the General Statutes is cited, and its title is stated.

### Article II. Jurisdiction, Map

The territorial jurisdiction of the ordinance includes both the lands within the corporate limits and the lands located within the extraterritorial jurisdiction boundaries. The zoning map is made part of the ordinance by reference.

### Article III. Definitions

The definitions are divided into four sections all of are useful for describing both permitted and not permitted land uses. The first section is general definitions (3.1), the second section is definitions relating to signs (3.2), the third section is definitions relating to adult oriented businesses (3.3) and the last section is definitions relating to flood damage prevention (3.4) and is included only by reference.

It is important to note that the purpose of having definitions relating to adult oriented business is to define adult oriented businesses as a use which the City of Kings Mountain does not allow.

### Article IV. Application; General Provisions; Exceptions and Modifications

All building uses and land uses are subject to the zoning ordinance to the extent permissible by state law (4.1).

Only one principal building is allowed on a lot except as provided in the ordinance (4.2). For example, garage buildings are permitted as accessory use buildings to a residence.

No permits may be issued except where the lawfully created lot has access to a maintained public street. Exceptions being either lots of record or lots in planned developments or lots created prior to June 25, 1996, and having an easment to the public road (4.3).

The fourteen basic zoning districts are listed in columns. If the use may go in that particular district and the zoning administrator may issue a permit an "x" is placed in the column. For example a "Mobile Home, Class B, is a permitted use in the R-20 District and the zoning administrator may issue a permit for that use. If the use may go in that particular district and only City Council may issue the permit then a "c" is placed in the column. For example, a "Mobile Home Park" is a use that may go in a R-20 District and the City Council may issue the permit for that use (7.2).

The table contains the permitted and conditional uses in fourteen districts and importantly two extra columns of information. The first column, "SIC", refers to the Standard Industrial Classification (SIC Manual) of commerce (activities) as adopted by the Department of Commerce. These widely accepted classification standards assist the zoning administrator in classifying the use (7.3). For example, "electrical goods" may include any of similar activities grouped by the Department of Commerce in the Standard Industrial Classification Manual "Subsection 5060". "0000" in the column means the use is not one that is mentioned in the SIC Manual. The last column, "SR", refers to special requirements for that use. For example, new "swimming pools" which are accessory uses and permitted under this ordinance would have to meet all of the criteria contained in Special Requirement No. 9 which is found in the next article..

Lastly, there are several footnotes placed in the columns. The explanations of the footnotes are found on the respective pages (7.4).

The Table of Permitted and Conditional Uses is intended to include the most common categories of uses. However, different people will have different names for similar uses and it becomes the responsibility of the code enforcement officer to interpret these questions whenever they arise.

If in the opinion of the Zoning Enforcement Officer the use is not listed in the Table of Permitted and Conditional Uses and is not supported by the SIC Manual then the use is not to be permitted.

#### Article VIII. Special Requirement Notes To the Table of Permitted and Conditional Uses

In the case where either a permitted use which is indicated with an "x" or a conditional use which is indicated with a "c" also has a number at the end of the row in the "SR" column then the use must comply with the additional Special Requirements listed in this section under the corresponding "SR" number. There are twenty-seven (27) Special Requirements Subsections. They include specific requirements for the following uses:

1. Bed and Breakfast Inns
2. Cluster Developments
3. Family Care Home and Family Day Care Home
4. Home Occupations
5. Class A and B Mobile Homes
6. Mobile Home Parks

Lots need to meet the minimum lot size requirements of the district. If possible these nonconforming lots will be recombined with other lots to make the minimum lot size (4.4).

The rear, side and front yards may not be reduced below the minimum requirement (4.6) however, they may be used for certain accessory structures and uses (4.5).

Development and use of lots must comply with all applicable water and sewer (sanitation) laws and standards (4.7).

The building height limitations applies to residential structures and the principal use commercial structures (4.8) with notable exceptions for schools, churches, transmission towers and monuments.

The building setback limitations applies to all structures with notable partial exceptions for items like porches, roof overhangs, patios and driveways (4.9).

Fences and walls are not subject to setback limitations (4.10) except at intersections and driveways where good visibility is crucial (4.15). Fences in the front yards of residential lots are four feet in maximum height and all other fences are six feet in maximum height (4.10).

