

## Article 7 Intensity, Dimensional and Design Standards

### Sec. 7.1 Residential District Standards (TA 12-01 & TA 14-03)

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]	7,260 [1]	3,600 [1]
Single-Family Attached (sq. ft.)	N/A	N/A	7,260 [1]	3,600 [1]
Duplex (sq. ft.)	N/A	N/A	7,260 [1]	2,500 [1]
Multi-Family (sq. ft.) per dwelling unit	N/A	N/A	4,300 [1][2]	2,500 [1]
Density- Maximum (per acre)	2	4	8	20
Minimum Lot Width/ Frontage (ft)	100	80	60[3]	40
<b>Primary Structure</b>				
Minimum Yard Setbacks				
Front Yard [4] (ft)	40	20	20	20
Rear Yard (ft)	25	25	25	10
Interior Side Yard (ft)	10	10	5	5
Street Side Yard (ft)	20	15	15	5
Maximum Height (ft)	35	35	35	50
<b>Accessory Dwelling Units</b>				
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
Street Side Yard (ft)	20	20	15	5
Maximum Height (ft)	20	20	20	20
<b>Accessory Structure [5]</b>				
Minimum Yard Setbacks				
Front Yard (ft)	50	30	30	30
Rear Yard (ft)	5	5	5	5
Interior Side Yard (ft)	5	5	5	5
Street Side Yard (ft)	20	15	15	5
Maximum Height (ft) [6]	15	15	15	15

[1] The Department of Health is authorized to require larger minimum lot area when public water and wastewater service is not available or utilized.

[2] Minimum lot size may be reduced to two thousand five hundred square feet for attached housing development only.

[3] Minimum lot width and frontage may be reduced to forty feet for attached housing development only.

[4] See 7.4.5 for setbacks regarding the use of front yard averaging.

- [5] No individual accessory structure shall exceed 50 percent of the floor area of the principal dwelling unit on the lot. The total of all accessory structures on a zoning lot shall not exceed 2,000 square feet. All accessory structures over 500 square feet shall meet the primary structure setback requirements. *(TA 11-01)*
- [6] 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, *(TA 11-01)*

**Sec. 7.2 Multiple Family Development Standards**

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The standards contained within the section shall apply to multiple family development projects containing 3 or more units.

7.2.1 Parking and Loading Areas

Off-street parking areas shall be subject to all parking area design, construction and landscaping standards of the Land Development Code and the following requirements.

- A. No more than twenty percent of the land area between the front lot line and the front of the building may be paved or used for vehicle areas. In the case of corner lots, no more than twenty percent of the land area between the side street lot line and the side street building line may be paved or used for vehicle areas.
- B. Driveway coverage may exceed the size limitations above when the subject property is located on a principal arterial and the increase is due to inadequate maneuvering areas for the safe exit of vehicles from the site.
- C. No driveway providing access to parking or loading areas may exceed 24 feet in width.

7.2.2 Pedestrian Access

A. Purpose

The pedestrian access standards of this section encourage the creation of a network of safe, consistent, and convenient linkages for pedestrians, including locating building entrances adjacent to the sidewalk.

B. Pedestrian Connections

- (1) A comprehensive system of walkways shall link all site entrances, building entries, parking facilities, and common outdoor spaces with the public sidewalk.
- (2) Buildings not directly adjacent to the public sidewalk shall have clearly defined pedestrian connections between the public sidewalk and building entrances.
- (3) Pedestrian connections shall be reinforced with pedestrian scale lighting, bollard lighting, landscaping, accent lighting, or a combination of the foregoing to aid in pedestrian wayfinding. Such lighting shall be subject to the lighting standards of Sec. 9.8

C. Materials

- (1) The pedestrian circulation system must be hard surfaced, and be at least 5 feet wide. The type and nature of the materials used for pedestrian walkways shall be consistent within a development.
- (2) Where the pedestrian system crosses driveways, parking areas, and loading areas, the system must be clearly identifiable through the use of

two or more of the following (except where walkways cross vehicular travel lanes):

- (a) Raised walkway, if a raised path is used, the ends of the raised portions must be equipped with ADA-compliant curb ramps.
- (b) Special railing, bollards or other architectural features that accent the walkway between the parking bays
- (c) Special paving, such as concrete or unit pavers in an asphalt area
- (d) Continuous landscape area, a minimum of three feet wide along at least one side of the walkway. This landscaping may be included as part of the landscaping requirements.

