

Article VI. SCHEDULE OF DISTRICT REGULATIONS

Within the districts as established by this ordinance, the requirements as set forth in this section shall be complied with in addition to any other general or specific requirements of this ordinance.

Section 6.1 R—20 Residential District

(1) Permitted Uses. See Article VII entitled Table of Permitted and conditional Uses

(2) Dimensional Requirements. The following dimensional requirements shall apply in the R--20 District;

a. Minimum Required Lot Area for a Single—Family dwelling or any Non— Residential use 20, 000 square feet: for a two—family dwelling — 30,000 square feet.

b. Minimum Required Lot Width – 100 feet

c. Minimum Required Front Yard — 50 feet

d. Minimum Required Side Yards — 15 feet except that the side yard abutting a street shall be 25 feet

e. Minimum Required Rear Yard — 40 feet

f. Maximum Building Height — 35 feet

g. Location of Accessory Buildings and Structures Accessory buildings and structures shall I be placed in accordance with the provisions of Section 4.11

(3) Off-street Parking and Loading. Off-street parking and loading shall be provided in accordance with the requirements of Article IX.

(4) Signs. Signs shall be regulated by the requirements of Article X.

(5) Landscaping. Landscaping shall be provided in accordance with the requirements of Article XI.

Section 6.2 R-10 Residential District

(1) Permitted Uses. See Article VII entitled Table of Permitted and Conditional Uses

(2) Dimensional Requirements. The following dimensional requirements shall apply in the R-10 District:

a. Minimum Required Lot Area for a single-family dwelling unit or any Non-Residential use:

10,000 square feet for lots served by both public water and public sewer

15,000 square feet for lots served by either public water or public sewer

20,000 square feet for lots without either public water or public sewer

b. Minimum Required Lot Width – 75 feet

c. Minimum Required Front Yard – 40 feet

d. Minimum Required Side Yards – 12 feet except that the side yard abutting a street shall be 22 feet

e. Minimum Required Rear Yard – 30 feet

f. Maximum Building Height – 35 feet

g. Location of Accessory Buildings and Structures – Accessory buildings and structures shall be placed in accordance with the provisions of Section 4.11

(3) Off-Street Parking and Loading. Off-street parking and loading shall be provided in accordance with the requirements of Article IX.

(4) Signs. Signs shall be regulated by the requirements of Article X

(5) Landscaping. Landscaping shall provided in accordance with the requirements of Article XI.

Section 6.3 R-9 Residential District

(1) Permitted Uses. See Article VII entitled Table of Permitted and Conditional Uses

(2) Dimensional Requirements. The following dimensional requirements shall apply in the R-9 District:

a. Minimum Required Lot Area for a single-Family dwelling or any Non- Residential use - 9,000 square feet; For a Two-Family Dwelling - 13,500 square feet; For a multi-family dwelling 13,500 square feet for the first two dwelling units and 5,000 square feet for each additional dwelling unit.

b. Minimum Required Lot Width - 70 feet

c. Minimum Required Front Yard - 35 feet

d. Minimum Required side Yards - 10 feet except that the side yard abutting a street shall be 18 feet

e. Minimum Required Rear Yard - 25 feet

f. Maximum Building Height - 35 feet

g. Location of Accessory Buildings and Structures - Accessory buildings and structures shall be placed in accordance with the provisions of Section 4.11.

(3) Off - Street parking and Loading. Off - street parking and loading shall be provided accordance with the requirements of Article IX.

(4) Signs. Signs shall be regulated by the requirements of Article X.

(5) Landscaping. Landscaping shall be provided in accordance with the requirements of Article XI

Section 6.4 RS-8 Single - Family Residential District

- (1) Permitted Uses. See Article VII entitled Table of Permitted and Conditional Uses
- (2) Dimensional Requirements. The following dimensional requirements shall apply in the RS-8 District:
 - a. Minimum Required Lot Area for a Single-Family dwelling or any Non-Residential use -8,000 square feet.
 - b. Minimum Required Lot Width - 70 feet
 - c. Minimum Required Front Yard - 35 feet
 - d. Minimum Required side Yards -10 feet except that the side yard abutting a street shall be 20 feet
 - e. Maximum Required Rear Yard — 25 feet
 - f. Maximum Building Height — 35 feet
 - g. Location of Accessory Buildings and Structures Accessory buildings and structures shall be placed in accordance with the provisions of Section 4.11.
- (3) Off—Street Parking and Loading. Off-street parking and loading shall be provided in accordance with the requirements of Article IX.
- (4) Signs. Signs shall be regulated by the requirements of Article X.
- (5) Landscaping. Landscaping shall be provided in accordance with the requirements of Article XI.

Section 6.5 R-8 Residential District

(1) Permitted Uses. See Article VII entitled Table of Permitted and Conditional Uses

(2) Dimensional Requirements. The following dimensional requirements shall apply in the RS—8 District:

a. minimum Required Lot Area for a Single-Family dwelling or any Non- Residential use – 8,000 square feet; For a two family dwelling unit – 12,000 square feet.

b. Minimum Required Lot width - 70 feet

c. Minimum Required Front Yard - 35 feet

d. Minimum Required side Yards - 10 feet except that the side yard abutting a street shall be 20 feet

e. Minimum Required Rear Yard - 25 feet

f. Maximum Building Height – 35 feet

g. Location of Accessory Buildings and Structures Accessory buildings and structures shall be placed in accordance with the provisions of section 4.11.

(3) Off—street Parking and Loading. Off—street parking and loading shall be provided in accordance with the requirements of Article IX.

(4) Landscaping. Landscaping shall be provided in accordance with the requirements of Article XI.

Section 6.6 RS-6 Single-Family Residential District

(1) Permitted Uses. See Article VII entitled Table of Permitted and Conditional Uses

(2) Dimensional Requirements. The following dimensional requirements shall apply in the RS—6 District:

a. Minimum Required Lot Area for a Single-Family dwelling or any Non-Residential use – 6,000 square feet.

b. Minimum Required Lot Width – 70 feet

c. Minimum Required Front yard – 30 feet

d. Minimum Required Side Yard – 8 feet except that the side yard abutting a street shall be 18 feet.

e. Minimum Required Rear Yard – 25 feet

f. Maximum Building Height – 25 feet

g. Location of Accessory Buildings and Structures Accessory buildings and structures shall be placed in accordance with the provisions of section 4.11.

(3) Off—street Parking and Loading. Off—street parking and loading shall be provided accordance with the requirements of Article IX.

(4) Signs. Signs shall be regulated by the requirements of Article X.

(5) Landscaping. Landscaping shall be provided in accordance with the requirements of Article XI.

Section 6.7 R-6 Residential Districts

(1) Permitted Uses. See Article VII entitled Table of Permitted and Conditional Uses

(2) Dimensional Requirements. The following dimensional requirements shall apply in the R-6 District:

a. Minimum Required Lot Area for a Single-Family dwelling or any Non-Residential use — 6,000 square feet; For a Two-Family Dwelling 9,000 square feet; For three to ten dwelling units — 12,000 square feet plus 1,000 square feet for each dwelling unit; For eleven to twenty dwelling units — 6,000 square feet plus 2,000 square feet for each dwelling unit; For twenty-one or more dwelling units 3,000 square feet plus 3,000 square feet for each dwelling unit.

b. Minimum Required Lot Width — 70 feet

c. Minimum Required Front Yard - 30 feet

d. Minimum Required Side Yards — 8 feet except that the side yard abutting a street shall be 18 feet.

e. Minimum Required Rear Yard — 25 feet

f. Maximum Building Height- 50 feet

g. Location of Accessory Buildings and Structures — Accessory buildings and structures shall be placed in accordance with the provisions of Section 4.11.

(3) Off-Street Parking and Loading. Off-street parking and loading shall be provided accordance with the requirements of Article IX.

(4) Signs. Signs shall be regulated by the requirments of Article X

(5) Landscaping. Landscaping shall be provided in accordance with the requirments of Article XI.

Section 6.8 R-O Residential – Office District

(1) Permitted Uses. See Article v11 entitled Table of Permitted and Conditional Uses

(2) Dimensional Requirements. The following dimensional requirements shall apply in the R—O District:

a. Minimum Required Lot Area for a single - Family Dwelling or any Non - Residential use 6,000 square feet; For a Two - Family Dwelling 9,000 square feet; For a multi-family dwelling 9,000 square feet for the first two dwelling units and 3,000 square feet for each additional dwelling unit.

b. Minimum Required Lot width — 70 feet

c. Minimum Required Front Yard — 30 feet

d. Minimum Required side Yards — 8 feet except that the side yard abutting a street shall be 18 feet

e. Minimum Required Rear Yard 25 feet

f. Maximum Building Height — 50 feet

g. Location of Accessory Buildings and Structures Accessory buildings and structures shall be placed in accordance with the provisions of section 4.11.

