



The Hickory Regional Planning Commission will hold its regular meeting on **Wednesday, October 26, 2022, 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 28, 2022 meeting.
- Reading of State Ethics Rules.

### PRESENTATIONS AND PUBLIC HEARINGS

1. Rezoning Petition 22-12. Petition by the City of Hickory to rezone property as shown below:
  - a. Rezoning of property located at 706 1<sup>st</sup> Street SW, 730 3<sup>rd</sup> Street SW and 735 3<sup>rd</sup> Street SW from High Density Residential (R-4) to Office Institutional (OI). ). The subject property is shown in more detail as Catawba County PINs 3702-10-46-6279 and 370210469254.
  - b. Rezoning of property located at 1451 8<sup>th</sup> Street Drive NE and 705 13<sup>th</sup> Avenue NE from High Density Residential (R-4) to Office Institutional. The subject property is shown in more detail as Catawba County PINs 3713-10-25-8743, 37130-9-15-9241, 3713-10-26-7255 and 3713-10-25-6245.
  - c. Rezoning of property located at 1570 Old Lenoir Road, 1560 12<sup>th</sup> Street Drive NW, 1615 12<sup>th</sup> Street Drive NW and 2085 12<sup>th</sup> Street Drive NW from Medium Density Residential (R-2) to Planned Development (PD). The property is shown in more detail as Burke County PIN 2794-60-9893 and Catawba County PIN 2793-07-78-0912.
  - d. Rezoning of property located at 960 20<sup>th</sup> Street NW, 950 20<sup>th</sup> Street NW, 936 20<sup>th</sup> Street NW, 931 18<sup>th</sup> Street Place NW, and an unaddressed parcel from Industrial (IND) to General Business (C-2). The subject property is shown in more detail as Catawba County PINs 2793-11-55-9252, 2793-11-55-9059, 2793-15-54-9941, 2793-15-54-9646 and 2793-15-64-1885.
  - e. Rezoning of property partially bound by Clement Boulevard, 20<sup>th</sup> Street NW and 14<sup>th</sup> Avenue Circle NW, including 1305 20<sup>th</sup> Street NW, 2010 Clement Boulevard NW, 2544 14<sup>th</sup> Avenue Circle NW and 2500 Clement Boulevard NW and properties located at 1832 9<sup>th</sup> Avenue NW, 1811 18<sup>th</sup> Avenue NW, 825 18<sup>th</sup> Street NW, and 815 18<sup>th</sup> Street NW from Industrial (IND) to Office Institutional (OI). This property is shown in more detail as Catawba County PINs 29793-11-57-5461, 2793-11-57-8236 (part), 2793-11-57-8104 (part), 2793-11-57-7094 (part), 2793-11-56-5960, 2793-11-56-3449, 2793-11-55-4760, 2793-11-55-5448, 2793-10-45-7760, 2793-10-45-6927, 2793-10-46-6018, 2793-10-46-5041, 2793-10-46-6136 2793-15-64-3381, 2793-15-64-3265, 2793-15-64-4064, 2793-15-63-6903 and 2793-15-64-6016; and Burke County PINs 2793-36-8486 and 2793-35-8647.

2. Text Amendment (TA) 22-01. Various amendments to the City of Hickory's Land Development Code. Including Articles 2, 3, 5, 6, 7, 8, 9, 10, 14. Proposed amendments represent an annual review of said document.

### **OTHER BUSINESS**

1. **Consideration of Consolidation of November and December Meetings.**
2. **Appointment to the Community Appearance Commission.**

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 22-23**

<b>Key</b>	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										Jul-22	Jun-25
Catawba County		AX	P										Jul-21	Jun-23
Burke County		P											Dec-19	Jun-22
Ward 1		P	P										Jul-19	Jun-22
Ward 2		P	P										Jul-21	Jun-24
Ward 3		P	P										Jul-20	Jun-23
Ward 4		P	P										Jul-21	Jun-24
Ward 5		A	P										Jul-20	Jun-23
Ward 6		P	P										Jul-19	Jun-22

**Hickory Regional Planning Commission**  
**Wednesday, September 28, 2022, 6:00 pm**

A regular meeting of the Hickory Regional Planning Commission (HRPC) was held on Wednesday, September 28, 2022, 6:00 pm, in Council Chambers of the Julian G. Whitener Municipal Bldg.

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

**Members Excused:** none

**Members Absent:** none

**Others Present:** Director of Planning Brian Frazier, Assistant Planning Manager Cal Overby, Senior Planner Brian Burgess, Deputy City Attorney Arnita Dula, and Minutes Clerk Anne Starnes

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

**Roll Call:** Brian Frazier said a quorum was present, but he expected two additional members would arrive soon.

**Items of Correspondence:** Since the previous meeting, Mr. Frazier said Robert Weaver had resigned due to illness. He left word of Mr. Weaver's resignation with the Burke County Clerk and requested they seek a replacement for him on the Commission. Also, he advised members that Senior Planner Brian Burgess had recently resigned, and Friday will be his last day on staff. Mr. Burgess has accepted the position of Planning Director for Alexander County. He thanked Mr. Burgess for his 1½ years of service to the City.

**City Council Action:** Mr. Frazier said City Council had recently approved the proposed Blueberry Farms Sub-division, on a vote of 6-1.

**Approval and Signing of Minutes from the August 24, 2022 Meeting:** Minutes from the previous meeting in August were distributed to members in advance. No additions, deletions or corrections were stated. Anne Williams moved, seconded by Philip Reed, to approve the August 24, 2022 minutes as presented. The motion carried unanimously.

**Reading of State Ethics Rules:** Mr. McBrayer read aloud the NC Ethics Awareness & Conflict of Interest Reminder:

*In accordance with the State Government Ethics Act, it is the duty of each 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.

Mr. McBrayer explained the procedure for each public hearing on the meeting agenda, saying Commission members would hear from the proponents first, for 15 minutes total, followed by the opponents for 15 minutes. After all testimonies have been presented, there will be 5 minutes for rebuttal by each side, if needed. Members will then hold a discussion and vote to approve or deny the request, and it then goes to City Council for a final decision. He said the only request on the agenda tonight where the Commission members have the final word is on the Special Use Permit request later in the meeting.

## **PRESENTATIONS & PUBLIC HEARINGS**

### **1. Rezoning Petition 22-08.**

Mr. McBrayer opened the public hearing for Rezoning Petition 22-08.

Cal Overby presented the Staff Report and referred to PowerPoint slides. He reviewed **slide #2** (Rezoning Petition 22-08).

- **Property Owners:** Michael Wyant, Gregory Wyant, Jeffery Wyant, Dana Wyant, Whitener Family Trust
- **Applicant:** Same as above
- **Location:** 3820 Hickory Lincolnton Highway and surrounding properties
- **Current Zoning:** 321-ED (I) Catawba County
- **Property Size:** 158.8 acres
- **Background:** The subject properties are currently unincorporated, within Catawba County's jurisdiction and zoned 321-ED (I), which is an industrial zoning classification. The properties are in the process of being annexed into the City of Hickory and require rezoning upon annexation.
- **Request:** The property owner has requested to rezone the properties to Industrial (IND).

Mr. Overby said this property is currently outside of Hickory's planning jurisdiction; it is within Catawba County, where it is zoned 321 ED (I), or Economic Development Industrial. The property is in the process of being annexed and, following this meeting, whether Commission members vote for or against the recommendation for rezoning, it will go before Hickory City Council to be considered for annexation and rezoning. The requested Hickory rezoning classification is Industrial (IND).

**Slide #3** (Map 1. Hickory by Choice 2030). Mr. Overby noted the subject area was hashed in red on the map. He pointed out US Highway 321 and Highway 10, saying this property was not included during the last planning study in 2011. In order to determine if this is consistent with zoning, staff has referenced some other County plans to see what they say about the area.

**Slide #4** (Map 5. Startown SAP Future Land Use Recommendations and Residential Densities). Mr. Overby this map is from a few years ago, regarding land use and projected use of properties in the area. The subject area being discussed for rezoning is highlighted and is indicated as an industrial area. He said this was a Catawba County finding, per this particular study.

**Slide #5** (Map 6: 321 Eco-Tech Development Plan, Future Land Use Recommendations). Mr. Overby said this study was prepared after the previous Startown Plan and is more recent. This plan recommends the future land use as manufacturing/industrial. It is within an existing industrial area.

**Slide #6** (Map 2. Current Zoning). In terms of zoning in the area, Mr. Overby said it is all County zoning. He pointed out the subject property, hashed in red, and noted the various areas of Residential, Commercial, Commercial Development, Mixed-Use, Industrial, and 321-ED(I) on the map.

**Slide #7** (Aerial Photography). Mr. Overby noted Hwy. 321 and Hwy. 10, adjacent industry, and the County landfill on the aerial view. He said the main access is from the Hickory-Lincolnton Highway. The subject property was again hashed in red.

**Slides #8-9** (Rezoning Petition 22-08).

- The property is currently zoned 321-ED (I) and occupied by a residence, with the remainder vacant.
- The general area is **classified as ED-I** by Catawba County's Startown Small Area Plan and **Manufacturing / Industrial** by Catawba County's 321 Eco-Tech Plan.
- Catawba County's Startown Small Area Plan (Page 41) states: *Pursue a high-quality attractive business and light industrial park along NC Highway 10 near the US Highway 321 interchange on land currently zoned ED-I.*

- The 321 Eco-Tech Development Plan furthers Catawba County’s intension for the area. Within chapter 2 of this plan, a goal for the future of the area identifies this area for future industrial growth by including the following plan goal: *Pursue the development of a business and light industrial park with emphasis upon transportation and distribution facilities centered around Target, west of the US Highway 321 interchange along NC Highway 10.* This goal is reiterated several other times within the plan and is also depicted on several current and future land use maps.
- The prior planning studies conducted by Catawba County indicate the subject area is visioned to be industrial in nature.
- Given the plans’ previously outlined narratives, the rezoning of the properties to Industrial (IND) should be **considered to be consistent** with the findings and recommendations of the Startown Small Area Plan and the 321 Eco-Tech Plan.

