



The Hickory Regional Planning Commission will hold its regular meeting on **Wednesday, October 25, 2023, at 6:00 p.m. in the City Council Chambers of City Hall.** The following will be the agenda for the Regular Meeting:

AGENDA

- Parliamentary Call to Order
- Welcome
- Roll Call
- Items of Correspondence
- City Council Action
- Approval and signing of minutes from the September 27, 2023 meeting.
- Reading of State Ethics Rules.

PRESENTATIONS AND PUBLIC HEARINGS

1. **Special Use Permit (23-03)**. Request by CT Investment of Catawba, LLC for approval of a Recreational Vehicle on property located at the terminus of Mountain View Road, and identified as Catawba County parcel identification number (PIN) 279-10-88-79772.
2. **Text Amendment (23-02)**. Various amendments to Articles 2, 3, 4, 6, 7, 8, 9 10, 12, 14 of the Hickory Land Development Code (zoning and development ordinance). Amendment reflect annual review of said ordinance.

OTHER BUSINESS

- Consideration of combination of November and December 2023 regular meetings.

The Hickory Regional Planning Commission does not discriminate on the basis of disability in the provision of its service as charged by the City Council of the City of Hickory. All meetings are held in accessible facilities. Any person with a disability needing special accommodations should contact the Planning Department at telephone number (828) 323-7422 at least 48 hours prior to the scheduled meeting.

Attendance Roster
FY 23-24

Key	A	Absent	AX	Excused		No meeting		No
	P	Present				Vacant/Not yet appointed		Quorum

Hickory Regional Planning Commission

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Appoint	Expire
Catawba County	P	P	P										Jul-22	Jun-25
Catawba County	P	P	P										Jul-21	Jun-24
Burke County													Dec-19	Jun-26
Ward 1	P	P	P										Jul-22	Jun-24
Ward 2	P	P	AX										Jul-21	Jun-25
Ward 3	P	P	P										Jul-20	Jun-26
Ward 4	P	P	P										Jul-21	Jun-24
Ward 5	P	P	P										Jul-20	Jun-26
Ward 6	P	P	P										Jul-22	Jun-25

Hickory Regional Planning Commission
Wednesday, September 27, 2023, 6:00 pm

A regular meeting of the Hickory Regional Planning Commission (HRPC) was held on Wednesday, September 27, 2023, 6:00 pm, in Council Chambers of the Julian G. Whitener Municipal Bldg.

Members Present: Bill McBrayer, Anne Williams, Junior Hedrick, Steve Mull, Wallace Johnson, Bill Pekman, and Sam Hunt

Members Excused: Philip Reed

Members Absent: None

Others Present: Planning Director Brian Frazier, Planning Manager Cal Overby, and Minutes Clerk Anne Starnes

Parliamentary Call to Order & Welcome: Bill McBrayer, Chair, called the meeting to order at 6:00 pm.

Roll Call: Planning Director Brian Frazier said a quorum was present, and Philip Reed was excused.

Items of Correspondence: None

City Council Action: Since the previous meeting, Mr. Frazier said the City Council had unanimously approved the Zion Springs subdivision and the Legacy Home Builders project at 34th Street Place NE, as recommended by the Planning Commission.

Approval and Signing of Minutes from the August 23, 2023, Meeting: Minutes from the previous meeting held in August were distributed to members in advance. No additions, deletions or corrections were stated. Bill Pekman moved, seconded by Steve Mull, to approve the August 23, 2023 minutes as presented. The motion carried unanimously.

Reading of State Ethics Rules: Mr. McBrayer read the NC Ethics Rules aloud:

In accordance with the State Government Ethics Act, it is the duty of every member of this board to avoid both conflicts of interest and appearances of conflict. Does any member of the board have any known conflict of interest, or appearance of conflict, with respect to any matters coming before us tonight? If so, please identify the conflict, or appearance of conflict, and refrain from any undue participation in the particular matter involved.

None of the members stated a current conflict of interest or asked to be recused.

PRESENTATIONS & PUBLIC HEARINGS

Mr. McBrayer said there was one rezoning petition on the agenda.

1. Rezoning Petition 23-06.

Request to rezone property owned by Boureanu and Creech Properties, LLC located at 3940 River Road, from R-20 Residential to Planned Development. The subject property is shown in more detail as Catawba County PIN 3710-09-17-5434.

Mr. McBrayer opened the public hearing for Rezoning Petition 23-06.

Planning Manager **Cal Overby** presented the staff report and referred to PowerPoint slides. He reviewed **slide #2** (Rezoning Petition 23-06).

- **Property Owners:** Boureau and Creech Properties, LLC
- **Applicant:** Boureau and Creech Properties, LLC
- **Location:** 3940 River Road
- **Current Zoning:** Catawba County R-20
- **Property Size:** 49.21 acres, including 0.62 acres in road ROW and 1.06 acres in access easement.
- **Background:** The property is currently vacant and zoned R-20 Residential by Catawba County. The property is in the process of being annexed.
- **Request:** Rezone the property from Residential (R-20) to Planned Development (PD) to allow for the construction of a 178-lot single-family subdivision

Mr. Overby reviewed **slide #3** (Map 1. HBC 2030 Future Land Use Map), saying the HBC 2030 Future Land Use map shows the Henry Fork Wastewater Treatment Plant as Public/Institutional and the remaining area as Low Density Residential.

Slide #4 (Map 2. Current Zoning). Mr. Overby said the area highlighted in beige on the map is zoned Hickory R-1. The remainder of the property, including the subject property, which is hashed in red, is zoned R-20 Residential and is owned by Catawba County.

Mr. Overby reviewed **slide #5** (Map 3. Aerial Photography), saying members could see that uses in the area include the wastewater treatment plant, adjacent vacant property and farmland, single-family subdivisions, and additional vacant property located nearby.

Slide #6 (Site Plan for River Road Subdivision). Mr. Overby said the master plan for the subdivision shows the main entrance located off River Road. A secondary entrance will be located on the access driveway to the wastewater treatment plant.

Mr. Overby reviewed **Slide #7** (Rezoning Petition 23-06).

- The HBC 2030 Plan identifies the area as Low Density Residential.
 - The HBC 2030 Plan recommends Low Density Residential areas be developed for housing at a **density of 2 to 4 dwellings per acre**. The proposed Planned Development provides for housing at a **density of 3.7 dwellings per acre**, which is consistent with the plan's recommendations.
- Low Density Residential is characterized by:
 - **Transitional areas** between higher density areas and more rural areas.
 - The current land use pattern of the larger area **consists mainly of lower density residential uses**. The rezoning of the property, as discussed, **maintains this current pattern**, but with smaller more compact lots.
- Planned Development Districts are **conditional use districts**. Each district is approved to be developed **only in the manner shown on an approved master plan**. The master plan for the requested development **consists entirely of single-family residences**.

Slide #8 (Rezoning Petition 23-06).

Recommended Action

- *Staff recommends the following:*
 - The adoption of a statement **affirming the petition's consistency** with the Hickory by Choice 2030 Comprehensive Plan.
 - The development of the property shall be **adhered to the regulations provided** in the Land Development Code and any other applicable standards.

- The development of the property shall **comply with the approved Planned Development master plan.**
- Forward a **recommendation of approval** to the Hickory City Council.

Mr. Overby said staff recommends approval of this request, and asked for questions from Commission members.

Mr. McBrayer asked if staff had received any inquiries regarding the petition since the staff report was prepared on September 20th. Mr. Overby said he had received two (2) phone calls from people asking what was planned for the property, and he explained it would be a Planned Development. Also, today Mr. Frazier met with a man who came in the office, and they had a similar conversation. Mr. Frazier said the visitor had thought that the treatment plant was going to come closer to his subdivision, Melrose Place. When he learned it would be a single-family subdivision, he had no concerns. Mr. Overby said that as of today, staff had three (3) total inquiries.

There were no additional questions for Mr. Overby, and Mr. McBrayer thanked him.

The staff report was entered into the record as Exhibit A.

Mr. McBrayer explained the procedure for a public hearing, saying testimony would be presented, both for and against the proposal.

PROPONENTS

• **Dan Shabeldeen**, 3145 Tate Blvd., Hickory NC, addressed Commission members, saying that his firm, Shabeldeen Engineering, was the engineer for this project. Overall, as Mr. Overby said, this is comparatively consistent with what is being seen for new subdivisions being built. The recent Spencer Road subdivision is a conservation subdivision, where 30% of the property is set aside as open space. In this particular case, they are pretty close to that, even as a Planned Development, and 8-acres or so, possibly more, will remain as open space. He noted the floodplain at the back of the subdivision, as the property drops off toward the Henry Fork River. Again, the main entrance is off River Road, and as required, there is also a secondary entrance.

Mr. McBrayer asked about the open space, and the site plan was returned to the screen. Mr. Shabeldeen said the open space was located directly behind the last row of home lots, noting that the topography slopes down from there to the Henry Fork River.

Ms. Williams asked for clarification that the area was shaded in green on the site plan. She asked if it was part of their Planned Development and was designated as open space. Mr. Shabeldeen pointed that area out on the screen and said yes, that entire area would be undeveloped open space.

There were no other questions for Mr. Shabeldeen, and Mr. McBrayer thanked him.

No additional proponents were present.

OPPONENTS

None

Mr. McBrayer closed the public hearing. He asked for discussion or questions on Rezoning 23-06. Hearing none, he requested a motion to approve or deny the petition.

Anne Williams moved, seconded by Steve Mull, that the Planning Commission adopt a statement affirming Rezoning 23-06 is consistent with Hickory by Choice, and forward a recommendation of approval to the Hickory City Council. By a show of hands, the motion was carried unanimously.

Other Business: Mr. Frazier said the City Council would likely hold a public hearing for the annexation of this property at their meeting on October 17, and address the Planning Commission's recommendation of approval for rezoning the property.

Mr. Frazier said the annual revisions to the Land Development Code would be on the Commission's meeting agenda in October, and possibly a Special Use Permit. Staff does not expect any of the annual revisions to be contentious, and members will receive a synopsis prepared by Mr. Overby prior to the meeting.

Mr. McBrayer said that over a year ago, the Planning Commission had voted to ban feather flags in Hickory, but he still sees them being used all over town. He understands that a feather flag owner has a 60-day window of time before being required to take them down, or be penalized, which allows them to work the system. Mr. Frazier said the NC General Assembly had changed the process; it used to be a 10- and 10-day rule, with 10 days for a warning and 10 days for a notice of violation. The General Assembly in Raleigh has since changed it to a 30- and 30-day rule and, basically, people now get 60 free days, plus the necessary mailing or staff time, before they are required to come into compliance. They are then fined \$100 per day per violation.

Mr. Frazier said part of the problem is that many of these signs go up on the weekends or on holidays; some are even put up on a Friday afternoon at 5:01 pm, and then taken down at 8:29 am on the following Monday. He said there are now over 40-square miles, or close to it, in the city, with a population of around 45,000-46,000 and only a single zoning officer. If the officer drives by and sees a sign, he makes note of it and staff then sends the business a warning letter. Staff does try to address the issue and the zoning officer does an outstanding job. In recent years, staff has removed between 2,00 and 3,500 illegal signs annually.

Mr. McBrayer said he appreciates the zoning officer's efforts and was not being critical of him. Mr. Frazier acknowledged he had understood that and was simply explaining the situation. In fact, he would prefer allowing each business or driveway to have one feather flag as an alternative to the snipe signs and banners. Such a revision is not in the proposed LDC revisions. Mr. McBrayer said it seems like a useless regulation, and he would be in favor of discussing rescinding it. Mr. McBrayer thanked Mr. Frazier for explaining the situation.

Next Meeting: The next regular meeting is scheduled for Wednesday, October 25, 2023, at 6:00 pm.

Adjourn: There being no further business, Mr. McBrayer declared the meeting adjourned at 6:15 pm.

Bill McBrayer, Chair
Hickory Regional Planning Commission

Anne Starnes, Minutes Clerk
City of Hickory

CITY OF HICKORY
APPLICATION FOR SPECIAL USE PERMIT

DATE SUBMITTED: 9-30-2023

(We), the undersigned, do hereby make application for development review for **special use approval**.

1. The property address of the property to be considered for development review is located on THE END OF MOUNTAIN VIEW ROAD IN CATAWBA COUNTY that is between _____ and _____.

PIN NO. (S): 279108879772

Physical (Street) Address: NA

2. The property is owned by: (please print) CT INVESTMENTS OF CATAWBA LLC
(Attach a copy of the most recent deed, contract for purchase or other legal interest demonstrating an interest in the property.)

Owner Information:

Name: CT INVESTMENTS OF CATAWBA LLC

Address: PO BOX 7605, CHARLOTTE, NC 28266

Phone Number: 704-929-8287

Fax Number: _____ Email: T.DIETZ@YAHOO.COM

3. The application is submitted by: WILLIAM CLAYTON
(If the application is submitted by someone other than the owner proper authorization from the property owner is required.)

Agent Information:

Name: WILLIAM CLAYTON

Address: PO BOX 2351, HICKORY, NC 28603

Phone Number: 828-455-3456

Fax Number: _____ Email: WCLAYTON@CLAYTON-ENGINEERING.NET

4. The subject property is located in the R-1 (Low Density Residential) Zoning District.

5. The purpose of the requested action is to: SPECIAL USE FOR RV PARK

I (We), the undersigned applicant(s), hereby certify that the information contained herein and submitted in support of this application is true and correct.

Chris Ritz / [Signature]
Signature of Applicant

Sworn and subscribed to before me this 28th day of August, 2023.

(SEAL)
Cassie M. Dunn
Notary Public

12.20.26
My Commission Expires

This Application must be submitted to the Planning Department by 5:00 p.m. on the last regular working day of the month preceding the meeting at which it is to be considered by the Planning Commission. Only complete applications will be accepted.





1/6/2022

NAME OF LIMITED LIABILITY COMPANY: CT INVESTMENTS OF

SOSID: 1071654
Date Filed: 8/31/2023
Elaine F. Marshall
North Carolina Secretary of State
CA2023 243 00597

SECRETARY OF STATE ID NUMBER: 1071654 STATE OF FORMATION: NC

REPORT FOR THE CALENDAR YEAR: 2020, 2021, 2022, 2023



Filing Office Use Only
 Changes

SECTION A: REGISTERED AGENT'S INFORMATION

1. NAME OF REGISTERED AGENT: TOBY DIETZ

2. SIGNATURE OF THE NEW REGISTERED AGENT: _____
SIGNATURE CONSTITUTES CONSENT TO THE APPOINTMENT

3. REGISTERED AGENT OFFICE STREET ADDRESS & COUNTY 4. REGISTERED AGENT OFFICE MAILING ADDRESS
1200 ZION CHURCH RD 1200 ZION CHURCH RD
HICKORY NC. 28602-9110 CATAWBA HICKORY, NC. 28602-9110 CATAWBA

SECTION B: PRINCIPAL OFFICE INFORMATION

1. DESCRIPTION OF NATURE OF BUSINESS: RENTAL PROPERTIES

2. PRINCIPAL OFFICE PHONE NUMBER: 828-320-4623 3. PRINCIPAL OFFICE EMAIL: Chris.dietz@charter.net

4. PRINCIPAL OFFICE STREET ADDRESS 5. PRINCIPAL OFFICE MAILING ADDRESS
1200 ZION CHURCH RD 1200 ZION CHURCH RD
HICKORY NC. 28602 Catawba Hickory NC 28602-9110 Catawba

6. Select one of the following if applicable. (Optional see instructions)
- The company is a veteran-owned small business
 - The company is a service-disabled veteran-owned small business

SECTION C: COMPANY OFFICIALS (Enter additional company officials in Section E.)

NAME: <u>Chris Dietz</u>	NAME: <u>TOBY DIETZ</u>	NAME: _____
TITLE: <u>MEMBER</u>	TITLE: <u>MEMBER/MANAGER</u>	TITLE: _____
ADDRESS: <u>1200 ZION CHURCH RD</u>	ADDRESS: <u>1200 ZION CHURCH RD</u>	ADDRESS: _____
<u>Hickory NC. 28602 Catawba</u>	<u>Hickory NC. 28602 CATAWBA</u>	_____

SECTION D: CERTIFICATION OF ANNUAL REPORT. Section D must be completed in its entirety by a person/business entity.

[Signature] 8-30-23
SIGNATURE DATE

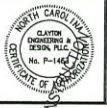
Form must be signed by a Company Official listed under Section C of This form.

TOBY DIETZ Member Manager
Print or Type Name of Company Official Print or Type Title of Company Official

NO PORTION OF THIS DESIGN OR ANY PART THEREOF SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF CLAYTON ENGINEERING & DESIGN, PLLC. THESE DRAWINGS AND THE DESIGN THEREON ARE THE PROPERTY OF CLAYTON ENGINEERING & DESIGN, PLLC. AND MAY NOT BE USED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT OF THE ENGINEER, ARCHITECT AND ANY INFRINGEMENT WILL BE SUBJECT TO LEGAL ACTION.

PROJECT DETAILS

1. OWNER
CT INVESTMENTS OF CATAWBA, LLC
PO BOX 3326
HICKORY, NC 28603
2. PARCEL I.D. NO. = 278108879772
3. SITE ZONING = R-1
4. TOTAL SITE ACREAGE = 22.32 ACRES.
5. WATERSHED DISTRICT: NONE
6. A PORTION OF THE SUBJECT PROPERTY IS IN A DESIGNATED FLOOD ZONE FIRM PANEL #3710279100J



NOT FOR CONSTRUCTION

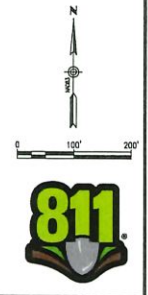
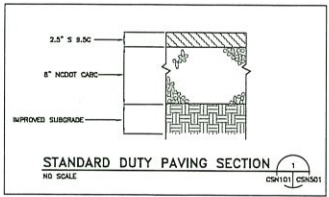
CLAYTON
ENGINEERING & DESIGN
1209 8TH AVE NE, PO BOX 2351
HICKORY, NC 28601

CT INVESTMENTS OF CATAWBA, LLC
HICKORY, NORTH CAROLINA
RV PARK

SITE PLAN SKETCH

DATE	2/20/20	
DRAWN BY	EMB	
CHECKED BY	WSC	
REVISIONS		
NO.	DESCRIPTION	DATE

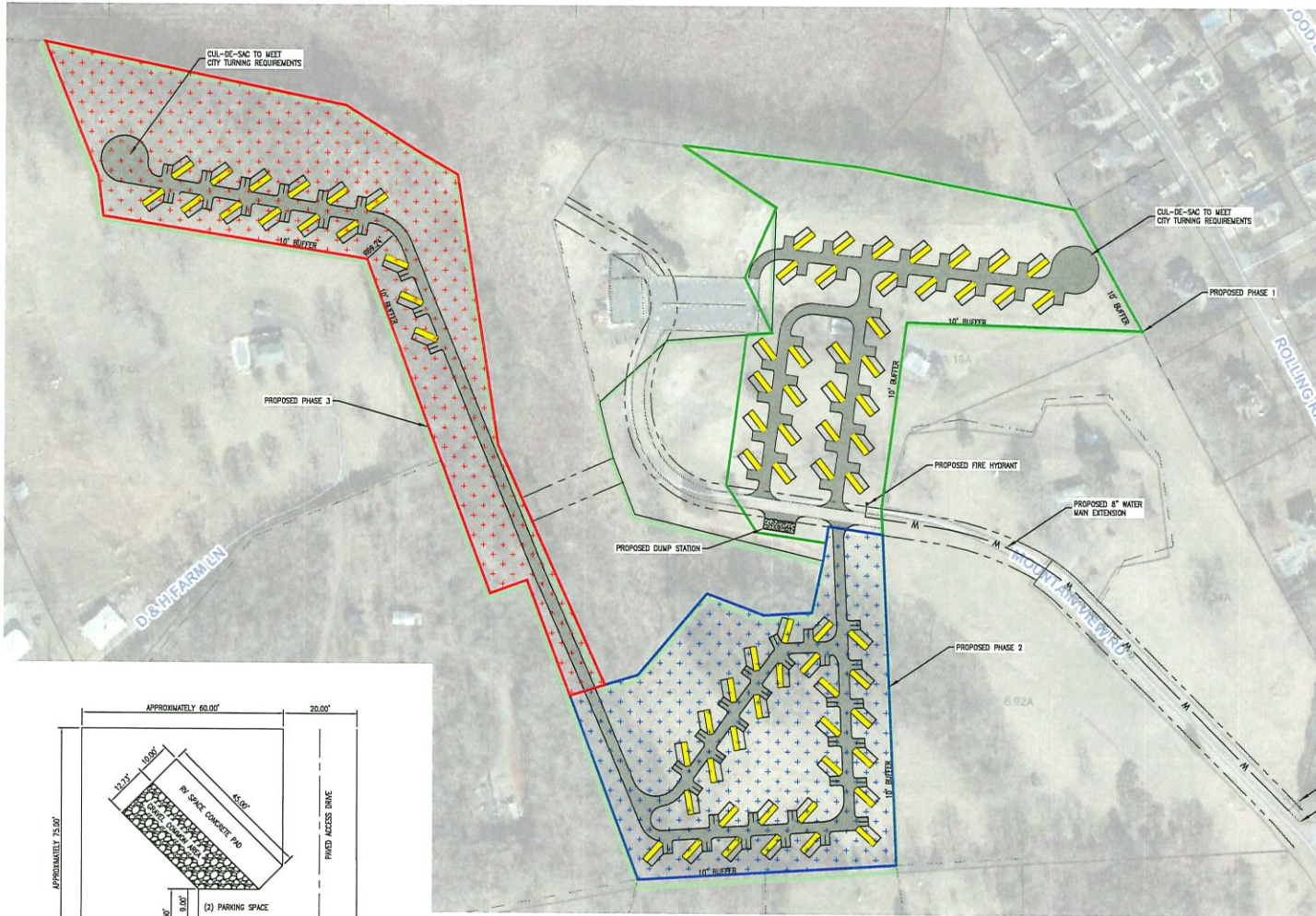
CSN101



SITE PLAN
SCALE: 1" = 50'

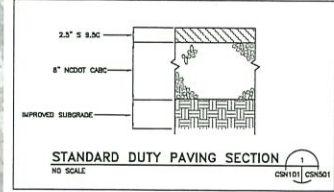


X:\Projects\2023\230203 - 23rd RV Park\230203.rvt CSN 101.dwg 8/10/2023 12:56:01 PM Author:ldaw
 THESE DRAWINGS AND THE DESIGN THEREON ARE THE PROPERTY OF CLAYTON ENGINEERING & DESIGN, PLLC, AND MAY NOT BE USED IN WHOLE OR IN PART WITHOUT WRITTEN CONSENT OF THE ENGINEER, ARCHITECT AND ANY INSTRUMENT WILL BE SUBJECT TO LEGAL ACTION



PROJECT DETAILS

1. OWNER
CT INVESTMENTS OF CATAWBA, LLC
PO BOX 3326
HICKORY, NC 28603
2. PARCEL I.D. NO. = 279108879772
3. SITE ZONING = R-1
4. TOTAL SITE ACREAGE = 22.32 ACRES.
5. WATERSHED DISTRICT: NONE
6. A PORTION OF THE SUBJECT PROPERTY IS IN A DESIGNATED FLOOD ZONE FIRM PANEL #3710279100J



SITE PLAN
SCALE: 1" = 100'



NOT FOR CONSTRUCTION

CLAYTON
ENGINEERING & DESIGN
1209 8TH AVE. NE, PO BOX 2351
HICKORY, NC 28601

CT INVESTMENTS OF CATAWBA, LLC
HICKORY, NORTH CAROLINA
RV PARK

CHEL
SITE PLAN SKETCH

DATE	2/20/23
REV	
DESIGNER	EMB
CHECKED BY	WSC

REVISIONS	
NO.	DESCRIPTION

CSN101

SPECIAL USE PERMIT ANALYSIS

PETITION: SUP 23-03

OWNER: CT Investments of Catawba, LLC

APPLICANT: William Clayton

PROPERTY LOCATION: Mountain View Road

PIN: 2791-08-87-9772

ACREAGE: 22.30 acres (971,388 ft²)

WARD: The subject property is located in the ETJ.