Accessory structures may be placed anywhere with some notable exceptions. They may not be placed in the front yard, within five feet of a property line or within twenty feet of a street (4.11).

Temporary buildings are permitted for as long as the construction of the permanent structure takes place (4.16). Temporary structures may not be lived in.

The maximum possible number of dwelling units in a multi-family development is based upon the total square footage of the lot (4.17).

The City's policy on entrances and exits to public streets is based on NCDOT's "Policy on Street and Driveway Access to North Carolina Highways" (4.18).

Unenclosed gasoline pump canopies may extend partially into the front yard setback area (4.19).

Solid waste storage equipment shall be completely screened from adjoining residentially zoned property (4.20).

Most outdoor storage is prohibited except for non-junk vehicles and incidental items for sale (4.21). Outdoor storage areas adjoining residentially zoned property shall be screened.

Outdoor lighting shall neither be hazardous nor cause a nuisance glare (4.22).

The highest standard or most restrictive requirement of this ordinance or another ordinance shall apply (4.23).

Permit fees are set by the City Council (4.24).

## Article V. Establishment of Zoning Districts

The zoning ordinance divides the City of Kings Mountain and the Extraterritorial Zoning Jurisdiction into twenty-eight zoning districts (5.1). Half are conventional zoning districts and the other half are conditional use zoning districts. For example we have both a R-10 Residential District (R-10) and a Conditional Use R-10 Residential District (CU-R-10). Not all of the zoning districts have yet been placed on a zoning map.

The Conditional Use District (referred to as CU) is both a zoning district and a specific set of conditions asked for by only the property owner. For any parcel to be zoned into a conditional use district the City Council must approve both the zone requested and conditions requested. The owner may ask for various more restrictive conditions on the proposed development including for example conditions affecting the location and extent of buffer areas, the specification of units for elderly or handicapped, and location of parking or points of ingress and egress. All conditions must not be less restrictive than the minimum for that zone. The purpose of this district is to give the City a means of enforcing the specific conditions which everyone has agreed upon prior to the City Council's rezoning of the land. Architectural review and controls are not conditions which the City would approve (5.2).

Two "overlay districts" (5.3) are created but are not yet placed on the zoning map over the zoning districts. They are Historic Districts and Flood Damage Prevention Districts.

The "Official Zoning Map, Kings Mountain, North Carolina" is made part of the ordinance by reference (5.4). It is located in the Planning Department.

Zoning district lines generally follow streets, property lines, streams, or the center line of closed streets (5.5). If necessary the Board of Adjustment may interpret the zoning map to determine the location of the zoning district boundaries.

The Zoning Enforcement Officer (Zoning Administrator) interprets the zoning ordinance so as to classify the proposed use as a permitted use or a use which can not be permitted. The Officer also classifies the proposed use as a principal use (the primary purpose or function) or as an accessory use (5.6). Two or more principal uses may occupy the same land or building as long as both are permitted uses in that district.

## Article VI. Schedule of District Regulations

Minimum requirements are set forth for each of the eleven basic classes of zoning districts (6.1 through 6.14). The same minimum requirements apply to both the conventional zoning district and the corresponding conditional use district. For each zoning district this article either specifically lists or references the following:

1. Uses permitted.
2. Dimensional requirements for lot area, lot width, front yard setback, side yard setback, rear yard setback, maximum building height and location of accessory structures.
3. Off-Street Parking and Loading.
4. Signs.
5. Landscaping.

Also, the purpose and requirements of a conditional use district is explained (6.15) in this subsections. This type of district acknowledges the need for special conditions to make the installation of particular zoning districts in certain types of locations appropriate. Use of the Conditional Use District will not make all districts acceptable in all locations. The uses and structures must at a minimum meet the zoning districts requirements for uses and standards (6.15).

The process for establishing and implementing Historic Districts is set forth in the Historic District overlay schedule (6.16). The intent of the Historic District overlay is to create a means of maintaining the historic integrity of certain areas within the City by adding an additional layer of requirements over an existing zoning designation. For the City to implement the new Historic District regulations City Council would have to amend the zoning map to include such districts.