**Slide #10** (Findings & Recommendation).

- **Findings**
  - The IND zoning district is similar to the current 321-ED (I) district. The IND zoning district is also consistent with the recommendation of the two previous planning studies conducted by Catawba County. Being such, the rezoning request is **consistent with the Startown Small Area and 321 Eco-Tech Plans**. Given the existing zoning of the subject properties, and the prior planning studies, it would be **reasonable** to rezone the properties in the manner requested.
- **Recommendation**
  - Staff has found Rezoning Petition 22-08 to be **consistent** with the Startown Small Area Plan and 321 Eco-Tech plans, and recommends the following:
    - The Planning Commission move to affirm the rezoning petition’s consistency with the Startown Small Area Plan and 321 Eco-Tech plans; and
    - Forward a **recommendation of approval** to Hickory City Council.

Mr. Overby said staff recommends approval of this request. He asked for questions from Commission members, and there were none.

The Staff Report was entered into the record as Exhibit A.

Mr. McBrayer said he would keep the time, again noting that the proponents would go first, with a 15 minutes time limit for their testimonies, followed by a 15 minutes time limit for the opponents.

**PROPONENTS**

• **Scott Millar**, 1916 13<sup>th</sup> Avenue Place SE, addressed Commission members, saying he was here representing the Catawba County Economic Development Corporation (EDC). He has been with the EDC for nearly 30-years, and hoped Commission members would understand the opportunity these properties bring to this development. He had prepared some slides, which he would share only if necessary, that show the proximity to Crate & Barrel, Room & Board, and Target, all of which are substantial light manufacturing and distribution facilities on the eastern side of this property. These properties have been zoned under the County’s jurisdiction since the planning and development of US 321. He said this entire corridor was developed as 321-ED(I) back in the 1990s.

Mr. Millar said this is consistent with the Startown Small Area Plan and the development of a business park or a light industrial opportunity in that area, and development of the 321 Eco-Tech Development Park. He believes the opportunity that could come about, as a result of rezoning this property, will pay off with results. In regards to ingress and egress, he believes it would occur on the same side of the area currently being used by Target.

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

No additional proponents were present to speak.

**OPPONENTS**

• **Rodney Warlick**, 3998 Hickory-Lincolnton Highway, addressed Commission members, saying he was not necessarily opposed, but that his land adjoins this property. He would like to know what they plan to put there, because it does not seem like anyone knows what is coming – what kind of building, what kind of manufacturing? Who has the answers? He and his cousin came together, and they just want to know what is going on with it.

Mr. McBrayer said the Commission does not have that information to provide for him.

Mr. Warlick again said he was not opposed to it, but since he lives right beside it, he would like to know who to talk with about it. Mr. Frazier offered his business card to him, and Mr. McBrayer suggested they talk tomorrow, saying he expects that whatever is built there would be in good taste and a good neighbor.

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

No additional opponents were present to speak.

Mr. McBrayer offered to provide 5-minutes for rebuttal, but no one requested to speak.

Mr. McBrayer declared the Public Hearing was closed.

Mr. McBrayer asked if there was any further discussion by members, comments or questions, and there was not. He asked for a motion to deny or approve the petition.

Bill Pekman moved, seconded by Anne Williams, to recommend approval of Rezoning Petition 22-08 by Hickory City Council. By a show of hands, the motion carried unanimously.

## **2. Rezoning Petition 22-09.**

Mr. McBrayer opened the public hearing for Rezoning Petition 22-09.

**Brian Burgess** presented the Staff Report and referred to PowerPoint slides. He reviewed **slide #12** (Rezoning Petition 22-09).

- **Property Owners:** Brooks Furniture Xpress
- **Applicant:** Anthony Brooks
- **Location:** Robinwood Rd. between Beck Street and Cochran Street
- **Current Zoning:** R-20 Residential - Catawba County
- **Property Size:** 26.672 acres
- **Background:** The subject properties are currently unincorporated, within Catawba County's jurisdiction and zoned R-20 Residential, which is a residential zoning classification. The properties are in the process of being annexed into the City of Hickory and require rezoning upon annexation.
- **Request:** The property owner has requested to rezone the properties to Industrial (IND).

**Slide #13** (Future Land Use). Mr. Burgess said the Future Land Use Plan classifies the property as Industrial, which is what the applicant is requesting.

Mr. Burgess reviewed **slide #14** (Subject Area Zoning), saying the current zoning is R-20. He said Trivium Corporate Center is located directly across the street.

**Slide #15** (Subject Area Aerial). Mr. Burgess said Brooks Furniture Xpress is a trucking logistics company. To the best of his knowledge, they are not planning to change anything, and it will continue being a trucking logistics company.

Mr. Burgess reviewed **slide #16** (Rezoning Petition 22-09).

- The property is currently zoned R-20 Residential by Catawba County and occupied by a trucking / logistics company, with the remainder vacant.
- The general area is **classified as Industrial** by the Hickory by Choice 2030 Comprehensive Plan.
- The requested Industrial (IND) zoning district is listed as the **implementing zoning district** for the Industrial classification.
- Given these factors, the rezoning of the property to IND should be considered **consistent** with the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.

**Slide #17** (Findings & Recommendation).

- **Findings**
  - The IND zoning district is cited as the implementing district for the Industrial future land use classification. Being such, the rezoning request is **consistent findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.**
- **Recommendation**
  - Staff has found Rezoning Petition 22-09 to be **consistent** with the Hickory by Choice 2030 Comprehensive Plan, and recommends the following:
    - The Planning Commission move to affirm the rezoning petition’s consistency with the Hickory by Choice 2030 Comprehensive Plan; and
    - Forward a **recommendation of approval** to Hickory City Council.

Mr. Burgess said staff recommends approval of this request. He asked for questions from Commission members, and there were none.

The Staff Report was entered into the record as Exhibit A.

**PROPONENTS**

• **Anthony Brooks**, 1459 Robinwood Road, Newton NC, addressed Commission members, saying their company has been in business at this location for 12-years. They are looking to expand their business, which is why they applied for this. They do not plan to build any more entrances or put any more traffic on the highway, they just need to build a larger warehouse. They employ 248 people, and plan to add some jobs in the future.

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

No additional proponents were present to speak.

**OPPONENTS**

• **Dan Wallace**, 3049 Cochran Street, Newton NC, addressed Commission members. He requested the aerial photo (slide #15) be returned to the screen, and said if you look at the boundaries, the south end of it comes right into their neighborhood. He said this is not the first time this has come up, that this is the fourth time they have applied for a different zoning.

Mr. Wallace said he had measured the road, and Robinwood Road is 18-feet wide, while every other road it joins with is at least 20-feet wide, and some are 24-feet wide. He said a tractor-trailer is anywhere from 103- to 108-inches wide, so that is 8-ft. 7-inches, or 9-feet. The yellow line and the white line on Robinwood are 8-ft. wide, so the trucks that go up and down that road, basically, have to ride that line. There are school buses, too, and their kids stand on the side of the road. Mr. Wallace said they are not against the trucking company, but they do not want them to expand into their entire back yard. They can already hear everything that goes on up there, so if it comes any closer, it is going to be tough for them.

Mr. Wallace said they are an aging community, which is one of the reasons most of the neighbors are not here tonight; they used to have big crowds turn out for these meetings. He said their leader Bob Hass passed away a couple years ago, and they had left it all up to him; he is a businessman, but is not a public speaker. He had a business in Catawba County for 32 years and was successful. He understands that progress is important for the

community, and for the county, but he does not think it is important enough to put this in their back yard. They have Trivium nearby now, which came close, but they did leave some buffer between his community and the business park; this is not going to leave any buffer. He asked the Commission not to vote favorably on this request. He is just one person, but the community is behind him on this. He thanked the members.

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

- **Mark Gerson**, 1726 Franklin Drive, Newton NC, addressed Commission members, saying that from his property, this would be in his back yard. He expressed concern that residential land is being purchased cheap, and then rezoned. His second point, as the members are likely aware, is that this area has a real shortage of housing and this is just going to make it worse. This is residential land where houses could be built, maybe with a slight rezoning, such as for an apartment complex, which makes sense with all the jobs across the street at Trivium. This will change it, and it can no longer be (used for) residential.

Mr. Gerson said his third point was that he will file a loss of home value lawsuit against the County or whoever makes this decision, and he promised to do it. He would gladly be a leader for the community, getting every single property owner to sign on to it, and they will not lose. He currently has a wonderful forested area behind his house, and now there is the potential of having large trucks and 248-plus employees driving through there 24/7; that affects his (property) value, and any appraiser or judge would find that to be true. He said any other house in there, potentially dozens of houses, could make a claim, and that is serious money you guys would lose. He said the worst part of it is that they, the taxpayers, who would have to pay for the diminished value claim they would win. Attorneys love these cases; they just take a percentage of what you all end up paying. On top of that, you are going to have to pay for legal representation for this, which is more taxpayer dollars.