REQUESTED ACTION: The applicant requests to obtain a Special Use Permit to construct an RV park in a Low Density Residential (R-1) district. This has been submitted in accordance with Article 2, Section 2.4 and, as required by Article 6, Section 6.1 of Hickory's Land Development Code.

DEVELOPMENT POTENTIAL: The subject property is currently located in a Low Density Residential (R-1) district, and the principal use of the property is limited to residential purposes. However, the property may also contain an RV Park if properly permitted.

The intention of the applicant is to construct an RV park consisting of three (3) phases.

LAND USE AND ZONING: (See Maps 1 & 2 for additional detail)

- **Subject Property:** The property is currently zoned Low Density Residential (R-1), and currently vacant;
- **North:** The properties are currently zoned Low Density Residential (R-1), and currently vacant;
- **South:** The properties are currently zoned Low Density Residential (R-1), and occupied by single-family residences;
- **East:** The properties are currently zoned Low Density Residential (R-1), and occupied by single-family residences; and
- **West:** The properties are currently zoned Low Density Residential (R-1), and occupied by single-family residences.

ACCESS: Access to and from the property is from Mountain View Road.

SEWER AND WATER: The property is not served by sewer. However, water is available and will be extended to the property.

SPECIAL USE PERMIT REVIEW CRITERIA:

Special Use Permit applications may be approved by the Planning Commission only if it finds all the following criteria have been met:

1. The proposed use is consistent with the Hickory by Choice 2030 Comprehensive Plan and stated Purpose and Intent of the Land Development Code; (See Map 3 for additional detail)

The HBC 2030 Comprehensive Plan indicates the property is located within an area classified as Low Density Residential. The description and intent of these areas, as found within HBC 2030, is as follows:

Low Density Residential: This land use category is intended to provide an area of transition between higher density housing in Hickory and the surrounding rural areas by offering development at two to four units per acre. This development pattern also provides a measure of diversity of housing options for city residents. Although the gross density in these areas is proposed to be less than medium density residential, conservation subdivision design principles can provide opportunities for a combination of small and large lot development that helps preserve open spaces and environmentally sensitive lands. (HBC 2030, pg. 3.9).

Hickory by Choice 2030 does not specifically mention RV Parks. However, Hickory's Land Development Code specifies RV Parks are permitted special uses within low residential districts (LDC Article 6, Sec. 6.1). The referenced section of Hickory's Land Development Code permits for the establishment of RV Parks within all low residential districts as a primary use.

Section 1.7 of the Hickory Land Development Code contains its Stated Purpose and Intent. This section contains five (5) specific items which the Land Development Code is intended to uphold. These are as follows:

- Implement the Hickory by Choice 2030 Comprehensive Plan;
- Preserve and protect land, air, water and environmental resources and property values;
- Promote land use patterns that ensure efficiency in service provision as well as wise use of fiscal resource and governmental expenditures;
- Regulate the type and intensity of development; and
- Ensure protection from fire, flood and other dangers.

The petition satisfies these items in that, the property would support a proposed RV Park in that proposed water (available with extension) and proposed dump station septic service would be sufficient, the type and intensity of the development are regulated, and adequate precautions are being taken to minimize the risk of fire, flood and other dangers.

2. The proposed use complies with all applicable provisions of the Land Development Code;

The intention of the applicant is to utilize the property as an RV park. The applicant will be required to demonstrate compliance with the standards contained within the City's Land Development Code. Likewise, the applicant will also be required to obtain any and all necessary permits and approvals required to operate an RV Park.

3. The proposed use is compatible with adjacent uses in terms of scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);

The principal use is a vacant disk golf facility on part of the property. Dust, odor and lighting might be an issue, as the use of an RV Park on the property would be out of character with adjacent properties. Noise associated with the RV Park may increase due to an increase in occupancy. Traffic will likely increase due to the increase in the use intensity. This will be mitigated, as the City's Land Development Code requires for mitigation of these issues.

4. Any significant impacts on neighboring properties and/or the natural environment resulting from the use will be mitigated or offset;

The subject property is currently a vacant disc golf facility; any identified negative impacts will be mitigated to the extent required by all applicable laws and regulations. The property is currently a vacant disk golf facility and the applicant has provided they will be expanding the current physical development currently present on the property. The applicant will provide screening to minimize impacts to neighboring properties.

5. The proposed use will not cause substantial diminution in value of other property in the neighborhood in which it is to be located;

The subject property is currently a vacant disc golf facility. Surrounding land-uses are all residential. The primary use of the property will be an RV Park and will be sufficiently screened from adjoining residential property. No information has been provided to indicate substantial diminution in value to other properties in the vicinity.

6. Public safety, transportation, and utility services will be available to serve the subject property while maintaining sufficient levels of service for existing development;

The subject property is currently not served by public water or sewer. Owner will be extending water to the property. The owner will be required to get approval from Catawba County Environmental Health for an adequate septic facility for the property. Fire and Police protection are available to the site through Catawba County.

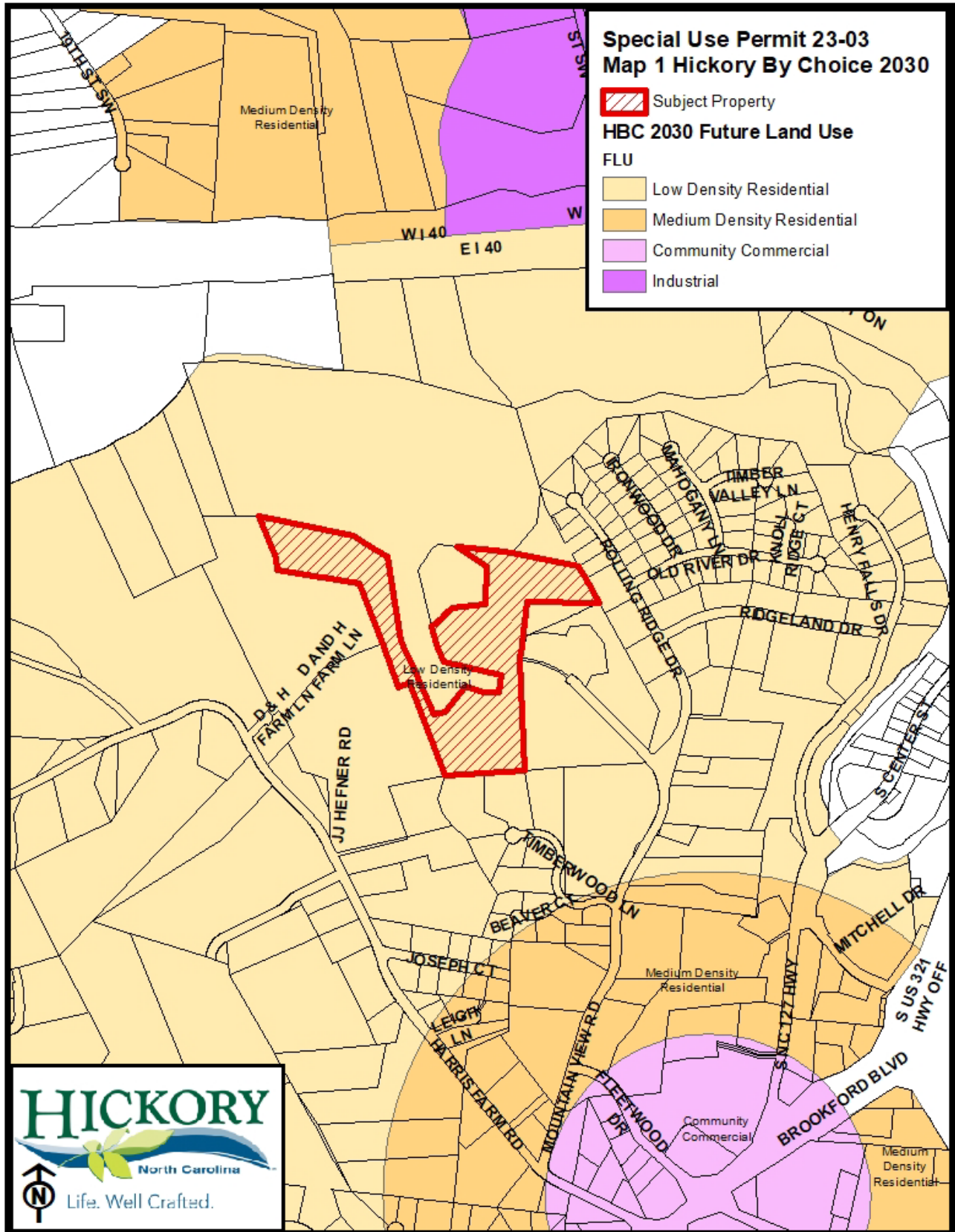
7. Adequate assurances of continuing maintenance have been provided;

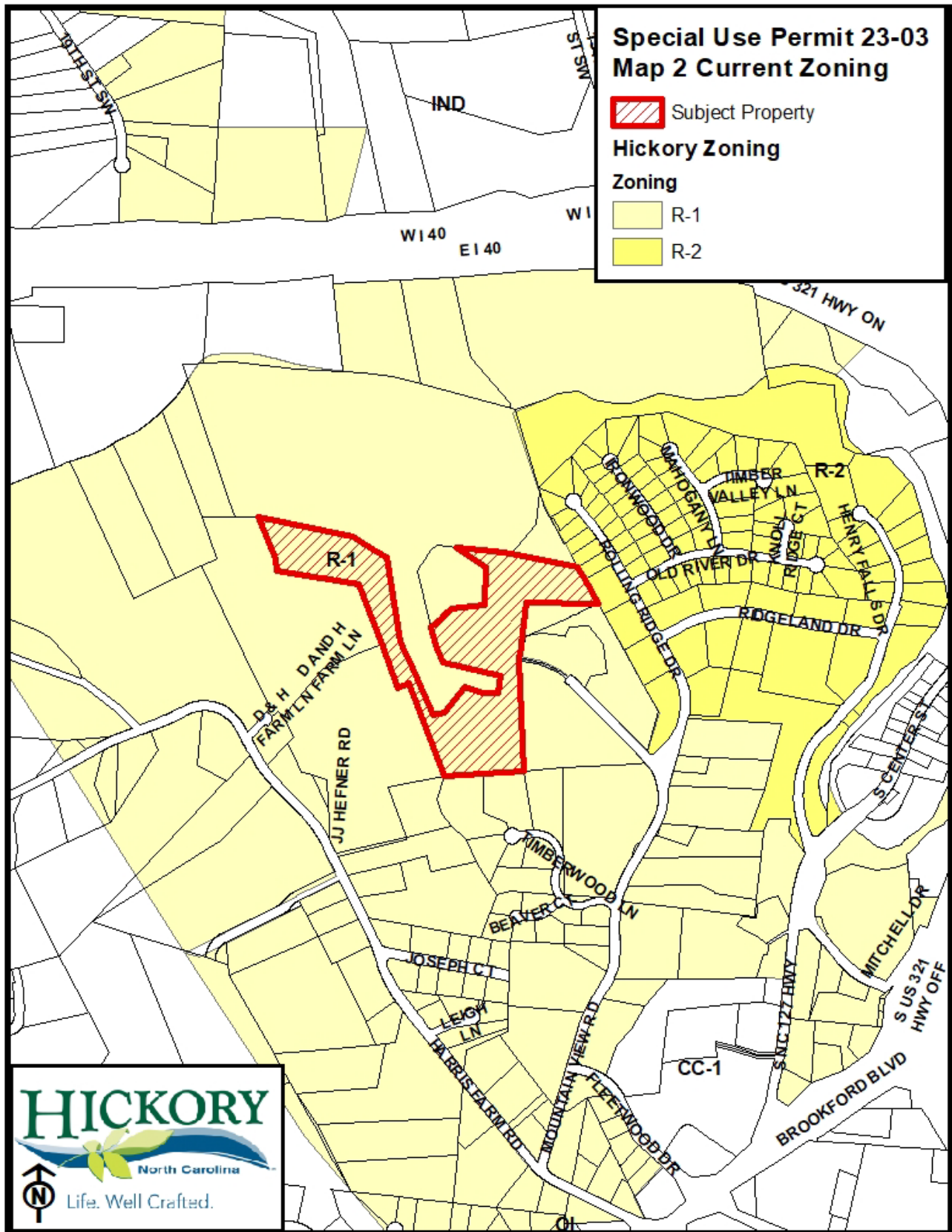
The future operation of the RV Park must be maintained in conformance with all existing development standards, specifically Section 9.15, Property Maintenance, of the Hickory Land Development Code; as well as the City's Minimum Housing Code (Chapter 15 of the City's Code of Ordinances).

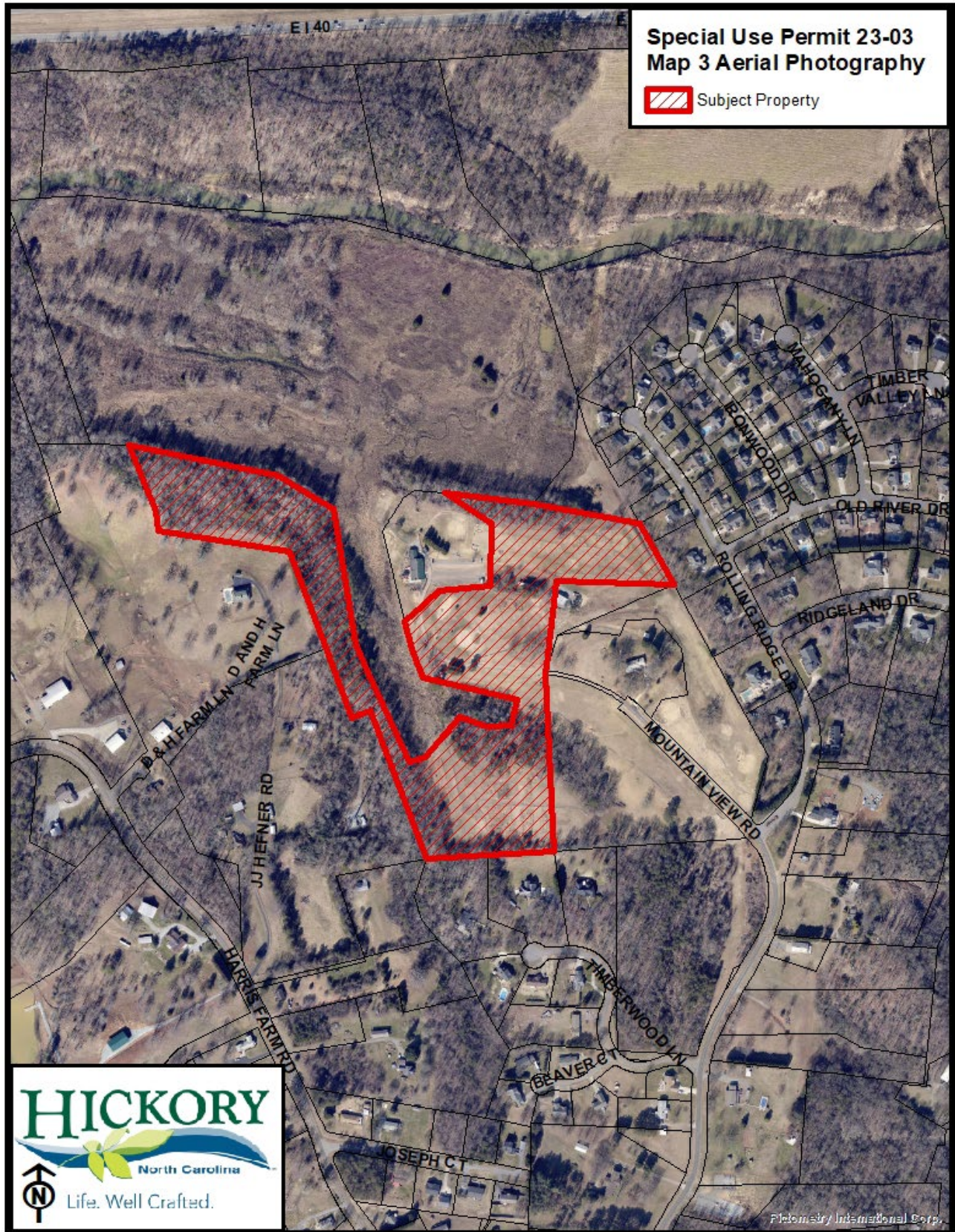
RECOMMENDED ACTION: Staff recommends approval of the Special Use Permit for an RV Park, contingent upon the following conditions:

1. All aspects of the project, and its subsequent improvements, shall comply with all applicable provisions of the City's Land Development Code, and the Building and Fire Codes of the State of North Carolina.
2. The operation of this facility must comply with all state and local regulations pertaining to RV Parks.
3. The facility shall at all times adhere to applicable noise and lighting standards.
4. RV's shall remain operable and mobile at all times.
5. RV's shall not be used as a dwelling unit and shall not be set up permanently.
6. The park shall maintain an adequate septic station at all times permitted by Catawba County Environmental Health.

CITIZEN INPUT: As of October 18, 2023, staff has not received any inquiries regarding this petition.









To: Hickory Regional Planning Commission
From: Office of Business Development, Planning and Development Division
Re: 2023 Land Development Code Update - Text Amendments (TA) 23-02

Annually, Planning and Development staff conducts a review of the City's Land Development Code to identify modifications needed or required to maintain the document's legality and effectiveness. The following are the recommended revisions.

Article 2 – Development Review Procedures

Section 2.1.7 – Revised text to reference notices requirements as required by the North Carolina General Statutes. This was done to ensure the code mirrored the statute as written or amended in the future.

Section 2.1.13 – Notice matrix revised to accurately reflect what notices are required for each type of planning action.

Section 2.1.15 – Revised to reflect recent changes in NC General Statutes regarding building permits and vested rights. Building permits are valid for one year and expire unless work has begun. If work discontinues for a period twenty-four (24) month the development approval lapses.

Section 2.3.6 – This section was revised to eliminate dated verbiage. Much of the section goes into detail of what is covered in other section of the Land Development Code. The language discussing the permitting process is not needed, as subdivisions are administratively approved and inspected, much the same as a permit to construct a shopping center or office building.

Article – 3 Base Zoning Districts

Several sections were revised to change the “NC Building Code for One- and Two-Family Residences” to NC Residential Building Code. A recently passed legislative bill changed how the code is referenced and expanded what type of construction falls under “residential”.

Article 4 – Overlay and Special Purpose Districts

Several sections were revised to change the “NC Building Code for One- and Two-Family Residences” to NC Residential Building Code. A recently passed legislative bill changed how the code is referenced and expanded what type of construction falls under “residential”.