The purpose of the Flood Damage Prevention District is to minimize public and private losses due to flood conditions in specific areas of the jurisdiction subject to flooding (6.16). Currently the City is implementing the requirements of its Flood Damage Prevention Ordinance. This overlay district would incorporate those requirements into the Zoning Ordinance.

#### Article VII . Table of Permitted and Conditional Uses

A table of permitted and conditional uses serves as the guide for reader to find which uses are permitted in which districts. The uses are listed alphabetically in rows and organized in nine functional categories (7.1). The categories include :

- Agricultural Uses
- Residential Uses
- Recreational Uses
- Educational and Institutional Uses
- Business, Professional and Personal Services
- Retail Trade
- Wholesale Trade
- Manufacturing and Industrial Uses
- Other Uses

7. Two Family and Multi-family Dwellings (including Condominiums and Townhouses)
8. Planned Unit Development (PUD)
9. Swimming Pools, Accessory
10. Zero Lot Line Development
11. Amusement or Water Parks; Batting Cages; Go-Cart Raceways; Golf Driving Ranges; Miniature Golf Facilities
12. Associations and Organizations; Social and Fraternal
13. Golf Course; Including Pro Shop
14. Swim and Tennis Clubs, Swimming Pools, Private
15. Churches, Synagogues and Other Associated Activities; Nursing and Convalescent Homes; Congregate Care and Group Care
16. Day Care Centers (6 or more people)
17. Automobile Storage; Automobile Towing and Storage; Automobile Wrecking or Junk Yards; Salvage Yards, Scrap Processing
18. Drive-In Theater
19. Radio, Television or Communication Towers
20. Airports or Air Transportation Facilities
21. Ammunition, Small Arms
22. Asphalt Plants
23. Mining and Quarrying
24. Petroleum and Related Products (Wholesale or Manufacturing)
25. Adult Oriented Business
26. Recreational Vehicle Parks or Campsites
27. Refrigerator or Large Appliance Repairs

#### Article IX. Off-Street Parking and Loading

Permanent off-street parking spaces are required for most uses in most districts (9.1). However, no off-street parking is required in the Central Business District. Off-street parking is reviewed at the time the applicant proposes to either change the principal use, enlarge the capacity of a building or start a use on formerly vacant land. The applicant should provide sufficient information as to the location and dimensions of off-street parking and the means of entrance and exit to the spaces to allow the zoning enforcement officer to determine that parking requirements have been met.

The ordinance covers the various parking requirements for residential, commercial and industrial, office and institutional and recreational uses (9.1).

The ordinance also allows for combination of parking spaces and day time/night time assignments. This means that the sharing of parking spaces is possible under some circumstances. The ordinance provides that lighting should neither cause a hazardous interference nor directly glare onto the street or neighboring properties.

Parking spaces shall be placed on the same property as the use or on land located not more than 400 feet from the use. In the case of residential uses, the parking must be on the same lot. Business and office uses may have parking in industrial districts. Industrial and Office uses may have parking in business districts.

All off-street parking lots must be properly designed for safe movement, access to public streets, storm water drainage and must also be properly maintained. Parking lots designed for six or more cars shall not be located in the front yard setback of the residential districts (9.2).

Off-street loading spaces are required for retail businesses, wholesale and industrial uses and office and institutional uses. Such spaces should be located in private driveways, public alleys and if loading spaces cannot be provided in that manner, only then in the public street. A loading space is typically twelve (12) feet by forty (40) feet.

#### Article X. Signs

The zoning ordinance contains a comprehensive treatment of signage. The sign section was revised and adopted by City Council in April of 1995. It provides protection under the first amendment rights, provides for the orderly display of all types of signs and promotes signage which will not dominate the visual appearance of the area in which they are located.

All aspects of signage are provided for in the ordinance (10.2). The ordinance covers the following:

- (1) Permits
- (2) Protection Under First Amendment Rights
- (3) Unsafe Signs
- (4) Sign Illumination
- (5) Sign Area
- (6) Sign Height
- (7) Identification of Signs

The requirements for free standing signs have been altered slightly since April of 1995 to allow for the following (10.3):

- (1) Signs are to be placed out of the street right-of-way and if are greater than three feet in height are to be placed outside of the sight triangle needed at intersections for safety.