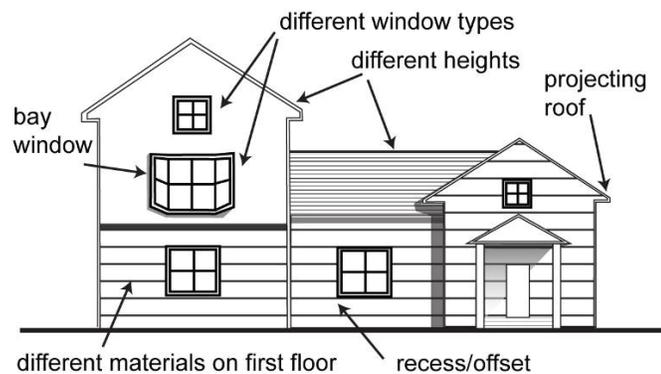
### 7.2.3 Articulation and Details

#### A. Purpose

The purpose of the articulation and details standards for multi-family housing is to avoid building forms that seem bulky and institutional and interrupt the character of single-family development.

#### B. Articulation and Detail Standards

- (1) Buildings shall include articulation along the facades that face streets. Flat blank walls are not permitted.
- (2) Horizontal facades greater than thirty feet shall be articulated in to smaller units, reminiscent of single-family residential scale of the neighborhood. At least four of the following methods should be used:
  - (a) Varied building heights
  - (b) Different materials on the first floor
  - (c) Different window types
  - (d) Different colors
  - (e) Offsets
  - (f) Projecting roofs (minimum of twelve inches)
  - (g) Recesses
  - (h) Varied roof forms or orientation



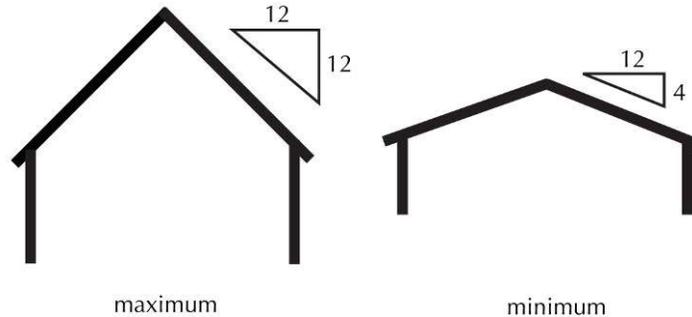
Articulation with massing and roof form

#### 7.2.4 Incompatible Development Setbacks

Where multiple family developments 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 story multiple family structure abuts a single story single-family structures the setback along the abutting property line would be increase by 20 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

- A. For the first 80 feet adjoining single-family use, multiple family structures shall incorporate pitched roof forms have slopes between 4:12 and 12:12.
- B. Gables facing the street are encouraged
- C. Dormers should be used to break-up long lengths of roof.



sloped roof

#### 7.2.6 Building Orientation

- A. 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.
- B. In the case of double frontage lots the rear of the building shall receive the same architectural treatment as the front or shall be treated as a parking area and screened as provided above.
- C. Windows shall be provided on facades facing streets and shall comprise at least fifteen percent of the façade area.

#### 7.2.7 Garbage and Recycling Areas

- A. All exterior garbage cans, garbage collection areas, and recycling areas must be screened from the street and any adjacent properties. Trash receptacles for pedestrian use are exempt. Screening must comply with the screening requirements in Sec. 9.7.
- B. All multiple family developments consisting of more than 10 units and not otherwise receiving recyclable collection services shall provide a recycling and storage area in accordance with the following standards:

- (1) Access: Access to the facility shall be paved and shall be designed to accommodate service vehicles.
- (2) Setbacks: All recycling facilities shall be setback a minimum of 25 feet from all residentially zoned or used property
- (3) Area: The size of the area for recycling shall be determined by the City Engineer.