Section 4.5 – Revisions to this section are required by the NC Department of Environmental Quality. The rules for regulating development within designated water-supply watershed were revised and a new model ordinance was produced. The revisions were incorporated into the current language, reviewed, and approved by NCDEQ.

Article 6 – Use Regulations

Section 6.1 – Revised to add “Food Truck and Trailer Court” as a specific use, and establish the districts where permitted.

Section 6.2 – Revised to add further regulations to the location and operations of group living facilities and boarding houses. Revisions define measurement process, as well as limiting the number of residents, required screening, and building appearances.

Section 6.2.14 – Revised to eliminate the reference of R-4 zoning, as manufactured homes are no longer permissible uses in R-4 districts.

Section 6.2.21 Regulations for food trucks were moved to the code section dealing with temporary uses.

Section 6.2.29 – Section added to provide development standards for food truck courts. Standards establish site design standards, including parking, signage, screening and similar items.

Section 6.3.1 – Revised to reference the height standards for accessory buildings. Also eliminated fence location and height standards and moved them to the section of the code dealing with landscaping.

6.3.2 – Revised to permit for larger accessory dwelling units and reword reference to building code.

6.4.7 – Section was added to addresses food trucks as temporary uses. Section also addresses where such are permitted, and under what standards.

Article 7 – Intensity, Dimensional and Design Standards

Section 7.1 – Revised to reduce minimum lot widths in R-3 and R-4 districts by ten feet each. The reasoning is shorter lot widths may give greater flexibility for new infill and more compact housing development.

Section 7.2 – Revised to modify the height setback off-set standards for multi-family development. Revised standards would require additional property line setbacks when four story apartment buildings abut single-family development. Setbacks would be required to be increased by 10 feet for each story of difference between the two use types.

Section 7.3 – Footnote 6 revised to indicate rear setbacks are also not required when party walls are utilized in building development.

Article 8 – Subdivision Standards

Section 8.7.1 – Revised to eliminate the requirement for payment of fee in-lieu for sidewalk installation. Change would require sidewalk installation in all instances where an existing network exists.

Article 9 – Standards of General Applicability

Section 9.6 – Revise to eliminate requirement for dumpster enclosures in instances where dumpsters are not visible from residential districts or public and private streets.

Section 9.13.2 – Provide language that indicates landscaping is required for private parking lots associated with single and two family residential development. Example, parking lots for single-family attached townhomes would be required to provide landscaping.

Section 9.13.4 – Revised to eliminate part of the section language with calculations for credit of existing vegetation. Generally, existing vegetation is evaluated in the field to determine if the existing tree / vegetation is adequate, versus measuring caliper of each individual specimen.

Section 9.13.6 – Revised to clarify mechanical equipment (heat pumps, etc.) for residences are not required to be screened in the same manner as multi-family and non-residential development.

Section 9.13.7 – Revised to increase spacing between trees and shrubs required around the perimeter of parking area. Staff has observed instances where the current spacing requirements impact the health and long-term vitality of the vegetation as well as visibility of businesses.

Section 9.13.7 – Revised to eliminate the requirement for medians in larger parking lots. This requirement has not shown to provide any value, and unnecessarily increases the cost of development.

Section 9.13.14 – As previously noted, the requirements for fencing were moved to this section for ease of location within the ordinance. This section was also revised to allow taller fences in front yards. Currently fences can only be 4 feet in height in front yards, but property owners can plant dense vegetation that can easily reach 30 to 40 feet at maturity.

Article 10 – Signs

Section 10.3.1 – Revised to reference the City’s Engineering Manual of Practice for the specific standard.

Section 10.5 – Revisions included graphic examples of signs. This will aid in providing a clear understanding of the types of signs outlined within the section.

Section 10.9.2 – Revised to clearly state construction signs are required to adhere to the height limitation for the specific district in which they are located.

Article 12 - Nonconformities

Section 12.2.5 – Revised to eliminate the opportunity for manufactured homes to be replaced with new unit in districts where manufactured home unit are no longer permitted.

Section 12.5.2 – Revised to address signs remaining on properties where businesses no longer exist. Such signs would be considered off-premise, which would not be permissible. Revisions also enact a provision where nonconforming signs (size, location, height, etc.) cannot be reused if abandoned for a period of 180 days. This standard and timeframe is consistent throughout the ordinance.

Article 14 – Definitions

Section 14.1 Revised to add verbiage to the definition of non-traditional dwelling to clarify such structures must be constructed to the NC Residential Building Code. Changed reference to cite “NC Residential Building Code”. Added definition for food truck and trailer court.

Findings and Recommendation

- **Findings**

- Staff conducted a review of the Hickory Land Development Code, and provided amendments deemed necessary to continue the document's purpose as an implementation tool for the Hickory By Choice 2030 Comprehensive Plan.

- **Recommendation**

- Staff has found Text Amendments 23-02 to be consistent with the Hickory by Choice 2030 Comprehensive Plan, and recommends the following:
 - The Planning Commission move to affirm the text amendment's consistency with the Hickory by Choice 2030 Comprehensive Plan; and
 - Forward a recommendation of approval to Hickory City Council.

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2.1.7 Notices (TA 14-01)

Content. Notices required under subsections (1) and (3) below shall: (1) indicate the date, time and place of the public hearing or date of action that is the subject of the notice; (2) describe the property involved in the application by street address and by Property Identification Number (PIN) or by legal description; (3) describe the nature, scope and purpose of the application or proposal; and (4) indicate where additional information on the matter can be obtained.

Types.

(1) **Newspaper Notice (N).** When the provisions of this Land Development Code require that “Newspaper Notice” be provided, the official responsible for accepting the application shall ensure that notice is published as required by NCGS 160D. ~~at least twice in a newspaper of general circulation in Hickory. The notice shall appear in the newspaper for 2 successive weeks with the first notice appearing not less than 10 calendar days nor more than 25 calendar days before the date of the public hearing.~~ Prior to final action on the application, the official responsible for accepting the application shall certify that notices have been published.

(2) **Posted Notice (P) (TA 18-01) (TA 21-01).** When the provisions of this Land Development Code require that “Posted Notice” be provided, the official responsible for accepting the application shall post notice on the subject property. Such posted notice shall be in the form of official signs provided by the Planning Department and be done in a manner that makes the notice clearly visible to neighboring residents and passers-by from each public street bordering the subject property. ~~The official responsible for accepting the application shall post this notice as required by NCGS 160D. At least one sign shall be prominently posted along each street frontage or otherwise on the subject property. When multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel shall not be required, but the city shall post sufficient notices to provide reasonable notice to interested persons. Unless otherwise expressly provided in state statutes or this Land Development Code, required posted notice shall be posted within the same time period specified for mailed notices.~~

(3) **Mailed Notice (M) (TA 18-01) (TA 21-01 & 22-01)**

(a) When the provisions of this Land Development Code require that “Mailed Notice” be provided, the official responsible for accepting the application shall mail notice as required by NCGS 160D. Ownership information shall be based on the most recent county tax records. Unless otherwise expressly provided in state statutes or this Land Development Code, required notices shall be deposited in the U.S. mail at least 10 days before and not more than 25 days before the public hearing, meeting, or date of action that is the subject of the notice. Prior to final action on the application, the official responsible for accepting the application shall certify that notices have been given.

(b) The first class mail notice required under subsection (a) shall not be required if a zoning map amendment directly affects more than fifty (50) properties, owned by a total of at least 50 different property owners. In this instance the city may, as an alternative, elect to publish a notice of public hearing as required by NCGS 160D-601, but provided that each advertisement shall not be less than on-half of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper which publishes the notice. Property owners who reside outside the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified according to the provisions of subsection (a).

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2.1.9 Action by Decision-Making Bodies.

Unless otherwise expressly stated in this Land Development Code, decision-making bodies may take any action on an application that is consistent with any notice given, including, but not limited to, approving such application, approving the application with modifications or conditions or denying the application. The decision-making body may impose conditions on the application or allow amendments to the pending application if the effect of the conditions or amendments is to allow a less intensive use or zoning district than indicated in the application or to reduce the impact of the development or to reduce the amount of land area included in the application. Decision-making bodies may not approve of a greater density of development; a more intensive use or a more intensive zoning district than was indicated in any required notice.

2.1.10 Burden of Proof or Persuasion.

In all cases, the applicant shall have the burden of establishing that an application complies with applicable review or approval criteria of this Land Development Code.

2.1.11 Conditions of Approval. (TA 21-01)

In approving development applications for Special Use Permits, decision-making bodies shall be authorized to impose such conditions upon the premises benefited by the approval as outlined within Chapter 2. In approving development applications for conditional zoning districts or planned developments, conditions shall be imposed only in accordance with Sec. 2.2.8 and Sec. 5.1. the decision making body has the authority enter into mutually agreed upon conditions. The applicants / landowners must consent in writing to such conditions.

2.1.12 Inaction by Review/Decision-Making Bodies.

When a review or decision-making body fails to take action on an application within any time frame that is specified in this chapter or by statute, such inaction shall be interpreted as a recommendation of approval without conditions or approval of the application without conditions, respectively. Time frames for action may be extended if the applicant consents to the extension. When a review body fails to take action on an application within the time required, the decision-making body shall be free to proceed with its own action on the matter without further awaiting the recommendation of the review body.

2.1.13 Summary of Procedures. (TA 14-01) (TA18-01)

The following table provides a summary of the procedures in this chapter. In the event of conflict between this summary table and the detailed procedures in this chapter, the detailed procedures shall govern.

Procedure	Decision-Making Authority [1]						Notice [2]
	Staff	PD	HRPC	BOA	HPC	City Council	
Text Amendments	R	-	R	-----	-	<DM>	N
Zoning Map Amendments	R	-	R	-----	-	<DM>	N, P, M
Subdivision Plats							
Minor Subdivision							
Preapp. Conf./Sketch Plan	R	-	-	-	-	-	-
Final Plat	R	DM	-	A	-	-	-
Major Subdivision							
Preapp. Conf./Sketch Plan	R	-	-	-	-	-	-
Preliminary Plat	R	DM	-	A	-	-	-
Final Plat	R	DM	-	A	-	-	-

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Procedure	Staff	PD	HRPC	BOA	HPC	City Council	Notice
Special Uses	R	-	<DM>	-	-	-	N, P, M
Alternative Sign Plans	R	DM	-	-	-	-	-
Certificates of Appropriateness							
Minor	DM	-	-	A	-	-	-
Major	R	-	-	A	<DM>	-	P, M
Sign Permits/Common Sign Plan	DM [3]	-	-	-	-	-	-
Zoning Compliance Permits	DM [3]	-	-	-	-	-	-
Zoning Compliance Certificates	DM [3]	-	-	-	-	-	-
Variances	R	-	-	<DM>	-	-	N, P, M
Appeals of Admin. Decisions	-	-	-	<DM>	-	-	N, P, M

Notes: PD = Planning Director • PC = Planning Commission • BOA = Board of Adjustment • HPC = Historic Preservation Commission

When no local appellate body is specified, appeals are taken to the Superior Court.

[1] R = Review Body (Responsible for Review and Recommendation); DM = Decision-Making Body (Responsible for Final Decision to Approve or Deny); A = Authority to hear and decide appeals of Decision-Making Body's action.

[2] Notices required for public hearings: N = Newspaper (published); P = Posted (signs); M = Mailed (See Sec. 2.1.7)

[3] Appeals processed as "Appeals of Administrative Decisions."

◇ = Public Hearing Required (TA 18-01)

2.1.14 Permit Choice. (TA 21-01)

If an application made in accordance with this Land Development Code is submitted for a development approval pursuant to this Land Development Code and a development regulation change between the time the application was submitted and a decision is made, the applicant may choose which version of the development regulation will apply to the application and use of the building, structure, or land indicated on the permit application. If the applicant chooses the version of the rule or ordinance applicable at the time of the permit application, the applicant shall not be required to await the outcome of the amendment to the rule, map, or ordinance prior to acting on the development permit. If an applicable ordinance is amended after the development permit is wrongfully denied or after an illegal condition is imposed, as determined in a proceeding challenging the permit denial or the condition imposed, the development permit applicant may choose which adopted version of the rule or ordinance will apply to the permit and use of the building, structure, or land indicated on the permit application. Provided, however, any provision of the development permit applicant's chosen version of the rule or ordinance that is determined to be illegal for any reason shall not be enforced upon the applicant without the written consent of the applicant. This section applies to all development approvals issued by city and state government. The duration of vested rights created by development approvals are as set forth in NCGS 160D-108.

2.1.15 Vested Rights. (TA 21-01)

- (1) **Process to Claim a Vested Right.** A person claiming a statutory or common law vested right may submit information to substantiate that claim to the Planning Director, or other designated official, who shall make an initial determination as to the existence of the vested right. The Planning Director's or officer's determination may be appealed to the Board of Adjustment under NCGS 160D – 405. On appeal the existence of a vested right shall be reviewed de novo. In lieu of seeking

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such a determination, a person claiming a vested right may bring an original civil action as provided by NCGS 160D-108(h) and 160D-1403,160D-405(C).

- (2) **Types and Duration of Statutory Vested Rights.** Except as provided by this section and subject to Sec. 2.1.14 of this Land Development Code, amendments in development regulations shall not be applicable or enforceable without written consent of the owner with regard to any of the following: in regard to development that has been permitted or approved pursuant to this Land Development Code so long as one of the approval listed in this section remains valid and unexpired.
- (a) Buildings or uses of buildings or land for which a development permit application has been submitted and subsequently issued in accordance with NCGS 143-755;
 - (b) Subdivisions of land for which a development permit application authorizing the subdivision has been submitted and subsequently issued in accordance with NCGS 143-755;
 - (c) A site-specific vesting plan pursuant to NCGS 160D-108.1;
 - (d) A multi-phased development pursuant to this subsection; or
 - (e) A vested right established by the terms of a development agreement authorized by Article 10 of NCGS Chapter 160D.

Each type of vested right listed in this section is subject to the limitations provided in this section and the cited statutes. Vested rights established under this section are not mutually exclusive. The establishments of a vested right under one subsection does not preclude vesting under one or more other subsections or by common law principles.

1. **Building Permits – Six Months One Year.** Pursuant, to NCGS 160D 108, a building permit expires ~~six~~ twelve months after issuance unless work under the permit has commenced. If, after commencement, the work is discontinued for a period of ~~12~~ twenty-four months, the permit shall immediately expire. Building permits also expire if work is discontinued for a period of ~~12~~ twenty-four months after work has commenced.
2. **Other Approvals – One Year.** Pursuant to NCGS 160D 403(C), unless otherwise specified by this section, statute or other ordinance, all other development approvals expire one year after issuance unless work authorized by the development approval has been substantially commenced, or if work is discontinued for twelve months after commencement. Expiration of a development approval does not affect the duration of a vested right established by the approval of a site-specific vesting plan, a multiphase development plan, a development agreement, or vested rights established under common law.
3. **Site-Specific Vesting Plans – Two to Five Years.** Site specific vesting plans and the vested rights associated with them shall be governed by this subsection and NCGS 160D-108.1
 - (a) **Duration.** A vested right for a site-specific vesting plan shall remain vested for a period of two years. This vesting shall not be extended by any amendments or modifications to a site-specific vesting plan unless expressly provided by the city. The city may provide that rights regarding a site-specific vesting plan shall be vested for a period exceeding two years, but not exceeding five years, if warranted by the size and phasing of development, the level of investment, the need for the development, economic cycles, and market conditions or other considerations. This determination shall be in the sound discretion of the city and shall be made following the process provided by subsection (c) below for the particular form of a site-specific vesting plan involved.
 - (b) **Relation to Building Permits.** A right vested as provided in this subsection shall terminate at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed. Upon

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- (6) The proposed subdivision will not adversely affect permissible development of the remainder of the parcel or of adjoining property;
- (7) All necessary drainage easements have been provided and stormwater management as required by this Land Development Code; and
- (8) The County Health Director or local public utility, as appropriate, has been given an opportunity to make recommendations as to proposed water or sewerage systems

Notice of Decision (TA 21-01)

Within 10 days after a minor subdivision plat decision is made by the Planning Director, copies of the decision shall be sent to the applicant and filed in the office of the Planning Director, where it shall be available for public inspection during regular office hours. In addition to giving notice to the applicant, the Planning Director shall also give written notice to the owner of the property, if different from the applicant. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail. The notice shall be delivered to the last address listed for the owner of the affected property on the county tax abstract and to the address provided in the application or request for a determination if the party seeking the determination is different from the owner.

2.3.5 Appeals (TA 18-01) (TA 21-01)

The decision to approve or deny a minor subdivision plat shall be subject to review by filing an action in superior court seeking appropriate declaratory or equitable relief within 30 days from receipt of the written notice of the decision. and consistent with NCGS 160D-1403

2.3.6 Major Subdivisions

The procedures of this subsection shall apply to all “Major Subdivisions,” as that term is defined in Chapter 14.

Pre-application Conference

Before submitting a Preliminary Plat for a proposed subdivision, the applicant shall confer with the Planning Director to discuss the proposal and applicable regulations. The purpose of the Pre-application Conference is for the applicant to become familiar with applicable subdivision procedures and standards. Prior to or as part of the Pre-application Conference, the applicant may submit a Sketch Plan of the proposed subdivision showing the approximate size of the property, the tentative street layout, proposed lot sizes, watercourses and the location of the property in relation to existing streets and surrounding areas. The Planning Director and other administrative officials shall review the Sketch Plan. Following their review, the reviewing officials shall confer with the applicant to discuss any matters that will assist the applicant in preparing a Preliminary Plat. No review fee shall be required for Pre-application Conferences or Sketch Plans.

Preliminary Plats (TA 21-01)

- (1) **Application.** A complete application for Preliminary Plat approval shall be submitted to the Planning Director on forms available in the Planning Department.
- (2) **Notice.** Each application for Preliminary Plat approval shall contain the name and address of the person who is to receive all notices pertaining to the application.
- (3) **Staff Review/Report.** The Planning Director shall prepare a report that reviews the Preliminary Plat in light of the standards of Chapter 8 and the other applicable requirements of this Land Development Code. The Planning Director shall provide a copy of the report to the applicant and any interested parties. Subdivision plans shall go through plan review, which consist of review by all relevant city departments and required external entities. Completion of the review shall be deemed as preliminary plat approval.

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(4) Relevant Intergovernmental Coordination.

- a. The Planning Director may provide copies of all applications for Major Subdivision preliminary plat approval to the Superintendent of the public school system for which the subject property is located for their review and comment.
- b. The Planning Director shall give the District Highway Engineer the opportunity to make recommendations concerning proposed State streets, State highways, and related drainage systems.
- c. The Planning Director shall give the County Health Director or local public utility, as appropriate, the opportunity to make recommendations as to proposed water or sewerage systems.

(5) Public Input. Prior to preliminary approval of any subdivision, any member of the public wishing to do so may comment on the matter. The Planning Director shall consider all public comments received during the comment period prior to taking final action on any requested subdivision.

(6) Planning Director's Review/Action. The Planning Director shall review the Preliminary Plat to determine if it complies with the standards of Chapter 8 and the other applicable requirements of this Land Development Code. If the Planning Director determines that the Preliminary Plat does not comply with applicable standards, the Planning Director shall require that modifications be made to bring the Preliminary Plat into compliance with such regulations and standards. After consideration of the Preliminary Plat, the Planning Director shall act to approve, approve with modifications to bring the Preliminary Plat into compliance with this Land Development Code, or deny the Preliminary Plat.

(7) Notice of Decision. Within 10 days after a Preliminary Plat decision is made by the Planning Director, copies of the decision shall be sent to the applicant and filed in the office of the Planning Director, where it shall be available for public inspection during regular office hours. In addition to giving notice to the applicant, the Planning Director shall also give written notice to the owner of the property, if different from the applicant. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail. The notice shall be delivered to the last address listed for the owner of the affected property on the county tax abstract and to the address provided in the application or request for a determination if the party seeking the determination is different from the owner.

(8) Effect of Approval. Approval of the Preliminary Plat shall constitute approval of the submitted construction drawings for all required infrastructure and improvements acceptance of the overall planning concept for the subdivision and is a prerequisite for the filing of a Final Plat. After approval of the Preliminary Plat the applicant may finalize the preparation of construction plans and submittal for a Land Development Permit.

(9) Lapse of Approval. If no Final Plat of a subdivision for which Preliminary Plat approval has been given is submitted within 12 months of the date of Preliminary Plat approval or if more than 12 months elapses between the recording a Final Plat on one phase of the subdivision and the submittal of a Final Plat for another phase, all unrecorded portions of the Preliminary Plat shall lapse and be of no further effect.

(10) Appeals. The decision to approve or deny a final plat shall be subject to review by filing an action in superior court seeking appropriate declaratory or equitable relief within 30 days from receipt of the written notice of the decision.

(11) Land Development Permit. After approval of the Preliminary Plat and prior to submittal of the Final Plat, the subdivider shall work directly with the City Engineer so any and all inspections are conducted during the installation of any required improvements and infrastructure. in the preparation and final design of Construction Plans for the installation of the improvements required by Chapter 8 and the Manual of Practice. Upon satisfactory

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completion of the Construction Plans and specifications and the posting of any required financial guarantees, the City Engineer shall issue a Land Development Permit for the installation of required improvements in accordance with the approved Preliminary Plan and the improvement and design standards of Chapter 8 and the Manual of Practice. Unless a financial guarantee is offered in accordance with this Land Development Code, installation of all required improvements must be completed by the subdivider and approved by the City Engineer prior to the submittal of a Final Plat. No land development activities shall be commenced until a Land Development Permit is issued.