- (2) The bottom of all free-standing signs which are located within fifteen (15) feet of a street right-of-way shall be at least ten (10) feet in height as measured from the grade; provided, free-standing signs are twenty-four (24) feet or less in copy area and less than seven (7) feet in height as measured from grade may be placed no closer than ten (10) feet from the street right-of-way or three (3) feet from the sidewalk whichever is less.
- (3) No free-standing sign shall be located closer than five feet to any adjacent side lot line.

The size of wall signs are regulated (10.4). The further wall signs are located behind the required setback line the larger the signs may be. If no free-standing signs are used then the size of the wall mounted signs may increase by twenty percent.

Some signs are prohibited by the ordinance (10.5). The ordinance prohibits signs which endanger motorists and bicyclists by their location or which interfere with the view of traffic signals. Also prohibited are portable signs, vehicular signs, signs which obstruct free passage from buildings and signs with flashing or intermitted lights.

Certain signs do not require a zoning permit including government signs, small instructional signs, small identification signs, temporary real estate signs, temporary construction signs, temporary banners in non-residential areas, temporary farm produce signs and small yard sale signs which are up for only one day (10.6).

Certain signs require a zoning permit but not the payment of a zoning permit fee. These signs include specific types of temporary special event signs and directional signs (10.7).

The ordinance provides for signs in residential areas which identify typical uses in residential districts like a subdivision, mobile home parks, apartments, day care centers, rest homes, churches, schools and cemeteries (10.8).

The ordinance provides for signs associated with uses in Residential-Office districts and office districts including condominiums, multi-family dwellings and town houses (10.9). The ordinance covers wall mounted and identification signs.

The ordinance provides for signs in Neighborhood Business Districts (10.10), General Business Districts (10.11), Central Business Districts (10.12), Light-Industrial and Heavy-Industrial Districts (10.13) and also for signs associated with shopping centers, multi-tenant buildings and developments (10.14). The ordinance specifically provides for the advertising, identification and business types of signs. It also specifies the number of signs, maximum area of signs, maximum height of signs and allowable illumination. In construction terms signs are either free-standing or wall (mounted). No signs are permitted on roofs.

## Article XI. Landscaping

Screening between non-residential districts and residential districts will be generally required whenever:

- (1) The initial use, development or occupancy of the non-residential property takes place.
- (2) There is a change in the use or occupancy of the non-residential property which results from a change in the zoning classification of the non-residential property.
- (3) Any building expansion that increases the floor area of the non-residential use or any addition of parking that provides ten (10) or more spaces, whether required or not.

The screening is provided on the non-residential district even if the adjacent land in the residential district is not yet developed (11.2). The screening device must be ninety (90) percent opaque at all seasons of the year from ground to a height of at least six (6) feet. The screening material may either be an evergreen vegetative buffer ten (10) feet thick or a combination of a partial opaque fence or wall and enough vegetative plantings to obscure the wall or fence. The vegetation must be at least four (4) feet in height and have a caliper of one inch.

Landscaping in the parking lot area is required whenever the initial use of the property requires twenty-five (25) or more parking spaces or whenever ten (10) or more spaces are added and the resultant total is twenty-five (25) or more spaces regardless of whether or not the spaces are required. Typically there will be one "canopy" type of tree for each six (6) spaces and all spaces must be within sixty (60) feet of a tree (11.3).

In all non-residential districts excepting the Central Business Districts (C-B), landscaped street yards are required (11.4). This yard is a five (5) foot wide strip of vegetation along the street right-of-way and the side property boundaries. It shall contain fifteen (15) small and medium sized shrubs for every one-hundred (100) lineal feet. Only driveways and cross walks may penetrate the street yard (11.4).

## Article XII. Non-Conforming Situations

Lawfully created non-conforming situations are called non-conforming uses or non-conforming structures and are allowed to continue in order to avoid undue hardship (12.1). However, non-conforming situations are to be terminated under certain circumstances.

Lawfully created lots of record which do not have the minimum lot size may be used as long as the minimum setbacks are met and the lot size is sufficient for the use proposed (12.2).

Generally, structures which do not conform to the required setbacks and building heights may be expanded as long as the alteration does not increase the nonconformity.

Generally, uses which do not conform with the permitted uses in a district may not be expanded to occupy more ground than at the time it became a non-conforming.