Mr. Gerson said he had nothing against a man who wants to improve his business, he thinks that is great; he is a businessman himself, and he can understand that. He just thinks there are other places, even right across the street; that would be better served for this purpose. It would not cost the City or County a penny, and no one would be looking at a \$100,000 or \$300,000 in diminished value lawsuit. The area needs more houses right now, not any more industrial areas. He thanked members for their time.

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

- **Lewis Ogle**, 1790 Franklin Drive, Newton NC, addressed Commission members, saying he lives on the back street, on a corner property. He pointed out his property on the aerial map, as well as an adjacent 4-acre tract that has never been developed; there used to be an old house there, but it was torn down. He bought his house in 1996 and has lived there for 26-years. He could not say the trucking company has been a bad neighbor, not at the size it is now, but there are times when trailers are dropped on the ground when unhooking, and it does shake his house. He bought his house knowing the trucking company was nearby, but would have to say he is against the business expanding. In the past, they went down this same road when Mr. Dehart ran the business. His proposal was to expand his parking area for a storage area and trucks. Mr. Ogle said there are houses behind him, with a berm area between them; this (subject area) has stayed undeveloped and provides a nice buffer between him and Trivium.

Mr. Ogle said his biggest concern is having trucks parked right in his backyard, and looking out at the back of a truck. Another issue for him would be rainwater runoff, because if a parking area is put on those 4-acres, how will they control all the runoff. He believes all the neighbors have well water only, and it might be affected. The noise could be a concern, too; with Trivium, all the noise is contained inside the buildings, but with Mr. Brooks' business, there is a lot of outside noise. Saying he had nothing else to add, he thanked the members for their time.

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

No additional opponents were present to speak.

Mr. McBrayer said there would now time for rebuttal for both the proponents and opponents.

The proponents were provided 5 minutes for rebuttal.

### **PROponents – REBUTTAL**

Mr. McBrayer asked Mr. Brooks if he wanted to present rebuttal to the testimony.

• **Mr. Brooks** said he understood the residents' concerns, but wanted to clarify that this was the first time he had asked for the property to be rezoned. He said the Dehart family had asked for it, but he had no affiliation with them; he bought their family out 2-years ago. He stated he would not put any more trucks on the highway than what are there now. He noted the speaker who went out and measured the road, noting the road is the same size it has always been, ever since 1971 when the trucking business was built there by W&L Motor Lines. He understood what he was saying, but said that nothing had been changed from then to now.

Mr. Brooks said another speaker had asked why not just go across the street to Trivium. Actually, he said they did try to, but it is not zoned for transportation logistics, it is light industrial. That was their first choice, a year or two ago; he was told he could not move into the business park, and that is the only reason why they did not move over there. He invited anyone interested to ride by and look at their facility, saying they have one of the most attractive facilities on the highway. They take very good care of the facility and take pride in it, are in the top 5% in the county in wages paid, do everything the right way instead of cheaply, and that is why they need this help, so they can build the extra warehouse space they need. He wanted to be very clear that they would not put more trucks on the highway, or anything like that, and no one will see any more traffic than they are seeing now.

Mr. Brooks asked if there were any questions.

Dr. Pekman asked where their entrance is located. Mr. Brooks pointed out the entrance on the aerial photo and explained where the new building would be, saying they are not requesting to build any new entrances. He noted where Trivium plans to build another building directly across the street from them.

Mr. Mull asked if any of the trucks are refrigerated trucks, and Mr. Brooks said no, none at all.

Mr. Mull asked why a buffer would no longer be present on the property. Mr. Brooks said he was not aware of the requirement, but if a buffer is required, then he would put in a buffer. That is not an issue for him and they will do whatever the Planning Commission requests. They want to keep the same landscaping, and want it to all match, so it will look good.

Dr. Pekman said, when they bring their trucks in now, it was stated here that they are too big for the road; is that true? Mr. Brooks said that was what the gentleman had said, but trucks and trailers have not changed in their dimensions for over 25-years, and the highways have not been changed either. He was not going to argue the dimensions, but said nothing had changed on either the truck size or roadway size.

Mr. Hunt asked if new houses were built on the rear and side of the property. Mr. Brooks said he was not sure, but he was aware of vacant lots being back there; he does not own the lots, and they will not be included in his project. He again said that if Commission members recommend a buffer, then that is what he would do.

There were no additional questions for the proponent.

The opponents were provided 5 minutes for rebuttal.

### **OPponents – SURREBUTTAL**

Mr. McBrayer asked if anyone opposed to the petition wanted to present rebuttal.

• **Mr. Gerson** said he understood Mr. Brooks to say his business would not be allowed in Trivium, which is industrial, but he wants to expand it into a residential area. His business is not welcome next to the warehouses or whatever is across the street, but yet it is okay to expand it into their back yards. He thinks that is very ironic.

Mr. Gerson said Mr. Brooks said he would not add more trucks, so why does he need more space. It appears to be about double the space, and he cannot imagine over the next 10-20 years that he is not going to expand the number of trucks or employees, or whatever, so why do this and build an expensive new building. Their houses are all right around it and they are losing a peaceful forest area.

He had no further comments and McBrayer thanked him.

• **Mr. Wallace** pointed to the aerial photo, noting there is also existing housing along the south side of the business, not only on the backside. The part he is talking about expanding is coming toward that bottom area, the south end of that road, and he just wanted to clarify that.

He had no further comments and McBrayer thanked him.

• **Mr. Ogle** asked, if this is approved, then could a buffer also be created, or some type of aesthetic area for the residents on the backside of it; having a buffer would block the view, and be very neighborly.

He had no further comments and McBrayer thanked him.

There were no additional questions for, or further comments from the opponents.

Mr. McBrayer declared the Public Hearing was closed.

He asked for discussion on the petition.

Anne Williams asked if staff could explain the requirements for providing a buffer on the property, as discussed.

Mr. Burgess said it is Residential (Catawba County R-20) zoning against Industrial Conditional zoning in Hickory. Between Residential and Industrial, the buffer would need to be landscaping, earth berm, some type of fencing; it should be something significant.

Mr. Reed asked if the applicant knows this information, and Mr. Burgess said he may not have before, but does now. To be fair, staff and the applicant have not yet come to the point of site plans because the rezoning must happen first. All of that will come into play on the actual site plan, which will include landscaping, parking requirements, etc.

Mr. Hunt said the applicant had stated it would not be a problem for him to put a buffer in. Mr. McBrayer said yes, and that he would add a comment he often makes at these hearings, which is his belief that rezoning applicants would be wise to hold a neighborhood meeting to answer all of the nearby residents' questions. They come to this meeting and ask the members, and they know nothing about it or have any jurisdiction over it. Ms. Dula said that is not a mandatory requirement, and Mr. McBrayer said no it is not, but it is a good idea to make that gesture and allow the neighbors to come and ask all their questions in advance.

Mr. McBrayer asked if there was any further discussion by members, comments or questions, and there was not. He asked for a motion to deny or approve the petition.

Sam Hunt moved, seconded by Philip Reed, to recommend approval of Rezoning Petition 22-09 by Hickory City Council. By a show of hands, the motion carried on a 5-3 vote. Voting to approve RZ 22-09 were Mr. McBrayer, Mr. Hedrick, Ms. Williams, Mr. Reed, and Mr. Hunt. Voting to deny RZ 22-09 were Dr. Pekman, Mr. Mull, and Rev. Johnson.

Mr. McBrayer said this request would now go to City Council, where a second public hearing will be held. He advised the residents to attend and bring more supporters.

### 3. Rezoning Petition 22-10.

Mr. McBrayer opened the public hearing for Rezoning Petition 22-10.

**Cal Overby** presented the Staff Report and referred to PowerPoint slides. He reviewed **slide #19** (Rezoning Petition 22-10).

- **Property Owners:** Shuford Development, Inc.
- **Applicant:** Breakwater Development, LLC
- **Location:** 729 21st Street Drive SE, 669 21st Street Drive SE, and an adjacent parcel fronting Tate Boulevard SE
- **Current Zoning:** Industrial (IND)
- **Property Size:** 73.38 acres
- **Background:** The subject properties are unincorporated and within Hickory's extra-territorial (ETJ) jurisdiction. According to tax records, the subject properties have an area of 73.38 acres, and are zoned Industrial (IND). The subject properties are vacant, but the applicant has expressed interest in constructing residential townhomes on the properties, which is permitted by right within General Business (C-2) districts.
- **Request:** The property owner has requested to rezone the properties to General Business (C-2).

**Slide #20** (Map 1. Hickory by Choice 2030). Mr. Overby said the subject property was hashed in red. The area highlighted as purple is zoned Industrial, the pink area is zoned General Business, and a small area of High Density Residential is highlighted as gold. He indicated McDonald Parkway on the map, between the subject property and adjacent High Density Residential area.

**Slide #21** (Map 2. Current Zoning). The subject property was again hashed in red. Mr. Overby said the Industrial (IND) area was highlighted as purple, and the gold area represents high density residential (R-4). There are also two (2) small pockets of C-2 zoning, which includes some businesses that have existed here for a very long time.

**Slide #22** (Map 3. Aerial Photography). Mr. Overby pointed out a large amount of vacant land on the photo, a flood plain, business park, residential areas, and the Martin-Marietta Quarry, saying there were a wide variety of uses in this area.

**Slide #23** (Rezoning Petition 22-10).

- The area in question is designated as **General Business** by the comprehensive plan, and the **General Business (C-2) district is listed as the implementing district** for the plan's vision of the area. The following quoted text outlines the Hickory by Choice 2030 Comprehensive Plan's description of the General Business designation:
- "The general business designation provides for a diverse set of commercial and office uses. The district accommodates shopping, services, and professional offices. It is intended to capture the diversity of uses along thoroughfares, while also providing a predicable set of standards. Though the designation does include some residential uses, its primary focus is for commercial development accessed primarily by the automobile. Screening and landscaping standards are generally more relaxed than they are in other places given the proximity to similar use types." (HBC 2030, Page 3.11)
- Given these factors, the rezoning of the properties to General Business (C-2) should be considered **consistent** with the findings and recommendations of the plan.