(3) Off—street Parking and Loading. Off—street parking and loading shall be provided accordance with the requirements of Article IX.

(4) Signs. Signs shall be regulated by the requirements of Article X.

(5) Landscaping. Landscaping shall be provided in accordance with the requirements of Article XI.

Section 6.9 O Office Districts

(1) Permitted Uses. See Article conditional Uses

(2) Dimensional Requirements. The following dimensional requirements shall apply in the O District:

- a. Minimum Required Lot Area — None
- b. Minimum Required Lot Width — None
- c. Minimum Required Front Yard — 30 feet
- d. Minimum Required side Yard — 10 feet
- e. Minimum Required Rear Yard — 20 feet
- f. Maximum Building Height — 50 feet
- g. Location of Accessory Buildings and Structures Accessory buildings and structures shall be placed in accordance with the provisions of section 4.11.

(3) Off—Street Parking and Loading. Off—street parking and loading shall be provided accordance with the requirements of Article IX.

(4) Signs. Signs shall be regulated by the requirements of Article X.

(5) Landscaping. Landscaping shall be provided in accordance with the requirements of Article XI.

Section 6.10 C-B Central Business District

(1) Permitted Uses. See Article VII entitled Table of Permitted and Conditional Uses.

(2) Dimensional Requirements. The following dimensional requirements shall apply in the C—B District:

- a. Minimum Required Lot Area — None
- b. Minimum Required Lot width - None
- c. Minimum Required Front Yard — None
- d. Minimum Required side Yards none required except where adjoining a lot zoned for residential purposes the side yard shall be 10 feet.
- e. Minimum Required Rear Yard - none required except where adjoining a lot zoned for residential purposes the rear yard shall be 10 feet.
- f. Maximum Building Height — 50 feet
- g. Location of Accessory Buildings and Structures Accessory buildings and structures shall be placed in accordance with the provisions of section 4.11.

(3) Off—street parking and Loading. Off—street parking and loading shall be provided in accordance with the requirements of Article IX.

(4) Signs. Signs shall be regulated by the requirements of Article X.

(5) Landscaping. Landscaping shall be provided in accordance with the requirements of Article XI.

Section 6.11 N-B Neighborhood Business District

- (1) Permitted Uses. See Article VII entitled Table of Permitted and Conditional Uses.
- (2) Dimensional Requirements. The following dimensional requirements shall apply in the N-B District:
 - a. Minimum Required Lot Area – None
 - b. Minimum Required Lot Width – None
 - c. Minimum Required Front Yard – 30 feet
 - d. Minimum Required Side Yards – 10 feet
 - e. Minimum Required Rear Yard – 20 feet
 - f. Maximum Building Height – 35 feet
 - g. Location of Accessory Buildings and Structures – Accessory buildings and structures shall be placed in accordance with the provisions of Section 4.11.
- (3) Off—Street parking and Loading. Off—street parking and loading shall be provided in accordance with the requirements of Article IX.
- (4) Signs. Signs shall be regulated by the requirements of Article X.
- (5) Landscaping. Landscaping shall be provided in accordance with the requirements of Article XI.

Section 6.12 G-B General Business Districts

(1) Permitted Uses. See Article VII entitled Table of Permitted and Conditional Uses.

(2) Dimensional Requirements. The following dimensional requirements shall apply in the G-B District:

- a. Minimum Required Lot Area — None
- b. Minimum Required Lot Width — None
- c. Minimum Required Front Yard - 30 feet
- d. Minimum Required Side Yards — 10 feet
- e. Minimum Required Rear Yard – none required except where adjoining a lot zoned for residential purposes the rear yard shall be 10 feet.
- f. Maximum Building Height – 50 feet
- g. Location of Accessory Buildings and Structures – Accessory buildings and structures shall be placed in accordance with the provisions of Section 4.11.

(3) Off—street Parking and Loading. Off—street parking and loading shall be provided in accordance with the requirements of Article IX.

(4) Signs. Signs shall be regulated by the requirements of Article X.

(5) Landscaping. Landscaping shall be provided in accordance with the requirements of Article XI.

Section 6.13 L-I Light Industrial District

- (1) Permitted uses. See Article VII entitled Table of Permitted and Conditional Uses.
- (2) Dimensional Requirements. The following dimensional requirements shall apply in the L-I District:
 - a. Minimum Required Lot Area – None
 - b. Minimum Required Lot width — None
 - c. Minimum Required Front Yard — 50 feet
 - d. Minimum Required Side Yards –none required except where adjoining a lot zoned for residential purposes the side yard shall be 30 feet.
 - e. Minimum Required Rear Yard - none required except where adjoining a lot zoned for residential purposes the rear yard shall be 10 feet.
 - f. Maximum Building Height — None
 - g. Location of Accessory Buildings and Structures Accessory buildings and structures shall be placed in accordance with the provisions of section 4.11.
- (3) Off—street Parking and Loading. Off—street parking and loading shall be provided in accordance with the requirements of Article IX.
- (4) Signs. Signs shall be regulated by the requirements of Article X.
- (5) Landscaping. Landscaping shall be provided in accordance with the requirements of Article XI.

Section 6.14 H-I Heavy Industrial District

(1) Permitted Uses. See Article VII entitled Table of Permitted and Conditional Uses.

(2) Dimensional Requirements. The following dimensional requirements shall apply in the H-I District:

- a. Minimum Required Lot Area — None
- b. Minimum Required Lot width — None
- c. Minimum Required Front Yard — 50 feet
- d. Minimum Required Side Yards – none required except where adjoining a lot zoned for residential purposes the side yard shall be 30 feet.
- e. Minimum Required Rear Yard none required except where adjoining a lot zoned for residential purposes the rear yard shall be 30 feet.
- f. Maximum Building Height — None
- g. Location of Accessory Buildings and Structures Accessory buildings and structures shall be placed in accordance with the provisions of section 4.11.

(3) Off-street parking and Loading. Off-Street parking and loading shall be provided in accordance with the requirements of Article IX.

(4) Signs. Signs shall be regulated by the requirements of Article X.

(5) Landscaping. Landscaping shall be provided in accordance with the requirements of Article XI.

Section 6.15 Use Districts (CUD) and Conditional Districts (CD)

(1) Purpose. The purpose of the CU Districts is to provide a procedure for considering the rezoning of property based upon the recognition that certain types of zoning districts would be inappropriate in particular locations in the absence of special conditions. For example, it may be that a certain lot zoned R-8 adjoining a G-B area should not reasonably be expected to remain classified as R-8 but rezoning the lot to G-B (with all legal uses permitted and minimum requirements applicable) would only aggravate and extend a land use relationship problem. It is possible, however, that if the owner of the R-8 property applied for rezoning to CUG-B and agreed to certain development conditions and use limitations (stricter requirements and fewer uses than permitted in the G-B District) the CUD rezoning could not only offer a reasonable use for the property but also help solve a land relationship problem.

The purpose of the Conditional Districts (CD) is to provide for a procedure that recognized not only that certain types of zoning districts would be inappropriate in particular locations in the absence of special conditions even if supported by the comprehensive plan of the City but also that a dialogue must be established between the interested parties including citizens and city officials to develop conditions that result in a reasonable use for the property and also solve or prevent land relationship problems.

(2) Requirements within a Conditional Use District. Only those uses authorized as a permitted or conditional use in the zoning district with which the CUD corresponds shall be permitted, and all other requirements of the corresponding district shall be met as minimum standards. In addition, within a CUD no use shall be permitted except pursuant to a Conditional Use Permit authorized by the City Council, which shall specify the use or uses authorized. Such permit may further specify the location on the property of the proposed use or uses, the number of dwelling units, the location and extent of supporting facilities such as parking lots, driveways and access streets, the location and extent of buffer areas and other special purpose areas, the timing of development, the availability of the units for sale, the specification of units for elderly or handicapped, the location and extent of right-of-way and other areas to be dedicated for public use, and other such matters as the applicant may propose as conditions upon the request, but not to include architectural review or controls or other conditions not generally a part of land development controls.

