

Article V Establishment of Zoning Districts

Section 5.1 Zoning Districts Established

For the purpose of this ordinance, the City of Kings Mountain, North Carolina, and the area comprising its extraterritorial zoning jurisdiction are hereby divided into the following use districts:

Classification

- (1) R-20 Residential District (R-20) Purpose. To establish a district to insure that the principal use of the land is for low-density residential development not having access to public water supplies and dependent upon septic tanks for sewage disposal will occur at sufficiently low densities to provide a healthful environment. The minimum lot size established for this district, however, does not guarantee sufficient space for on-site water and/or sewer systems. In establishing this district it is intended that as public water and sewer are provided to property within the district that the property, on a case by case basis, can be considered for more intensive land use.
- (2) Conditional Use R-20 Residential District (CU-R-20) Purpose. This District is identical to the R-20 Single-Family Residential District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided for in this ordinance.
- (3) Conditional District R-20 Residential District (CD-R-20) Purpose. This District is identical to Conditional Use R-20 Residential District except that legislative action is required to approve a site plan that conforms with city policies as a prerequisite to any use or development, as provided for in this ordinance.
- (4) R-10 Residential District (R-10) Purpose. To establish a district in which the principle use of land is for single-family residential purposes. The regulations of this district are intended to provide areas for those person desiring smaller residences and to discourage any use which would substantially interfere with the quiet residential nature of this district. It is expected that municipal water and sewer facilities will be available to each lot in such district.
- (5) Conditional Use R-10 Residential District (CU-R-10) Purpose. This District is identical to the R-10 Single-Family residential District except that a conditional Use Permit is required as a prerequisite to any use or development, as provided for in this ordinance.
- (6) Conditional District R-10 Residential District (CD-R-10) Purpose. This District is identical to Conditional Use R-10 Residential District except that legislative action is required to approve a site plan that conforms with city policies as a prerequisite to any use or development, as provided for in this ordinance.

- (7) R-9 Residential District (R-9) Purpose. To establish a district in which the principal use of land is for lower density single and multi-family residential purposes. The regulations of this district are intended to provide areas for those persons desiring a variety of lower density residential housing types and to discourage any use which would substantially interfere with the quiet residential nature of this district. It is expected that municipal water and sewerage facilities will be available to each lot in such districts.
- (8) Conditional Use R-9 Residential District (CU-R-9) Purpose. This District is identical to the R-9 Residential District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided for in this ordinance.
- (9) Conditional District R-9 Residential District (CD-R-9) Purpose. This District is identical to Conditional Use R-9 Residential District except that legislative action is required to approve a site plan that informs with city policies as a prerequisite to any use or development, as provided for in this ordinance.
- (10) RS-8 Single-Family Residential District (RS-8) Purpose. To establish a district in which the principal use of land is for single-family residences. The regulations of this district are intended to provide areas in the community for those person desiring small residences in medium density neighborhoods. The regulations are intended to prohibit any use which because of its character, would interfere with the quite residential nature of this district. It is expected that municipal water and sewerage facilities will be available for each lot in such districts.
- (11) Conditional Use RS-8 Single-Family Residential District (CU-RS-8) Purpose. This District is identical to the RS-8 Single-Family Residential District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided for in this ordinance.
- (12) Conditional District RS-8 Single-Family Residential District (CD-RS-8) Purpose. This District is identical to Conditional Use Single-Family RS-8 Residential District except that legislative action is required to approve a site plan that conforms with city policies as a prerequisite to any use or development, as provided for in this ordinance.
- (13) R-8 residential District (R-8) Purpose. To establish a district in which the principal use of land is for one and two family residences. The regulations of this district are intended to provide areas in the community for those person desiring small residences in medium density neighborhoods. The regulations are intended to prohibit any use which because of its character, would interfere with the quiet residential nature of this district. It is expected that municipal water and sewerage facilities will be available for each lot in such districts.
- (14) Conditional Use R-8 Residential District (CU-R-8) Purpose. This District is identical to the R-8 Residential District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided for in this ordinance.