#### 7.2.8 Multiple Family Recreation and Open Space

##### A. Purpose

The regulations contained within this subsection are intended to provide for the dedication or reservation of recreation or open space areas serving residents of the immediate neighborhood within the multi-family development or, alternatively, for the provision of funds for the acquisition or development of recreation or open space sites serving residents of the multi-family development or more than one multi-family development or subdivision within the immediate Community Service District.

##### B. Applicability; Community Service Districts Established

The regulations of this section shall apply within Community Service Districts. Community Service Districts are established as delineated on the Community Service Areas Map, which is adopted as part of this Land Development Code and may be amended in the same manner as any other portion hereof.

##### C. Land Dedication and Suitability Criteria

The Planning Director shall be authorized to reject or accept offers of land dedication considering the following criteria:

- (1) it shall not be encumbered with any substantial structure;
- (2) it shall not be devoted to use as a roadway, parking area or sidewalk;
- (3) it shall be left in its natural or undisturbed state if wooded, or, if disturbed shall be properly vegetated and landscaped to create an area that is capable of being used and enjoyed for informal and unstructured recreation;
- (4) it shall be legally and practically accessible to the residents of the development or to the general public;
- (5) it shall be topographically and physically suitable for the purposes intended as determined by the Parks and Recreation Director or the Commission;
- (6) at least one-half of the total dedicated land shall be located outside areas of special flood hazard, wetlands, lakes, or other water bodies;
- (7) it shall form a single parcel of land except where the Planning Director determines that multiple parcels would be in the interest of the public. In such a case of multiple parcels the Planning Director may require connection strips or paths with widths adequate to facilitate pedestrian connection between the parcels.

##### D. Land Dedication Requirements

Unless otherwise expressly stated herein, developments with ten or more dwelling units shall reserve for dedication to the City of Hickory 500 square feet

of land area per dwelling, based on the zoning designation of the property or other limitations on density that are enforceable by the City.

E. Fees In-Lieu

- (1) Where lands suitable in scale, character or location are not available within the development as determined by the City, or at the election of the developer, the developer may make provisions to pay to the City of Hickory a fee equal to the current tax valuation of the property in-lieu of dedication.
- (2) If the value cannot be agreed upon by the developer and the City of Hickory, an appraisal board consisting of one appraiser selected by the City of Hickory at its own expense, one appraiser selected by the developer at their own expense, and a third selected by the other two for which the expense shall be shared, shall determine the value. If the three appraisers selected are unable to unanimously agree upon a value, then value will be determined by taking the average of the three values set by each appraiser, which amount shall then be binding on all parties.

F. Combination of Alternatives

The City Council may permit a combination of the land dedication or fees in-lieu to satisfy the requirements of this section when it determines that the combination is in the best interests of the citizens of the area to be served..

G. Use of Dedicated Land

If land dedication is accepted, such lands shall be used only for:

- (1) parks, playgrounds, play fields, neighborhood or community recreation centers, nature parks, fitness trails, or bikeways;
- (2) historic, cultural and archeological preservation where at least 75 percent of the site is usable for one of the purposes in 7.2.8 (g) (1) above; or
- (3) Other uses not inconsistent with the stated offer of dedication.
- (4) The developer shall state in the offer of dedication or reservation the uses to which the land may be placed.

H. Use of In-Lieu Payments

If in-lieu payments are made, such funds shall be deposited in the appropriate community service area account and expended only for the purchase of lands for the purposes indicated above, or for the development of park, recreation or open space sites; serving the development or more than one development in the immediate area, and only within the community service area in which the development is located.