In granting a Conditional Use Permit the City Council may impose such additional reasonable and appropriate safeguards upon such permit as it may deem necessary in order that the purpose and intent of this ordinance are served, public welfare secured and substantial justice done.

Requirements within a Conditional District. Only those uses authorized as a permitted or conditional use in the zoning district with which the CD corresponds shall be permitted, and all other requirements of the corresponding district shall be met as minimum standards. In addition, within a CD no use shall be permitted except pursuant to legislative action taken by the City Council, which shall specify the use or uses authorized. Such action may further specify the location on the property of the proposed use or uses, the number of dwelling units, the location and extent of supporting facilities such as parking lots, driveways and access streets, the location

and extent of buffer areas and other special purpose areas, the timing of development, the availability of the units for sale, the specification of units for elderly or handicapped, the

location and extent of right-of-way and other areas to be dedicated for public use, and other such matters as the applicant may propose as conditions upon the request. In granting a conditional district approval the City Council may impose such additional reasonable and appropriate safeguards upon such permit as it may deem necessary in order that the purpose and intent of this ordinance are served, public welfare secured and substantial justice done.

Section 6.15 amended 032508

Section 6.16 Overlay Districts

(1) Historic District (HD)

a. Purpose. The Historic District establishes regulations which will help maintain the historic integrity of certain areas within the city.

b. Designation procedure. Historic districts, as provided for herein may be designated, amended or repealed through the following procedure:

(i) An investigation and report describing the significance of the buildings, structures, features, sites, or surroundings included in any such proposed district, and a description of the boundaries of such district shall be prepared by the Historic preservation commission and a recommendation thereon made to the Planning and zoning Board.

(ii) The North Carolina Department of Cultural Resources, acting through the State preservation Officer or his designee, shall make an analysis of and recommendations concerning such report and the description of proposed boundaries. Failure of the Department Of Cultural Resources to submit its written analysis and recommendation to the city within thirty (30) calendar days after a written request for such analysis has been received shall relieve the city of any responsibility for awaiting such analysis. The city may at any time thereafter take any necessary action to adopt or amend this Ordinance with regard to historic districts.

(iii) The city council may also refer the report and proposed boundaries to any local preservation commission or other interested body for its recommendations prior to taking action.

(iv) Changes in the boundaries of such district subsequent to its initial establishment, or the creation of additional districts within the city, shall require the preparation of investigative studies by the Historic preservation commission; and they shall be referred to the Department of cultural Resources for its review and comment according to the procedures set forth in this subsection. Changes in the boundaries of a district or proposals for additional districts shall also be submitted to the Department of cultural Resources in accordance with the provisions of this subsection.

(v) The Planning and zoning Board shall review the recommendations and shall process the historic district overlay as a zoning map amendment in the same manner set forth in Article X IV.

c. Dimensional Regulations and Exceptions. Structures within a historic district shall comply with the regulations of the underlying zoning district, except as follows:

(i) Residential structures erected in a historic district may use the prevailing setback of structures on the same side of the street in accordance with section 4.14.

(ii) All street setback (except as provided in section 4.14 interior setback, building coverage, and height requirements shall comply with applicable zoning regulations unless a special exception is approved by the Board of Adjustment. The special exception shall be granted only if it complies with the intent of architectural and historic guidelines of the historic district.

(iii) Where the Historic Preservation commission, in considering an application for a certificate of Appropriateness as required by subsection 6.15 e. , shall find that the number of off—street parking spaces and/or design standards for parking lots specified by this ordinance would render the site incompatible with the historic district design guidelines and the historic aspects of the district, it may recommend to the Board of Adjustment a special exception to the provisions of the off—street parking requirements and/or design standards . The Board of Adjustment may authorize as a special exception a reduced standard concerning off—street parking provided it finds:

(a) that the lesser standard will not create problems due to increased on—street parking; and

(b) that the lesser standard will not create a threat to the public safety.

d. Certain Changes Not Prohibited. Nothing in this section shall be construed to prevent the following:

(i) The ordinary maintenance or repair of any exterior architectural feature in a historic district which does not involve a change in design, material, or outer appearance thereof.

(ii) The construction, reconstruction, alteration, restoration, moving or demolition of any such feature if the building inspector or zoning Enforcement Officer has certified in writing to the Historic preservation commission that such action is required to protect the public safety because of unsafe or dangerous conditions.

(iii) The ordinary maintenance or repair of streets, sidewalks, pavement markings, utility service lines , street signs, traffic signs, and/or replacement of street light fixtures in the event of equipment failure, accidental damage, or natural occurrences such as electrical storms, tornadoes, ice storms, and the like.

e. Certificate of Appropriateness Required:

(i) After the designation of a historic district, no exterior portion of any building or other structure (including but not limited to masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features), nor above ground utility structure , nor any type of outdoor advertising sign shall be erected, altered, restored, moved, or demolished within such district until after an application for a Certificate of Appropriateness as to exterior features has been submitted and approved by the Historic . preservation commission.

(ii) "Exterior features" shall include the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material; the size and scale of the building; and the type and style of all windows, doors, light fixtures, signs and other appurtenant fixtures. In the case of outdoor advertising signs, "exterior features" shall be construed to mean the style, material, size, and location of all such signs. Such "exterior features" include historic signs, color and significant landscape, archaeological, and natural features of the area.

(iii) The Historic preservation commission may impose standards as may be set forth elsewhere in this subsection or adopted by the commission. Any building permit not issued in conformity with this subsection shall be invalid.

(iv) The discontinuance of work or the lack of progress toward achieving compliance with the certificate of Appropriateness for a period of one (1) year shall render the certificate null and void and of no effect and application shall be made for a new certificate. However, in the event the issuance of a Certificate is appealed, the one (1) year period shall not commence until a final decision is reached regarding the matter.

(v) The Commission may, after adoption of architectural and historic guidelines, allow the planning Director or his designee to review and approve minor work provided, however, that no application for a certificate of Appropriateness may be denied without formal action by the Historic Preservation commission.

(vi) The city and all public utilities, except as provided under subsection (d) above (certain Changes Not prohibited), shall be required to obtain a certificate of Appropriateness prior to initiating in a historic district any changes in the character of street paving, street width, utility installations or removals, lighting, street trees, walls, fences, sidewalks, or exterior of buildings or structures on property or streets in which they have a fee or other interest.

f. Application procedures:

(i) Application for a certificate of Appropriateness shall be made to the Planning Department on forms provided. The application shall be filed no later than fourteen (14) days prior to the next regularly scheduled meeting of the Historic Preservation commission. Each application shall be accompanied by sketches, drawings, photographs, specifications, descriptions, and/or other information of sufficient detail to clearly show the proposed move, exterior alterations, additions, changes, new construction, or demolition.

(ii) The Planning Department staff shall make a reasonable attempt to identify and notify the owners of surrounding property likely to be affected by the application for certificate of Appropriateness. The Planning Department shall transmit the application, together with the supporting information and material, to the Historic Preservation Commission for consideration. The commission shall act upon the application within ninety (90) days after the filing thereof, otherwise failure to act upon the application shall be deemed to constitute approval and a certificate of Appropriateness shall be issued. Nothing herein shall prohibit an extension of time where mutual agreement has been reached between the Commission and the applicant.

(iii) Prior to issuance or denial of a certificate of Appropriateness, the Historic Preservation Commission shall give the applicant and other property owners likely to be affected by the application an opportunity to be heard. In cases where the commission deems necessary, it may hold a public hearing concerning the application and seek the advice of the North Carolina Department of Cultural Resources or other expert advice.

(iv) The commission shall not refuse to issue a certificate of Appropriateness except for the purpose of preventing the construction, reconstruction, alteration, restoration, or moving of buildings, structures appurtenant features, or signs in the historic district which would be incompatible with the architectural and historic guidelines adopted by the Commission.

(v) An appeal may be taken to the Zoning Board of Adjustment from the Historic Preservation Commission's action in granting or denying any certificate. The appeal may be taken by any aggrieved party; shall be taken within fifteen (15) days after the decision of the Commission; and shall be in the nature of the certiorari.

(vi) Any appeal from the Board of Adjustment's decision in any such case shall be heard by the superior Court of the County.

g. Review criteria:

(i) In granting a certificate of Appropriateness, the Historic Preservation commission shall take into account the historic or architectural significance of the property under consideration and the exterior form and appearance of any proposed additions or modifications to a structure.

(ii) The commission shall not consider interior arrangement.