Minor repairs and routine maintenance where non-conforming situations exist are permitted. Renovations costing between ten (10) percent and sixty (60) percent of the tax value of the structure are allowed. In no case shall repairs costing more than sixty (60) percent of the tax value of the structure be performed cumulatively within any five (5) year period (12.3).

If a non-conforming structure or a building containing a non-conforming situation is damaged and the repairs cost sixty (60) percent or more of the tax value of the building or structure then it may be repaired and used only as a conforming structure or use (12.4).

Non-conforming uses may be changed (12.5) if the following is true:

1. The new use is a conforming use.
2. The Board of Adjustment finds the new non-conforming use is more in character with the uses permitted in the District than the previous non-conforming use.
3. There are no other non-conforming uses on the subject property.
4. Proper off-street parking is provided and the use is conforming even if the building is non-conforming.

If a non-conforming use is discontinued regardless of the purpose or reason for a consecutive one hundred eighty (180) days, the property may thereafter be used only for conforming uses (12.6). If only a portion of a non-conforming use is discontinued then the entire non-conforming use will not be considered discontinued. For example if an apartment unit is vacant for over one-hundred eighty days the apartment complex is not considered discontinued.

Adult Oriented Businesses are considered to be discontinued if they cease active operation for any thirty (30) day period. Generally, the property may thereafter only be used for conforming uses (12.7). There are no known adult oriented businesses operating in the Kings Mountain Zoning Jurisdiction.

Mobile homes in non-conforming mobile home parks may be replaced with either a Class A or Class B mobile home. Individually established Class A mobile homes may be replaced with Class A mobile homes and all other individually established mobile homes may be replaced with either Class A or B mobile homes (12.8).

Lawfully installed nonconforming signs may be continued and receive minor repairs. Nonconforming signs may not be taken down or moved or otherwise altered except to bring the sign into compliance (12.9). Conforming signs may not be altered in any way which make the sign nonconforming. If a nonconforming sign is damaged to the extent of fifty (50) percent of its value then the sign must be brought into compliance with the zoning ordinance. The message of a nonconforming sign may be changed as long as no new nonconformity is created. If the business, activity or attraction advertised is discontinued then the owner must bring the sign into compliance within thirty (30) days. If a non-conforming sign remains "blank" for thirty days the sign shall be deemed abandoned and must be brought into compliance within thirty (30) days.

### Article XIII. Zoning Board of Adjustment

The Zoning Board of Adjustment is established by this ordinance. Most of its members are appointed by the City Council (13.1). The Board members are not paid but may be reimbursed for any expenses incurred while representing the Board.

Two of the members are appointed by the County Commissioners and reside in the City's Extraterritorial Jurisdiction (13.2). As part of its work the Zoning Board of Adjustment provides the applicants or petitioners the reasons for their decisions.

The Board elects officers to terms of one year. Meetings are called by the Chairman. The Board may administer oaths to witnesses and also subpoena witnesses. All meetings are open to the public (13.3).

Appeals of the decision of the Code Enforcement Officer must be done within forty-five (45) days. The Board of Adjustment sets the time to hear such appeals. Public notice is given as well as notification to the interested parties (13.4).

Unless there is imminent peril to life and property an appeal stays all legal proceedings in furtherance of the action appealed from (13.5).

The Board of Adjustment has the following powers and duties:

1. **Administrative Review** - This is the review of the Zoning Enforcement Officers' decision.
2. **Zoning Permits with Vested Rights** - This is the request for the City to give a project vested rights for up to a two year period before building permits are issued.

3. Variances - This is the request for varying from the requirements of the ordinance which cause a practical difficulty or unnecessary hardship to occur only on the property itself. It results from the strict literal enforcement of the ordinance. The spirit of the ordinance must be so served, public safety and welfare preserved and substantial justice done. Such a variance from the ordinance may not be contrary to the public interest.
4. Conditional Use Permits - These are permits issued in particular cases, where reasonable safeguards and conditions are appropriate. Additional restrictions and conditions may be part of the permit as long as they are necessary achieve the purpose and intent of the Ordinance, public welfare is secured and substantial justice is done.

Decisions of the Board of Adjustment may be appealed to a court of competent jurisdiction within thirty (30) days after (the filing of) the decision.