**Slide #24** (Findings & Recommendation).

- **Findings**
  - The C-2 zoning district is listed as the implementing zoning district for the General Business classification. In review of the Hickory by Choice 2030 Comprehensive Plan, it would be **reasonable** to rezone the properties in the manner requested.
  - Given these factors, the rezoning of the property to C-2 should be **considered consistent with the findings and recommendations** of the Hickory by Choice 2030 Comprehensive Plan.

- **Recommendation**

- Staff has found Rezoning Petition 22-10 to be **consistent** with the Hickory by Choice 2030 Comprehensive Plan, and recommends the following:
  - The Planning Commission move to affirm the rezoning petition's consistency with the Hickory by Choice 2030 Comprehensive Plan; and
  - Forward a **recommendation of approval** to Hickory City Council.

Mr. Overby said staff recommends approval of this request. He asked for questions from the members.

Dr. Pekman said that earlier this week, the County Planning Board had discussed putting a housing development next to a quarry. Regarding the quarry off McDonald Parkway, he assumed that they still blast there. Mr. Overby said yes, it is an active quarry. Dr. Pekman asked if that would affect the neighbors in the area. Mr. Overby said yes, they could feel small tremors when the quarry is blasting. Dr. Pekman asked what the legal issues would be, and Mr. Overby was unable to provide that information to him.

Dr. Pekman asked what the uses would be in General Business. Mr. Overby said uses would include light industrial on a smaller scale, retail, commercial, office, medical, multi-family residential and other forms of residential. What you do not see in General Business is general manufacturing and single-family residential.

Dr. Pekman asked if Mr. Overby could discuss what is intended for this area, saying he was asking because this issue became very contentious at the County (planning meeting), with concerns about litigation related to blasting on a regular basis.

Mr. Overby said these developers had initially looked at residential. He said that, whether or not they are still looking at that, he did not know, but the developers are present to address their plans.

The Staff Report was entered into the record as Exhibit A.

Mr. McBrayer opened the public hearing.

### **PROPONENTS**

• **Tom McClellan**, 243 Corona Circle, Mooresville NC, addressed Commission members. He said they are considering various uses for the property, but the primary use would be high-density residential, including apartments and townhomes. If they could make something else work on the corner, such as commercial, they will try to, but due to the floodplain or wetlands, and the difficult topography, it is going to be hard to make that work. However, they have 74-acres, with plenty of room for density and are trying to make it work.

Mr. McClellan asked if there were any questions, and there were none. Mr. McBrayer thanked him.

No additional proponents were present to speak.

### **OPPONENTS**

• **William Trivette**, 822 21<sup>st</sup> Street Drive SE, Hickory NC, addressed Commission members. He pointed out his house on the aerial photograph, on the corner directly across from the subject property. He commented on what was said earlier about the small tremors felt when they are blasting at the quarry, saying that some very big tremors are felt in the area when they use dynamite at the quarry and it shakes his whole house. He expects there is a lot of granite rock over on the other side as well, because when they were using dynamite over there it also shook his house. Every time they blast at the rock quarry, his house trembles, and he expects that moving into the woods would have the same problems.

Mr. Trivette said there are only three (3) houses on his street, and they have been trying to close in on their area for the past 5-7 years. He stated he is against this request 100% and that was all he had to say.

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

No additional opponents were present to speak.

Mr. McBrayer declared the Public Hearing was closed.

Mr. McBrayer asked for discussion on the request.

Dr. Pekman asked to address Mr. Frazier, asking him if Martin-Marietta was made aware of this rezoning request. Mr. Frazier said he did not believe they were located within 500-feet of the subject area, so they would not have received the notification. Dr. Pekman again said this was a very contentious issue at the County meeting, and that Martin-Marietta had weighed in. Mr. Frazier said they have appeared before this board in the past, prior to his tenure with the City, and had discussed expansion. It was approved, but from what he understands, that quarry has a fairly limited lifespan; they will eventually be shutting down the operation, in approximately 20-25 years, maximum. He also understood they will be moving their blasting site/s further to the west, closer to Lenoir-Rhyne Blvd. SE, until the end of the quarry's lifespan.

Mr. McBrayer clarified that the Commission members' role here is to consider the rezoning, and anything further taking place on the property in the future is not included in the discussion.

Mr. McBrayer asked if there was any further discussion by members, comments or questions, and there was not. He asked for a motion to deny or approve the petition.

Anne Williams moved, seconded by Philip Reed, to recommend approval of Rezoning Petition 22-10 by Hickory City Council, as it appears to be consistent with Hickory by Choice 2030. By a show of hands, the motion carried on a 7-1 vote. Voting to approve RZ 22-10 were Mr. McBrayer, Mr. Hedrick, Ms. Williams, Mr. Mull, Mr. Reed, Mr. Hunt, and Rev. Johnson. Voting to deny RZ 22-10 was Dr. Pekman.

Mr. McBrayer said this request would now go to City Council for their consideration.

#### **4. Rezoning Petition 22-11.**

Mr. McBrayer opened the public hearing for Rezoning Petition 22-11.

**Mr. Overby** presented the Staff Report and referred to PowerPoint slides. He reviewed slide #26 (Rezoning Petition 22-11).

- Property Owners: Walter Stephen Ikerd Revocable Trust
- Applicant: R.H. Barringer, Inc.
- Location: 1060 Southgate Corporate Park SW
- Current Zoning: Regional Commercial (C-3)
- Property Size: 31.95 acres
- Background: The property is undeveloped, and according to tax records, is 31.95 acres in size. The subject property is currently zoned Regional Commercial (C-3). The applicant has expressed interest in constructing a distribution facility, which is permitted by right within Regional Commercial districts (C-3) but is limited to 50,000 ft<sup>2</sup> in total area. Rezoning the property to Industrial (IND) would eliminate the size cap, as IND districts do not have intensity limits.
- Request: The property owner has requested to rezone the property to Industrial (IND).

Slide #27 (Map 1. Hickory by Choice 2030). Mr. Overby said the Future Land Use map does not include parcels, and the property lines shown were only included here for reference. He pointed out the location of Hwy. 321 and the subject property hashed in red, just south of Hwy. 70 in the Regional Commercial and Revitalization area. Across Hwy. 321 to the west is Industrial. Noting the large Revitalization area along Hwy. 70, he described it as basically being a district intended to provide for encouragement of redevelopment and reinvestment in areas where investments had since moved elsewhere. Development activity in the area of Hwy. 70 SW shifted years

ago, and the City reacted by relaxing certain design and regulatory requirements to facilitate redevelopment of the area. It has served Hickory well in some instances.

**Slide #28** (Map 2, Current Zoning). Mr. Overby noted the subject area, hashed in red, currently zoned Regional Commercial (C-3) and the adjacent residential area of Southside Heights, zoned R-3. To the east, he pointed out Southside Heights Park and the former Catawba Mall, now occupied by a U-Haul storage facility; to the west are the Big Lots location and other businesses. Going west of Hwy. 321, he noted numerous zoning districts, including C-2, R-4, and Industrial.

**Slide #29** (Map 3. Aerial Photography). Regarding existing land uses adjacent to the subject area, he noted a couple office buildings in the area, a former hotel that is now occupied by a church, an apartment complex, the former mall, a large amount of vacant property to the south, and other businesses.

Mr. Overby reviewed **slides #30-31** (Rezoning Petition 22-11).

- The area in question is designated as **Regional Commercial and Revitalization** by the comprehensive plan. The following quoted text outlines the Hickory by Choice 2030 Comprehensive Plan's description of the Regional Commercial designation:
- "Regional commercial is currently focused on the I- 40/U.S. 70 corridor and this plan recommends the continuation of this development pattern. The I- 40/U.S. 70 corridor provides the most convenient access for city residents as well as persons living in the surrounding communities due to the proximity of I-40, U.S. 321, and U.S. 70. Another advantage to this location for "big-box" or superstores, and regional shopping malls is there are minimal opportunities for land use conflicts with single family residential."
- While the description of this classification does not have discussion about industrial uses, sizes of the discussed big-box stores are as large, if not larger, than many industrial uses. The shopping center to the northeast, which contains a Big Lots, contains more than 150,000 ft<sup>2</sup> of floor area.
- Additionally, part of the site and a larger area to the north are classified as **Revitalization** by the comprehensive plan. The intent of this classification is to provide areas where development standards are relaxed in efforts to spur redevelopment and reinvestment in areas long overlooked by current trends.
- Given these factors, the rezoning of the property to Industrial (IND) should be considered **consistent** with the findings and recommendations of the comprehensive plan. Consistent, because the potential development of the site will mean significant reinvestment in the area, which is a major strategy of the Revitalization land use classification.

Mr. Overby said there is a convergence of two (2) different use areas here, Regional Commercial and Revitalization District. Some of the uses in Regional Commercial include anything from a mom-and-pop retail store, to residential, to industrial, up to 6,000 sqft. He said many of the districts in Hickory are mixed-use, but their scale could differ. The difference between that and industrial is that with industrial, the residential and retail are both gone; there is an exclusion of certain uses. The property is currently zoned where a lot of development could be put on it, including a big-box store.