(iii) The provisions of this subsection shall not become effective for a historic district until after the commission has adopted detailed architectural and historic guidelines

applicable to proposals within the historic district. These criteria shall take into account the historic, architectural and visual elements of the district and shall be reviewed a minimum of every five (5) years. At a minimum, the criteria shall contain guidelines addressing the following factors:

a. Historic significance or Quality. The quality or significance in history, architecture, archeology, or culture present in districts, sites, structures, buildings, or objects that possess integrity of location, design, setting, materials, workmanship, and feeling and association:

(i) that are associated with events that have made a significant contribution to the broad patterns of local, state, or national history; or that are associated with the lives of persons significant in the past; or

ii) that embody the distinctive characteristics of a type , period, or method of construction; or

(iii) that represent the work of a master or that possess high artistic values; or

(iv) that represent a significant and distinguishable entity whose components may lack individual distinction; or that have yielded, or may be likely to yield, information important in prehistory or local, state or national history; and

b. Exterior Form and Appearance. In considering exterior form and appearance, the Commission may take into account, but is not limited to, the following elements to ensure that they are consistent with the historic or visual character or characteristics of the district:

(i) Exterior features as described in subsection e. above
(Certificate of Appropriateness Required);

(ii) Height of the building or structure;

(iii) setback and placement on lot of the building or structure, including lot coverage and orientation;

(iv) Exterior construction materials including textures, patterns and colors;

(v) Architectural detailing, such as lintels, cornices, brick bond, foundation materials and decorative wooden features;

(vi) Roof shapes, forms and materials;

(vii) Proportions, shapes, positionings and locations, patterns, and sizes of any elements of fenestration;

(viii) General form and proportions of buildings and structures;

(ix) Appurtenant fixtures and other features such as lighting;

(x) Structural condition and soundness;

(xi) Use of local or regional architectural traditions; and

(xii) Effect of trees and other landscaping elements.

h. Delay in Demolition of Landmarks and Buildings:

(i) An application for a certificate of Appropriateness authorizing the relocation, demolition, or destruction of a designated landmark or a building, structure, or site within the district may not be denied except as provided in this section. However, the effective date of such a certificate may be delayed for a period of up to three hundred sixty—five (365) days from the date of approval. The maximum period of delay authorized by this subsection shall be reduced by the Historic Preservation commission where it finds that the owner would suffer

extreme hardship or be permanently deprived of all beneficial use of or return from such property by virtue of the delay. During such period, the Commission shall negotiate with the owner and with any other parties in an effort to find a means of preserving the building or site. If the commission finds that a building or site within a district has no special significance or value toward maintaining the character of the district, it shall waive all or part of such period and authorize earlier demolition or removal.

(ii) If the Historic preservation commission has recommended designation of a property as a landmark or designation of an area as a district, final designation has not been made by the City council, the demolition or destruction of any building, site, or structure located on the property of the proposed landmark or in the proposed district may be delayed by the commission for a period of up to one hundred eighty (180) days or until the city council takes final action on the designation, whichever occurs first. (iii) The city Council may enact an ordinance to prevent the demolition by neglect of any designated landmark or any building or structure within an established historic district. Such ordinance shall provide appropriate safeguards to protect property owners from undue economic hardship.

(iii) The council may enact an ordinance to demolition the demolition by neglect of any designated landmark or any building or structure within an established historic district. Such ordinance shall provide appropriate safeguards to protect property owners from undue economic hardship.

(iv) An application for a certificate of Appropriateness authorizing the demolition of destruction of a building site, or structure determined by the State Historic Preservation Officer as having statewide significance as defined in the criteria of the National Register of Historic Places may be denied except where the Historic Preservation commission finds that he owner would suffer extreme hardship or be permanently deprived of all beneficial use or return by virtue of the denial.

(2) Flood Damage Prevention District

a. Purpose. The Flood Damage Prevention District establishes standards to minimize public and private losses due to flood conditions in specific areas within the jurisdiction.

b. District established. The Flood Damage Prevention District is established as the special flood hazard areas identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompany Flood Insurance Rate Maps (FIRM), for Cleveland County dated February 20, 2008 and Gaston dated, September 28, 2007. The Flood Damage Prevention is divided into two sub-districts, the Floodway which is the channel of a the adjacent land areas that must be reserved in order to the base flood without cumulatively increasing the water surface elevation by more than one foot as shown in the FIS, and the Floodway Fringe which is the land area located between the Floodway and the maximum elevation subject to inundation by the base flood as defined in the FIS.

c. Development Standards. The Flood Damage Prevention District shall be subject to the development standards of the underlying principal zoning district and the additional requirements of the Flood Damage Prevention ordinance.

d. Uses in the Floodway. The Floodway is restricted to the following uses provided the use is otherwise permitted by the underlying principal zoning district and the Flood Damage Prevention ordinance:

i. Permitted Uses.

(a) General farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife and related uses:

(b) Ground level loading areas, ground level automobile parking areas, rotary aircraft ports and other similar industrial and commercial uses;

(c) Tractor-trailer parking, provided that no trailers shall be detached from tractors:

(d) Lawns, gardens, play areas, and other similar uses;

(e) Golf courses, tennis courts, driving ranges, archery ranges, picnic ground, parks, swimming pools, hiking or horseback riding trails, open space and other similar private and public recreational uses;

(f) Streets, bridges, utility lines, storm drainage facilities, sewage or waste treatment facilities, water supply facilities, and other similar public or private utility uses, but only if the proposed activity will not increase the base flood elevation;

(g) Temporary facilities such as displays, circuses, carnivals, or similar transient amusement enterprises;

(h) Boat docks, ramps, piers, or similar structures;

(i) Dams;

(j) Grading but not fill; and

(k) Cantilevered portions of structures, provided that foundation and supports are located outside the floodway and the underside of the cantilevered portion is at least two (2) feet above base flood elevation.

ii. Prohibited Uses.

(a) Storage or processing of materials that are or which could otherwise be injurious to human, animal or plant life in time of flood is prohibited in the floodway.

e. Uses in the Floodway Fringe. The following uses shall be permitted in the Floodway Fringe provided the use is otherwise permitted in the underlying principal zoning district and the Flood Damage Prevention Ordinance:

(i) Uses permitted below flood protection elevation:

(a) Any use as permitted and regulated in the Floodway.

(b) Fill material graded to drain, provided such is protected against erosion. Any fill material on which a structure is to be located shall be extended at grade ten (10) feet beyond the limits of the structure foundation, and shall have a side slope no steeper than two (2) feet horizontal to one (1) foot vertical.

(c) Structure foundations and supports, provided such are firmly anchored to prevent flotation.

(ii) Uses permitted above flood protection elevation:

(a) Any residential or nonresidential use permitted in the principal underlying district provided that the lowest floor elevation of any structure is located two (2) feet or more above base flood elevation. Heating and electrical equipment installed below flood protection elevation shall be floodproofed.

(b) Any nonresidential use permitted in the principal underlying district provided that all portions of the structure are elevated or floodproofed, as provided in the Flood Damage prevention Ordinance, to an elevation at least two (2) feet above base flood elevation.

(c) Heating and electrical equipment installed below flood protection elevation shall be floodproofed. Nonresidential structures may floodproof this equipment if placed below the base flood elevation, but the floodproofing must be certified by a professional engineer or architect registered in North Carolina.

(iii) Prohibited Uses:

(a) Uses that are prohibited below the flood protection elevation are the storage or processing of materials that are or which could otherwise be injurious to human, animal or plant life in time of flood.