#### Article XIV. Amendment Procedures: Conditional Use Districts

Both the zoning text and the zoning map may be amended by the City Council (14.1). Generally there are two types of map amendments. First, there is the conventional rezoning or change of zoning district boundaries. No one is allowed to offered testimony or evidence concerning the specific manner in which the property will be used. Second, there is the conditional use district rezoning. If the applicant believes that development in a specific manner will both lessen the adverse effects of a type of development and make the rezoning more in accordance with the principles underlying the City's comprehensive land use and zoning plan, he should apply for rezoning to the appropriate conditional use district and simultaneously apply for conditional use permit within that district. The conditional use district rezoning with the simultaneously approved conditional use permit is a very specific and exacting agreement.

Text amendments and Map Amendments may be initiated by City Council, the Planning and Zoning Board and anyone who owns property or resides in the area of jurisdiction of the Ordinance or the agent of such person (14.2).

Only the owner or his agent may initiate a map amendment involving a conditional use district.

Applications for amendments shall be in writing, signed and submitted to the Planning Department (14.3) at least fourteen (14) days before the next Planning and Zoning Board meeting. The applications must be complete with locational and dimensional information. Conditional use district rezoning applications must be complete with information showing the use or uses proposed.

After the Planning and Zoning Board's review of the application it is then sent to City Council. The Planning Director (14.5) conveys the Planning and Zoning Board's recommendation and their reasons. The City Council takes action after the public hearing and request for the amendment is advertised not less than ten (10) days and not more than twenty-five (25) days prior to the hearing. For map amendments, the adjoining property owners are mailed a notice of the public hearing. Also a sign announcing the zoning amendment is placed on the property being considered for rezoning. In any case, the City shall follow the advertising requirements of G.S. 160A-364.

In the case of a protest petition (14.6) submitted by at least twenty (20) percent of the owners of property either in the area to be rezoned or adjacent to the area to be rezoned, the rezoning will not become effective until there is a favorable vote by three-fourths of all members of the City Council. The protest petition must be completed and submitted to the City Clerk at least two working days before the City Council's public hearing on the zoning map amendment.

Proposals for rezoning to any Conditional Use District is a two part application for the property owner and a two level decision process for the City Council. Both the district requested and the conditions offered by the owner must be considered simultaneously by City Council. If City Council turns down either the part of the application for the new zone or the part of the application for the conditions, there is no zoning amendment and the application is considered denied.

To approve the Conditional Use portion of the request the City Council must make the following affirmative findings:

- (1) That the Use requested as among those listed as an eligible Conditional Use in the District in which the subject property is located or is to be located (note: in the case of a Conditional Use Rezoning it must be listed as either a conditional use or a permitted use);
- (2) That the Conditional Use will not materially endanger the public health or safety if located where proposed and developed according to the plan as proposed;
- (3) That the Conditional Use meets all required conditions and specifications; and,
- (4) That the location and character of the Conditional Use if developed according to the plans as proposed will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City and its environs.

The applicant needs to be in agreement with the conditions and should amend his application to reflect all conditions he is willing to abide by.

All conditional use permits may be amended but not within twelve (12) months of the original conditional use permit.

Generally, no application for the same property for the same zoning district may be filed again until the expiration of four (4) months (14.8).

Application fees are not refundable once the proposal has been advertised.

Article XV. Administration, Enforcement and Penalties

This Ordinance shall be enforced by the Zoning Enforcement Officer (15.1) who shall be appointed by the City Manager. The Zoning Enforcement Officer is empowered to take actions authorized by the Ordinance to insure compliance with or to prevent violations of its provisions.

No land shall be used or occupied and no building thereafter structurally altered, erected, or moved shall be used, or its use changed, until a Zoning Permit (15.2) shall have been issued by the Zoning Enforcement Officer. Such permit is issued only after an application including a site plan is submitted. If the zoning permit application is denied the applicant may appeal to the Board of Adjustment within forty-five (45) days of such permit denial.