Final Plats

- (1) **Improvements or Financial Guarantees.** Prior to approval of a Final Plat, the subdivider shall install all required improvements or post a financial guarantee of performance, in accordance with this Land Development Code.
- (2) **Applicant Notice.** Each application for Final Plat approval shall contain the name and address of the person who is to receive all notices pertaining to the application.
- (3) **Planning Director's Review/Action.** The Planning Director shall review the Final Plat to determine if it complies with the approved Preliminary Plat, the standards of Chapter 8 and all other applicable requirements of this Land Development Code. Final Plats shall be approved only when the Planning Director determines that all of the following criteria have been met:
 - (a) The Final Plat conforms substantially to the approved Preliminary Plat and conforms to all other standards and requirements lawfully established under this Land Development Code;
 - (b) All required improvements shall be completed by the applicant or his agents and inspected and approved by appropriate public officials or agencies or a financial or performance guarantee has been offered and accepted in accordance with Sec. 8.15;
 - (c) Offers to dedicate, or to reserve for future dedication, shall be made clear of all liens and encumbrances on the property and public improvements thus dedicated; and
 - (d) All required maintenance guarantees have been made.
- (4) If the Planning Director determines that the Final Plat conforms substantially to the approved Preliminary Plat and all other standards and requirements lawfully established under this Land Development Code, the Planning Director shall approve the Final Plat.
- (5) If the Planning Director determines that the Final Plat does not comply with the approved Preliminary Plat or other applicable standards, the Planning Director shall require that modifications be made to bring the Final Plat into compliance with this Land Development Code. Upon completion of any required modifications to the Final Plat, the Planning Director shall act to approve the Final Plat.
- (6) **Appeals.** The decision to approve or deny a final preliminary plat shall be subject to review by filing an action in superior court seeking appropriate declaratory or equitable relief within 30 days from receipt of the written notice of the decision. and consistent with NCGS 160D-1403
- (7) **Notice of Decision.** Within 10 days after a Final Plat decision is made by the Planning Director, copies of the decision shall be sent to the applicant and filed in the office of the Planning Director, where it shall be available for public inspection during regular office hours. In addition to giving notice to the applicant, the Planning Director shall also give written notice to the owner of the property, if different from the applicant. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail. The notice shall be delivered to the last address listed for the owner of the affected property on

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3.3.14 Regulation of Building Design Elements. Except as authorized by NCGS 160D-702(b), this section shall not regulate the building design elements of any structures subject to regulation under the North Carolina Residential Building Code for One- and Two-Family Dwellings.

3.4 Commercial Corridor (CC-2), Office and Institutional (OI), General Business (C-2) Zones, and Regional Commercial (C-3) Zones (TA 22-01)

3.4.1 Applicability. The following standards shall apply to all properties in the CC-2, OI, C-2, and C-3 zoning districts.

3.4.2 Compatibility Design Standards

Residential Protection (TA 11-01)

- (1) No nonresidential building greater than 4,000 square feet in total floor area shall not be oriented towards a local street or have its primary access from a local street.
- (2) No gasoline pump islands or drive-through service windows shall be located within 100 feet of any residential zoning district.

3.4.3 Building design standards (TA 11-01) (TA 21-01)

Windows Required

- (1) For all redevelopment a minimum of 15% of the ground floor façade of the primary street frontage shall be comprised of windows of clear glass, display cases or translucent glass. This requirement does not apply to the walls of residential units or parking structures.
- (2) For all new construction a minimum of 25% of ground floor façade of the primary street frontage shall be comprised of windows of clear glass, display cases or translucent glass. This requirement does not apply to the walls of residential units or parking structures.

Architectural Style. Forms and finish materials of buildings, signage, gasoline pump canopies and other accessory structures shall be compatible with the architectural character of the adjacent area through compliance with the following standards:

- (1) Any side or rear of a building that is visible from the public right-of-way or parking areas shall be as visually attractive as the front through the design of rooflines, architectural detailing and landscaping features.
- (2) Service, loading, and trash collection areas shall be screened by a combination of decorative walls of masonry, wood, and plantings.
- (3) Loading areas shall be screened from view from all residentially zoned property.

Roofs (TA 18-01)

- (1) Parapets or other architectural elements shall be used to conceal flat roofs and rooftop equipment such as HVAC units from adjacent rights of way.
- (2) Wireless communication equipment should be blended into the design of the roof.

Materials and colors (TA 18-01)

- (1) Predominant exterior building materials shall consist of, but not limited to, brick, sandstone, stucco, and other native stone and tinted/textured concrete masonry units. Synthetic materials offering similar appearances may also be utilized. Smooth faced concrete block and corrugated metal panels are prohibited.
- (2) Colors for primary facade areas shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, or fluorescent colors is prohibited.
- (3) Building trim and accent areas may feature brighter colors, including primary colors.

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3.4.9 Regulation of Building Design Elements. (TA 21-01) Except as authorized by NCGS 160D-702(b), this section shall not regulate the building design elements of any structures subject to regulation under the North Carolina Residential Building Code for One and Two Family Dwellings.

3.5 Central Business District (C-1) (TA 22-01)

3.5.1 Building and Design Standards (TA 11-01)

Architectural Style. Forms and finish materials of buildings, signage, gasoline pump canopies and other accessory structures shall be compatible with the architectural character of the adjacent area through compliance with the following standards:

- (1) Any side or rear of a building that is visible from the public right-of-way shall be as visually attractive as the front through the design of rooflines, architectural detailing and landscaping features.
- (2) Transition lines are required at the top of the first story of all buildings.
- (3) Service, loading, and trash collection areas shall be screened by a combination of decorative walls of masonry, wood, and plantings
- (4) Loading areas shall be screened from all residential districts.

Roofs (TA 18-01)

- (1) Parapets or other architectural elements shall be used to conceal flat roofs and rooftop equipment such as HVAC units from adjacent rights of way.
- (2) Wireless communication equipment shall be blended into the design of the roof.

Materials and colors (TA 18-01)

- (1) Predominant exterior building materials shall consist of, but not limited to, brick, sandstone, stucco, and other native stone and tinted/textured concrete masonry units. Synthetic materials offering similar appearances may also be utilized. Smooth-faced concrete block and corrugated metal panels are not permitted. Balconies and porches may be metal, brick, stone, concrete, or stucco.
- (2) Colors for primary facade areas shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, or fluorescent colors is prohibited.
- (3) Building trim and accent areas may feature brighter colors, including primary colors.

Customer Entrance. Retail establishments on a site shall have a clearly defined, highly visible customer entrance.

Other Improvements (TA 18-01). ATMs and similar features shall be architecturally compatible with the building and shall not encroach on pedestrian walkways.

3.5.2 Sidewalks (TA 18-01). Sidewalks shall be required to be installed along all adjacent streets. If development or redevelopment occurs in an area where the current sidewalk network is more than 500 feet away, a fee in-lieu may be utilized as outlined within this Land Development Code.

3.5.3 Sidewalk Encroachments. The intent of this section is to ensure there is a minimum unobstructed walking route along sidewalks.

Guidelines. Temporary sidewalk encroachments are allowed with City Council approval. Café seating, planters, ramps, and stairs, which are located in the sidewalk shall be located to provide a pathway that is compliant with the standards of the American with Disabilities Act (ADA) or a minimum of four (4) feet wide; whichever is greater.

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- (1) Facades greater than 100 feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least 3 percent of the length of the facade and extending at least 20 percent of the length of the facade. No uninterrupted length of any facade shall exceed 100 feet (horizontal).
- (2) Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than 30% of their horizontal length (see Figure 3-7).

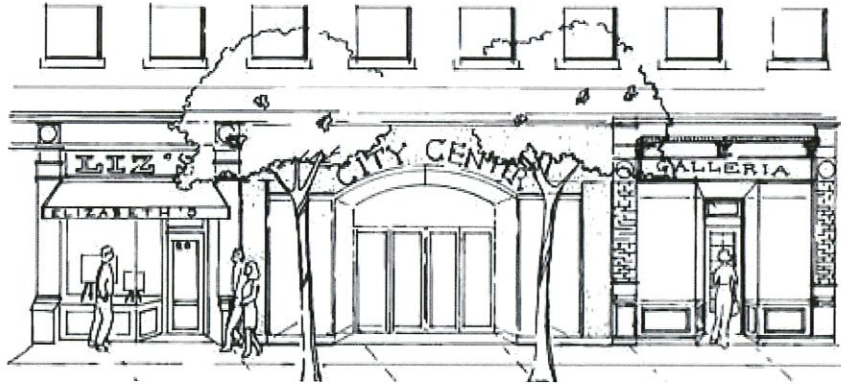


Figure 3-6: Ground Floor Façade

3.5.9 Connectivity

Non-residential sites shall be designed to provide connectivity to adjoining parcels and rights of way. This requirement may be waived if deemed impractical or undesirable by the Planning Director.

3.5.10 Outdoor Lighting

Outdoor lighting must comply with Sec. 9.7.

3.5.11 Pedestrian Entrance

The principal pedestrian entrance to all buildings must come from a frontage line. Secondary pedestrian entrances may come from parking areas or other non-frontage line locations.

3.5.12 Alternative Standards

The Hickory Regional Planning Commission may approve alternative architectural standards if a finding is made that the proposed alternative meets or exceeds the objectives of this code and is consistent with the objectives of the Hickory by Choice 2030 Comprehensive Plan. Such alternatives shall be approved as a Special Use in accordance with Sec. 2.4.

3.5.13 Regulation of Building Design Elements (TA 21-01)

Except as authorized by NCGS 160D-702(b), this section shall not regulate the building design elements of any structures subject to regulation under the North Carolina Residential **Building Code for One and Two Family Dwellings**.

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4.2.4 Building and Design Standards

All redevelopment must comply with the standards and requirements of the underlying zone, except as modified by this overlay zone.

The industrial size limitations of Sec. 6.1 shall not apply to the redevelopment of existing buildings where the most recently approved use would have been classified as Manufacturing and Production, Warehouse and Freight Movement, or Industrial Service under this Land Development Code.

The window requirements of Sec. 3.4.4 shall not apply to the redevelopment of existing buildings, provided that all existing window openings are maintained.

4.2.5 Off Street Parking

The number of off-street parking spaces required by Sec. 9.2.2 shall be reduced by 30 percent.

4.2.6 Landscaping and Screening

All properties in the RDO district shall be subject to the provisions of Sec. 9.13 except as modified below:

- (1) The perimeter landscape buffer requirements of Sec. 9.13.2 shall not apply to the redevelopment of existing buildings where the building footprint does not change and there is not an increase in use intensity.
- (2) All new construction and redevelopment projects where there is an increase in building footprint shall be subject to the landscape buffer requirements of Sec. 9.13.2
- (3) The landscape requirements of Sec. 9.13 shall not apply to existing paved parking, loading, and service areas in the RDO district.
- (4) Existing gravel parking, loading, and service areas shall be paved upon redevelopment or a change in use. The paved surface shall meet the design standards of Sec. 9.1. When existing gravel parking areas are paved, the landscape requirements of Sec. 9.13 shall not apply provided that the overall size of the parking, loading, or service area is not increased by more than 15 percent.

4.2.7 Alternative approval by Planning Commission

The Hickory Regional Planning Commission may approve alternative architectural standards if a finding is made that the proposed alternative meets or exceeds the objectives of this code and is consistent with the objectives of the Hickory by Choice 2030 Comprehensive Plan. Such alternatives shall be approved as a Special Use in accordance with Sec. 2.4

4.2.8 Regulation of Building Design Elements (TA 21-01)

Except as authorized by NCGS 160D-702(b), this section shall not regulate the building design elements of any structures subject to regulation under the North Carolina Residential **Building Code for One and Two Family Dwellings**.

4.3 Neighborhood Preservation Overlay District (TA 15-01)

4.3.1 Applicability

The Neighborhood Preservation Overlay (NP-O) district regulations of this section shall apply to new development and changes of use or occupancy and increasing the number of dwelling units in a structure in the Kenworth, Green Park, Highland, Claremont, and Westmont / West Hickory neighborhoods, which is shown of the City's Official Zoning Map.

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4.3.2 Conflicting Provisions

Where conflicts arise between the regulations of the underlying base zoning district, and other overlay districts; the more restrictive provisions shall govern.

4.3.3 Nonconformities

No structure or lot existing at the time when these regulations are adopted shall be deemed nonconforming because of these overlay regulations. An existing structure may be rebuilt if damaged or destroyed even if the structure fails to conform to these regulations.

4.3.4 Building Orientation (TA 15-01)

The main building entrance of any dwelling shall face the street from which the building is addressed.

4.3.5 Parking Location (TA 19-01)

Except for the driveway of a single-family or two-family dwelling, no new off-street parking shall be permitted in the front yard on any residential or non-residential property.

4.3.6 Sidewalks (TA 18-01)

All new buildings and uses, other than single-family dwellings, shall construct a public sidewalk in the right of way or in an easement along all abutting streets.

4.3.7 Porches – Setback Encroachment

Front porches and stoops shall be allowed to encroach into the required front yard up to 10 feet.

4.3.8 Regulation of Building Design Elements (TA 21-01)

Except as authorized by NCGS 160D-702(b), this section shall not regulate the building design elements of any structures subject to regulation under the North Carolina Residential **Building Code for One- and Two-Family Dwellings**.

4.4 Historic Overlay District (H-O)

4.4.1 Description; Purposes

The H-O, Historic Overlay district is intended to preserve and protect Hickory's locally designated historic districts and historic landmarks, which are among the city's most valued and important assets. H-O districts are established for the following purposes:

- Protecting and conserving the heritage of the City of Hickory and the State of North Carolina;
- Safeguarding the character and heritage of the historic districts and historic landmarks by preserving the historic districts as a whole and any individual property therein or historic landmark that embodies important elements of its social, economic, cultural, political or architectural history;
- Promoting the conservation of such historic districts and historic landmarks for the education, pleasure and enrichment of residents of the historic districts, historic landmarks, the City of Hickory and the state as a whole;
- Fostering civic beauty; and
- Stabilizing and enhancing property values within historic districts and historic landmarks, thus contributing to the improvement of the general health and welfare of the City of Hickory and the residents of the historic districts and historic landmarks.

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4.4.11 Certificate of Appropriateness

Procedures. Certificates of Appropriateness shall be reviewed and approved in accordance with the procedures of Sec. 2.5.

4.5 Watershed Protection Overlay District (WP-O) (TA 18-01)

4.5.1 General Provisions

Intent. The WP-O, Watershed Protection Overlay district provisions of this section are intended to carry out the requirements of Article 21 of Chapter 143 of the General Statutes of North Carolina and to limit the exposure of public supply watersheds to pollution from surface water runoff. The sources of such pollution include stormwater runoff from built upon areas, leachate from sanitary landfills, accidental spills of hazardous materials, wastewater discharges, soil erosion, land application of sludge or petroleum contaminated soils and other point and nonpoint sources of pollution. Generally, land within the Lake Hickory Water Supply Watershed is classified as WS-IV, and land within the Jacob's Fork Water Supply Watershed is classified as WS-III.

Effect of WP-O District Designation. The WP-O district is applied in combination with ("overlying underlying") existing base zoning districts and has the effect of modifying the requirements, regulations and procedures applying in the applicable base-zoning district to the extent expressly indicated in this section. When no special WP-O district standards are specified, all other applicable regulations of this Land Development Code will govern.

4.5.2 Applicability; Exemptions (TA 21-01)

New development within **WS-IV** watershed areas on parcels or project sites equal to or greater than one (1) acre shall comply with the requirements of this section. Development on parcels or project sites less than one (1) acre are not exempt if they are part of a larger common plan of development or sale, even though multiple, separate or distinct activities take place on different schedules. All new development shall comply with the buffer requirements of Sec. 4.5.10.

Existing development is not subject to the requirements of this section. Expansions to structures classified as existing development must meet the requirements of this ordinance, however, the built-upon area of the existing development is not required to be included in the density calculations.

Single lots of record as of **June 30, July 1, 1993**, if zoned for residential use, may be developed for single family residential purposes in accordance with the other requirements of the Hickory Land Development Code without being subject to the restrictions of this section. Such lots of record shall not be required to be combined to achieve the density standards of this section.

Expansions to non-single family structures classified as existing development must meet the requirements of this section; however, the built upon area of the existing development is not required to be included in the density calculations. Expansions to structures other than existing development must meet the requirements of this section for the entire site.

Redevelopment of built upon areas of existing development is allowed if the rebuilding activity does not have a net increase in built upon area or provides equal or greater stormwater control than the previous development.

Single family dwellings may be expanded, redeveloped or replaced in accordance with the other requirements of the Hickory Land Development Code without being subject to the restrictions of this section.

Nothing contained herein shall repeal, modify, or amend any state or federal law or regulation, or any ordinance or regulation pertaining thereto except any ordinance which these regulations

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specifically replace; nor shall any provision of this ordinance amend, modify, or restrict any provisions of the City’s Code of Ordinances resolutions, and regulations in effect in the City at the time of the adoption of this ordinance that may be constituted to impair or reduce the effectiveness of this ordinance or to conflict with any of its provisions.

It is not intended that these regulations interfere with any easement, covenants or other agreements between parties. However, if the provisions of these regulations impose greater restrictions or higher standards for the use of land or a building, then the provisions of these regulations shall control.

4.5.3 WP-O District Boundaries

The boundaries of the WP-O district are shown on the official zoning map. The WP-O district is divided into critical area, **balance of watershed**, and protected area sub districts shown on the official zoning atlas.

4.5.4 Definitions (TA 21-01)

Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the meaning they have in common usage and to give this section its most reasonable application. The definitions of this subsection shall be used solely for the purpose of interpreting and administering the Watershed Overlay district provisions of this section.

Term	Definition
Animal Unit	A unit of measurement developed by the US Environmental Protection Agency that is used to compare different types of animal operations.
Balance of Watershed (BW)	The area adjoining and upstream of the critical area in the WS-III (Jacob’s Fork) water supply watershed. The “balance of watershed” is comprised of the entire land area contributing surface drainage to the stream, river, or reservoir where the water supply intake is located. This term applies to any portion of the Hickory Regional Planning Area located in the Jacobs Fork Water Supply Watershed for the application of watershed protection overlay district regulations.
Buffer	An area of natural or planted vegetation through which storm water runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants. The buffer is measured landward from the normal pool elevation of impounded structures and from the bank of each side of streams or rivers.
Built-Upon Area	Built-upon area means impervious surface and partially impervious surface to the extent that the partially impervious surface does not allow water to infiltrate through the surface and into the subsoil. "Built-upon area" does not include a slatted deck; the water area of a swimming pool; a surface of number 57 stone, as designated by the American Society for Testing and Materials, laid at least four inches thick over a geotextile fabric; a trail as defined in G.S. 113A-85 that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour); or landscaping material, including, but not limited to, gravel, mulch, sand, and vegetation, placed on areas that receive pedestrian or bicycle traffic or on portions of driveways and parking areas that will not be compacted by the weight of a vehicle, such as the area between sections of pavement that support the weight of a vehicle (except as exempted by State law).
Common Plan of Development	Site with multiple lots where there is a single development plan for all the lots, usually represented by a master plan or a set of declarations or restrictive covenants.