Section 6.16 Overlay Districts

(3) Thoroughfare Protection Districts (TP): See Map

- a. Purpose. The Thoroughfare Protection District establishes standards to protect and enhance the economic and aesthetic appeal and orderly development of properties adjacent to and within the vicinity of certain major thoroughfare corridors in the City, while at the same time maintaining traffic efficiency and safety of travel.
- b. Existing and Planned Thoroughfares. The Thoroughfare Protection District may be applied through the Map Amendment process as set forth in Article XIV for existing thoroughfares and for planned thoroughfares where the thoroughfare corridor has been established and the right-of-way width determined.
- c. Conformance with City Plans and Policies. All development within Thoroughfare Protection districts shall be done in conformance with City Plans and Policies including but not limited to the Land Use Plan, Comprehensive Greenway, Bikeway and Pedestrian Improvement Plans, the Thoroughfare Plan and all applicable development codes, ordinances and policies.
- d. Establishment of Individual Thoroughfare Protection Districts. The following individual Thoroughfare Protection Districts are established. The Primary, Conditional and Overlay Zoning Districts established in Article V may also be zoned as one of the Thoroughfare Protection Districts as designed in this section and as shown in the Official Zoning Map. In such case the land is subject to not only the requirements of the underlying Primary or Conditional Zoning Districts and any other Overlay District but also the additional requirements of the Thoroughfare Protection District.
- e. Applicability of Standards. The provisions of the Thoroughfare Protection Districts shall apply to all property as designed on the official zoning map of the City of Kings Mountain as amended. Generally, these apply whenever any of the elements covered in the respective thoroughfare's standards are proposed or altered and must be part of site plans that must conform to other policies, ordinances and other plans for the City. For example:
- (i) Permitted Uses — Applicable to a new proposed or the use changes
 - (ii) Lot Width — Applicable to the creation of new lots, or combination/re-division of existing lots.
 - (iii) Vehicular Access —Applicable to a proposed new driveway or a change in the location of the access-egress point or if a site plan is required.
 - (iv) Exterior Building Materials — Applicable to new Building, enlargement of existing buildings or any occupancy changes.
 - (v) Sidewalk Provisions — Applies when land is being divided for future development, a single vacant lot is being developed or a parking lot area, parking spaces, primary and or ancillary structure is increase by 50%.

- (i) Street Trees — Applicable to the development of a vacant lot, the redevelopment of an existing lot or any landscaping is being altered.
- (ii) Public Street Connectivity — Applicable to a proposed subdivision of land or the development of vacant lot(s).
- (iii) Sign Provision — Applicable to a proposed sign or if any existing sign is altered or reinstalled.
- (iv) Landscaping — Applicable to initial development of any lot or any landscaping is being altered.
- (v) Parking & Driveways — All parking and driveways for all new development **SHALL** be of a dust free material such as concrete or asphalt.

f. Permitted Uses. The following uses shall be prohibited within the Thoroughfare Protection Overlay Districts.

THE FOLLOWING USES SHALL BE PROHIBITED FROM WITHIN THE (TP) THOROUGHFARE PROTECTION OVERLAY DISTRICT
ADULT ORIENTED BUSINESSES
AMUSEMENT VIDEO GAME ARCADES RE; VIDEO GAMING MACHINES
ANIMAL RENDERING (process of animal products)
ASPHALT PLANTS
AUTOMOBILE TOWING AND STORAGE FACILITIES
AUTOMOBILE WRECKING OR JUNKYARDS
CHECK CASHING/TITLE LOAN SERVICE
DRIVE-IN THEATERS
FLEA MARKET
INTERNET CAFES AND BUSINESSES (INCLUDING RETAIL) WITH SWEEPSTAKES GAMING MACHINES AND THE LIKE
MEAT/POULTRY, PACKING AND PROCESSING (NO RENDERING)
MIXING PLANTS, CONCRETE AND ASPHALT
MOBILE HOME SALES LOTS AND SERVICE
OUTDOOR DISPLAY OR USE OF CARGO CONTAINERS OR SHIPPING CONTAINERS USED IN RAIL, TRUCK OR SHIP TRANSPORT EXCEPT THOSE THAT ARE TEMPORARILY ON SITE AT TRUCKING TERMINALS OR TRUCK STOPS
OUTDOOR DISPLAY OR USE OF MATERIALS ASSOCIATED WITH MANUFACTURING, PROCESSING, REPAIR OR STORAGE
PAWN SHOPS
PETROLEUM AND RELATED PRODUCTS
PRIMARY METAL PRODUCTS AND FOUNDARIES
RECYLING CENTERS
TATTOO ESTABLISHMENTS VAPE SHOPS AND BODY PIERCING
VEHICLES, TRUCKS OR AUTOMOBILES USED AS SIGNS

g. Exterior Building Material. The following materials are permitted as exterior wall finishes/coverings; painted or stained fiber cement in clapboard; lap, butt jointed, board and batten, shingle and flat panel applications; utility brick; standard brick; stucco; synthetic stucco; colored split-faced block; glass; stone; tile; or other similar high-quality materials as approved by the Planning Director. No exterior building elevation, including foundation but excluding roof, may NOT be covered (exposed) with metal - sheet or corrugated aluminum, iron or steel, plain concrete, plain concrete block, or exterior panelized plywood unless used as a secondary accent finish material covering no more than ten (10) percent of the surface area. Accessory residential buildings are exempt from these provisions.

Notwithstanding any other requirements or provisions for non-conforming structures, if a metal building is altered to increase its floor area, area under roof, or a change of occupancy occurs the requirements of this subsection shall apply for all exterior surfaces of the building. All doors shall be the color of the building trim or the primary color of the exterior walls.

h. Lot Width. The lot width for all lots created with frontage on the thoroughfare that are designed to have direct vehicular driveway access to the road's right-of-way shall be a minimum of 170 feet.

i. Vehicular Driveway Access. Any street or driveway entrance must be in accordance with the standards set forth in the current "Policy on Street and Driveway Access to North Carolina Highways" as published by the North Carolina Department of Transportation. The maximum number of driveway access points shall be as follows with the exception of access points as outlined below:

Thoroughfare Footage	Driveway Access Points to Thoroughfare
0-299	1
300-999	2
1000 or more	3

Any lot of record in the Thoroughfare Protection Districts in existence on the effective date of this section (May 28, 2002) shall be allowed one driveway access point notwithstanding the provisions of this section that may prohibit such access; provided, however, that two or more lots under common ownership shall be considered one lot and shall comply with the requirements of this section. Except where access would be denied, driveways shall be located at least 200 feet from the center of the line of any street intersecting the Thoroughfare/Roadway and shall be located at least thirty feet from a side property line, except where a mutual joint access agreement exists which provides for a shared driveway for adjoining owners. Driveways on the same property shall be not less than 120 feet apart, measured along the right-of-way from center of driveway to center of driveway. Corner lots and tracts will be permitted one less driveway access point to the thoroughfare unless shared driveways are used on the thoroughfare access points or the frontage of the corner lot is less than 200 feet on the road as measured from the edge of the thoroughfare's right-of-way. In any case where residential development through the subdivision process would otherwise be eligible for three or more driveway access points and where the developer is willing to modify such access points through innovative design solutions, such development may be eligible for the density bonus as set forth in Special Requirement 8- (PUD) of Article VIII.

j. Sidewalks. Sidewalks shall be constructed in accordance with City standards as required by the Subdivision Ordinance on any new public streets constructed in the Thoroughfare Protection Districts and on existing public streets where the development has frontage. Notwithstanding the requirements of the Subdivision Ordinance, sidewalks shall be constructed where the development has frontage within the primary corporate limits of the City of Kings Mountain. Sidewalks shall be constructed whenever a use is established and there was none in existence prior, a use or structure is established and there was no primary-use structure before, a use is established, changed or continued and either the square footage of the primary structure or ancillary structure or parking facility is enlarged by fifty percent (50%) in terms of either parking spaces or surface area. Sidewalks shall be required for all parcels being developed individually or parcels being proposed for development either under a residential subdivision plan or a site plan. All sidewalks shall be a minimum of five (5) feet in width. In any case where topographic features or man-made objects make it impossible to install sidewalks within the existing right-of-way, alternative sidewalks on proposed or reserved right-of way or easement may be permitted through a site plan review process.

k. Street Trees. Street trees shall be planted at the right-of-way as part of each development that has road frontage on the thoroughfare. Such street tree planting shall be done in accordance with the "Kings Mountain Street Tree Plan" which has been developed by the City of Kings Mountain and which was adopted and made a part of this Ordinance on August 27, 2002. The burden of such street tree planting requirement shall in all cases be equitably distributed insofar as possible based upon the amount of frontage that a development has on the thoroughfare, although the number and type of trees may vary from one location to another.

l. Public Street Connectivity. Proposed public streets shall be extended to the boundary of developments for connection to existing streets on the boundary of adjoining property or for future connection. Cul-de-sacs shall not be used to avoid connection to adjoining property. In general cul-de-sacs shall not be used to provide access to development on the boundary of property except where necessitated by topography or to provide separation of unlike or incompatible uses.

m. Signs. In any case where a freestanding sign is permitted, such sign shall either be a ground mounted sign or a monument sign and shall not exceed a height of fifteen (15) feet.