**Slide #32** (Findings & Recommendation).

- **Findings**
  - The IND zoning district is not listed as the implementing zoning district for the General Business classification; however, the IND district is listed as an implementing district for the Revitalization classification. In review of the Hickory by Choice 2030 Comprehensive Plan, it would be **reasonable** to rezone the property in the manner requested.
  - Given these factors, the rezoning of the property to IND should be **considered consistent with the findings and recommendations** of the Hickory by Choice 2030 Comprehensive Plan.
- **Recommendation**

- Staff has found Rezoning Petition 22-11 to be **consistent** with the Hickory by Choice 2030 Comprehensive Plan, and recommends the following:
  - The Planning Commission move to affirm the rezoning petition’s consistency with the Hickory by Choice 2030 Comprehensive Plan; and
  - Forward a **recommendation of approval** to Hickory City Council.

Mr. Overby said staff recommends approval of this request. He asked for questions from Commission members, and there were none.

The Staff Report was entered into the record as Exhibit A.

Mr. McBrayer opened the public hearing.

### **PROPONENTS**

• **Billy Truitt**, 178 17<sup>th</sup> Avenue NW, Hickory NC, addressed Commission members, saying he is with a beer distributor based out of Greensboro and is the general manager of their Hickory location, currently at 1613 Main Avenue Drive NW. Their company is looking to build a new warehouse in Hickory during the next couple of years. Their current warehouse is an older building, and they cannot grow on the site. With this new property, they would be able to grow, as needed, which is the reason they are requesting the rezoning. They are a regional company, but do have trucks running to multiple counties in the area, so there is traffic coming in and out of their site, primarily trucks.

Mr. Truitt asked if there were any questions from the members.

Mr. Mull asked how many trucks they currently have, and how many they would have if this expansion happens. Mr. Truitt said they are currently running approximately 11 trucks per day, plus an occasional spare route. The 11 trucks leave between 4:00 and 6:00 every morning, and return at various times, depending on the distance they travel, but they typically return between 12 noon and 3:00 pm. They also have in-bound deliveries arriving from their source breweries; these vary day-to-day, from two (2) to seven (7) typically, and there is no set schedule of their arrival or departure times. The people who work sales routes are rarely in the office, since they are out working in their territories.

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

No additional proponents were present to speak.

### **OPPONENTS**

• **Lawrence “LT” Thompson**, 245 36<sup>th</sup> Avenue Circle NW, Hickory NC, addressed Commission members, saying he was here representing Charlie Rogers and himself, as owners of the adjoining property, north of the proposed rezoning. He pointed out their Capital Concepts building on the aerial photo, located just south of the Chamber of Commerce building, and north of the subject property. Their business has been in this location for 22-years.

Mr. Thompson thanked the members for their work on behalf of Hickory and the citizens, saying he was impressed with the gravity of the effort the members had shown toward their responsibilities during the meeting tonight. He said his business supports the local business community in every way possible, and they strive to be good neighbors. Most importantly, they understand the need to keep businesses in town, and the overall role of Hickory by Choice. He said the advantage they have is that he and Mr. Truitt consider each other a friend, which has been helpful in this process. He thanked him for reaching out to his firm, noting they have already held a community meeting, as was suggested earlier in the meeting, and he gave Mr. Truitt full credit for arranging it.

Mr. Thompson said the name of the street, “Southgate Corporate Park,” speaks to what was initially intended here about 22-years ago. As a corporate park, it has developed slowly. The Chamber is there, along with Realty Executives, a therapy business (in the former Social Security office), an Extended Stay motel, and a church. He

said there is a certain ambiance, or feeling, to the office park setting, which clearly benefits their business. Their clientele appreciate the quiet, peaceful tree-lined setting. Mr. Thompson shared a photo of the surrounding property with members, noting the tree-lined street coming up to their property, along with landscaped medians and a sidewalk. He said the noise level there is very low in the area.

Mr. Thompson said their main concern is that changing the zoning will change the character of the corporate park. It was not really designed for large buildings, and Mr. Truitt was discussing 60,000 sqft. and on up to 100,000. Not only he, but also everyone he has talked with, has concerns about their 18-wheelers coming up and down that narrow street; possibly the street will need to be redesigned, or the medians changed. Referencing the photo members were viewing, he noted the beautiful trees on their landscaped medians, saying he would hate to lose those medians. He is concerned about there being a vehicle blocking traffic in one of the lanes, to the point that a tractor-trailer could not navigate the median; normally they would just go around the block, but he is not sure they could navigate it. He said, in fact, there is actually a truck blocking one of the lanes in the photo he shared.

Mr. Thompson said the principals in his firm have many concerns. He and Mr. Truitt have discussed buffers, and Mr. Truitt has promised to take them under consideration; it is a peaceful corporate park and they want to maintain their current ambiance, but he is not sure it can be done. Their business requires a certain level of quiet for the serious discussions they hold, such as estate and retirement planning meetings, and noise is disruptive to their business. There is also a very difficult turn, at the bottom of the hill, for any vehicle attempting to turn left on Hwy. 70 West. He was not sure a tractor-trailer could do it successfully, especially during the afternoon hours. He described the speed that cars are traveling there, coming from both directions and making a left turn extremely challenging.

Mr. Thompson said another concern is that, once it is rezoned industrial, which is not in keeping with the neighborhood, then anything else could come in and they would have an even bigger problem; there are other industrial uses that could certainly be worse. He asked to return (slides #30-31) to the screen, saying Mr. Overby's own words state it best, quoting bullet point three (3) which states, "... *this classification does not have discussion about industrial uses, ...*" and bullet point four (4) which states, "*Additionally, part of the site and a larger area to the north are classified as Revitalization by the comprehensive plan.*" He said that, by the City's own words, this area was not planned to be industrial, that it was intended to be commercial.

Mr. Thompson said they understand the need for businesses and want to support all of them, but they have concerns about conducting their own business in the future, as well as their property value. He suggested the City send the message that they support corporate and commercial tenants on this side of town, where there are very few. Lastly, he said when people come to visit who are thinking about investing in Hickory, they often go directly to The Chamber. He is worried, but not certain, that the character of their property will be changed. Also, if the trees and medians are removed, he does not think it sends the right message to Chamber visitors.

Mr. Thompson asked if there were any questions, and there were none. Mr. McBrayer thanked him.

No additional opponents were present to speak.

The proponents were provided 5 minutes for rebuttal.

### **PROPONENTS – REBUTTAL**

• **Mr. Truitt** said their goal is not to change any of the things Mr. Thompson discussed; their goal is to be a good neighbor. They have already started looking at plans for some type of buffer to go in-between the properties, as well as noise protection. They are taking all of these suggestions into consideration and intend to be a good neighbor. They want to be sure and maintain the peaceful ambiance that Mr. Thompson discussed, as best they can. They have five (5) locations around the state and feel confident in their ability to make whatever town they are located in look even better, based on the building they build and the trucks they drive. They do not want to have broken down trucks on the side of the road, and they repair them very quickly.

Mr. Truitt said he spoke with Chamber of Commerce management, and they are in support of the project. He said they like the idea of having a nice building on the site that can be seen by people driving into Hickory on Hwy. 321. Again, their goal in all of this is to be a good neighbor to everyone, and provide whatever they can for them.

There were no questions, and Mr. McBrayer thanked him.

Mr. McBrayer held up Mr. Thompson's photo, saying that any discussion of removing the landscaped medians was speculation at this point, and asked staff who would make that decision. Mr. Frazier said this is a rezoning, and staff does not have an application yet, in terms of a commercial application and plans. He said this building exceeds their minimum threshold of 15,000 sqft, so it would require a pre-application meeting with staff, and in this case, would involve about 9-10 other City departments, 2-3 County agencies, and a NCDOT review. He said if the Planning Commission makes a recommendation that goes to City Council, and they were to approve it, then a pre-application meeting would follow with the applicant and others. They will then consider lighting, signage, landscaping, etc, and road access into and out of Corporate Park Drive. Highway 70 is a NCDOT road, so they would also be involved in the process. The applicant would then submit plans to the City, County, and State for their review.

The photo provided by Mr. Thompson was entered into the record as Exhibit B.

### **OPPONENTS – SURREBUTTAL**

None

Mr. McBrayer declared the Public Hearing was closed.

Mr. McBrayer asked if there was any further discussion by members, comments or questions. Hearing none, he asked for a motion to deny or approve the petition.

Bill Pekman moved, seconded by Sam Hunt, to recommend approval of Rezoning Petition 22-11 by City Council. By a show of hands, the motion carried on a 6-2 vote. Voting to approve RZ 22-11 were Mr. McBrayer, Dr. Pekman, Mr. Hedrick, Ms. Williams, Mr. Hunt, and Rev. Johnson. Voting to deny RZ 22-11 were Mr. Mull and Mr. Reed.

At 7:30 pm, Mr. McBrayer announced there would be a 10-minute recess.

### **5. Special Use Permit 22-04.**

The meeting reconvened at 7:40 pm.

Mr. McBrayer said the next public hearing would be quasi-judicial, with all speakers sworn in prior to presenting their testimony. There will be a roll call vote by members, with each of them stating the specific reason/s for their vote. No recommendation will be forwarded to City Council, and the decision made here tonight will be final.

Mr. McBrayer opened the public hearing for Special Use Permit 22-04.

All speakers were sworn in prior to their testimony.

**Brian Burgess** presented the Staff Report and referred to PowerPoint slides. He reviewed slide #34 (Special Use Permit 22-04).

- **Property Owner:** Sunset Southstar, LLC
- **Applicant/Agent:** Joshua Fountain
- **Property Location:** 2910 North Center Street
- **Ward:** Ward 1 (Wood)
- **Property Zoning:** Community Commercial (CC-1)
- **Property Size:** 1.02 acres

- **Request:** Operation of a drinking establishment.