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Critical Area	The watershed area adjacent to Lake Hickory west of the NC 127 bridge extending either one half mile from the normal pool elevation of the lake or to the ridgeline of the watershed (whichever comes first) where the risk associated with pollution of the water supply is greatest. This term also applies to any portion of the Hickory Regional Planning Area located in the Jacob's Fork Water Supply Watershed for the application of watershed protection overlay district regulations.
Developed Parcel	Any parcel of a parcel pair that, under any approval granted under this part, may be developed to a development density or intensity that exceeds the maximum development density or intensity that would apply to the parcel if the paired-parcel averaged-density development option were not available.
Exemption	An exemption is the complete waiver of a management requirement or the relaxation of any management requirement that applies to a development proposal intended to qualify under the high-density option.
Existing Development	Those projects that are built or that have an established vested right under North Carolina General Statutes as of July 1, 1993. Existing development, for the purposes of these rules, shall be defined as those projects that are built or those projects that at a minimum have established a vested right under North Carolina zoning law as of the effective date this Water Supply Ordinance (July 1, 1993) or such earlier time that the City of Hickory's management plans and ordinance shall specify, based on at least one of the following criteria: (1) Substantial expenditures of resources (time, labor, money) based on a good faith reliance upon having received a valid approval from the City of Hickory to proceed with the project; or upon having an approved preliminary plat or planned development or group housing development plan; or (2) Having a valid building permit as authorized by North Carolina General Statute ; or (3) Having a valid zoning compliance permit as outlined within this ordinance.
Existing Lot	A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Register of Deeds prior to July 1, 1993.
Hazardous Material	Any substance listed as such in the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) at 42 U.S.C. Chapter 103 (CERCLA); the 1986 amendments to CERCLA known as the Superfund Amendments and Reauthorization Act (SARA, Section 302 (dealing with extremely hazardous substances); or 33 U.S.C. § 1321 (Section 311 of the Clean Water Act dealing with oil and hazardous substances).
Impervious Coverage (TA 14-01)	That portion of a development project that is covered by impervious or partially impervious cover including buildings, pavement, gravel areas, recreation facilities (e.g., tennis courts, etc.) (Note: Wooden slatted decks and the water area of a swimming pool are considered pervious.) Measurements of impervious coverage shall be based upon net project area excluding land within existing street right of way or within the flooding easements of Lake Hickory.
Landfill	A facility used for the disposal of solid waste on land in a sanitary manner in accordance with Chapter 130A, Article 9 of the NC General Statutes. For the purpose of this section, the term does not include composting facilities.
Major Variance	A variance that is not a minor variance as defined in this ordinance.
Minor Variance	A variance from the minimum statewide watershed protection rules that results in a relaxation, by a factor of up to five (5) percent of any buffer, density or built-upon area requirement under the high-density option; or that results in a relaxation, by a factor of up to ten (10) percent, of any management requirement under the low-density option. For variances to a vegetated setback requirement, the percent variation shall be calculated using the footprint of built-upon area

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	proposed to encroach with the vegetated setback divided by the total area of vegetated setback within the project.
Nonresidential Development	All development other than residential development, agriculture or silviculture.
Paired-parcel Averaged-density Development (TA 14-01)	A development proposal that includes a parcel pair meeting the development standards of this Section and that qualifies for local development approval under the density-averaging provision of NCGS §143-214.5.
Parcel Pair	Two noncontiguous parcels of land under the same or separate ownership, or two contiguous parcels of land under separate ownership, the development plans for which have been submitted in tandem so as to qualify for density averaged development permission under this Section.
Perennial Stream	Streams that have flow year-round and are shown on the US Geological Survey's quadrangle as a solid blue line or as identified by the jurisdictional assessment required in this section.
Protected Area	The area adjoining and upstream of the critical area of the Water Supply Watershed in which protection measures are required. The boundaries of the protected area are defined as extending five miles upstream and draining to the portions of Lake Hickory west of the NC 127 bridge or to the ridgeline of the watershed, whichever comes first. This term also applies to any portion of the Hickory Regional Planning Area located in the Jacobs Fork Water Supply Watershed for the application of watershed protection overlay district regulations.
Stormwater Control Measures (SCMs)	A structural or nonstructural management-based practice used singularly or in combination to reduce nonpoint source inputs to receiving waters in order to achieve water quality protection goals. A permanent structural device that is designed, constructed, and maintained to remove pollutants from stormwater runoff by promoting settling or filtration; or to mimic the natural hydrologic cycle by promoting infiltration, evapo-transpiration, post-filtration discharge, reuse of stormwater, or a combination thereof.
Stormwater Design Manual	The latest edition of the Stormwater Design Manual published by the North Carolina Department of Environmental Quality, Division of Energy, Mineral, and Land Resources (DEQ, DEMLR)
Surface Waters	All waters of the State as defined in NCGS 143-212 except ground waters.
Undeveloped Parcel	The parcel in a parcel pair that is not developed.
Vegetative Conveyance	A low-density stormwater diversion / control feature meeting the following criteria: <ol style="list-style-type: none"> 1. Side slopes shall be no steeper than 3:1 (horizontal to vertical) unless it is demonstrated the soils and vegetation will remain stable in perpetuity based on engineering calculations and on-site soil investigation; and 2. The conveyance shall be designed so that it does not erode during peak flow from the 10-year storm event as demonstrated by engineering calculations.
Waterbody	A natural or man-made basin, including lakes, ponds, and reservoirs, that stores surface water permanently at depths sufficient to produce the growth of non-hydrophilic rooted plants.
Water Dependent Structure	Any structure for which the use requires access to or proximity to or siting within surface waters to fulfill its basic purpose, such as boat ramps, boathouses, docks and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots and commercial boat storage areas are not water dependent structures.
Watershed	The entire land area contributing surface drainage to a specific point (e.g., the water supply).

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4.5.5 Allowed and Prohibited Uses in the Critical Area Watershed Areas

Within the critical area, sanitary landfills and new sites for land application of sludge/residuals or petroleum contaminated soils are prohibited.

Allowed = Yes / Prohibited = No

Activity / Use	WS-III CA	WS-III BW	WS-IV CA	WS-IV PA
New landfills	No	Yes	No	Yes
New permitted residual land application	No	Yes	No	Yes
New permitted petroleum contaminated soils sites	No	Yes	No	Yes
NPDES General or Individual Stormwater discharges	Yes	Yes	Yes	Yes
NPDES General Permit Wastewater Discharges pursuant to 15A NCAC 02H .0127	Yes	Yes	Yes	Yes
New NPDES Individual Permit domestic treated wastewater discharge	No	Yes	Yes	Yes
New NPDES Individual Permit industrial treated wastewater discharge	No ^b	No ^b	Yes	Yes
Non-process industrial waste	Yes	Yes	Yes	Yes
New industrial connections and expansions to existing municipal discharge with pretreatment program pursuant to 15A NCAC 02H .0904	No	No	Yes	Yes
Sewage	No ^c	No ^c	No ^c	No ^c
Industrial Waste	No ^c	No ^c	No ^c	No ^c
Other wastes	No ^c	No ^c	No ^c	No ^c
Groundwater remediation project discharges ^e	Yes	Yes	Yes	Yes
Agriculture ^f	Yes	Yes	Yes	Yes
Silviculture ^g	Yes	Yes	Yes	Yes
Residential Development ^h	Yes	Yes	Yes	Yes
Non-residential Development ^{hi}	Yes	Yes	Yes	Yes
Nonpoint Source Pollution ^k	Yes	Yes	Yes	Yes
Animal Operations ^l	Yes	Yes	Yes	Yes

Notes:

^a Permitted pursuant to 15A NCAC 02B .0104

^b Except non-process industrial discharges are allowed

^c Only allowed if specified in 15A NCAC 02B .0104

^d Not allowed if activity(ies) has/have adverse impact on human health

^e Where no other practical alternative exists

^f In WS-I watersheds and Critical Areas of WS-II, WS-III, and WS-IV watersheds, agricultural activities conducted after 1/1/1993 shall maintain a minimum 10- foot vegetated setback or equivalent control as determined by Soil and Water Conservation Commission along all perennial waters indicated on most recent version of USGS 1:24000 scale (7.5 minute) topographic maps or as determined by local government studies.

^g Subject to Forest Practice Guidelines Related to Water Quality (02 NCAC 60C .0100 to .0209) Effective 4/1/2018

^h See density requirements in 15A NCAC 02B .0624

ⁱ See different allowed and not allowed in this table.

^j Watershed shall remain undeveloped except for following uses when they cannot be avoided: power transmission lines, restricted access roads, and structures associated with water withdrawal, treatment, and

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distribution of WS-I waters. Built upon area shall be designed and located to minimize stormwater runoff impact to receiving waters.

^kNon Point Source pollution shall not have adverse impact, as defined in 15A NCAC 02H .1002, on use as water supply or any other designated use.

^lDeemed permitted, as defined in 15A NCAC 02T .0103 and permitted under 15A NCAC 2H .0217

4.5.6 Restrictions on Uses within the Protected and Critical Areas

Within the critical area, agriculture is subject to the provisions of the Food Security Act of 1985 and the Food, Agriculture, Conservation and Trade Act of 1990.

Agricultural activities must maintain a minimum 10 foot-wide vegetated buffer or equivalent control as determined by the Soil and Water Conservation Commission, along all perennial waters as shown on the official zoning atlas.

Animal operations greater than 100 animal units shall employ best management practices by July 1, 1994. The Soil and Water Conservation Commission is responsible for implementing these provisions pertaining to agricultural activities.

Silviculture activities shall be subject to the provisions of the Forest Practices Guidelines Related to Water Quality (15A NCAC 1.I.0101.0209). The North Carolina Division of Forest Resources is responsible for implementing these provisions pertaining to silviculture activities.

New nonresidential development within watershed areas shall incorporate adequately designed, constructed and maintained spill containment structures if hazardous materials are either used, stored or manufactured on the premises.

The construction of new roads and bridges and nonresidential development shall minimize built upon area, divert stormwater away from surface water supply waters as much as possible, and employ stormwater control measures (SCMs) to minimize water quality impacts.

Road construction shall use SCMs outlined in the North Carolina Department of Transportation document entitled, "Best Management Practices for the Protection of Surface Waters."

4.5.7 Density Requirements

Within the protected and critical areas, the following density and impervious coverage limits shall apply to new development that is not otherwise exempted by Section 4.5.2 above:

Low Density Option (WS-III)

- (1) New development under the low-density option is not required to provide SCMs meeting the design standards of the NCDEQ, DEMLR as the primary treatment system for stormwater runoff.
- (2) Within the critical area, residential uses are allowed at a maximum density of 1 dwelling unit per acre; other residential and all nonresidential development shall be subject to a maximum impervious coverage limit of 12 percent. Stormwater runoff from the development shall be transported by vegetated conveyances to the maximum extent practicable.
- (3) Within the ~~protected area~~ balance of watershed, single-family detached residential projects are allowed at a maximum density of 2 dwelling units per acre; all other residential and all nonresidential development shall be subject to a maximum impervious coverage limit of 24 percent. Stormwater runoff from the development shall be transported by vegetated conveyances to the maximum extent practicable.

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All built-upon areas shall be designed and located to minimize stormwater runoff impact to the receiving waters and minimize concentrated stormwater flow, maximize the use of sheet flow through vegetated areas, and maximize the flow length through vegetated areas.

Areas of concentrated density development shall be located in upland areas and away, to the maximum extent practical, from surface waters and drainage ways.

The remainder of the tract shall remain in a vegetated or natural state. The title to the open spaces area(s) shall be conveyed to an incorporated homeowners association for management; to a local government for conservation as a park or open space; or to a conservation organization for preservation in a permanent easement. When a property association is not incorporated, a maintenance agreement shall be filed with the property deeds.

Cluster development that meets the applicable low density requirement shall transport stormwater runoff by vegetated conveyances to the maximum extent practical.

4.5.9 Planned Developments

Planned developments shall be treated as a single property where development-wide stormwater and erosion control measures are utilized. Project densities and impervious coverage may be calculated on a development-wide basis for such projects.

4.5.10 Buffer Areas Required

~~A minimum 100-foot vegetative buffer is required for all new high-density development activities and a minimum 30-foot vegetative buffer is required for all new low-density development activities along all indicated perennial waters within the WP O district. No new development is permitted within the buffer except for artificial stream bank or shoreline stabilization, water dependent structures and public or private projects such as road crossings or greenways where no practical alternatives exist. Activities within buffer areas shall minimize impervious coverage area, direct runoff away from surface waters and maximize the utilization of stormwater best management practices.~~

A minimum one hundred (100) foot vegetative setback is required for all new development activities that exceed the low-density option; otherwise, a minimum thirty (30) foot vegetative setback for development activities is required along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined government studies. Desirable artificial streambank or shoreline stabilization is permitted.

Where USGS topographic maps do not distinguish between perennial and intermittent streams, an on-site stream determination may be performed by an individual qualified to perform such stream determinations.

No new development is allowed in the buffer except for water dependent structures, other structures such as flag poles, signs and security lights which result in only diminutive increases in impervious area and public projects such as road crossings and greenways where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of stormwater Best Management Practices.

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4.5.11 Calculation of Project Density

(A) The following requirements shall apply to the calculation of project density.

- (1) Project density shall be calculated as the total built-upon area divided by the total project area;
- (2) A project with "Existing Development," as defined in this ordinance, may use the calculation method in Sub-Item (1) of this Item or may calculate project density as the difference of total built-upon area minus existing built-upon area divided by the difference of total project area minus existing built-upon area.
- (3) Expansions to Existing Development shall be subject to 15A NCAC 02B .0624 except as excluded in Rule 15A NCAC 02B .0622 (1)(d).
- (4) Where there is a net increase of built-upon area, only the area of net increase shall be subject to density and built upon area limits.
- (5) Where Existing Development is being replaced with new built-upon area, and there is a net increase of built-upon area, only the area of net increase shall be subject to density and built upon area limits.
- (6) Total project area shall exclude the following:
 - (a) areas below the normal high water line (NHWL); and
 - (b) areas defined as "coastal wetlands" pursuant to 15A NCAC 07H .0205, herein incorporated by reference, including subsequent amendments and editions, and available at no cost at <http://reports.oah.state.nc.us/ncac.asp>, as measured landward from the NHWL; and
- (7) Projects under a common plan of development shall be considered as a single project for purposes of density calculation except that on a case-by-case basis, local governments may allow projects to be considered to have both high and low density areas based on one or more of the following criteria:
 - (a) natural drainage area boundaries;
 - (b) variations in land use throughout the project; or
 - (c) construction phasing.

(B) Low Density Projects

In addition to complying with the project density requirements of Item (A) of this Rule, low density projects shall comply with the following:

- (1) Vegetated Conveyances. Stormwater runoff from the project shall be released to vegetated areas as dispersed flow or transported by vegetated conveyances to the maximum extent practicable. Vegetated conveyances shall be maintained in perpetuity to ensure that they function as designed. Vegetated conveyances that meet the following criteria shall be deemed to satisfy the requirements of this Sub-Item:
 - (a) Side slopes shall be no steeper than 3:1 (horizontal to vertical) unless it is demonstrated the soils and vegetation will remain stable in perpetuity based on engineering calculations and on-site soil investigation; and
 - (b) The conveyance shall be designed so that it does not erode during the peak flow from the 10-year storm event as demonstrated by engineering calculations.

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(2) CURB OUTLET SYSTEMS. In lieu of vegetated conveyances, low density projects shall have the option to use curb and gutter with outlets to convey stormwater to grassed swales or vegetated areas. Requirements for these curb outlet systems shall be as follows:

- (a) The curb outlets shall be located such that the swale or vegetated area can carry the peak flow from the 10-year storm and at a non-erosive velocity;
- (b) The longitudinal slope of the swale or vegetated area shall not exceed five percent except where not practical due to physical constraints. In these cases, devices to slow the rate of runoff and encourage infiltration to reduce pollutant delivery shall be provided;
- (c) The swale's cross section shall be trapezoidal with a minimum bottom width of two feet;
- (d) The side slopes of the swale or vegetated area shall be no steeper than 3:1 (horizontal to vertical);
- (e) The minimum length of the swale or vegetated area shall be 100 feet; and
- (f) Low density projects may use treatment swales designed in accordance with 15A NCAC 02H .1061 in lieu of the requirements specified in Sub-Items (a) through (e) of this Sub-Item.

(C) HIGH DENSITY PROJECTS. In addition to complying with the project density requirements of Item (A) of this Rule, high density projects shall comply with the following:

- (1) Stormwater Control Measures (SCMs) shall be designed, constructed, and maintained so that the project achieves either "runoff treatment" or "runoff volume match" as those terms are defined in 15A NCAC 02B .0621;
- (2) For high density projects designed to achieve runoff treatment, the required storm depth shall be one inch. Applicants shall have the option to design projects to achieve runoff volume match in lieu of runoff treatment;
- (3) Stormwater runoff from off-site areas and existing development, shall not be required to be treated in the SCM. Runoff from off-site areas or existing development that is not bypassed shall be included in sizing of on-site SCMs;
- (4) SCMs shall meet the relevant Minimum Design Criteria set forth in 15A NCAC 02H .1050 through .1062; and
- (5) Stormwater outlets shall be designed so that they do not cause erosion downslope of the discharge point during the peak.

4.5.12 Application Submittal Requirements (TA 21-01)

In addition to the information otherwise required to be submitted with Zoning Compliance Permits, the following information shall be required to be submitted with Zoning Compliance Permit applications for all projects within the WP-O district:

- (1) The square footage and percent of impervious coverage area.
- (2) For residential projects, total dwelling units and dwelling units per acre.
- (3) The accurate location of all perennial streams and natural drainage areas on the property.
- (4) The location and landscaping proposed for all required buffer areas.
- (5) For high density projects, copies of the development plan including a location map, adjoining property owners, lot dimensions, and rights of way; the accurate location of all existing and proposed buildings and other structures, and the location and size in square feet of all impervious coverage areas. In cases where the developer intends to sell development rights to a third party or subdivide the property, the plan must specify the maximum allowed impervious coverage area for each parcel or tract.
- (6) For high density projects, the location of any stormwater SCMs and copies of the plans and specifications for any stormwater SCMs designed and sealed by a North Carolina

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- (2) Sufficient information shall be submitted so that it may be determined that the density of the paired parcels, calculated either by dwelling units per acre or built upon area, shall not exceed the density that would be allowed if the parcels were developed separately. The paired parcels shall be located within the same water supply watershed and preferably in the same drainage area of the watershed. Parcels to be used in pairs may be located in the Protected or Critical Areas. However, if one of the parcels is located in the Critical Area and one is located in the Protected Area the Critical Area parcel shall not be developed beyond the applicable density requirements for its classification.
- (3) Vegetative buffers shall at a minimum meet the appropriate minimum statewide water supply watershed protection requirements on both parcels in the parcel pair according to the density of development occurring on each parcel. Areas of concentrated density development are to be located in upland areas, and to the maximum extent practical, away from surface waters and drainageways.
- (4) Sufficient information shall be submitted so that it may be demonstrated that the parcels are designed to:
 - a. Minimize stormwater runoff impact to the receiving waters by minimizing concentrated storm water flow;
 - b. Maximize the use of sheet flow through vegetated areas;
 - c. Minimize impervious surface areas;
 - d. Locate development away from surface waters and drainage ways to the maximum extent practicable; and
 - e. Convey storm water from developed areas by vegetated swales to the maximum extent practical.
- (5) The undeveloped parcel(s) or portion(s) thereof shall remain in a vegetated or natural condition and shall be placed in a permanent conservation easement.
- (6) Applicants shall agree to bind themselves and their successors in title, individually and collectively, to maintain the pattern of development proposed in perpetuity. Parties to enforcement of such agreement shall include the City of Hickory. No such agreement shall be accepted without approval of the Staff Attorney as to the legal sufficiency of the documents involved.
- (7) Undeveloped land areas proposed for incorporation into the density or impervious coverage area calculation shall meet the following criteria:
 - a. Projects in the Protected Area or Balance of Watershed may incorporate undeveloped land elsewhere in the Protected Area, Balance of Watershed or Critical Area of the same water supply watershed. The amount of additional undeveloped acreage required shall be determined by dividing the appropriate density or impervious coverage area factor into the number of dwelling units or impervious coverage area in excess of the amount permitted on the project site by these regulations to determine the amount of other land to be reserved as undeveloped so that the overall density or intensity of the project shall not exceed the density or intensity that would be allowed if the parcels were developed separately .
 - b. Parcels located in critical areas may not be developed beyond the applicable density requirements of its classification.

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4.7.7 Architectural Compatibility

Buildings used or constructed for use in the NC127-O shall be constructed so as to be architecturally compatible with the surrounding residential structures in the neighborhood. Architectural Compatibility shall include:

Buildings used for non-residential purposes shall not exceed 5,000 square feet in total floor area and two stories in height.

All such buildings shall have sloped roofs, entrances oriented towards the abutting street and be constructed of materials compatible with the building material used in the immediate area including brick, stone, wood, and other natural materials.

4.7.8 Signs (TA 11-01)

Non-residential properties in the NC127-O shall be allowed one free standing externally lit sign, a maximum of 16 square feet in area and six (6) feet in height and one externally lit wall sign a maximum of 16 square feet in area.

Signs shall be constructed of materials compatible and consistent with the neighborhood in which they are located. Such materials shall be limited to wood, brick or stone (excluding smooth-faced block), iron or other similar metals, and other natural materials. Such signs may be created from synthetic materials that closely replicate the materials listed in this section.

All signs shall comply with the standards of this subsection, as well as the standards of Chapter 10.

4.7.9 Regulation of Building Design Elements (TA 21-01)

Except as authorized by NCGS 160D-702(b), this section shall not regulate the building design elements of any structures subject to regulation under the North Carolina Residential **Building Code for One and Two Family Dwellings**.

4.8 High Rise Sign Overlay District (HRS-O)

4.8.1 Description

The High-Rise Sign Overlay District (HRS-O) regulates signage and advertising apparatus for businesses that rely on motorists utilizing U.S Interstate 40 (I-40). The boundaries of the HRS-O are shown on the City of Hickory's Official Zoning Map.

4.8.2 Development Standards (TA 11-01) (TA 18-01)

No more than one (1) high rise sign shall be erected on a zoning lot. The maximum height of a high-rise sign shall not exceed 60 feet.

The maximum area of high-rise signs shall not exceed 200 square feet.

All high-rise signs shall be set back at least 5 feet from all lot lines.

Where a high-rise sign is installed, an additional ground mounted freestanding sign may be installed. The area of the high-rise sign shall be excluded from calculations of permitted sign area as outlined in Chapter 10.