Notwithstanding the provisions of this section, proposed on premise signs located within 300 feet of Interstate 85 and/or US 74 By-pass need only comply with Section 10.11 Signs Associated with permitted uses in the General Business (GB) District, provided the subject property is zoned General Business. Non-conforming signs shall not be made larger unless the entire sign is made a conforming sign. Multi-Tenant Buildings shall also comply with Section 10-14 of the sign ordinance. Portable (not permanently fixed to either ground or wall surfaces) signs are prohibited.

n. Landscaping. Parking lots shall have a horticultural buffer planting between the edge of the parking lot and the public sidewalk. Said planting shall be maintained 30" to 36" maximum height with the appearance of a hedge-like planting. Ten (10) percent of the parking lot area shall be landscaped with islands in order to break up the expanse of the paving and each island shall contain (1) tree and (3) shrubs. Landscaping requirements in Article XI also apply.

o. Multimodal Provisions. Development shall be designed and shall provide for alternative means of transportation including pedestrian sidewalks and trails (where applicable) and bike facilities at the right-of-way. These shall be designed in accordance with NCDOT standards and installed accordingly as part of the development.

p. Residential Development: Development shall be proposed as a PUD and meet all PUD requirements excepting the developments in which the applicant does not have sufficient acreage to qualify as a PUD. A site plan in accordance with SR 8 Planned Unit Development (PUD) shall be the basis for development approval.

q. Parking & Driveways —All parking and driveways for all new development **SHALL** be of a dust free material such as concrete or asphalt.

Section 6.16 Overlay Districts

(4) Kings Mountain Protection, Preservation and Enhancement District (KMPPED)

a. Purpose. The Kings Mountain Protection, Preservation and Enhancement Districts are established in order to:

- (1) Protect and enhance the economic and aesthetic appeal of properties that have an impact on the quality of life experienced by visitors to and residents of the City of Kings Mountain.
- (2) Guide the orderly development of properties adjacent to and within the vicinity of a major thoroughfare corridor identified as the City's main street, while at the same time maintaining traffic efficiency and safety of travel.
- (3) Preserve the unique small town character and history of Kings Mountain.
- (4) Implement streetscape design that is both inviting and on a human scale.
- (5) Communicate the community's vision for the downtown area.

b. Preservation and Enhancement Districts. The Kings Mountain Protection, Preservation and Enhancement District may be applied through the Map Amendment process as set forth in Article XIV for existing commercial districts near major thoroughfare corridors and the system of collector roads serving commercial areas coalescing around relatively dense development, The District may also be applied to protect future additions to such districts as the downtown district.

c. Conformance with City Plans and Policies. All development within Protection, Preservation and Enhancement districts shall be done in conformance with City Plans and Policies including but not limited to the Land Use Plan, Comprehensive Greenway, Bikeway and Pedestrian Improvement Plan, the Downtown Incentive Grant Program Guidelines, the Kings Mountain Thoroughfare Plan as amended, Kings Mountain Downtown Master Plan, Neighborhood Plans, Small Area Plans, Kings Mountain Streetscape Plans and all other applicable development codes, ordinances and policies.

(1) Establishment of Individual Protection, Preservation and Enhancement Districts. The following individual Protection and Enhancement districts are established. The Primary, Conditional and Overlay Zoning Districts established in Article V may also be zoned as one of the Protection and Enhancement Districts as designed in this section and as shown in the Official Zoning Map. In such case the land is subject to not only the requirements of the underlying Primary or Conditional Zoning Districts and any other Overlay District but also the additional requirements of the Protection, Preservation and Enhancement District.

(i) Kings Mountain Downtown Protection, Preservation and Enhancement District (KMDPPED)

(a) Application. The Kings Mountain Downtown Protection, Preservation and Enhancement District (KMDPPED) shall apply to all property as so designated on the official zoning map of the City of Kings Mountain as amended.

(b) Development Standards. Property subject to the Kings Mountain Downtown Protection, Preservation and Enhancement District (KMDPPED) shall comply with the following development standards:

1) Permitted Uses. All uses subject to being permitted by the underlying district shall be allowed excepting that the following uses shall not be permitted within the KMDPPED.

See next page

USES NOT PERMITTED WITHIN THE KINGS MOUNTAIN DOWNTOWN PROTECTION, PRESERVATION AND ENHANCEMENT DISTRICT (KMDPPED)	SIC
AUTOMOBILE AND TRUCK DEALERS; NEW AND USED	7510
AUTOMOBILE RENTAL OR LEASNG	7510
DROP BOXES IN FRONT YARD SETBACK AREA	
DROP BOXES IN SIDE YARD SETBACK AREA	
OUTDOOR DISPLAY OR USE OF CARGO CONTAINERS OR SHIPPING CONTAINERS USED IN RAIL, TRUCK OR SHIP TRANSPORT EXCEPT THOSE THAT ARE TEMPORARILY ON SITE AT TRUCKING TERMINALS OR TRUCK STOPS	
OUTDOOR DISPLAY OR USE OF MATERIALS ASSOCIATED WITH MANUFACTURING, PROCESSING, REPAIR OR STORAGE	07
VEHICLES, TRUCKS OR AUTOMOBILES USED AS SIGNS	
OUTDOOR CONSTRUCTION MATERIAL STORAGE	
OUTDOOR CONSTRUCTION MACHINERY STORAGE	
OUTDOOR LANDSCAPING MATERIALS (OTHER THAN LIVE PLANTS) STORAGE	
OVERNIGHT COMMERCIAL VEHICLE PARKING ON PUBLIC STREETS	
AMUSEMENT VIDEO GAME ARCADES RE: VIDEO GAMING NLACHINE	
INTERNET CAFES AND BUSINESSES (INCLUDING RETAIL) WITH SWEEPSTAKES GAMING MACHINES AND THE LIKE	
Tattoo Parlors, Vape Shops, Body Piercing	

2) Design Guidelines. Guidelines are intended to convey desirable elements. They are requirements although appropriate alternative design elements can be considered as provided by the zoning ordinance. Proposals for alterations to the exteriors of buildings and downtown design elements as well as the construction of new buildings and downtown design elements are subject to review by the Downtown Incentive Grant Committee, the Planning Department, the Mountaineer Partnership, the Kings Mountain Historic Landmark Commission and the Board of Adjustment as provided for and prior to issuance of a zoning permit.

The standards outlined below will apply to the following:

1. All newly constructed buildings.
2. Minor level exterior building improvements, parking changes and signage changes (Minor level proposals) that require a zoning permit, building permit and/or sign permit and said improvements and changes are under \$15,000. Applicability will be limited to the element altered.
3. Mid level exterior building improvements, parking changes and signage changes (Mid level proposals) that require a zoning permit, building permit and/or sign permit and said improvements and changes are under \$100,000 but more than \$15,000. Applicability will be limited to the elements altered or those elements specified in the applicant's Downtown Incentive Façade Grant proposal.
4. Major level exterior building improvements, parking changes and signage changes (Major level proposals) when total costs exceed \$100,000. Applicability shall be to all exterior elements and signage.
5. Any building, parking area or sign that lawfully exists at the time this ordinance is enacted, which would not otherwise be permitted under this ordinance, may be continued as legal non-conforming in the same manner as existed before the effective date of the Ordinance.

Design Guidelines for Downtown Kings Mountain

The Downtown Kings Mountain Overlay District was adopted in order to meet the following goals:

Goal 1: Preserve the small-town, unique character of Downtown Kings Mountain.

Goal 2: Compliment the existing historic architecture.

Goal 3: Encourage streetscape design that is inviting and on a human scale. Goal 4: Communicate the community's vision for the downtown area.

The boundaries of the overlay district follow the borders of the Kings Mountain Municipal Service District.

Guidelines are intended to convey desirable elements. Standards identified are requirements and enforced through the City's Zoning Administration Department.

Buildings should be located and designed so that they provide visual interest and create enjoyable, human-scale spaces. Key objectives include:

- ❖ Buildings should be designed to be compatible, in form and proportion, with neighboring buildings and to preserve the architectural style of Downtown Kings Mountain.
- ❖ Buildings must include a richness of architectural detail to help define their scale. When at all possible, original design elements of the building (such as windows, lintels, exterior lighting doors, cornices, ect0 should be retained.

Awnings

Objective: To enhance the historic feel of Downtown while providing sun protection for display windows, shelter for pedestrians, and a sign panel for businesses.

Guideline: Retractable or operable awnings are encouraged. Long expanses of awning should be broken into segments that reflect the door or window openings beneath them.