Mr. Burgess said the property is located near the Belle Hollow Shopping Center in Viewmont.

Mr. Burgess reviewed **Slide #35** (Background).

- The subject property is occupied by a multi-tenant retail / commercial building, which was constructed in 2017. The applicant's intention is to establish a new cigar bar in a vacant tenant space in the building. The property is currently zoned Community Commercial (CC-1), and drinking establishments are permissible upon obtaining a special-use permit.
- The Land Development Code defines a drinking establishment as: an establishment where alcoholic beverages are obtainable within or thereon and where such beverages are consumed on the premises. This includes all bars, nightclubs, taverns, and other similar establishments. This excludes eating establishments where food sales exceed 30 percent of the facility's total sales. If the facility also sells food, and the sale of food products represents more than fifty percent of the facility's total sales, the facility shall be considered an eating establishment. Eating establishments are classified as Retail Sales and Service.

Mr. Burgess reviewed **slides #36-40** (Special Use Criteria).

**1. Consistency with the Hickory by Choice 2030 Plan**

- The Comprehensive Plan indicates the subject area is classified as Community Commercial.
- The Comprehensive Plan describes the Community Commercial Classification as a district to provide:
- *"... services and retail establishments that serves a larger market than a neighborhood mixed-use district. The intent of this district is to provide opportunities for larger scale retail developments that serve the northeast, northwest, and southern portions of the city and reduce the need for cross town travel to the regional shopping area along the U.S. 70 corridor. These areas also provide potential for the provision of multi-family residential in a mixed-use or stand-alone setting."*
- Staff feels the permitting of a drinking establishment would be keeping with the strategies and recommendations of the Hickory by Choice 2030 comprehensive plan.
- As previously outlined, the subject property is located in an area classified as Community Commercial by the Hickory by Choice 2030 Future Land Use Map. A drinking establishment should be considered a consistent use within the Commercial Corridor designation.

**2. Compliance with the Land Development Code**

- The proposed use, if permitted, will be required to comply with all applicable provisions of the Land Development Code. Compliance will be affirmed during the administrative plan review and permitting process.

**3. Compatibility with Adjacent Uses**

- The proposal to open a drinking establishment on the subject property is compatible with the adjacent uses.
- Hours of operation are regulated by the State of North Carolina and are unable to be enforced at the local level.
- An increase in traffic to the property will likely occur, given the nature of the business, but is not anticipated to increase to unacceptable volumes.
- Outdoor lighting is currently in place, but any changes would be reviewed for compliance with the Land Development Code to ensure minimal glare onto neighboring properties and roadways.
- There are no plans to expand the footprint or alter the exterior of the building at this time according to the applicant.

**4. Mitigation of significant impacts**

- No adverse impacts from the use of this property as a drinking establishment are anticipated.
- The project has been and will continue to be reviewed for compliance with all applicable development standards.

**5. Diminution in value of surrounding properties**

- No qualified information has been submitted that would indicate the proposed drinking establishment would have detrimental impacts on the values of properties in the vicinity.

**6. Levels of service (police, fire, utilities, etc.)**

- The city serves the property with fire and police protection and will continue to do so.
- Public water and sewer are available to adequately serve the property.

**7. Assurances of continued maintenance**

- The applicant will be required, by city ordinance, to maintain all portions of the property.

**Slide #41** (Findings & Recommendation).

- **Staff Recommendation**

- Staff finds the request to be in conformance with the standards for approval contained with the City's Land Development Code, and recommends approval contingent upon the following:
  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. Prior to the occupancy of the space, any required construction plans must be submitted, reviewed, and approved by the City of Hickory.

Mr. Burgess said staff recommends approval of this request. He asked if there were questions from Commission members.

Mr. Reed asked if this business would occupy the space on the corner that was formerly an AT&T business. Mr. Burgess said yes.

The Staff Report was entered into the record as Exhibit A.

**PROPONENTS**

• **Josh Fountain**, 308 41<sup>st</sup> Avenue Place NW, Hickory NC, addressed Commission members. He is the applicant, and present to answer any questions. He said they are an upscale cigar lounge, with two current locations in Charlotte and Concord, which were established in 2015. This will be a drinking establishment, but will be a private club, similar to ones located in Charlotte. They hope to also have food trucks and events for the community to enjoy.

Mr. Fountain asked if there were any questions from the members.

Mr. Mull asked if they would sell cigars on-site. Mr. Fountain said yes, they would sell cigars to their members.

Ms. Williams clarified that a membership is required, and someone must be a member of the club. Mr. Fountain said yes.

There were no additional questions and Mr. McBrayer thanked him.

No additional proponents were present to speak.

**OPPONENTS**

None

Mr. McBrayer declared the Public Hearing was closed.

Mr. McBrayer asked if there was any further discussion by members, and there was none. He commented that the location was a perfect fit for the business.

Mr. McBrayer asked for discussion by members. Hearing none, he requested a motion to approve or deny the petition.

Philip Reed moved, seconded by Steve Mull, to approve Special Use Permit (SUP) 22-04.

Mr. McBrayer again noted this was a quasi-judicial hearing and there would be a roll call vote, with members voting individually, stating their reasons as to why they were voting for or against the petition.

**Rev. Johnson** voted to approve SUP 22-04, based on the well-prepared application and staff report, and that it meets all of the required criteria.

**Mr. Hunt** voted to approve Special Use Permit 22-04, based on it meeting the required criteria and staff report.

**Dr. Pekman** voted to approve Special Use Permit 22-04, based on the testimony given and presentation made by staff, and that it appears to comply with the Land Development Code and Hickory by Choice.

**Mr. McBrayer** voted to approve Special Use Permit 22-04, based on it being consistent with the Land Development Code and Hickory by Choice, and is a needed entity in the city.

**Mr. Reed** voted to approve Special Use Permit 22-04, based on it being a good use for the property and the City staff's opinion that it meets all required the criteria.

**Mr. Mull** voted in favor of the motion to approve Special Use Permit 22-04, based on the application meeting all the required criteria.

**Ms. Williams** voted to approve Special Use Permit 22-04, based on the application meeting all seven of the review criteria, and it complies with the Land Development Code and Hickory by Choice 2030.

**Mr. Hedrick** voted to approve Special Use Permit 22-04, based on the finding of facts as presented, and it being consistent with Hickory by Choice and the Land Development Code.

Mr. McBrayer said Special Use Permit 22-04 was unanimously approved by the Planning Commission.

## **OTHER BUSINESS**

### **1. Consideration of Updates to the Hickory by Choice 2030 Comprehensive Plan**

Mr. McBrayer opened the public hearing to consider updates to the Hickory by Choice 2030 Comprehensive Plan.

**Brian Frazier** reviewed **slide #43** (2022 Hickory by Choice 2030 Update).

- The 2022 review represents a planned 5-year review of the comprehensive plan.
- The intent of this review was to identify modifications needed or required to ensure the plan continues to be relevant.

He said Planning Commission members had voted to adopt the plan in 2011. It is a large document, and basically, a blueprint for growth and development in Hickory. When it was adopted by City Council in 2011, staff promised there would be an annual review and 5-year reviews of the plan. This year's update is actually a 6-year review; it was postponed one year due to COVID-19, which delayed the demographic and census data. He said the intent of the review is to identify modifications needed and/or required to ensure that the Hickory by Choice plan continues to be relevant. Most likely, within the next 2 years, the City will need to start from scratch and look at creating a 2040 to 2050 plan.

Mr. Frazier reviewed slide #44 (2022 Hickory by Choice 2030 Update).

- HBC 2030 was first adopted in 2011. Annual revisions have been made since. The last five-year revision was made in 2016.

Mr. Frazier said revisions had been made since the Hickory by Choice plan was adopted in 2011, with the previous 5-year revision completed in 2016. He said staff was assisted by a consultant in 2010-11, with an extensive community engagement effort. During every year since, the annual revisions and 5-year revisions have all been performed entirely by staff. He thanked Mr. Burgess, and especially Mr. Overby, for doing the majority of the work on this revision. Their department currently has a planning staff of three members, and at the end of this week, they will have a staff of only two. He said that by performing this work themselves, they save the taxpayers \$100,000 to \$150,000 each year, and he is grateful to have such a dedicated staff.

- Significant revisions have been made and recommended to you for:
  - Demographics
  - Vision and Community Design
  - Housing
  - Economic Development
  - Land Use
  - Transportation

Mr. Frazier thanked each department head who contributed by updating their data and verbiage for the plan. He said there had been major changes in demographics during the last 5-6 years, with considerable changes in terms of economic status, race, education to some degree, and specifically in economics. Since the last census, Hickory has gained 8.6% in population, and that Hickory has not seen that level of growth in decades. The result of this is that staff made many changes to the chapter devoted to demographics, and many changes to the chapter on Vision and Community Design. As the members know, Hickory is undergoing a housing boom and it includes everything in the pipeline, from projects being discussed and ones already applied for, to projects going to the Planning Commission or City Council, to projects that are being annexed and many others – all of the projects currently in the pipeline likely cross that 5,000 plateau. He doubts anyone here believes 5,000 houses will be built, but being an optimistic planner, he hopes to see 25-30% of them built. Much of it depends on the national economy and other factors, but Hickory needs housing, including affordable housing. Many jobs are being created through economic development, including the bond initiative.