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	R-1	R-2	R-3	R-4	NC	CC-1	CC-2	OI	C-1	C-2	C-3	IND	Standards (Notes)
Residential Categories													
Residential Household Living													
Single-family Residence (detached)	P	P	P	P	P	P	P	P	P				(TA 22-01)
Single-family Residence (attached)	P	P	P	P	P	P	P	P	P	P	P		(TA 21-01, 22-01)
Accessory Dwelling Unit	P	P	P	P	P	P	P	P	P	P	P		6.3.2, (TA 21-01, 22-01)
Caretaker's Residence					AC	AC	AC	AC	AC	AC	AC	AC	(TA 21-01)
Duplexes	P		P	P	P	P	P	P	P	P			(TA 11-01, 14-01, 21-01)
Manufactured Home	P												6.2.13 (TA 22-01)
Manufactured Home Park	S												6.2.14 (TA 22-01)
Multi-family Structure			P	P	P	P	P	P	P	P	P		
Upper Story Residential					P	P	P	P	P	P	P		
Group Living													
Boarding House				P						P			6.2.9 (TA 22-01)
Family Care Home (6 or fewer residents)	P	P	P	P	S	S	S	P	P				
Group Living Facility (7 or more residents)	S	S	S	S				S		S			6.2.9
Nursing, Convalescent, and Extended Care Facilities	S	S	S	S	S	P	P	P	P	P			6.2.17, (TA 21-01)
Commercial Categories													
Animal Hospital/Veterinary Clinic					P	P	P	P	P	P	P	P	6.2.2
Amusement Facilities, Indoor					P	P	P		P	P	P	P	
Amusement Facilities, Outdoor						P	P			P	P	P	
Bed and Breakfast	S	S	S	S	P	P	P	P	P	P			6.2.3 (TA 11-01)
Campground/Recreational Vehicle Park	S												
Food Truck and Trailer Court					P	P	P			P	P		6.2.29
Drinking Establishment					S	S	S	S	S	S	S	S	6.2.8 (TA 11-01, 19-03, 21-01)

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Evidence shall be submitted that the requirements and standards of the NC Department of Health and Human Services have been and shall continue to be met.

6.2.8 Drinking Establishments (TA 19-01)

Except within the Central Business District (C-1), the parcel on which a drinking establishment is located shall not be closer than 200 feet to any parcel on which another drinking establishment is located.

Except within the Central Business District (C-1), the parcel on which a drinking establishment is situated shall not be located adjacent to a church, elementary or secondary school, or public park. For purposes of this section, parcels located across a street right-of-way from a proposed drinking establishment shall be deemed to be adjacent.

The main entrance to the building shall be oriented towards a public street where the abutting properties are zoned predominantly for non-residential uses.

6.2.9 Group Living and Boarding Houses (TA 12-01) (TA 18-01) (TA 19-01) (TA 22-01)

The use must be located at least 1,500 feet of another such Group Living or Boarding House facility. This distance is measured from property line straight to the other property line, and not along a street route.

All applicable requirements and standards of the North Carolina Department of Health and Human Services have been and shall continue to be met.

Group living facilities and Boarding Houses located within residential zoning districts shall have no external evidence of such use, distinguishing the group living or boarding house facility from a regular dwelling, shall be visible from adjacent property, public or private.

Each facility shall be designed and built to appear as similar to a residential structure as possible.

All facilities with 30 or more residents shall have direct access to a collector or arterial street major or minor thoroughfare, as shown on the Thoroughfare Plan. No facility located within a residential zoning district shall have more than 8 residents.

Buffers and screening, where applicable, shall be provided, as required by Section 9.13. For the purposes of buffering and screening, any facility with more than 8 residents shall be classified as Group 2 for buffering and screening requirements.

Signs shall be prohibited within residential zoning districts. Signs within non-residential zoning districts shall be limited to one non-illuminated sign with a maximum area of 6 feet. Said sign shall be attached either flush to the wall or the building or else shall be located at ground level with a maximum height of 4 feet from the ground. No other external evidence of the use for identification or advertising purposes shall be permitted.

All facilities located within residential zoning districts shall be architecturally designed to appear as similar to a residential structure as possible.

6.2.10 Junkyards and Recycling Facilities

The minimum lot size shall be 2 acres.

The minimum setback of any active processing facility from a residentially zoned or used property shall be 500 feet or 100 feet if conducted within an entirely enclosed building.

Processed or unprocessed materials shall be stored no closer than 50 feet from any property line.

Access roads shall be paved; however processing areas may be unpaved so long as appropriate erosion control measures are taken, as identified by the Catawba County Soil

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masonry foundation shall be solid brick or brick veneer. If any masonry other than brick is used, then it must be painted. Installation shall include a positive surface water drainage away from the home;

- (5) Have exterior siding, comparable in composition, appearance durability to the exterior siding commonly used in standard residential construction, consisting of the following materials:
 - (a) Vinyl or aluminum lap siding (whose reflectivity does not exceed that of flat white paint);
 - (b) Cedar or other wood;
 - (c) Stucco, or hardiboard; or
 - (d) Brick or stone.
- (6) Have a roof pitch minimum vertical rise of three (3) feet for each twelve (12) feet of horizontal run;
- (7) Roofs shall be finished with a type of shingle that is commonly used in standard residential construction, or a standing seam painted metal roof.;
- (8) Stairs, porches, entrance platforms, ramps and other means of entrance and exit are installed or constructed in accordance with the standards set by the NC Building Code, attached firmly to the primary structure, and anchored securely to the ground. Wood stairs shall only be used in conjunction with a porch or entrance platform with a minimum of twenty-four (24) square feet. The use of wood stairs only is prohibited at any entrance; and
- (9) Be in full compliance with the City of Hickory's Minimum Housing Code.

6.2.14 Manufactured Home Park

Where Permitted; Intent. Manufactured Home Parks may hereafter be established in the R-1 and R-4 zones in accordance with the general procedures and requirements set forth herein. It is the intent of these regulations to provide for development of such parks in scale with surrounding areas, at locations appropriate, and in accord with standards set forth herein, designed to meet the needs of the residents and to achieve a satisfactory relationship to adjoining and nearby property. Location on minor thoroughfares or collector streets is encouraged. Where location on a major thoroughfare is proposed, special attention shall be given to entrance design, and a minimum setback of 60 feet shall be provided along the major street. Preservation or planting of trees in this setback is required. Classification of major or minor thoroughfares shall be made by reference to the Hickory Thoroughfare Plan.

Permitted Principal and Accessory Uses and Structures.

(1) Principal Uses and Structures Permitted.

- (a) Manufactured homes meeting City of Hickory appearance criteria;
 - (b) Service buildings and areas necessary to provide laundry, sanitation, storage, vending machines, and other similar services provided by the facility operator for the use and convenience of district occupants;
 - (c) Recreation buildings and areas serving only the development in which they are located;
 - (d) Caretaker's or manager's home or office;
 - (e) Customary accessory buildings and facilities necessary for operation of the manufactured home park;
- (2) Permitted Accessory Uses and Structures
- (a) Uses and structures which are customarily accessory and clearly incidental to permitted principal uses and structures including, in a district containing a total of at least 50 dwelling units, establishments for the sale of convenience goods and personal service establishments, provided that the

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floor area occupied by all such establishments shall not total an amount in excess of 5% of the residential floor area of such district.

- (b) Such establishments shall be designed and scaled to meet only the requirements of the district's occupants and their guests. There shall be no evidence of such establishments from any public street.

Minimum Land Area for Manufactured Home Parks. The minimum gross land area required for a Manufactured Home Park is 10 acres in R-1 districts ~~and 3 acres in the R-4 district.~~

Maximum Allowed Intensity of Residential Development Permitted. The maximum permitted intensity of residential development within a Manufactured Home Park shall be 3 dwelling units per acre in R-1 districts ~~and 12 dwelling units per acre in R-4 districts.~~

Development Requirements for Manufactured Home Parks

- (1) The surface of each manufactured home site shall be graded for proper drainage and configured per the setback and required yard provisions for the underlying zoning district.
- (2) No manufactured home site may have direct access to an existing public street.
- (3) Manufactured home park streets shall meet the standards of Sec. 8.3, Sec. 9.2, the Manual of Practice, and the NC State Fire Code.
- (4) A driveway, a minimum of 12 feet in width, must be provided for each manufactured home site.
- (5) Existing site trees shall be preserved where possible. Where they do not exist, appropriate street trees shall be provided, planted and serviced in accordance with the landscaping standards and specifications of this Land Development Code and Manual of Practice.
- (6) Two off-street parking spaces per site shall be provided.
- (7) Natural site features shall, to the extent feasible, be preserved.
- (8) Each manufactured home must have a permanent patio or treated wood deck at least 180 square feet in area, located adjacent to the manufactured home.
- (9) A walkway must be constructed for each manufactured home site to connect the parking area and patio.

Manufactured Home Appearance Criteria for Manufactured Home Parks. Manufactured homes placed in Manufactured Home Parks shall meet the appearance criteria of section 6.2.13

Site Planning. Site planning within the district shall provide protection of the development from potentially adverse surrounding influences and protection of surrounding areas from potentially adverse influences within the development. Such adverse influences shall include diminished levels of public services, inadequate transportation infrastructure, and the like.

Signs visible from outside Manufactured Home Park. No signs visible from outside the Manufactured Home Park shall be erected within such districts other than not to exceed two signs identifying the development, with total maximum surface area not to exceed 16 square feet, at each principal entrance to the development. In addition, during the process of construction and initial sale or rental within such development, temporary announcement signs may be allowed as provided in Sec. 10.9.

Internal Relationships

- (1) The site plan shall provide for safe, efficient, convenient and harmonious grouping of structures, uses and facilities, for appropriate relation of space inside and outside buildings to intended uses and structural features, and for preservation of desirable natural features and minimum disturbance of natural topography.

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- (12) The operations plan and the rehabilitation plan shall be coordinated so that the amount of disturbed land is kept to the absolute minimum consonant with good practices and so that rehabilitation proceeds in concert with extraction.
- (13) The City Council shall require, for all extractive uses, a performance guarantee to ensure that the provisions of the rehabilitation plan are met. Such performance guarantees shall be in a form approved by the City of Hickory. The amount of such guarantee shall cover the cost of rehabilitation. The applicant's engineer shall certify the costs of rehabilitation on a per acre basis, if the cost does not exceed the amount posted with the State of North Carolina.

6.2.17 Nursing, Convalescent, and Extended Care Facilities (TA 11-01) (TA 18-01)

All nursing, convalescent and extended care facilities shall have direct access to a collector or arterial street, as shown on the Thoroughfare Plan.

The applicant shall provide written evidence that all the regulatory requirements of the State of North Carolina have been and shall continue to be met.

6.2.18 Open Storage

- (1) Open storage as a principal use shall not be allowed in the required setback area of any front yard.
- (2) All instances of open storage areas as a principal use shall be screened from view of any public or private street and from all residentially zoned land through the installation of a solid fence, wall, or dense evergreen landscaping. Dense landscaping shall be used to the maximum extent practicable.

6.2.19 Public Facility

Whenever possible, such facilities shall be designed and constructed to have the same height and bulk as adjacent structures, but when necessitated by operating requirements, a public facility may exceed the height of adjacent structures and the maximum height limit for the zoning district in which the facility is located. If the public facility exceeds the maximum height for the district, it shall be set back one additional foot beyond the required minimum setback for each foot of height above the district maximum.

6.2.20 Schools

The school shall provide for the safe loading and unloading of students on school property so as not to create congestion on public streets.

The applicant shall provide a floor plan and preliminary development concept plan in accordance with Section 2.4, Special Uses.

6.2.21 Seasonal and Temporary Sales (TA 14-02)

Seasonal sales are characterized as sales activities, either primary or accessory in nature, conducted on zoning lots, which may be absent from other businesses. Seasonal sales include the display and sale of Christmas trees, fireworks, pumpkins, and other goods commonly associated with a holiday or seasonal activity.

Temporary sales are characterized as accessory sales activities conducted on improved zoning lots where the business conducting the temporary sale is located. Temporary sales include, but are not limited to, the display and sale of landscape supplies, building materials that are not otherwise required to be screened, outdoor furniture, and recreational equipment.

- (1) Property and/or business owners may permit for short-term temporary sales by not-for-profit groups, such as Girl Scout troops, high school groups and similar organizations, to be conducted on their premises. These types of sales will not be

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required to obtain a temporary sales permit; provided such sales do not utilize temporary structures, cooking devices or portable power (generators). Should such sales utilize these types of items a temporary sales and/or special event permit shall be required.

- (2) All City sponsored or approved special events shall be exempt from this section. ~~Furthermore, properly licensed and permitted shall also be exempt from this section, provided they are located within non-residential zoning~~
- (3) Operators of seasonal or temporary sales areas shall obtain a zoning compliance approval from the Planning Director. The operator shall provide a site plan illustrating the temporary sales area, location of pedestrian areas, a statement regarding the duration, authorization of the property owner, and any permit or other fees as approved by the City Council.
- (4) The Planning Director may issue a seasonal sales permit for a maximum of forty-five (45) days per calendar year, and may issue a temporary sales permit for a maximum of ninety (90) days per calendar year. With the exception of Christmas trees and similar holiday oriented agricultural or horticultural products, the time limitations (calendar days) contained herein shall not apply to the sales of agricultural or horticultural goods/products.
- (5) Seasonal or temporary sales that use a tent occupying more than 200 square feet shall require approval from the Fire Marshal.
- (6) Seasonal or temporary sales may only be located on commercially zoned properties and shall not utilize more than 20% of the required parking stalls provided on the site for temporary sales purposes.
- (7) All seasonal or temporary sales shall be located outside the public right of way.
- (8) All seasonal or temporary sales shall be located outside of safe sight distances and landscaped areas.
- (9) All seasonal sales shall be located in such a manner as to provide parking outside the right of way and not otherwise create an unsafe traffic condition.
- (10) Signs shall be limited to a maximum of 32 square feet in area and require a temporary sign permit consistent with Chapter 10.

6.2.22 Vehicle Repair

Activities located outside of buildings shall be limited to the dispensing of gasoline, oil, water, and air. All repair activities shall take place within buildings.

The exterior openings for automobile ingress and egress to work areas shall not be located on walls of buildings adjacent to residences or residentially zoned property.

6.2.23 Wireless Communication Facilities, Alternative Structures or Collocation (TA 14-01) (TA 21-01)

Uses and Structures Allowed. The following alternative tower structures, uses, modifications, and additions shall be approved by the Planning Director after conducting an administrative review:

- (1) Installing an antenna on an existing structure other than a tower (such as a building, sign, light pole, water tower or other freestanding, nonresidential structure) that is more than 50 feet in height, so long as such addition does not add more than 20 feet to the height of the existing structure;

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Properties located within the city's extraterritorial jurisdictional area (ETJ) and used for bona fide farm purposes are exempt from the city's zoning regulations as outlined within NCGS 160D-903.

6.2.29 Food Truck and Trailer Courts

Detailed site plans depicting driveways, parking areas, food truck and trailer parking areas, trash disposal areas, patron seating areas, and other activities must be prepared and submitted for permitting.

Parking pads for food trucks and trailers must be properly designed and installed. For the purposes of this section, a pad is a properly graded where food truck set up for business. Such pads cannot be counted towards required off-street parking spaces.

Dumpsters located on site must be screened as required by this Land Development Code.

Parcels on which the use is to be established must have hard surfaced driveways and parking areas. (i.e. pavement, concrete, etc.). All driveways and parking areas must be constructed in accordance with this Land Development Code, and all other applicable codes or laws.

Off-street parking for such uses must be provided at a rate of 5 parking spaces per food truck or trailer pad. On-street parking may not be utilized to account for required parking. ADA accommodation must be provided as required by law.

Perimeter parking area landscaping shall be provided as specified within this Land Development Code.

No food truck or trailer shall be placed on a permanent foundation. All food trucks and trailers will be road operable at all times when located within the court. All trucks and trailers are to be transient in nature and shall not be set up on a permanent basis.

Food trucks or trailers may not be set up for operation on any required parking areas or driveways.

If the use is adjacent to residentially used or zoned properties, buffering and screening will be required as specified by this Land Development Code.

Permanent signs shall be limited to one monument sign. Such sign(s) shall be a maximum of six (6) feet in height, and a maximum area of forty (40) square feet in advertising area per side. Such signs shall not be placed within any public right-of-way or within any site distance triangle.

Power generators, air compressors and similar machinery, used in conjunction with on-site activities, shall be operated in accordance with the manufacturer's baffling and noise reduction specifications. If adjacent to residential zoned or used properties, generators may only be used between 8:00 A.M. and 9:00 P.M.

6.3 Accessory Uses (TA 18-01)

6.3.1 Accessory Structures; General Regulations

Accessory structures shall be subject to all applicable regulations of this Land Development Code unless otherwise expressly stated herein.

Accessory structures shall meet the building setbacks, size and height requirements outlined in Article 7.

Accessory structures shall not be erected in any required front setback, provided that fences up to 4 feet in height shall be allowed within required setbacks.

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~~Accessory structures shall not be erected in any required side street setbacks, provided that fences up to 8 feet in height shall be allowed within required side setbacks.~~

~~Accessory structures shall not be erected in rear yard setbacks, provided that fences up to 8 feet in height shall be allowed in rear setbacks.~~

~~Accessory structures shall not exceed height standards for accessory structures.~~

Mechanical structures such as heat pumps, air conditioners, emergency generators, and water pumps are not allowed in front setbacks. They may be allowed in side and rear setbacks if less than 48 inches high.

Shipping containers shall not be used as accessory structures.

6.3.2 Accessory Dwelling Units (TA 11-01 & TA 14-03)

Accessory dwelling units shall be located on a lot that complies with the minimum area and width requirements of the zoning district in which it is located.

Accessory dwelling units shall have a separate means of access, meeting Building Code requirements, from outside the building.

The accessory dwelling unit shall be no larger than 50% of the gross floor area of the principal dwelling unit, or ~~750~~ 900 square feet, whichever is ~~less~~ greater.

One accessory dwelling unit is permitted per lot as an accessory to a detached single family residence.

Detached accessory dwelling units may be constructed in side and rear yards in accordance with Sec. 7.1. In no instance shall a detached accessory dwelling unit be constructed between the primary dwelling unit and any adjacent street.

Accessory dwelling units shall be built to comply with the NC Residential Building Code.

6.3.3 Home Occupations

General. A home occupation is an accessory use of a residential dwelling unit that constitutes, in whole or in part, the livelihood of a person living in the dwelling unit. Home occupations shall be subject to the following limitations:

- The principal person providing the business or service resides in the dwelling on the premises.
- The home occupation employs no more than one (1) person who does not reside on the premises.
- The home occupation causes no change in the external appearance of the existing buildings and structures on the property.
- Any commercial or off-road vehicles used in connection with the home occupation are located entirely within an enclosed building.
- All storage of goods, equipment, or vehicles associated with the home occupation must be located entirely within enclosed buildings.
- There shall be no advertising devices or other signs of the home occupation visible from outside the dwelling or accessory building.
- The use shall not generate traffic, parking, sewage or water use in excess of that which is normal in a residential district.
- No additional parking areas, other than driveways, shall be located in the front setback.
- The business or service is located within the dwelling or an associated accessory building, and does not exceed twenty-five (25) percent of the combined floor area of the structures or two hundred fifty (250) square feet, whichever is less.

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- (a) Applications for temporary health care structures must be accompanied by documentation of the caregiver's or individual's relationship within the mentally or physically impaired person, and a written certification from a physician licensed in the State of North Carolina indicating the individual receiving care is a mentally or physically impaired person. Annual inspections may be required as outlined in NCGS 160D-915(e).

6.4.7 Food Trucks and Trailers

Individual food trucks and trailers may be placed upon improved commercially and industrially zoned properties. Provided the following are satisfied:

- (1) No more than one food truck or trailer may be located on a property at any given time.
- (2) Such trucks and trailers shall not be placed on permanent foundations, and shall be transient and intermittent in nature.
- (3) The location of such trucks and trailers shall not obscure vehicular travel ways.
- (4) Permanent outdoor seating areas shall be prohibited. For the purpose of this section outdoor seating shall include, but not be limited to, picnic tables and tables with movable chairs.
- (5) Permanent power shall not be established.
- (6) Signs shall be prohibited.
- (7) Ballons, streamers, and other attention getting devices shall be prohibited.

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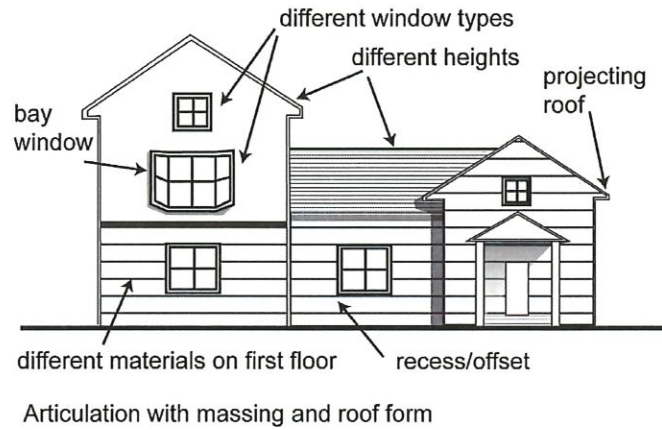
7 Intensity, Dimensional and Design Standards

7.1 Residential District Standards (TA 12-01, TA 14-03, TA 18-01, 21-01 & 22-01)

All development in residential zoning districts shall be subject to the following Intensity, Dimensional and Design Standards. These standards shall not be interpreted as a “guarantee” of development intensity. Other factors and requirements may limit development intensity more than these standards.