Standard: Awnings cannot extend across multiple storefronts and/or multiple buildings. Awnings must be constructed of durable, protective, and fire repellent material. Plastic, metal or fiberglass awnings are not allowed unless metal awning replaces an existing metal awning and/or canvas is not a viable replacement. Backlighting or illuminating awnings is not allowed. Awnings must project a minimum of 36" from the building. When façade rehabilitation is taking place, it is strongly encouraged that awnings of non-conforming materials (see above) or awnings in disrepair be removed and/or replaced.



Acceptable Example



Unacceptable Example

Signs

Objective: Signs should be architecturally compatible with the style, composition, materials, colors and details of the building while providing for adequate identification of the business.

Guideline: Symbolic and historic three-dimensional signs such as barber shop poles and appropriately-sized projecting signs are encouraged. If signage has the capability of being lit in the evening, the source of light must not be visible to motorists or pedestrians.

Signs constructed of materials such as metal or wood are preferred. Permanently painted window signage is encouraged if compatible with the architecture of the building (see example). Painted window signs should not consume more than one-third of the glazed area of the window. No plastic signs are allowed such as plastic molded internally lit signs.

Neon signs are permitted on the exterior of the building (provided that they have a historic context). Neon signs are permitted in display windows, if not covering more than one-third of the window surface area.

Standard: Internally illuminated signs (not including neon) are prohibited except for theater signage. Pylon and monument signage is prohibited in Downtown. Pole mounted signs may be allowed subject to an appropriate contribution to the historical context of the property and streetscape in the downtown area. Appropriate "A-frame" signage is permitted as long as it is

not permanently affixed and made of metal, wood and writable-erasable surfaces. Temporary window signage is limited to one-third of the window surface area. The combination of neon signage, permanently painted signage and temporary signage should not exceed a total of two-thirds of the window surface area.

Projecting signs must be no greater than 12 square feet and have a maximum width of three feet and cannot extend beyond the first floor of the building. No less than 10 feet of clearance shall be provided between the sidewalk elevation and the lowest point of the projecting sign. Maximum distance between sign and building face is one foot. Signs cannot block or obliterate design details, windows or cornices of the building upon which they are placed.



Acceptable Example



Unacceptable Example

Heights

Objective: New development and redevelopment should complement the existing pattern of building heights.

Standard: Buildings in the overlay district may not exceed four stories and 45 feet in height.

Setbacks

Objective: Buildings in the overlay district should work together to create the "wall of buildings" effect associated with traditional "Main Street" areas.

Standard: New construction and infill buildings must maintain the alignment of facades along the sidewalk edge. Public sidewalk space must be maintained. Outdoor dining is encouraged. In instances where alcohol is served in an outdoor area, the area must be defined by a temporary fence structure of quality materials. The serving of alcohol cannot take place on City property, such as sidewalks.

Roofs and Parapets

Objective: Rooflines should mimic the separate yet complementary rhythm of historic Downtown buildings.

Guideline: Flat roofs (slightly sloped to drain) are preferred with parapets that articulate the rhythm of the buildings. Parapets should be embellished with brick detailing and stepped or sloped to achieve a visually interesting yet harmonious sequence along the building façade.

Standard: Sloped roofs are not allowed unless the roof form is concealed by a parapet or false front. Exceptions may be granted if the sloped roof is used on top of a multi-story building to help reduce the overall height of the façade.

Utility Areas (Alleys) & Mechanical Equipment Screening

Objective: Utility areas and mechanical equipment should be designed so that they do not detract from the aesthetic appeal of the district.

Standard: The screening of exterior trash and storage areas, service yards, loading areas, transformers and air conditioning units must use the same materials, color and/or style as the primary building in order to be architecturally compatible with the building it is adjacent to. All exterior trash and storage areas, service yards, loading areas and air conditioning units must be screened from view. Camouflaging air conditioning units is an acceptable screening method. It is required to keep all public right-of-ways (sidewalks) clear of trashcans and debris. Landscaping and aesthetically pleasing back entrances are encouraged as well.



Unacceptable Example

Fenestrations (Windows & Doors)

Objective: To encourage large, open views into the commercial space enhancing the pedestrian experience by providing a visual connection to the use inside the building. On upper levels, windows should provide privacy while aesthetically and functionally serving the building.

Guideline: The restoration or rehabilitation of a storefront can attempt to return the façade to its original character or return it to an appropriate use. Preserve original materials or details and the shape and size of original window openings. Replace missing original elements such as transom windows. On upper floors, arched tops, columns framing the windows and decorative lintels are encouraged. The replacement of old windows should only be done when necessary. The use of anodized clad windows or wood windows is permitted. "Faux" muntins or mullions are not to be used. Clear glass panes are the best modern interpretation of historic windows. When exterior rehabilitation is occurring, the removal of boarded-up windows is strongly encouraged.

Standard: A minimum of approximately 60-70% of the ground level store front façade and when possible approximately 30% of the ground level of the sides of buildings adjacent to public right of ways shall be transparent (windows and doors). A minimum of 15% of the building's rear façade facing a public right of way, parking area or open space shall be transparent. Reflective or tinted glass is not allowed.



Removal of Boarded Windows



Removal of Bricked-up Windows



Unacceptable Window Usage

Materials & Detailing

Objective: Rehabilitation or redevelopment projects should be constructed to be long lasting and use materials and detailing that maintains the distinct character and harmony of the downtown.

Guideline: Traditional materials including brick, stone (including cast stone) and stucco to be used as the primary building materials. Stucco may be used when the property's existing subject surface is finished with stucco. Stucco shall not be used on a building without there being a historical context to support the usage.

Tile, stone, glass block, copper flashing, metal and wood should be considered for accent materials. Preferred is a high level of design and architectural detail. At rear entrances the primary materials should be used in a way that highlights the entrance.

Infill construction should reflect some of the detailing of surrounding buildings in window shape, cornice lines and brick work.

Building renovation and alterations should restore architectural details of cornices, brickwork, transom, display windows and bulkheads.

Standard: The following materials are not allowed on the façades or sides of buildings in the overlay district.

Materials & Detailing

- ❖ Concrete block or brick larger than 4” in height, 12” in length
- ❖ Aluminum, vinyl or fiberglass siding or roofing materials
- ❖ Materials that attempt to mimic traditional materials.
- ❖ Painting unpainted brick is not allowed. Historic brick is a softer surface and can be irrevocably damaged if paint is removed at a later date.

Franchise Architecture

Objective: To maintain the unique character of Downtown Kings Mountain, buildings should not be branded using an architectural style of a company.

Standard: Franchise architecture (building design that is trademarked or identified with a particular chain or corporation and is generic in nature) is not allowed. Franchises or national chains must follow these standards to create a unique building that is compatible with Downtown Kings Mountain.



Example ONLY: Franchise architecture designed to fit an historic area; McDonalds, Biltmore Village in Asheville, NC

Streetscape Design

Objective: The streetscape should be uniform so that it acts to provide continuity throughout the downtown.

Guideline: When making improvements to private property, including the addition of benches, trash receptacles, fencing, bike racks, or trash enclosures, O'M1ers are required to match the surrounding styles.

Standard: When a redevelopment project disturbs existing streetscape elements those items must be replaced with approved Downtown Kings Mountain streetscape elements.

Upper Floor Treatments

Objective: to provide housing in the downtown area that contributes to 24- hour community.

Guideline: upper floor living is strongly encouraged.

Standard: Upper floor windows should be restored using historically compatible materials. The addition of balconies on historic buildings should be limited to the rear of the building



Acceptable Example

Lighting

Objective: Lighting in the downtown should serve to illuminate façades, entrances and signage and provide an adequate level of personal safety while enhancing the aesthetic appeal of the buildings.

Guideline: Avoid colored lighting schemes in order to achieve continuity in building lighting within the downtown. Interior showcase lighting is highly encouraged.

Standard: Building and signage lighting must be indirect, with the light source(s) hidden from direct pedestrian and motorist view. For exterior sign illumination, shaded gooseneck lamps are encouraged. Historic lighting should be left intact if at all possible. Avoid "faux" historical fixtures such as carriage lights.



Example of Historic Gooseneck Lighting

Landscaping

Objective: Landscaping treatments should be used to enhance the pedestrian experience, complement architectural features and/or screen utility areas.

Guideline: The use of flower boxes, planters and hanging flower baskets is encouraged.



Acceptable Example (Window boxes and planters)

Rear Entrances

Objective: To provide a rear entrance to the buildings in Downtown that is welcoming.