Mr. Frazier said there have been many changes in the land use in the last year, and in the last 5-years, since the last 5-year revision. Hickory is expanding and annexing; as members have seen, they are annexing down near Newton now. Transportation is definitely changing, and there have been many City projects during the past 5-years. There are a number of state projects on the State Transportation Improvement Plan, but some that were supposed to be completed by today, are now being projected for 2029 and beyond. Road improvements are slated for Highways 321 and 70, I-40, and Springs Road, with new bridges planned for both Highways 127 and 321. There is a lot going on in Hickory.

Mr. Frazier reviewed slide #45 (2022 Hickory by Choice 2030 Update).

- NCGS 160D – 501 requires any local government that wishes to enact land-use regulations adopt and routinely maintain a comprehensive plan.
- NCGS 160D 501 (c) requires comprehensive plans be adopted in the same manner as zoning text amendments. This includes a properly noticed public hearing prior to adoption.

He mentioned all the public hearings held tonight, with the exception of the Special Use Permit, noting there are three (3) annexations on the City Council agenda next week.

Mr. Frazier reviewed slide #46 (Hickory by Choice, Future Land Use and Transportation Plan), pointing out highlighted areas of change on the future land use map, including to General Business, an area along Hwy. 127 which changed to Commercial Corridor, and a change to Medium Density Residential for the former Whisnant Horse Barn property. He said these future land use changes go hand-in-hand with the comprehensive plan.

Mr. Frazier said staff is now preparing a re-write of the Land Development Code. It has been prepared in draft form and is currently under review. It is scheduled to come before the Planning Commission in October for review and approval, followed by presentation to City Council in November.

Mr. Frazier expressed his thanks to both the planning staff and commission, again saying he is proud of what staff has accomplished in-house.

Mr. Frazier said staff requests the Planning Commission forward a recommendation of approval to City Council, for the agenda of their meeting next Tuesday evening. He asked if there were any comments or questions from members.

Mr. McBrayer requested that new member Steve Mull be added to the member list of the Hickory Regional Planning Commission, on page 4 under "Acknowledgements."

**PROPONENTS**

None

**OPPONENTS**

None

Mr. McBrayer said no one had signed up to speak in favor or opposition tonight, and he declared the Public Hearing was closed.

Ms. Williams said she spoke on behalf of all Planning Commission members in thanking staff for their hard work in updating the Hickory by Choice 2030 Comprehensive Plan, which had included a great deal of additional work on top of their already full schedules.

There was no further discussion, and Mr. McBrayer asked for a motion.

Anne Williams moved, seconded by Steve Mull, to recommend the "Updates to the Hickory by Choice 2030 Comprehensive Plan" to Hickory City Council, for their consideration and approval. By a show of hands, the motion carried unanimously.

Other – Mr. McBrayer wished Mr. Burgess future success in his new position with Alexander County, and thanked him for his service to the City of Hickory and Planning Commission.

**Next Meeting:** The next regular meeting is scheduled for Wednesday, October 26, 2022, at 6:00 pm.

**Adjourn:** There being no further business, Mr. McBrayer declared the meeting adjourned at 8:05 pm.

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Bill McBrayer, Chair  
Hickory Regional Planning Commission

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Anne Starnes, Minutes Clerk  
City of Hickory

## REZONING ANALYSIS

**PETITION:** 22-12

**APPLICANT:** City of Hickory

**OWNERS:**

1. Area A: City of Hickory
2. Area B: City of Hickory
3. Area C: City of Hickory
4. Area D: City of Hickory, Benda Harris, Charles Stewart Properties
5. Area E: City of Hickory, Sylvia Long, PEH Properties, Frank McKinnon, Rosa Lee Smith, Resurrection Family Church, Record Properties, G&M Rentals, Annabelle Properties

**PROPERTY LOCATION and PINS:**

1. Area A: 706 1<sup>st</sup> Street SW, 730 3<sup>rd</sup> Street SW and 735 3<sup>rd</sup> Street SW. Catawba County PINs 3702-10-46-6279 and 370210469254.
2. Area B: 1451 8<sup>th</sup> Street Drive NE and 705 13<sup>th</sup> Avenue NE. Catawba County PINs 3713-10-25-8743, 37130-9-15-9241, 3713-10-26-7255 and 3713-10-25-6245.
3. Area C: 1570 Old Lenoir Road, 1560 12<sup>th</sup> Street Drive NW, 1615 12<sup>th</sup> Street Drive NW and 2085 12<sup>th</sup> Street Drive NW. Burke County PIN 2794-60-9893 and Catawba County PIN 2793-07-78-0912.
4. Area D: 960 20<sup>th</sup> Street NW, 950 20<sup>th</sup> Street NW, 936 20<sup>th</sup> Street NW, 931 18<sup>th</sup> Street Place NW, and an unaddressed parcel. Catawba County PINs 2793-11-55-9252, 2793-11-55-9059, 2793-15-54-9941, 2793-15-54-9646 and 2793-15-64-1885.
5. Area E: Partially bound by Clement Boulevard, 20<sup>th</sup> Street NW and 14<sup>th</sup> Avenue Circle NW, including 1305 20<sup>th</sup> Street NW, 2010 Clement Boulevard NW, 2544 14<sup>th</sup> Avenue Circle NW and 2500 Clement Boulevard NW and properties located at 1832 9<sup>th</sup> Avenue NW, 1811 18<sup>th</sup> Avenue NW, 825 18<sup>th</sup> Street NW, and 815 18<sup>th</sup> Street NW. Catawba County PINs 29793-11-57-5461, 2793-11-57-8236 (part), 2793-11-57-8104 (part), 2793-11-57-7094 (part), 2793-11-56-5960, 2793-11-56-3449, 2793-11-55-4760, 2793-11-55-5448, 2793-10-45-7760, 2793-10-45-6927, 2793-10-46-6018, 2793-10-46-5041, 2793-10-46-6136, 2793-15-64-3381, 2793-15-64-3265, 2793-15-64-4064, 2793-15-63-6903 and 2793-15-64-6016; and Burke County PINs 2793-36-8486 and 2793-35-8647.

**WARD:** The properties are in Wards 1 (Councilman Wood), 4 (Councilman Williams), and 5 (Councilman Zagaroli).

**ACREAGE (from Catawba and Burke County tax records):**

1. Area A: 10.69
2. Area B: 38.79
3. Area C: 152.55
4. Area D: 8.14
5. Area E: 89.96

**REQUESTED ACTION:** Rezone the properties as follows:

1. Area A: R-4 Residential to Office Institutional (OI)
2. Area B: R-4 Residential to Office Institutional (OI)
3. Area C: R-2 Residential to Planned Development

4. Area D: Industrial (IND) to General Business (C-2)
5. Area E: Industrial (IND) to Office Institutional (OI)

**BACKGROUND:** The properties are occupied by an assortment of land uses, including parks, libraries, businesses, and residences. The rezoning of Ridgeview Library and Stanford Park are being considered to apply a zoning district that better fits their current use. The rezoning of the Riverwalk area is being sought to accommodate future plans for the area. The remainder of the rezonings are being considered to enhance development and redevelopment activities in the vicinity of the new Appalachian State campus and Hickory Regional Airport.

**DEVELOPMENT POTENTIAL:** The properties occupied by Ridgeview Library and Stanford Park are zoned residential. The change in their zoning to Office Institutional would normally increase development potential, but the uses of the properties are for public purposes in perpetuity.

The Riverwalk area is currently zoned residential and is occupied by a park and water treatment plant. The change to Office Institutional will afford the city more opportunity to develop other uses in the vicinity of the Riverwalk.

The areas near the new Appalachian State Campus and Hickory Regional Airport are mostly being downzoned from Industrial to General Business and Office – Institutional. With the potential growth of Appalachian State and the airport, a change from industrial to districts will be more conducive to office, retail and residential uses would be appropriate.

**REVIEW CRITERIA:** In reviewing and making recommendations on proposed zoning map amendments, review bodies shall consider the following factors (**Please refer to Map 1 of each specific area for details**):

1. Consistency of the proposed zoning with the *Hickory Comprehensive Land Use and Transportation Plan (Hickory by Choice 2030)* and the stated Purpose and Intent of this Land Development Code;
  - A. Area A: Is classified as Park by Hickory By Choice 2030. The “Park” classification does not have a specific recommended zoning district, but it would be logical for a library and park to be in an OI district
  - B. Area B: Is classified as Medium Density Residential and Public / Institutional by Hickory by Choice 2030. OI is the implementing district for Public / Institutional, but not for Medium Density Residential. The rezoning of the entire park to OI for an institutional use is reasonable.
  - C. Area C: Is classified as Park, Public / Institutional and Neighborhood Mixed-Use. The Planned Development zoning designation is recommended for the Public / Institutional, but not the Park. However, it should be noted a park is in fact an institutional use.
  - D. Area D: Is classified as General Business by Hickory by Choice 2030, The General Business (C-2) district is the implementing district for this classification.
  - E. Area E: Is classified as Park, General Business and Industrial by Hickory by Choice 2030. Parks can also be considered institutional uses, so OI zoning could be considered a correct designation. Rezoning from IND to OI is downzoning for the remainder of the area. The majority of the area not encompassed by L.P. Frans Stadium is vacant or institutional in nature. The rezoning to OI won’t have any immediate impacts on these areas.

**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.

*This question was addressed in the prior section of this report.*

- Preserve and protect land, air, water and environmental resources and property values.

*All improvements that are to take place on the property will be required to follow all applicable development regulations.*

- Promote land use patterns that ensure efficiency in service provision as well as wise use of fiscal resource and governmental expenditures.