Residential Property Standards	R-1	R-2	R-3	R-4
Minimum Lot Area				
Single-Family Detached (sq. ft.)	21,780 [1]	10,890 [1]	5445[1]	3,630 [1]
Single-Family Attached (sq. ft.)	0 [1] [5]	0 [1] [5]	0 [1] [5]	0 [1] [5]
Duplex (sq. ft.)	21,780 [1]	N/A	5445 [1]	3630 [1]
Multi-Family (sq. ft.)	N/A	N/A	21,780 [1]	21,780 [1]
Density- Maximum (per acre)	2	4	8 (Single-Family) 10 (Multi-Family)	12 (Single-Family) 20 (Multi-Family)
Minimum Lot Width/ Frontage (ft)	100 [6]	80 [6]	60 50 [6]	50 40 [6]
Primary Structure				
Minimum Yard Setbacks				
Front Yard (ft) [2]	40	20	20	20
Rear Yard (ft)	25	20	20	10
Interior Side Yard (ft)	10	10	5	5
Street Side Yard (ft)	20	15	15	5
Maximum Height (ft)	35	35	40	50
Accessory Dwelling Units				
Minimum Yard Setbacks				
Front Yard (ft)	50	30	30	30
Rear Yard (ft)	15	15	15	10
Interior Side Yard (ft)	10	10	5	5

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7.2.4 Incompatible Development Setbacks

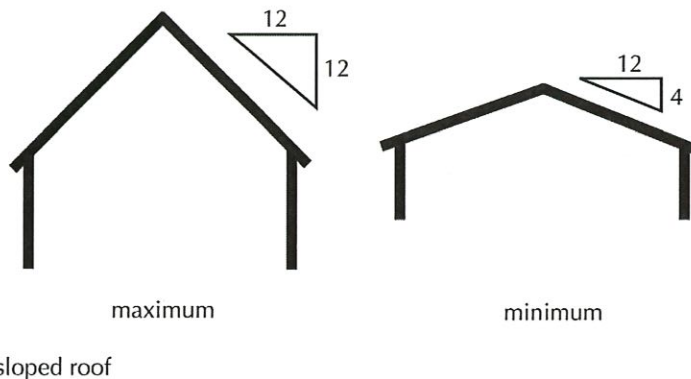
Where multiple family developments **exceeding three stories in height** abuts existing single-family development, setbacks shall be increased 10 feet per floor for each floor of difference between the two development types. The total setback shall be determined by subtracting the floors of the single-family development from the floors of the multiple family developments and multiplying the result by 10 feet and adding the result to the minimum setback requirement. (e.g. where a **three four** story multiple family structure abuts a single story single-family structures the setback along the abutting property line would be increased by **20 30** feet.) If a multiple family development abuts two or more single-family dwellings on one side, the single-family dwelling having the lowest height shall be used for determining compliance with this subsection.

7.2.5 Pitched Roofs (TA 18-01)

Multiple family structures **adjacent to single family residential development or** located within residential zoning districts, shall incorporate pitched roof forms with slopes between 4:12 and 12:12.

Gables facing the street are encouraged.

Dormers shall be used to break-up roofs in excess of 100 feet. At least one (1) dormer shall be provided for each 50 feet of building length.



7.2.6 Building Orientation

Primary building entries shall be clearly identifiable and visible from the street with well-defined pedestrian routes to building entries. Pedestrian routes shall be consistent with the standards for pedestrian connections established above. Primary entries shall include windows, a covered porch or stoop and other architectural features consistent with the other sides of the building.

EXHIBIT A

- [5] For industrial uses within IND districts, accessory structures may exceed 15 feet in height, up to the maximum permitted height for the zoning district, provided that the accessory structure meets the primary structure setbacks.
- [6] The side and rear yard setbacks shown shall not apply when party-walls are utilized in multi-tenant buildings, provided the overall development adheres to all other prescribed setbacks on the developments' external boundary.
- [7] Floor area ratios for colleges, universities, and medical centers may be increased to a FAR of 4.
- [8] Single-family attached dwellings shall not have a required minimum lot size for each unit. The overall development of multiple shall adhere to the permissible density and all units shall be setback from property lines not part of the development as outlined in the above table. (TA 22-01)
- [9] Single-family attached dwellings shall not have a required individual minimum lot width for the district in which the property is located. (TA 22-01)

7.4 Measurements, Computations and Exceptions

7.4.1 Lot Area

Measurement. The area of a lot shall include the total horizontal surface area within the lot's boundaries, not including submerged lands, roadways or rights-of-way.

Multiple Zoning Districts. If a zoning lot includes different zoning districts, the minimum lot area requirements for each district shall be met.

7.4.2 Lot Width (TA 22-01)

Minimum lot width shall be measured between side lot lines along a line that is parallel to the street lot line or its chord. Measurements of lot width shall be made at the minimum street setback line. When a lot has more than one street setback line, lot width shall be measured along the street setback line with the narrower width. In all cases, the width between side lot lines at their intersection with street lot lines shall be at least 25 feet.

Where the average lot width for all existing lots within 50 feet of either side of a parcel is less than the minimum required width, the parcel may be divided resulting in parcels with widths less than what is required. The required width may be reduced by the lesser average width, but in no case be less than 40 feet. For the purpose of computing such average, a vacant lot shall be considered as having the minimum width required for the zoning district.

Existing lots with depths of 200 feet or greater, where their existing width would not permit for division, may be divided to provide one (1) additional building lot should the following items be satisfied:

- (1) Only one new parcel is to be created.
- (2) The width at the street of the parcel to be divided is decreased by no more than 20% of its' current width.
- (3) The width of the new parcel at the street is not less than 25 feet.
- (4) Both the new and existing parcel must meet all current area and building setback requirements. The front setback of the new parcel will be measured where the new parcel's property lines widen to its maximum extent.
- (5) No further division of the parcels shall be permitted under this section.

7.4.3 Density (TA 18-01)

Residential

- (1) **Measurement.** Maximum density refers to the maximum number of dwelling units allowed per acre of site area.

EXHIBIT A

Curbs and gutters, where installed, shall be constructed in accordance with the City's Engineering Manual of Practice.

8.6.10 Street Signs

Street name signs shall be installed according to specifications set forth in the City's Engineering Manual of Practice. The City Engineer may permit installation of nonstandard poles at the expense of the subdivider, who shall make arrangements, satisfactory to the City Engineer, for payment of any operating expenses above those for standard installations.

8.6.11 Street Names

The City or County shall assign the name of any street or road laid out within the territory over which it has jurisdiction. It shall be unlawful for any person in laying out any new street or road to name such street or road on any plat, by any marking or in any deed or instrument without first getting the approval of the Planning Director.

8.6.12 Streetlights

Streetlights may be provided and installed at such locations and in such manner and design as set forth in the City's Engineering Manual of Practice. Non-standard streets lights may be considered and approved by the City Engineer so long as:

- the proposed fixtures meet illumination standards for the intended purpose,
- any additional expense associated with their installation is paid for by the developer and;
- their continuing maintenance is provided for.

8.6.13 Ground Cover

All land within the right-of-way that is not used for structures, vehicular or pedestrian traffic or for other approved landscaping shall be provided with grass or other ground cover of a nature approved by the City Engineer. Such ground cover shall be installed as set forth in the City's Engineering Manual of Practice. Ground cover may include appropriate plant materials preserved in place.

8.7 Sidewalk and Pedestrian Access (TA 18-01)

8.7.1 Construction Specifications

All development projects, regardless of if they are located within a subdivision or not, shall be required to install sidewalks along all adjacent streets. If development or redevelopment occurs in an area where the current sidewalk network is more than 500 feet away none shall be required, a fee-in-lieu may be utilized as outlined within this Land Development Code.

If an in-lieu payment is made, such funds shall be deposited in the appropriate community service area account and expended only for the purchase of right of way for sidewalks, or for the development of sidewalks; serving the property or development in the immediate area, and only within the community service area in which the property is located.

Developments located along a street where imminent roadway or infrastructure improvements would cause required sidewalks to be removed and such future plans include the installation of sidewalks, the development shall not be required to install sidewalks.

Within subdivisions, sidewalks shall be installed along at least one side of all proposed streets (public and private)

Sidewalks shall be constructed according to the specifications of the City's Engineering Manual of Practice. Sidewalks shall be installed before a certificate of occupancy is issued for the adjoining lot.

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consent of the affected property owners, subject to conditions and safeguards to protect the tranquility and character of the residential land over which access is to be taken.

9.6 Solid Waste Storage Areas; Screening

All new buildings and uses, except for single family dwellings and two to four family dwellings on a single lot, shall provide facilities for the central storage of solid waste within the boundaries of the lot. Developments on private streets may also be required to provide for the central storage of solid waste. Where such facilities are provided outside of a building, they shall be completely screened from view **off-site from residential zoning districts or uses and/or public or private streets.**

9.6.1 Design and Other Specifications (TA 12-01) (TA 18-01)

Dumpsters or other trash receptacles located within commercial or office districts, and visible from public streets or residential zoning districts, shall be screened on 3 sides by a solid wall at least 6 feet in height and on the fourth side by a solid gate at least 5 feet in height. The gate and wall shall be maintained in good working order and shall remain closed except when trash pick-ups occur. The wall shall be constructed in a durable fashion of wood, metal, brick and other masonry materials or a combination thereof as approved by the Planning Director. The wall shall be architecturally compatible with other buildings and structures on the site.

Dumpster or other trash receptacles located within industrial districts that are visible from major or minor thoroughfares, residential zoning districts, or non-industrial land-uses shall be screened on 3 sides by a solid wall at least 6 feet in height and on the fourth side by a solid gate at least 5 feet in height. . The gate and wall shall be maintained in good working order and shall remain closed except when trash pick-ups occur. The wall shall be constructed in a durable fashion of wood, metal, brick and other masonry materials or a combination thereof as approved by the Planning Director. The wall shall be architecturally compatible with other buildings and structures located on the site.

Dumpster and other trash receptacles located in residential districts shall be screened on 3 sides by a solid wall at least 6 feet in height and on the fourth side by a solid gate at least 5 feet in height. . The gate and wall shall be maintained in good working order and shall remain closed except when trash pick-ups occur. The wall shall be constructed in a durable fashion of wood, metal, brick and other masonry materials or a combination thereof as approved by the Planning Director. The wall shall be architecturally compatible with other buildings and structures located on the site.

Applicants shall be responsible for coordinating with the solid waste disposal provider on matters relating to quantity, interior dimensions, locations and access.

9.6.2 Setbacks

All enclosures in nonresidential districts shall be located a minimum of 25 feet from residential zoning districts, and from the property lines of sites containing existing or proposed residential, school, and licensed daycare uses.

Notwithstanding the requirements of subsection 6.2 above, dumpsters and other trash receptacles shall be considered accessory structures, and shall adhere to the accessory structure setbacks outlined in Chapter 7 of this Land Development Code.

No trash receptacles shall be located within the front yard area except on solid waste collection days, when receptacles may be placed at the curb on the day prior to collection and shall be removed by 7:00 PM on the day of collection.

EXHIBIT A

9.13 Landscaping and Screening (TA 11-01) (TA 18-01)

9.13.1 Purpose

The provisions of this section are intended to:

- (1) Protect and enhance the visual appearance and natural beauty of the City of Hickory and its' ETJ by encouraging the preservation of existing trees and requiring the planting of new trees and vegetation;
- (2) Protect property values by providing a transition between dissimilar land uses and/or zoning districts and minimizing the impacts of development on the community; and
- (3) Provide ecological benefits including reduced stormwater runoff, decreased erosion, improved water quality, air quality benefits, creation of shade for cooling, and the protection of wildlife habitat.

9.13.2 Applicability

Landscape requirements involve the provision of plant materials and other screening and buffering techniques in the following situations:

- (1) Along the perimeter of dissimilar land uses,
- (2) Around open storage and mechanical equipment, and
- (3) Inside and along the perimeter of parking areas.

Landscape requirements shall apply to the following activities:

- (1) All new development, except as provided in Paragraph (c) below.
- (2) All expansions or changes in use which result in an increase of more than twenty-five (25%) percent of existing floor and/or parking area shall be brought into full compliance for the entire project.
- (3) All renovations to a principal structure where the total value of the renovations exceeds fifty (50%) percent of the buildings' value according to County tax records. The total cost of repairs shall be determined by the value of construction measured by all building permits issued within any period of eighteen (18) consecutive months. The full property shall be brought up to current standards.

Landscape requirements shall not apply to the following development:

- (1) Single-family and two-family residences on single lots which do not involve the construction of or provision of parking lots, and
- (2) Parking provided underground or within structures

9.13.3 Landscape Plan Required

The landscape plan shall be prepared and submitted at the time of application for a development permit. Landscape plans shall be drawn to scale, contain a north arrow, and include the following:

- (1) Location of existing and proposed buildings, all property lines, all driveway and parking lots, walkways and public sidewalks, and connections to existing streets or adjacent lots.
- (2) Location, type, size, and quantity of existing plant materials to be preserved and location of tree protection fencing (if applicable).
- (3) Location of all existing and proposed overhead and underground utilities.
- (4) Zoning designation and use of all adjacent properties.
- (5) Location and description of all landscape improvements, including all perimeter landscape areas and perimeter and interior parking lot landscaping.
- (6) Table of all plants used with botanical and common name, quantity and size of all proposed landscape material. Location of all other landscape improvements, including berms, walls, fences, courtyards, lights, and paved areas.

EXHIBIT A

(7) Required open space, and all streams, wetlands, and associated setback buffers.

9.13.4 Tree Preservation

The preservation of existing trees on a site can improve the aesthetic quality of the site, improve property values, provide environmental benefits, and mitigate the impacts of development. Existing vegetation shall be preserved whenever feasible and must be preserved in certain circumstances as outlined below.

Where a natural perimeter buffer exists, it is to remain undisturbed, except for the removal of dead wood and invasive vines and plants. No limbing up is allowed and understory shall not be removed. The Planning Director may require the retention of other existing mature vegetation on a site wherever such vegetation contributes to required screening and buffering or for the preservation of significant trees.

Existing trees and wooded areas may be counted toward buffer and screening and parking area landscape requirements. Existing trees may be counted for fulfilling parking area requirements if they are located within 100 feet of the parking area. Existing trees shall be credited at the following rate according to the diameter measured at four and a half (4.5) feet above the ground:

Existing Tree Diameter	Tree Credit Earned
6" – 12"	2
13" – 18"	3
19" – 24"	4
> 25"	5

When using existing trees, they must be protected and undisturbed during the entire construction process using, at a minimum, the techniques proved in the City of Hickory Manual of Practice and as may be required by the City Arborist or designee. Applicants shall seek the assistance of a professional urban forester or landscape architect to properly preserve existing trees for credit. If protective measures are not used during construction, existing vegetation cannot be counted toward landscape requirements.

For all trees required by this Land Development Code, tree topping is prohibited. See Section 9.13.10 of the Land Development Code and the Manual of Practice for more information about tree topping and proper tree pruning.

9.13.5 Perimeter Landscape Buffer Requirements

A perimeter landscape buffer is a strip of land around the outer perimeter of those portions of a lot adjacent to other land uses that may only be occupied by screening, underground utilities, retention areas and landscape materials. If underground utilities need to be located along a property line where a buffer is required, the utility lines shall be located along the edge of the buffer. A wider buffer may need to be provided, if necessary, to accommodate the required vegetation and utilities.

General Buffer Requirements

- (1) Screening and buffering shall be required as outlined below and further described in the City of Hickory's Manual of Practice.
- (2) Screening, such as hedges, fences or walls, as described, shall not be over four (4) feet tall within front yards unless otherwise expressly allowed in the Land Development Code.
- (3) Where a natural buffer exists, it shall remain undisturbed, except for the removal of dead wood and invasive vines and plants. In cases where topography or other site conditions make it infeasible to retain the natural buffer, a waiver of the requirements may be given by the Planning Director. No limbing up is allowed and understory shall not be removed. Additional trees and shrubs may be required to bring the natural buffer up to the full perimeter buffer requirements.

EXHIBIT A

Kennels	Waste Related
Major Event Entertainment	Wholesale Sales

9.13.6 Other Required Screening

Screening of Open Storage. Permitted open storage areas, as a principal or accessory use, shall be screened from view of any major and/or minor transportation roadway as shown on the Hickory by Choice Future Land Use and Transportation Plan Map and from all residentially zoned properties as described in Sections 6.2.18 and 6.3.4.

Screening of Mechanical Equipment. With the exception of structures constructed to NC State Residential Building Code, all nonresidential uses shall screen from view from public places and neighboring properties if in a different Land Use Group, all mechanical equipment such as, but not limited to, ground or roof-mounted air conditioners or pumps through the use of features such as berms, fences, false facades or dense landscaping.

9.13.7 Landscape Requirements for Parking Areas

General Requirements (TA 18-01)

- (1) All parking areas with six (6) or more spaces, except those located entirely underground or within structures, shall comply with the requirements of this section.
- (2) Parking area shall be defined as all vehicular use areas, including all parking spaces, vehicle storage areas, access and maneuvering areas.
- (3) Planted areas next to pedestrian walkways, sidewalks, streets, private driveways, parking aisles, or the approach to any street intersections shall be maintained or plant material chosen to maintain a clear zone. See the Manual of Practice for sight triangle requirements.
- (4) Refer to Section 9.13.9 for plant specifications and to the Manual of Practice for recommended plant species and other information.
- (5) When calculating the number of trees and shrubs required, any fractions of 0.5 (½) or greater shall be rounded to the next highest whole number; fractions of less than 0.5 shall be rounded down to the next lowest whole number.

Perimeter Parking Area Requirements (TA 15-01) (TA 22-01)

- (1) Parking areas shall be separated from all adjoining properties, streets, vehicular travel ways and rights-of-way by a landscape area. Parking areas adjoining property lines of less intense uses shall buffer as required within this Article. The landscape area shall be at least five (5) feet in width.
- (2) Within the landscape area, canopy trees must be planted an average of ~~forty five (45)~~ fifty (50) feet on center and shrubs must be planted an average of every ~~five (5)~~ six (6) feet on center.
- (3) Parking areas shall be separated from the exterior wall of a structure by a pedestrian sidewalk or a landscaped strip at least three (3) feet in width.
- (4) Driveways into parking areas shall be bordered by a landscape strip at least five (5) feet in width along each side of the driveway. At a minimum, the driveway landscape area shall include one (1) large canopy tree for every ~~forty five (45)~~ fifty (50) feet of linear drive or two (2) understory trees for every ~~twenty five (25)~~ thirty (30) feet of linear driveway entrance. The plant materials may be grouped as an entrance planting rather than a linear border.

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- (3) When planting under overhead utility lines, two (2) understory trees must be substituted for every required canopy tree. Refer to Duke Energy's list of trees approved for planting under utility lines.
- (4) For parking areas over 40,000 square feet, a minimum ten (10) foot wide continuously planted median shall be installed along the length of the longest interior parking row, to break up large areas of pavement. Parking areas over 80,000 square feet shall require two of the described medians. This does not apply to vehicular sales or rental areas.
- (5) Landscape islands and planting areas shall be protected from vehicular encroachment by curbing or wheel stops at least 6 inches in height.
- (6) Vehicular sales and rental parking areas will not be required to plant the trees listed above. However, such areas will, where applicable, be required to plant appropriate shrubbery within the planting areas referenced above. Three (3) shrubs shall be planted for each tree required above.

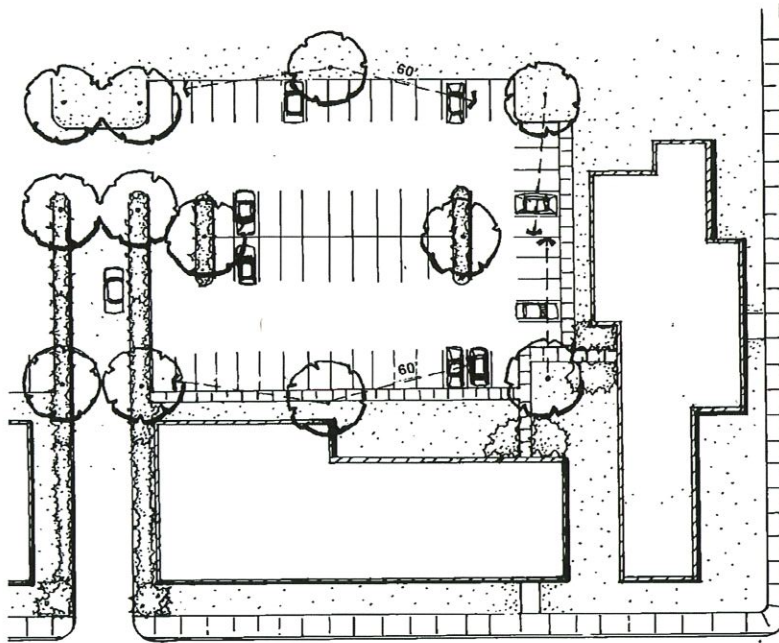


Figure 9-3: Interior Parking Area Landscaping

Interior Parking Area Landscape Requirements – Existing Parking Areas. For expansion or renovation projects that are required to follow landscape requirements on all or part of the site (per Section 9.13.7), the standards as outlined in Paragraph (c) above are applicable. However, the required parking may be reduced by 20 percent to allow for the provision of interior landscaping. Under circumstances where the application of these requirements is infeasible or unworkable, the applicant may submit an alternative landscape plan, as outlined in Section 9.13.8.

9.13.8 Alternative Methods of Compliance (TA 22-01)

The Planning Director shall have the authority to waive or reduce the requirements of this section provided that the alternative landscape plan meets or exceeds the objectives of this Land Development Code.

Perimeter buffer requirements between properties may be reduced or eliminated by a legal agreement between the property owners and the City of Hickory provided that the agreement runs with the land and is recorded with the appropriate county's Register of Deeds.