Zoning permits with vested rights (15.3) may be obtained following NCGS 160A-385.1. The application must be submitted to the Zoning Enforcement Officer and a public hearing must be held before the Board of Adjustment. To be issued a permit the Board of Adjustment must make the following affirmative findings:

- (1) The use requested is among those listed as a Permitted or Conditional Use in the District in which the subject property is located or is to be located and complies with all the requirements of this Ordinance and other applicable Ordinances.
- (2) The requested Permit is either essential or desirable for the public convenience or welfare.
- (3) The requested Permit will not impair the integrity or character of the surrounding or adjoining Districts, and will not be detrimental to the health, safety or welfare of the community.
- (4) Adequate utilities, access roads, drainage, sanitation and/or other necessary facilities have been or are being provided.

The Zoning Board of Adjustment may grant these with requests with additional "fair and reasonable" conditions and such permits may be good for a two year period.

The duties of the Zoning Enforcement Officer (15.4) shall be to first hear all questions concerning zoning permits and zoning code violations.

The duties of the Zoning Board of Adjustment (15.4) shall be to hear the appeals of decisions concerning zoning permits and zoning code violations.

The duties of the City Council (15.4) shall be not to hear the disputed questions on zoning permits and zoning code violations but rather to consider and take action on any proposed amendment or repeal of the Ordinance as provided by law.

Penalties for violations included misdemeanors and civil penalties (15.5). The City may also seek injunctions and order of abatement as necessary.

Each day's continuing violation is a separate and distinct offense.

#### Article XVI. General Legal Provisions

The most restrictive limitation or requirement, or the requirement causing the highest standard of improvement, shall govern (16.1). For example, if private deed restrictions in a residential subdivision are more restrictive than the City's regulation of the placement of a home on a lot the owner is advised to follow the highest enforceable standard. This is prudent even though the City can not enforce the development's deed restrictions.

Building permits obtained when the old zoning ordinance was in effect do not have to be changed as long as they are still valid (16.3) or the Building Inspector has issued a Certificate of Occupancy which signifies the projects completion. Building permits eventually expire because construction does not take place and inspections are not requested.

Conditional use permits may continue forward to completion. However, any such Conditional Use that is changed to any permitted use for any period of time shall not be permitted to resume as the Conditional Use.

The Ordinance is proposed to become effective upon its adoption by the City Council of the City of Kings Mountain (16.4).

#### Executive Summary Closing

Thank-you for taking time to read the Executive Summary. If the City may provide any additional information please do not hesitate to ask by calling 734-4595 (Planning) or come by the City Hall and visit the Planning and Code Enforcement staff.

**ZONING ORDINANCE**

**CITY OF KINGS MOUNTAIN  
NORTH CAROLINA**

**ADOPTED**  
DECEMBER 10, 1996

**AMENDED**  
JUNE 24, 1997  
CASE NO. Z-2-2-97  
(SECTION 15.2 - ZONING PERMIT)

**AMENDED**  
FEBRUARY 23, 1998  
CASE NO. Z-1-1-98  
(SECTION SR 19. RADIO, TELEVISION OR COMMUNICATION  
TOWERS)  
(SECTION SR 28. RADIO, TELEVISION OR COMMUNICATION ANTENNAS ON  
STEEL HIGH TENSION TRANSMISSION STRUCTURES)

**AMENDED**  
JUNE 30, 1998  
CASE NO. Z-4-4-98  
(SECTION 10.3 FREE STANDING SIGN REQUIREMENTS)  
CASE NO. Z-3-4-98  
(SECTION 4.3 STREET ACCESS)

**AMENDED**  
AUGUST 31, 1999  
CASE NO. Z-1-7-99  
(SECTION 6.2 R-10 RESIDENTIAL DISTRICT)

**AMENDED**  
MAY 30, 2000  
CASE NO. Z-1-4-00  
(SECTION 7.1 TABLE OF PERMITTED AND CONDITIONAL USES)

**AMENDED**  
JULY 25, 2000  
CASE NO. Z-3-6-00  
(SECTION 3.1 GENERAL DEFINITIONS)  
(SECTION 7.1 TABLE OF PERMITTED AND CONDITIONAL USES)  
(SECTION SR 29 AMUSEMENT VIDEO GAME ARCADES)  
(SECTION 12.10 AMUSEMENT VIDEO GAME ARCADES)

**AMENDED**  
NOVEMBER 28, 2000  
CASE NO. Z-12-10-00  
(SECTION 4.4 LOT OF RECORD)

**AMENDED**  
NOVEMBER 27, 2001  
CASE NO. Z-1-10-01  
(ARTICLE III, DEFINITIONS – DWELLINGS, MIXED USE)  
(Section 7.1 TABLE OF PERMITTED AND CONDITIONAL USES)  
(ARTICLE VII SPECIAL REQUIREMENTS)