- (15) Conditional District R-8 Residential District (CD-R-8) Purpose. This District is identical to Conditional Use R-8 Residential District except that legislative action is required to approve a site plan that conforms with city policies as a prerequisite to any use or development, as provided for in this ordinance.
- (16) RS-6 Single-Family Residential District (RS-6) Purpose. To establish a district in which the primary use of land is for single-family residences. The regulations of this district are intended to provide areas in the community for those persons desiring small residences relatively high-density neighborhoods. The regulations are intended to prohibit any use which, because of its character, would interfere with the residential nature of this district. It is expected that municipal water and sewerage facilities will be available for each lot in such districts.
- (17) Conditional Use RS-6 Single-Family Residential District (CU-RS-6) Purpose. This District is identical to the RS-6 Single-Family Residential district except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided for in this ordinance.
- (18) Conditional District RS-6 Single-Family Residential District (CD-RS-6) Purpose. This District is identical to Conditional Use Single-Family RS-6 Residential District except that legislative action is required to approve a site plan that conforms with city policies as a prerequisite to any use or development, as provided for in this ordinance.
- (19) R-6 Residential District (R-6) Purpose. To establish a district in which the primary use of land is for single-family, two-family, and multi-family residences. The regulations for this district are intended to provide areas in the community for those persons desiring small residences and multi-family structures in relatively high-density neighborhoods. The regulations are intended to prohibit any use which, because of its character, would interfere with the residential nature of this district. It is expected that municipal water and sewerage facilities will be available for each lot in such districts.
- (20) Conditional Use R-6 Residential District (CU-R-6) Purpose. This District is identical to the R-6 Multi-Family residential District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided for in this Ordinance.
- (21) Conditional District R-6 Residential District (CD-R-6) Purpose. This District is identical to Conditional Use R-6 Residential District except that legislative action is required to approve a site plan that conforms with city policies as a prerequisite to any use or development, as provided for in this ordinance.
- (22) R-O Residential-Office District (R-O) Purpose: To establish and preserve areas for employment activities, services and higher density residential developments which do not materially detract from nearby residential uses.
- (23) Conditional Use R-O Residential-Office District (CU-RO) Purpose. This District is identical to the R-O Residential-Office District except that a Conditional Use Permit is required as prerequisite to any use or development, as provided for in this ordinance.

- (24) Conditional District R-O Residential-Office District (CD-R-O) Purpose. This District is identical to Conditional Use R-O Residential-Office District except that legislative action is required to approve a site plan that conforms with city policies as a prerequisite to any use or development, as provided for in this ordinance.
- (25) Office District (O) Purpose. To establish and preserve areas for employment activities and services which do not materially detract from nearby residential uses.
- (26) Conditional Use O Office District (CU-O) Purpose. This District is identical to the O Office District except that a Conditional Use Permit is required as prerequisite to any use or development, as provide for in this ordinance.
- (27) Conditional District O Office District (CD-O) Purpose. This District is identical to Conditional Use O Office District except that legislative action is required to approve a site plan that conforms with city policies as a prerequisite to any use or development, as provided for in this ordinance.
- (28) C-B Central Business District (C-B) Purpose. To establish a district for the central shopping area of the City of Kings Mountain and its commercial trade area. The regulations of this district are designed to encourage the continued use of land for community trade and commercial services uses, and to promote a concentrated development of permitted uses while maintaining a substantial relationship between the intensity of land uses and the capacity of utilities and streets. Residential uses may be compatible in certain circumstances in the District.
- (29) Conditional Use C-B Central Business District (CU-C-B) Purpose. This District is identical to the C-B Central Business District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provide for in the ordinance.
- (30) Conditional District C-B Central Business District (CD-C-B) Purpose. This District is identical to Conditional Use C-B Central Business District except that legislative action is required to approve a site plan that conforms with city policies as a prerequisite to any use or development, as provided for in this ordinance.
- (31) N-B Neighborhood Business District (N-B) Purpose. To establish a district for the use of those businesses which are properly and necessarily located near residential areas and which cater to the everyday needs of a residential neighborhood.
- (32) Conditional Use N-B Neighborhood Business District (CU-N-B) purpose. This District is identical to the N-B Neighborhood Business District except that a Conditional Use permit is required as a prerequisite to any use or development, as provided for in this Ordinance.
- (33) Conditional District N-B Neighborhood Business District (CD-N-B) Purpose. This District is identical to Conditional Use N-B Neighborhood Business District except that legislative action is required to approve a site plan that conforms with city policies as a prerequisite to any use or development, as provided for in this ordinance.