I. Alternative Compliance

As an alternative to land dedication, fees in-lieu, or a combination thereof, developers of planned residential developments may provide equivalent recreation or open space facilities for common use and enjoyment under neighborhood or community association ownership or management, subject to the following findings and conditions:

- (1) The Planning and Development Department shall analyze the character, location and scale of the proposed facilities to determine whether they are in accordance with all regulations and standards officially adopted and in effect; and

- (2) The Staff Attorney shall provide an opinion as to the legal sufficiency of devices for assuming that the lands shall be held, improved and maintained for the purposes set forth in perpetuity

7.2.9 Fire Protection

Fire protection shall comply with the requirements of Section 9.14, Fire Protection, of this Land Development Code.

7.2.10 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.

**Sec. 7.3 Nonresidential District Standards (TA 11-01, 14-01 & 16-01)**

All development in nonresidential 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.

	NC	CC-1	CC-2	OI	C-1	C-2	C-3	IND
Min. Lot Area (sq ft)	2,500	2,500	10,000	10,000	2,500	15,000	20,000	15,000
Min. Lot Width (sq ft)	50	50	50	50	50	50	50	50
Max. Residential Density (units per Acre)	30	30	30	30	50	30	30	N/A
Max. Non-Residential Density (Floor Area Ratio)	.85	.85	.85	.85	3	.85	.85	N/A
<b>Principal Structures – Minimum Yard / Setbacks (ft)</b>								
Front (street)	10	10	20	20	0	20	20	30
Side Corner	10	10	15	15	0	15	15	15
Side	10	10	10	10	0	10	10	10
Rear	20	20	20	20	0	20	20	20
Side/Rear (adjacent to a residential district)	20/20	15/15	15/20	20/20	20/20	20/20	35/35	35/35
Max. Building Height (ft)	40[1]	55[1]	40	50[3]	80	80	80	80
Min. Building Height (ft)	NA	NA	NA	NA	30[2]	NA	NA	NA
<b>Accessory Structures – Minimum Yard /Setbacks (ft ) [4]</b>								
Front (street)	10	10	20	20	0 [5]	20	20	30
Side Corner	10	10	20	20	0 [5]	15	15	15
Side	5	5	5	5	0	5	5	5
Rear	5	5	5	5	0	5	5	5
Side/Rear (adjacent to a residential district)	20/20	15/15	15/20	20/20	20/20	20/20	35/35	35/35
Max. Building Height (ft)[6]	15	15	15	15	15	15	15	15

[1] For all development within 150 feet of R-1 or R-2 district, the following additional standards shall apply to ensure compatibility: The maximum height for structures at the

boundary of the R-1 or R-2 zone is 30 feet. An additional one foot of building height is granted for every two feet of horizontal distance from the R-1 or R-2 zone boundary.

- [2] Buildings in C-1 Districts shall be no less than 2 stories in height.
- [3] Increased building height, up to 80 feet, may be approved through the issuance of a Special Use Permit.
- [4] No individual accessory structure shall exceed 50 percent of the floor area of the principal structure on the lot. The total of all accessory structures on a zoning lot shall not exceed 2,000 square feet. All accessory structures over 500 square feet shall meet the primary structure setback requirements.
- [5] No accessory structure shall be erected or placed between the primary structure and any adjacent street or right-of-way.
- [6] 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.

## **Sec. 7.4 Measurements, Computations and Exceptions**

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### 7.4.1 Lot Area

- A. 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.
- B. 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

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.

### 7.4.3 Density

#### A. Residential

- (1) Measurement. Maximum density refers to the maximum number of dwelling units allowed per acre of site area, after subtracting land area in floodplains, wetlands, water bodies and public rights-of-way from the gross site area. Roadways or rights of way provided by the owner or developer of the lot may be included with the zoning lot for the purposes of calculating density, but may not be included in calculating compliance with the minimum lot area for individual lots.
- (2) Calculation. To calculate the number of dwelling units allowed on a parcel, first subtract from the gross site area the total area of all floodplains, wetlands, water bodies and public rights-of-way, then multiply the resulting figure by the maximum density standard of the zoning district.
- (3) Rounding. When density calculations result in fractions, fractions of 0.5 ( $\frac{1}{2}$ ) 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.