Guideline: The rear entrance should be clean and well maintained. A small sign, awnings, display windows and planter boxes can improve the appearance.



Acceptable Examples

Parking

Objective: Locate parking facilities in such a way that they reduce their visual impact on the Downtown.

Guideline: Parking facilities should be located on blocks and streets in which they best serve their function without jeopardizing the pedestrian quality of the downtown.

Standard: Surface parking lots that share a site with a building should be placed at the building rear or side. Landscaping should be used on side lots to reduce visual impact.



Acceptable Example



Unacceptable Example

Proposal approval process:

The applicant shall be responsible for providing proof relevant to the issuance of a conditional use permit. The burden of proof shall include but not be limited to:

1. The proposed use satisfies the spirit and intent of the Design Guidelines for Downtown Kings Mountain.
2. The proposed use is a use permitted in the district.
3. The proposed building or exterior changes to the building satisfies the goals and objectives of the Kings Mountain Land Development Plan.
4. The proposed building or exterior changes to the building satisfies the goals and objectives of the Kings Mountain Downtown Master Plan and the Strategy Plan for the Revitalization of Downtown Kings Mountain.
5. The proposed building or exterior changes to the building.

The Design Review Board shall consider the requests for all proposals and make advisory recommendations concerning the proposal's consistency with this section of the Zoning Ordinance and the proposal's consistency with adopted plans of the City to the Zoning Administrator who may issue a permit if the proposal satisfies the burden of proof expressed in items 1 through 5 (see prior paragraph). The Design Review Board shall consist of the Director of Planning and Economic Development, the Main Street Director and the Chairperson of the Historic Landmark Commission. Any interested party disagreeing with the decision of the Design Review Board or the decision of the Zoning Administrator may appeal to the Board of Adjustment in accordance with the appeal process described in the Zoning Ordinance.

Evidence offered shall include the proposal and evaluations of the proposals by the Director of Planning and Economic Development, the Chairperson of the Historic Landmark Commission and the Main Street Director for consistency with the adopted plans of the City. This standard applies to all proposals.

Section 6.16 Overlay Districts

(5) Solar Farm Overlay District

a. Solar Farm Overlay Purpose Statement

Intent

Technology and manufacturing advances have created power generation uses which are related to industry, business, and residential uses, but may not be appropriate to or function adequately in a typical manufacturing, business, and residential districts. These uses have been identified as large scale solar energy power generation facilities involving highly advanced or specialized systems or devices and uses. The purpose of the Solar Farm Overlay Zone is to provide a setting where high tech power generation having lower density, lower employment levels, lower intensity, and associated operation technology can be located. Such uses are to be permitted in and amongst existing uses in the underlying zone where they will not negatively impact the surrounding area.

Applicability

The standards of this section shall apply to all lands designated as part of the City's Zoning Map as Solar Farm Overlay Zone. The regulations herein apply in addition to and simultaneously with the other applicable regulations of the zoning ordinance. Other permitted and conditional land uses within the Solar Farm Overlay Zone areas shall be as regulated in the underlying zoning district (as designated on the zoning map) and shall meet all the applicable requirements for that district.

Terms Used

Solar Farm Overlay (Zone) — One of the land use category named zoning districts enabled by the overlay district provisions of the City of Kings Mountain Zoning Ordinance and regulating development by effectively adding requirements and standards to those of the underlying residential, business, or industrial zoning districts.

Solar Farm Overlay District — A mapped area of the category called Solar Farm Overlay (Zone) which may be as small as a portion of one parcel. By inference the regulations of the zoning ordinance apply to the district as mapped on the City of Kings Mountain Zoning Map.

Solar Farms — A facility used to convert solar energy into electrical power for interconnection with the power grid for primarily off-site energy consumption. Also referred to as, a Solar Energy Generation Facility, Solar Power Plant or Solar Photovoltaic Farm.

b. Uses Permitted by Right

All uses in the Solar Farm Overlay Zone shall be subject to the site plan requirements as set forth in the zoning ordinance (Section 15.2). The following are the principal permitted uses by right within the Solar Farm Overlay Zone:

1. Solar Farms

Solar Farms are a permitted use in the Solar Farm Overlay District notwithstanding any provisions found elsewhere in the zoning ordinance (that maybe in conflict with this section)

Development Requirements (See below)

Solar Farm Overlay:

Minimum Standards

- A. All structures, excepting the security fencing, must meet a 50-foot front, rear, and side yard setback measured from the appropriate rights-of-way or property line.
- B. A landscape buffer/screen along all exterior sides of the security fence must consist of:
 - a. On-site mature vegetation exists at a minimum height of 10 feet and depth of 75 feet between the security fence and adjacent property including rights-of-way; or
 - b. A single row of evergreens in combination with mature vegetation installed at a height of 5 feet achieving opaqueness and a minimum height of 10 feet in 5 years; or
 - c. A double row of off-set evergreens absent mature vegetation, installed at a height of 5 feet achieving opaqueness and a minimum height of 10 feet in 5 years; or
 - d. A berm combined with evergreen vegetation installed at a height of 5 feet achieving opaqueness and a minimum height of 10 feet in 5 years.
- C. All solar panels must be constructed to minimize glare or reflection onto adjacent properties and adjacent roadways and must not interfere with traffic or create a safety hazard.
- D. The applicant must secure all necessary approvals and/or permits from NCDOT for the access permits for project entrances prior to issuance of a Zoning Permit. E. All construction parking must be located outside of the rights-of-way.
- F. Erosion control measures must be installed at construction entrances in order to minimize off-site soil damage. Existing grass must be maintained in perpetuity sufficient to prevent erosion.
- G. The applicant must provide written authorization from the local utility company's grid
- H. A warning sign concerning voltage must be placed at the main gate to include the name of the solar farm operator and a locate phone number for the solar farm operator in case of an emergency.
- I. Power transmission lines must be located underground to the extent practical.
- J. A security fence equipped with a gate and a locking mechanism must be installed at a minimum height of 8 feet along all exterior sides of the solar farm.
- K. A "kill switch" sufficient to take each series of panels out of service and which is accessible by fire safety personnel at any time shall be installed. Such shall be incorporated in the plans and fire safety personnel shall receive a briefing prior to activation.
- L. Landscape buffer/screens, ground cover, security fences, gates, and warning signs must be maintained in good condition until the solar farm is dismantled and removed from the site.
- M. Removal of solar farm equipment and site restoration:
 - a. The applicant must include decommissioning plans that describe the anticipated life of the solar farm, the estimated decommissioning costs in current dollars, the method for ensuring that funds will be available for decommissioning and restoration, and the anticipated manner in which the solar farm project will be decommissioned and the site restored.
 - b. Following a continuous 6 month period in which no electricity is generated, the permit holder will have 6 months to complete decommissioning of the solar farm. Decommissioning includes removal of solar panels, buildings, cabling, electrical components, and any other associated facilities below grade as described in the approved decommissioning plan.
 - c. Prior to the issuance of a Zoning Compliance Certificate, the applicant must provide the City with a performance guarantee as provided in subsection i below. The amount of the guarantee shall be 1.25 times the estimated decommission cost minus the

salvageable value, or \$50,000.00, whichever is greater. Estimates for decommissioning the site and salvage value shall be determined by a North Carolina licensed engineer or a licensed contractor. It is the responsibility of the applicant to provide the City with the certified cost estimate.

i. The following types of performance guarantees are permitted:

1. A surety or performance bond that renews automatically, includes a minimum 6-day notice to the City prior to cancellation, is approved by the Planning Director, and is from a company on the U.S. Department of Treasury's List of Certified Companies. A bond certificate must be submitted to the City each year verifying the bond has been properly renewed.
 2. A certified check deposited with the City finance director, as escrow agent, who will deposit the check in an interest bearing account of the City, with all interest accruing to the applicant. Funds deposited with the City Finance Director will be returned when the solar farm is decommissioned and any necessary site restoration is completed.
 3. A no-contest irrevocable bond letter of credit from a banking corporation licensed to do business in the State of North Carolina. The terms of the letter must include the absolute right of the City Finance Director to withdraw funds from the bank upon certification by the City Manager that the terms and conditions of the performance guarantee have been breached. The letter must be valid up to 12 months from the date the performance guarantee was approved.
- d. The full amount of the bond, certified check, or letter of credit must remain in full force and effect until the solar farm is decommissioned and any necessary site restoration is completed.
- e. The land owner or tenant must notify the City when the site is abandoned.