- (34) G-B General Business District (G-B) Purpose. To establish a district for those businesses and services which generally serve a wider area than neighborhood businesses, but do not necessarily require location in the central business district. Because these commercial uses are important to the economy of the community and subject to higher vehicular use, they should have ample parking, controlled traffic movement, and suitable site design.
- (35) Conditional Use G-B General Business District (CU-G-B) Purpose. This District is identical to the G-B- General Business District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided for in this ordinance.
- (36) Conditional District G-B General Business District (CD-G-B) Purpose. This District is identical to Conditional Use G-B General Business District except that legislative action is required to approve a site plan that conforms with city policies as a prerequisite to any use or development, as provided for in this ordinance.
- (37) L-I Light Industrial District (L-I) Purpose. To establish and preserve areas for industrial and related uses of such a nature that they do not create serious problems of compatibility with other kinds of land uses, and to make provisions for certain kinds of commercial uses which are most appropriately located as neighbors of industrial use which are necessary to service the immediate needs of people in these areas.
- (38) Conditional Use L-I Light Industrial District (CU-L-I) Purpose. This District is identical to the L-I Industrial District except that a Conditional Use Permit is required as a prerequisite to any use of development, as provided for in this ordinance.
- (39) Conditional District L-I Light Industrial District (CD-L-I) Purpose. This District is identical to Conditional Use L-I Light Industrial District except that legislative action is required to approve a site plan that conforms with city policies as a prerequisite to any use or development, as provided for in this ordinance.
- (40) H-I Heavy Industrial District (H-I) Heavy Industrial District (H-I) Purpose. To establish and preserve areas for necessary industrial and related use for such a nature that they required isolation for many other kinds of land uses, and to make provisions for commercial uses which are necessary to service the immediate needs of people in these areas.
- (41) Conditional Use H-I Heavy Industrial District (CU-H-I) Purpose. This District is identical to the H-I Heavy Industrial District except that a Conditional Use Permit is required as a prerequisite to any use or development, as provided for in this ordinance.
- (42) Conditional District H-I Heavy Industrial District (CD-H-I) Purpose. This District is identical to Conditional Use H-I Heavy Industrial District except that legislative action is required to approve a site plan that conforms with city policies as a prerequisite to any use or development, as provided for in this ordinance.

Section 5.2 Conditional Use Districts (CU) and Conditional Districts (CD)

There are Conditional Use Districts (referred to as CU or CUD) and Conditional Districts (referred to as CD) which correspond to each of the other districts authorized in this ordinance. It is recognized that certain types of zoning districts would be inappropriate at particular locations in the absence of special conditions.

Where the applicant for rezoning desires property to be rezoned to such a district in such situations, the Conditional Use District and Conditional District are a means by which such special conditions can be imposed in the furtherance of the purpose of this ordinance. The Conditional Use District and Conditional District classification will be considered for rezoning only upon request of a property owner. If for any reason any condition imposed pursuant to these regulations is found to be illegal or invalid or if the applicant should fail to accept any condition, it is the intent of this ordinance that the authorization of such Conditional Use Permit or Conditional District Rezoning Request and Plan shall be null and void and of no effect and that proceeding shall be instituted to rezone the property to its previous zoning classification.