#### B. Non-Residential

- (1) Measurement. Maximum density refers to the maximum amount of floor area allowed per acre of a development site. For non-residential development, maximum floor area is expressed by floor area ratio (FAR).

- (2) Calculation. To calculate the floor area allowed on a parcel, the total acreage is multiplied by the maximum floor area ratio of the zoning district.
- (3) Rounding. When density calculations result in fractions, 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.

#### 7.4.4 Setbacks

- A. Measurements. Setbacks refer to the unobstructed, unoccupied open area between the furthestmost projection of a structure and the property line of the lot on which the structure is located. Setbacks shall be unobstructed from the ground to the sky except as specified in this subsection.
- B. Street Setbacks. Street setbacks shall extend the full width of a lot and shall be measured from the street lot line.
- C. Side Setbacks. Side setbacks shall extend from the required street setback line to the required rear setback line and be measured from the side lot line. If no street or rear setback is required, the required setback area shall run to the opposite lot line. Side setbacks on through lots shall run the full length between street lot lines.
- D. Rear Setbacks. Rear setbacks shall extend the full width of the lot and be measured from the rear lot line. If a corner lot has more than 4 sides, the yards along the interior lot lines that do not intersect a street line shall be considered rear yards.
- E. Special Yards. A special yard, for purposes of these regulations, shall be construed as a yard other than adjacent to a street, required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term, "side yard" nor the term, "rear yard", as generally determined, defined or applied with respect to regular lots, fits the circumstances of the case. In such instances, the special yard shall be considered a rear yard unless the Planning Director determines that side yard requirements of the district shall apply because of the relationship of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation of structures and buildable areas thereof.
- F. Waterfront Yards
  - (1) Waterfront yards are yards adjacent to waterways that are 50 feet or more in average width adjacent to the yard. Lots having one or more such waterfront yards shall be considered waterfront lots.
  - (2) Where a waterfront yard is required on a lot, the requirement shall be construed as replacing yard requirements otherwise applicable to the portion of the lot involved.
  - (3) Depth of required waterfront yards shall be measured perpendicular to the actual waterfront line, provided, however, that in the case of irregularities in such line, such projections, curves or chords may be used as are reasonably necessary to achieve a regular outer boundary for the yard, as well as reasonable in relation to the general pattern of waterfront yards on adjoining lots.
  - (4) The minimum required depth for waterfront yards shall be 35 feet, provided that the lot width may be measured at the rear setback line. Boathouses, gazebos, docks, pier structures, davits and similar structures may occupy up to 30% of the required waterfront yard.

- G. Projections/Encroachments. The following features may project in required setbacks to the extent indicated.
- (1) Architectural features, such as, but not limited to, cornices, chimneys, eaves, stoops and gutters, may project no more than 3 feet into the required street setback, 5 feet into the required rear setback and 2 feet into the required side setback.
  - (2) Mechanical equipment, such as air conditioning units, heat pumps, heating equipment, solar panels, and similar installations, may not project into the required street setback, but may project 5 feet into the required rear setback and 2 feet into the required side setback.
  - (3) Structural or mechanical devices added to make such structures accessible to physically disadvantaged persons may encroach into required setbacks and buffers.
  - (4) Unenclosed porches and decks may encroach into the required front and/or rear yard for a distance of not more than 20% of the required setback. For the purpose of this section, a porch or deck enclosed in wire screen, or similar material, shall not be considered an enclosed porch or deck.

7.4.5 Setback Averaging

Where the average of the street setbacks for all lots located within 50 feet of either side of a lot is less than the minimum required front setback, the required setback line may be reduced to this lesser average depth, but in no case, to less than 10 feet. For the purpose of computing such average, a vacant lot shall be considered as having the minimum street setback required for the zoning district.