**AMENDED**  
MARCH 26, 2002  
CASE NO. Z-1-02-02  
(SECTION 6.7 R-6 RESIDENTIAL DISTRICT)

**AMENDED**  
MAY 28, 2002  
CASE NO. Z-2-03-02  
(ARTICLE V, ESTABLISHMENT OF ZONING DISTRICTS, SECTION 5.3  
OVERLAY DISTRICTS ESTABLISHED)  
(ARTICLE VI, SCHEDULE OF DISTRICT REGULATIONS, SECTION 6.16  
OVERLAY DISTRICTS)

**AMENDED**  
FEBRUARY 25, 2003  
CASE NO. Z-2-1-03  
(SECTION 12.8 REPLACEMENT OF NON-CONFORMING MOBILE HOMES)  
(ARTICLE III DEFINITIONS – MOBILE HOME CLASS A;  
MOBILE HOME CLASS B)

**AMENDED**

SEPTEMBER 28, 2004

CASE NO. Z-2-8-04

(SECTION 7.1 TABLE OF PERMITTED AND CONDITIONAL USES)

CASE NO. Z-3-8-04

(SECTION 10.8 (7) SIGNS ASSOCIATED WITH PERMITTED USES IN  
RESIDENTIAL DISTRICTS)

CASE NO. Z-4-8-04

(SECTION 7.1 TABLE OF PERMITTED AND CONDITIONAL USES)

**AMENDED**

JULY 26, 2005

CASE NO. Z-2-6-05

(SECTION 10.5 (7) PROHIBITED SIGNS)

**AMENDED**

APRIL 25, 2006

CASE NO. Z-2-3-06

(SECTION 7.1 "TABLE OF PERMITTED AND CONDITIONAL USES")

**AMENDED**

MAY 30, 2006

CASE NO. Z-1-4-06

(SECTION 7.1 "TABLE OF PERMITTED AND CONDITIONAL USES")

**AMENDED**

MARCH 27, 2007

CASE NO. Z-1-2-07

(ARTICLE XV, SECTION 15.2 "ZONING PERMITS")

CASE NO. Z-2-2-07

(ARTICLE VI, SECTION 6.16 "OVERLAY DISTRICTS")

CASE NO. Z-5-2-07

ARTICLE VIII, SR 7 (a) (1) "TWO FAMILY AND MULTI-FAMILY DWELLINGS")

CASE NO. Z-3-2-07

**AMENDED**

JULY 31, 2007

CASE NO. Z-1-6-07

(SECTION 7.1 "TABLE OF PERMITTED AND CONDITIONAL USES")

AGRICULTURAL PRODUCTION

**AMENDED**

December 11, 2007

Case No: Z-1-11-07

(Article VI, Section 6.16, Subsection (2) Flood Damage Prevention District)

**AMENDED**

March 25, 2008

Case No. Z-1-2-08

(Article III, Section 3. 1 General Definitions, Page 4)

(Article V, Section 5.1 Zoning Districts Established and 5.2 Conditional Use Districts)

(Article VI, Section 6.15 Conditional Use Districts)

(Article VIII, SR 8. Planned Unit Development (PUD))

(Article XIV Amendment Procedures; Conditional Use Districts)

**AMENDED**

June 24, 2008

Case No. Z-2-5-08

(Article VI Section 6.16 Overlay Districts)

**AMENDED**

December 16, 2008

Case No. Z-1-11-08

(Article XIV, Section 14.8 Maximum Number of Applications)

**AMENDED**

June 30, 2009

Case No. Z-2-2-08

(Article VI, Section 6.16 Overlay District Subsection (4) Kings Mountain Protection  
Preservation and Enhancement District)

Case No. Z-1-4-09 (Resturant, Pub, and Night Club)

(Article III, Section 3.1 General Definitions & Article VII Table of Permitted and  
Conditional Uses & Article VIII Special Requirements)

Case No. Z-2-3-09 (Home Occupation)

(Article III, Section 3.1 General Definitions & Article VII Table of Permitted and  
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