Within a CUD or CD, only those uses authorized as permitted or conditional uses in the zoning district with which the CUD or CD corresponds shall be permitted, and all other requirements of the corresponding district shall be met as minimum standards. In addition, within a CUD or CD no use shall be permitted except pursuant to a Conditional Use Permit authorized or the Conditional District Request and Plan approved by the City Council, which shall specify the use or uses authorized. Such permit or plan approval may further specify the location on 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 specifications of units for elderly or handicapped, the location and extent of rights-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 or Conditional District Plan 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 5.3 Overlay District Established

The Zoning Districts established in subsections 5.1 and 5.2 may also be zoned in on or more Overlay Districts as designated herein and as shown on the Official Zoning Map. In such case, the land is subject to not only the requirements of the underlying Zoning District but also the additional requirement of the Overlay District.

(1) Historic District (HD)

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

(2) Flood Damage Prevention District (FD)

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

(3) Thoroughfare Protection District (TP)

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 maintain traffic efficiency and safety of travel.

Section 5.4 District Boundaries Shown on Zoning Map

The boundaries of the districts are shown on the map accompanying this ordinance and made a part hereof entitled "Official Zoning Map, Kings Mountain, North Carolina." The zoning map and all the notations, references and amendments thereto, and other information shown thereon are hereby made a part of this ordinance the same as if such information set forth on the map were all fully described as set out herein. The zoning map is posted at the Kings Mountain City Hall in the Department of Planning and is available for inspection by the public.

Section 5.5 Rules Governing Interpretation of District Boundaries

Where uncertainty exists as to boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

- (1) Where district boundaries are indicated as approximately following street, alley, or highway lines, such lines shall be construed to be the boundaries.
- (2) Where district boundaries are indicated that they approximately follow lot lines such lot lines shall be construed to be the boundaries.
- (3) Where district boundaries are indicated that they are approximately parallel to the center line of streets, alleys or highways, or the rights-of-way of same, the district boundaries shall be construed as being parallel thereto and at the distance therefrom as indicated on the zoning map.
- (4) Where district boundaries are indicated as following topographic contours, drainage divides or specific measured distances such features shall be construed to be such boundaries.
- (5) Where any street or alley is hereafter officially closed, vacated or abandoned, the zoning district adjoining each side of the street or alley shall be automatically extended to the center of the street or alley, and all lands which are included in the closed portion shall thereafter be subject to the regulations of the extended districts.
- (6) If further uncertainty exists as to the location of boundaries or applicability of zoning districts, the board of adjustment shall interpret the intent of the zoning maps as to the location of such boundaries, and the applicability of such districts, and may order the zoning map corrected.

Section 5.6 Interpreting Permitted Uses, Principal Uses and Mixed Uses

The listings of Permitted Uses in the various Districts in this Ordinance are considered to be specific in regard to the types of uses intended for each of the various Districts. In interpreting proposed uses, the Zoning Enforcement Officer shall refer to the latest edition of the Standard Industrial Classification (SIC) Manual published by the United States Office of Management and Budget as a guide. When a proposed use is not specifically listed in the Table of Permitted Uses, the Zoning Enforcement Officer shall use the SIC Manual to determine if the use is the same as, or manifestly similar to, a listed use in form and function. If the Zoning Enforcement Officer finds that the proposed use is the same as, or manifestly similar to, a listed use, he shall classify the proposed use as the listed use. If the Zoning Enforcement Officer finds that a

proposed use is not the same as, or is not manifestly similar to, a listed use, he shall classify the proposed use as not permitted. In each case, the Zoning Enforcement Officer shall maintain a written record of such interpretations.

In interpreting what is a principal use, the principal use shall be considered as the primary purpose or function that a lot or structure serves or is proposed to serve. An accessory use shall be considered a structure or use that:

- 1) is clearly incidental to and customarily found in connection with a principal building or use;
- 2) is subordinate to and serves a principal building or a principal use;
- 3) is subordinate in area, extent, or purpose to the principal building or principal use served;
- 4) contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal building or principal use served; and
- 5) is located on the same zone lot as the principal building or use served.

Two or more principal uses may be permitted to occupy the same land or building as long as each use is a permitted use.

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