7.4.6 Setbacks along Thoroughfares.

- A. The minimum street setbacks for each zoning district that abuts a thoroughfare shown in the Adopted Thoroughfare Plan shall be measured from the existing right of way line for each classification of thoroughfare as follows:

Thoroughfare Classification	Additional Setback
Existing street recommended for securing additional right-of-way of 10 feet or less	10 feet
Existing street recommended for securing additional right-of-way more than 10 feet	One-half the difference between the existing and recommended rights-of-way, but not less than 10 feet
Not recommended for securing additional right-of-way	No additional setback required
Note: Where rights-of-way for street widening have been acquired, setbacks shall be measured from the right-of-way line that has been established.	

- B. Use of Additional Setback. The additional setback adjacent to the existing right of way may not be developed for parking, but may be used for fences, buffers, landscaping, signs, lighting fixtures, or other similar improvements.
- C. Appeal. An affected property owner shall have the right to appeal the thoroughfare setback requirement to the Board if Adjustment by giving written notice within 10 days of receipt of a written decision of the Planning Director requiring setbacks. A

modification of the requirements necessary to retain a buildable area reasonably adapted for building construction may be granted either through a reduction or modification of the thoroughfare setback or through a reduction of the rear or street setback up to an amount equal to the thoroughfare setback, but in no case, to less than 10 feet. The Board of Adjustment may vary thoroughfare setback requirements upon a showing that all of the following criteria have been met:

- (1) the peculiar nature of the property results in practical difficulties or unnecessary hardships that impede carrying out the strict letter of the requirement;
  - (2) the property will not yield a reasonable return or cannot be put to reasonable use unless relief is granted; and
  - (3) in balancing the public interest of enforcing the setback requirements with the interest of the owner, the grant of relief is required by considerations of justice and equity.
- D. Conditions. In granting relief, the City Council may impose reasonable and appropriate conditions and safeguards to protect the interest of neighboring properties. The Council's decision shall be subject to review by the Superior Court by proceedings in the nature of certiorari.

#### 7.4.7 Building Height

- A. Measurement. Building height shall be measured as the vertical distance from the mean elevation at the finished grade along the front of the structure to the highest point of the structure or to the highest point of a flat or mansard roof or to the mean height between the eaves and ridge for a pitched roof in the case of buildings.
- B. Exceptions. Except as specifically provided herein, the height limitations of this Land Development Code shall not apply to any roof structures for housing elevators, stairways, tanks, ventilating fans, solar energy collectors, or similar equipment required to operate and maintain a building, provided that such structures shall not cover more than 33% of roof area or extend over 10 feet in height; nor to church spires, steeples, belfries, cupolas, domes, monuments, water towers, skylights, flag poles, vents, construction or mining cranes or draglines, or similar structures, which may be erected above the height limit, nor to fire or parapet walls provided, however, that such walls shall not extend more than 5 feet above the roof.
- C. Aviation Hazards. No building or other structure, regardless of the height exceptions set forth in this subsection, shall be located in a manner or built to a height that constitutes a hazard to aviation or creates hazards to persons or property by reason of unusual exposure to aviation hazards.
- D. Tall Structures. Unless expressly stated otherwise elsewhere in this Land Development Code, towers that are principal structures in themselves, such as high voltage transmission line towers, grain elevators, silos and other such agricultural uses and similar principal structures, may only exceed the height limitations established for the district wherein they are proposed for relocation following review by the Planning Commission as a Special Use Permit in accordance with Sec. 2.4. A zoning compliance permit may only be granted where the Board of Adjustment finds:
  - (1) That the proposed structure would not result in restriction or interference with air traffic or air travel to or from any existing or proposed airport.
  - (2) That the proposed structure is consistent with the existing surrounding uses, and is compatible with the existing neighborhood development.

- (3) That the proposed structure is consistent with any adopted or projected development plan for the area.
- (4) That the proposed structure is not detrimental to the existing or proposed use of any neighboring property, and does not unreasonably restrict the free flow of light, sunlight and air to those properties.