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- Official flags, emblems, or insignia of any government; and
- Fence wraps displaying signage when affixed to perimeter fencing at construction sites. These wraps must be removed once a certificate of occupancy has been issued for the final portion of construction at the site, or 24 months from the date the wrap was installed, whichever is shorter.
- Any flag displayed on residential property.

10.2 Prohibited Signs (TA 22-01)

10.2.1 The following signs and attention getting devices shall be prohibited:

- Any sign erected or placed without a proper permit or otherwise not in compliance with these regulations;
- Portable signs;
- Roof signs (see Section 10.5.1);
- Balloons and inflatable signs;
- Search lights or signs with flashing, moving, rotating, blinking or varying intensity of light or color;
- Banners, flags, feather flags, and streamers, except as otherwise allowed herein;
- Signs painted or attached to any trees, rocks, or other similar organic matter;
- Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, or any portion of any sidewalk or street, except traffic control signs;
- Signs that by their position, illumination, size, shape or color, obstruct, impair, obscure, or interfere with traffic signs, signals, or devices;
- Signs that cause glare onto traffic or adjacent property;
- Signs that emit audible sound, odor, or visible matter such as smoke or steam;
- Signs that exhibit obscene material, including, but not limited to, specified sexual activities and specified anatomical areas as defined in Chapter 14;
- Signs that obstruct any window, door, fire escape, stairway, or opening intended to provide light, air, or ingress/egress that would cause a violation of building codes;
- Signs that encroach on a required sight triangle;
- Signs that resemble any official signage or markers and that, by reason of content, location, position, shape or color, may be reasonably confused with or construed as traffic control devices;
- Signs within public right of way, on utility poles, or on public property, except as otherwise expressly permitted;
- Strings of lights not permanently mounted to a rigid background, unless otherwise expressly exempted or allowed under this chapter;
- Illuminated signs within any residential district, with the exception of signs erected on institutionally used properties;
- Vehicular signs; and
- Off-premise signs.
- Any moving sign or device to attract attention, all or any part of which moves by any means, including by air, electrical, human, or other means, including, but not limited to. Pennants, flags, propellers, discs, inflatables, whether or not any said device has a written message. Except those exempted by this article.

10.3 Sign Location

10.3.1 Sight Triangles

All signs shall comply with the Sight Triangle standards **See.9.4. outlined within the City's Engineering Manual of Practice.**

10.3.2 Right of Way

Unless otherwise expressly stated in this Land Development Code, all signs shall be located outside the public right of way.

EXHIBIT A

placement of a wall sign against a mansard of a building providing the sign face is horizontally parallel to the building wall and does not extend either above the highest point or below the lowest point of the mansard to which it is affixed.

Other wall signs. An awning, canopy, or mansard may be used for the placement of the allowable square footage for wall signs.

Projecting signs in the C-1 zoning district (TA 11-01). In lieu of a free standing sign, properties in the C-1 zoning districts may provide one (1) sign that is mounted perpendicular to the surface to which it is attached. Projecting signs are subject to the following standards:

- (1) If a projecting sign is placed on the property, no free standing sign shall be permitted.
- (2) The building to which the sign is attached must have a front setback of less than ten (10) feet.
- (3) The sign shall not project more than thirty-six (36) inches from the surface of the wall to which it is attached.
- (4) The sign shall not exceed thirty-two (32) square feet in area.
- (5) The sign shall be mounted to conceal all mechanical or electrical equipment.
- (6) The sign shall not be extended above below the edge of any wall or other surface to which it is mounted. Projecting signs shall not be erected, constructed, or maintained upon or above the roofline of any building.
- (7) The sign shall maintain clearance of at least nine (9) feet above any pedestrian walkway.



Sample Projecting Sign

10.5.2 Free Standing Signs (On Premise) (TA 11-01, 12-01, 14-01, 18-01, & 21-01)

The following requirements shall apply to all on premise freestanding signs within all commercial, office & institutional and industrial zones.

Free Standing Sign Regulations			
Zoning District	Height (feet)	Maximum Number	Area (Square Feet)
CC-2, C-2, C-3, and IND	20	One per public vehicular right-of-way frontage (street not driveway)	Two (2) sq. ft. per 1 linear foot of building frontage, with no single sign over 150 sq. ft.
NC, CC-1, OI, and C-1	10	One per public vehicular right-of-way frontage (street not driveway)	One (1) sq. ft. per 1 linear foot of building frontage, with no single sign over 100 sq. ft.

Setbacks. Freestanding signs shall be maintained at a minimum five (5) feet setback from all property lines.

Sign Copy. Freestanding signs may advertise only uses located upon the subject property.

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Separation. Free standing signs shall be located a minimum distance of one hundred (100) lineal feet from any commercial or industrial center identification sign or any other monument sign.

Landscaping. All freestanding signs shall be landscaped around the base of the sign to ensure that the structure blends in with the site and the character of the overall landscape plan. The area of landscaping shall not be less than the area of the sign face.

Installation. All free standing signs shall be ground mounted or supported by decorative supports. For purposes of these regulations, decorative supports shall mean at least two (2) support members that are architecturally compatible with the principal structure on the site (no exposed pipes, posts or other support members allowed). In lieu of two (2) decorative supports a single support at least one third (1/3) the width of the sign may be used.



Sample Free Standing Signs

10.5.3 Window Signs (TA 11-01)

Signs shall be allowed on the inside or outside of window glass of non-residential properties provided that they cover no more than thirty-three percent (33%) of the gross glass area on any one side of the buildings and are not separately illuminated.



Sample Window Sign

10.5.4 Non-Residential and Residential Development Identification Signs

Development identification signs may be located within the required front setback at the entrance of a subdivision/project road, provided the location of such marker is outside of the required sight triangle and the normal maintenance limits. Such signs shall be subject to the following standards:

- (1) Two (2) signs shall be permitted for each street intersection, with a maximum of two (2) intersections permitted for any development.

EXHIBIT A

- (2) Residential development identification signs, shall not exceed 40 square feet in size and 8 feet in height. For nonresidential development identification signs, the standards of Sec.10.5.2 shall apply, provided that nonresidential subdivision name markers shall not exceed 60 square feet in area and 10 feet in height; and
- (3) Development identification signs in nonresidential districts may list individual occupants of the subdivision or project.

10.5.5 Campus and Shopping Center Directional Signage (TA 11-01)

Such signage shall be permitted when a site contains more than one tenant or principal building provided that the following criteria are met:

- The sign shall be placed at least 5 feet from any public right of way.
- Such signs shall not exceed sixteen (16) square feet in area and six (6) feet in height.
- Such signs may contain business names or logos with arrows or other directional information but shall not contain any commercial message.
- Such signs shall not be illuminated.



Sample Campus / Shopping Center Sign

10.6 Signs in Residential Zoning Districts (TA 18-01)

Unless otherwise expressly stated in this Land Development Code, The maximum number, area and height of signs within residential zoning districts shall be regulated in accordance with the following table of standards:

Zoning District	Maximum Number of Signs Per Lot	Maximum Sign Area (square feet)	Maximum Height (feet)
R-1 thru R-4	1 per road frontage	40	8
One wall sign and one monument sign are allowed provided that the total sign area does not exceed 32 square feet for all principal non-residential uses allowed. No signs are allowed for residential uses including home occupations, except as otherwise provided herein.			

10.7 Off-Premise Signs (Billboards) (TA 14-01)

No new off premise signs shall be allowed. Existing signs (non-digital and non-LED) may be replaced subject to compliance with the following:

EXHIBIT A

10.9 Temporary Signs (TA 18-01)

10.9.1 Temporary Signs in Residential Districts

Temporary signs in residential districts shall be allowed without the issuance of a Zoning Compliance Permit, subject to the following standards:

- (1) Signs shall not be illuminated.
- (2) Only one sign shall be allowed per lot, and such sign shall be no larger than five (5) square feet in area, and shall not have a height greater than five (5) feet.

10.9.2 Construction Signs

Construction signs shall be allowed without the issuance of a Zoning Compliance Permit, subject to the following standards:

- (1) Construction signs shall not be illuminated.
- (2) Construction signs shall not exceed 16 square feet in area in non-residential zones and 8 square feet in residential zones and shall be set back at least 5 feet from all property lines and outside of required sight triangles.
- (3) Construction signs shall adhere to the sign height standards of the zoning districts which they are located.
- (4) Construction signs shall not be erected prior to issuance of a building permit, and shall be removed within 15 days of the final inspection.

10.9.3 Banners and Similar Temporary Signs in Non-Residential Districts (TA 12-01) (TA 18-01)

Non-residentially used properties located within non-purely residential zoning districts (i.e. office, commercial and industrial) shall be permitted to display one (1) banner or similar temporary sign throughout the calendar year. Such signs shall be required to obtain a Zoning Compliance Permit annually. The following standards shall be met and maintained at all times:

- (1) The sign shall not exceed thirty-two (32) square feet in area or eight (8) feet in height;
- (2) Each use located on a lot shall be permitted one (1) banner or similar temporary sign under this subsection;
- (3) No off-premise signs shall be permitted under this section;
- (4) The sign shall not be located in any public right-of-way, nor shall the sign be placed in a manner which obstructs visibility at or around intersections;
- (5) The sign shall be setback at least five (5) feet from all property lines and public rights-of-way;
- (6) No sign shall be roof mounted; and
- (7) Signs shall at all times be properly maintained. Such maintenance shall include the following:
 - (a) Torn or damaged signs shall be immediately removed or repaired;
 - (b) Such signs shall be attached in total to a building wall, canopy, or the ground in such a manner as to ensure the sign will not become displaced;

Temporary banners or similar temporary signs erected for not more than 12 consecutive weeks per calendar year shall be allowed. Provided the properties on which they are located are non-residentially used, and are located within non-purely residential zoning districts (i.e. office, commercial and industrial) these signs shall be allowed in addition to the sign outlined above. Such signs shall be subject to issuance of a Zoning Compliance Permit and compliance with the following standards:

10.9.4 Such signs shall be attached in total to a building wall, canopy, or the ground in such a manner as to ensure the sign will not become displaced;

- (1) Such signs shall only advertise uses located on the property on which temporary sign is placed;

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Single Family Dwellings and Duplexes (TA 11-01, TA 18-01). Any nonconforming single-family dwelling or duplex may be altered, repaired, enlarged or replaced, provided that the altered or replaced structure meets the dimensional requirements of the Land Development Code.

Manufactured Home. An existing manufactured home located in a district that no longer permits manufactured homes, may be replaced provided that the replacement dwelling meets the appearance criteria of Sec. 6.2.13.

12.2.6 Accessory Uses and Structures

No use or structure that is accessory to a principal nonconforming use or structure shall continue after such principal use or structure shall have ceased or terminated, unless it complies with all regulations of this Land Development Code.

12.3 Nonconforming Structures

12.3.1 Definition

A nonconforming structure is any building or structure, other than a sign, that was legally established but which no longer complies with the Intensity, Dimensional and Design Standards of Land Development Code. Nonconforming structures may remain, subject to the regulations of this section.

12.3.2 Structural Changes (TA 19-01)

Structural changes, including enlargements, shall be permitted if the structural change does not increase the extent of nonconformity. When a structure is nonconforming because it encroaches into a required setback, this provision shall be interpreted as allowing other portions of the structure to be expanded out to the extent of the existing encroachment, as long as there is no greater reduction of required setbacks. See Figure 12-1.

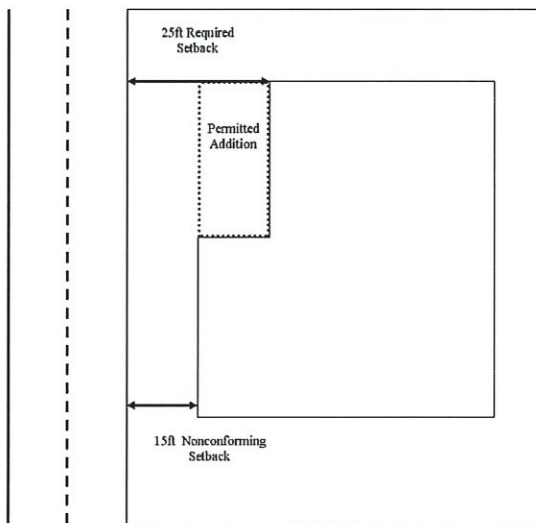


Figure 12-1 – Structural Changes to Nonconforming Structures

12.3.3 Use

A nonconforming structure may be used for any use allowed in the underlying zoning district.

12.3.4 Relocation

A nonconforming structure may be relocated in whole or in part to another location on the subject parcel if the movement or relocation decreases or eliminates the nonconformity.

12.3.5 Loss of Nonconforming Status; Damage or Destruction

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A nonconforming sign shall not be reestablished after the use of the property it is located on has been discontinued, regardless of intent, for a period of 180 days.

If a nonconforming sign is blank or advertises a business, service or commodity, accommodation, attraction or other enterprise or activity this is no longer being offered or conducted on the property the sign shall be deemed abandoned and shall be removed or brought into compliance by the sign owner, property owner, or other party having control over such sign within 180 days after the use has ceased operation or the service of commodity has ceased being offered.

12.6 Other Nonconformities

12.6.1 Examples

The types of other nonconformities to which this section applies include but are not necessarily limited to: fence height or location; lack of required buffers or screening; lack of or inadequate landscaping; lack of or inadequate off-street parking or loading spaces; and other nonconformities not involving structural aspects of a building, location of a building on a lot, lot dimensions or land or building use.

12.6.2 Increase prohibited

It shall be the intent of this Land Development Code to encourage the reduction of these other types of non-conformities to the maximum extent feasible as buildings, lots or parking areas are redeveloped or expanded. Parking areas that do not comply with the landscape requirements of this Land Development Code shall be brought into compliance as required Sec. 9.13 when buildings are expanded or redeveloped as provided herein. The extent of such other nonconformities shall not be increased, and no use, building, structure or signs shall be established, expanded, altered, changed or relocated in such a manner to increase the degree of such other nonconformity.

12.6.3 Operational Performance Standards

Uses established prior to the effective date of this ordinance, that are found to violate the operational performance standards contained in Sec. 9.9 shall be required to make reasonable modifications to bring the use of the property into compliance with the standards contained in Sec. 9.9. Such modifications may include, but shall not be limited to, installation of screening, walls or buffering, installation of noise reduction equipment such as mufflers, replacing lighting fixtures or changes in manufacturing process or use of the property that does not unreasonably interfere with the operations of the facility. No violation shall be prosecuted under this code where modifications have been made as part of a good-faith attempt to comply with Sec. 9.9 and which result in measurable reductions in the extent of the violation and the operational performance standards continue to exceed the standards of Sec. 9.9.

Upgrade/Expansion. Prior to issuance of a building permit for any upgrade in equipment or expansion of the facility in violation, the property owner shall certify to the Planning Director that the proposed change will not result in an increase in the nonconformity of the property with respect to the operational performance standards. If the property that has been found in violation of Sec. 9.9 is proposed to be expanded or renovated where such expansion or renovation will increase the taxable value by more than 50 percent over the assessed taxable value, the entire structure or operation shall be brought into compliance with all provisions of Sec. 9.9.

Damaged/Destroyed. If a property that has been found in violation of Sec. 9.9 is damaged or destroyed to the extent of more than 50 percent of the assessed taxable value of the structure immediately prior to damage, the nonconforming structure shall not be restored unless it is in full compliance with all applicable provisions of this Land Development Code.

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	submerged lands, easements or road rights-of-way have been subtracted from the lot area.
Building	Any roofed structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property.
Building, Accessory	A subordinate building detached and at least five feet from but located on the same lot as the principal building, the use of which is incidental and accessory to that of the principal building.
Building, Principal	A building or, where the context so indicates, a group of buildings in which is conducted the principal use of the lot on which such building is located.
Building Design Elements	With regard to structures subject to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings only, “building design elements” means exterior building color; type or style of exterior cladding material; style or materials of roof structures or porches; exterior nonstructural architectural ornamentation; location or architectural styling of windows and doors, including garage doors; the number and types of rooms; and the interior layout of rooms. The phrase “building design elements” does not include any of the following: (i) the height, bulk, orientation, or location of a structure on a zoning lot, (ii) the use of buffering or screening to minimize visual impacts, to mitigate the impacts of light and noise, or to protect the privacy of neighbors, or (iii) other regulations governing the permitted uses of land or structures subject to the North Carolina Residential Building Code for One and Two Family Dwellings. This definition is adopted for the limited purpose of compliance with NCGS 160D-702(b) and is not intended to limit or otherwise regulate other lawful building design regulations set forth in this ordinance.
Campground	Land containing two or more campsites which are located, established or maintained for occupancy by people in temporary living quarters, such as tents, recreation vehicles or cabins, for recreation, education or vacation purposes.
Caretaker’s Residence	A dwelling unit contained within a commercial or industrial building, in compliance with all state building and fire codes, for use by one (1) Resident Manager and his or her immediate family.
Cemetery	Land used or intended to be used for the burial of human or animal remains and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries, if operated in connection with and within the boundaries of such a cemetery.
Certificate of Occupancy	A document issued by an authorized official setting forth that land, a building or structure legally complies with the City of Hickory Building Code, this Land Development Code and other pertinent local and state requirements and that the same may be used for the purposes stated therein.
Certificate of Zoning Compliance	A document issued by the Planning Director certifying compliance with all terms of an approved Zoning Compliance Permit, and authorizing occupancy of a building, structure or

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	land. It may either be a separate document or part of the normal documents associated with a Certificate of Occupancy, Occupational License, Building Permit, or the like.
Collocation	The installation of new wireless facilities on previously approved structures including towers, buildings, utility poles, and water tanks.
College	Institutions of higher learning, which offer courses of general or specialized study leading to a degree. Colleges tend to be in campus-like settings or on multiple blocks. Accessory uses include offices, housing for students, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities and bookstores. Examples include universities, liberal arts colleges, and community colleges. Trade schools are classified as Retail Sales and Service.
Commercial Parking	Parking facilities that are not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Commercial Parking facility. Examples include short and long term fee parking facilities, commercial district shared parking lots, commercial shuttle parking and mixed parking lots (partially for a specific use, partly for rent to others). Parking facilities that are accessory to a use, but which charge the public to park for occasional events nearby, are not considered Commercial Parking facilities. Public transit park-and-ride facilities and publicly owned parking lots/decks are classified as Basic Utilities.
Commercial Vehicle	Any vehicle or trailer licensed by any state of the United States, Mexico, or province or territory of Canada other than domestic vehicles, as defined in this Land Development Code, or over one ton in weight or 20 feet in length.
Community Recreational Centers	Privately or publicly owned community centers, recreation clubs, such as boys and girls clubs, golf clubs, swimming clubs, tennis clubs, country clubs similar facilities that are not accessory to a residential development, park, or school.
Conditional Use	See Special Use.
Cultural Facility	The use of land, buildings, or structures to provide educational and informational services to the general public including, but not limited to, aquariums, arboreta, botanical and zoological gardens, art galleries, museums and libraries.
Container and Non-Traditional Dwelling	Dwellings constructed under NC Residential Building Code utilizing shipping containers, storage sheds, and similar structures not traditionally used for residential dwellings. This definition shall also include dwellings commonly referred to as tiny homes.
Daycare	Uses including day or evening care for children unrelated to the caregiver for a fee. Daycare uses also include the daytime care of teenagers or adults who need assistance or supervision. Examples include preschools, nursery schools, after school programs and adult daycare programs. Daycare use does not

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	for common use (for instance, recreation and social rooms) and open basement areas not used for habitation.
Floor Area Ratio, Maximum Permitted	The floor area ratio permitted as of right in the several districts, excluding any bonus or transferred floor area.
Floor Area Ratio (FAR)	The ratio of permitted floor area to the gross land area of the lot.
Food Pantry	An establishment that primarily distributes food to indigent, needy, homeless, or transient persons; but may also distribute non-food items for human consumption but not consumption on premises.
Food Truck and Trailer Court	An improved property where two or more transient food trucks or trailers are located, Such properties provide locations for food trucks and trailers to conduct business. This definition shall apply to any property where two or more food trucks or trailers are located.
Fraternity or Sorority Houses	See Group Living Facility.
Front of lot	<p>On interior lots, the front of a lot shall be construed as the portion nearest the street.</p> <p>On corner lots and through lots, the frontage of a lot shall be specified in writing by the property owner at the time of application for an initial building permit.</p> <p>On through lots in commercial districts, a property owner may specify an interior lot line for the establishment of frontage and the front setback provided that proper vehicular access to the specified frontage can be secured.</p>
Frontage Line	Any lot line that abuts a public street or sidewalk. A corner lot has two frontage lines.
Golf Course	A tract of land laid out with a course having nine or more holes for playing the game of golf, including any accessory clubhouse, driving range, office, restaurant, concession stand, picnic tables, pro shop, maintenance building, restroom facility, or similar accessory use or structure. This term shall not include miniature golf courses as a principal or accessory use, nor shall it include driving ranges not accessory to a golf course.
Ground Floor	The exterior portion of a building that extends up to nine (9) feet above finished grade. <i>(TA 11-01)</i>
Group Living Facility	The residential occupancy of a structure by a group of people who do not meet the characteristics of Residential Household Living. The size of the group will be larger than the average size of a household. Tenancy is arranged on a month-to-month basis, or for a longer period. Uses where tenancy may be arranged for shorter periods are generally not considered group living. They are considered to be a form of transient lodging (see Retail Sales and Service). Generally, Group Living structures have a common eating area for residents. The residents may or may not receive any combination of care, training or treatment, as long as they also reside at the site.