*The subject property has access to roadways and have or will have other necessary infrastructure before developing or redeveloping. Private development will fund the infrastructure necessary for its operation.*

- Regulate the type and intensity of development; and

*The current land use pattern of the larger area consists of mostly of business and institutional uses. The rezoning of the areas to as previously listed will keep with the current pattern.*

*Public resources to provide critical public services will be or are in place to service the area. These include public utilities and transportation infrastructure.*

- Ensure protection from fire, flood and other dangers.

*Any future development occurring on the subject property will be required to adhere to all state and local building, fire, and flood zone related development regulations. Such regulations will ensure proper protections are provided to ensure surrounding residents, and property are properly protected as prescribed by law.*

2. Existing land uses within the general vicinity of the subject properties **(Please refer to Maps 2 and 3 of each specific area for details):**

3. The suitability of the subject properties for the uses permitted under the existing and proposed zoning classification:

*The current land use pattern of the larger area consists of mostly of business and institutional uses. The rezoning of the areas to as previously listed will keep with the current pattern.*

4. The extent to which zoning will detrimentally affect properties within the general vicinity of the subject property:

*The proposed rezoning will not have an immediate impact on the area, as the uses of the properties are not changing. The downzoning of industrial areas actually makes negative impacts less likely.*

5. The extent to which the proposed amendment (zoning map) will cause public services including roadways, storm water management, water and sewer, fire, and police protection to fall below acceptable levels.

*Public resources to provide critical public services will be or are in place to service the area. These include public utilities, transportation infrastructure, as well as police and fire protection.*

6. The proposed amendment (zoning map) will protect the public health, safety, and general welfare.

Any future development that occurs on the subject property as the result of the zoning map amendment, will be required to adhere to regulations related to zoning, building and fire code, traffic, stormwater, etc., which will work in conjunction with one another to ensure the health and safety of residents and visitors are properly protected.

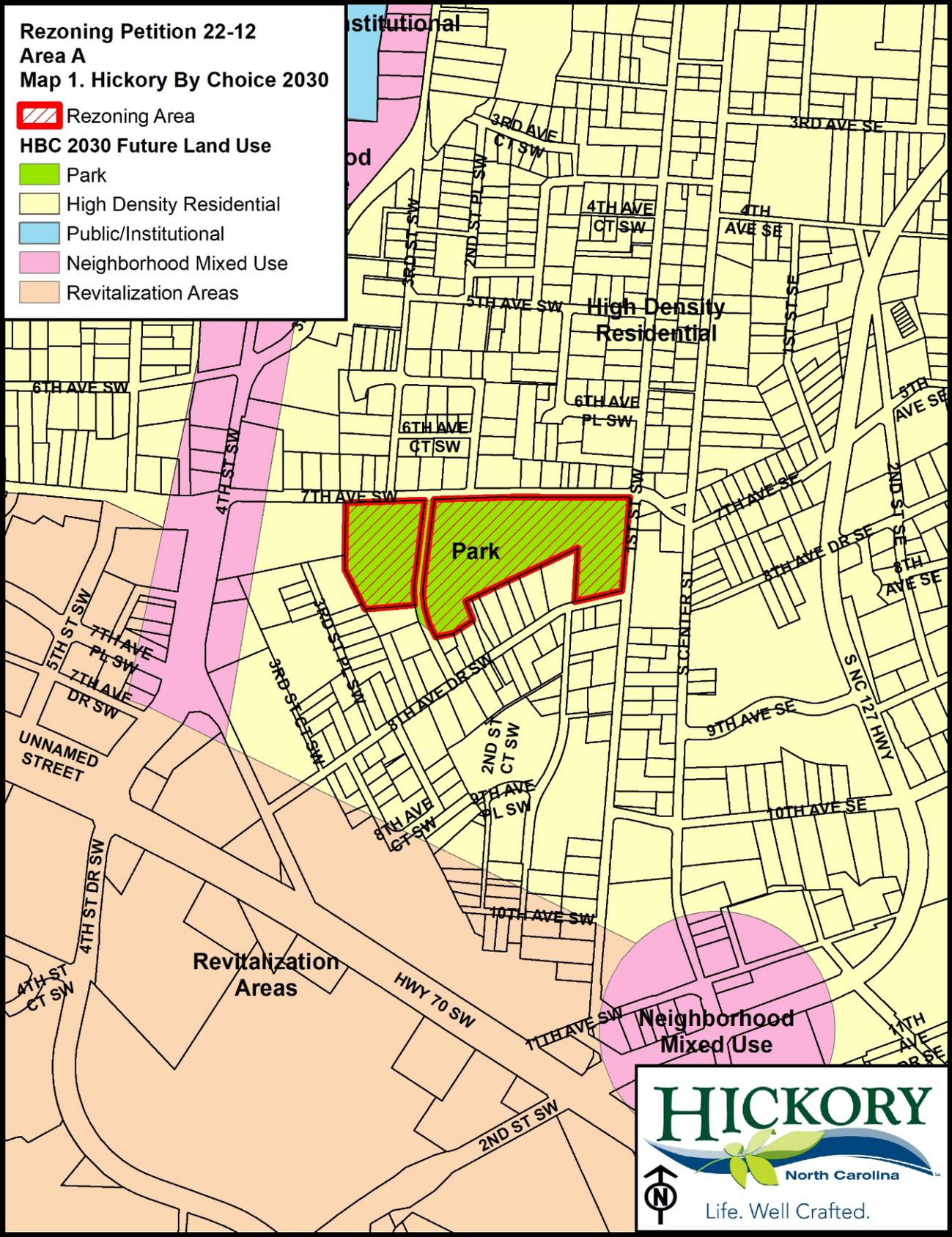
#### **RECOMMENDED ACTION:**

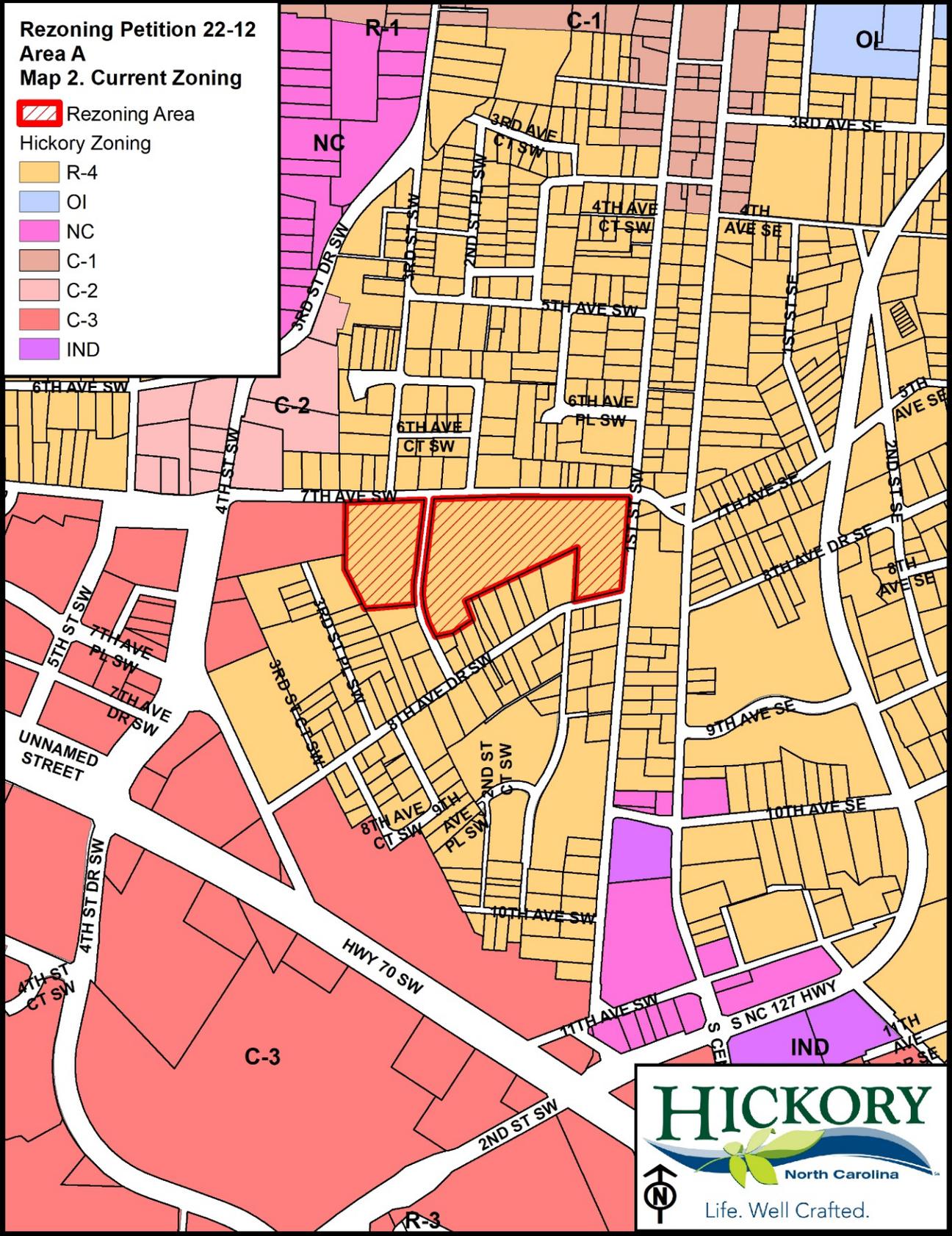
Staff finds Rezoning Petition 22-12 to be **consistent** with the Hickory by Choice 2030 Comprehensive Plan, and recommends the following:

1. The Hickory Regional Planning Commission adopt a statement affirming the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan: and
2. Forward a recommendation of approval to the Hickory City Council.

#### **CITIZEN INPUT:**

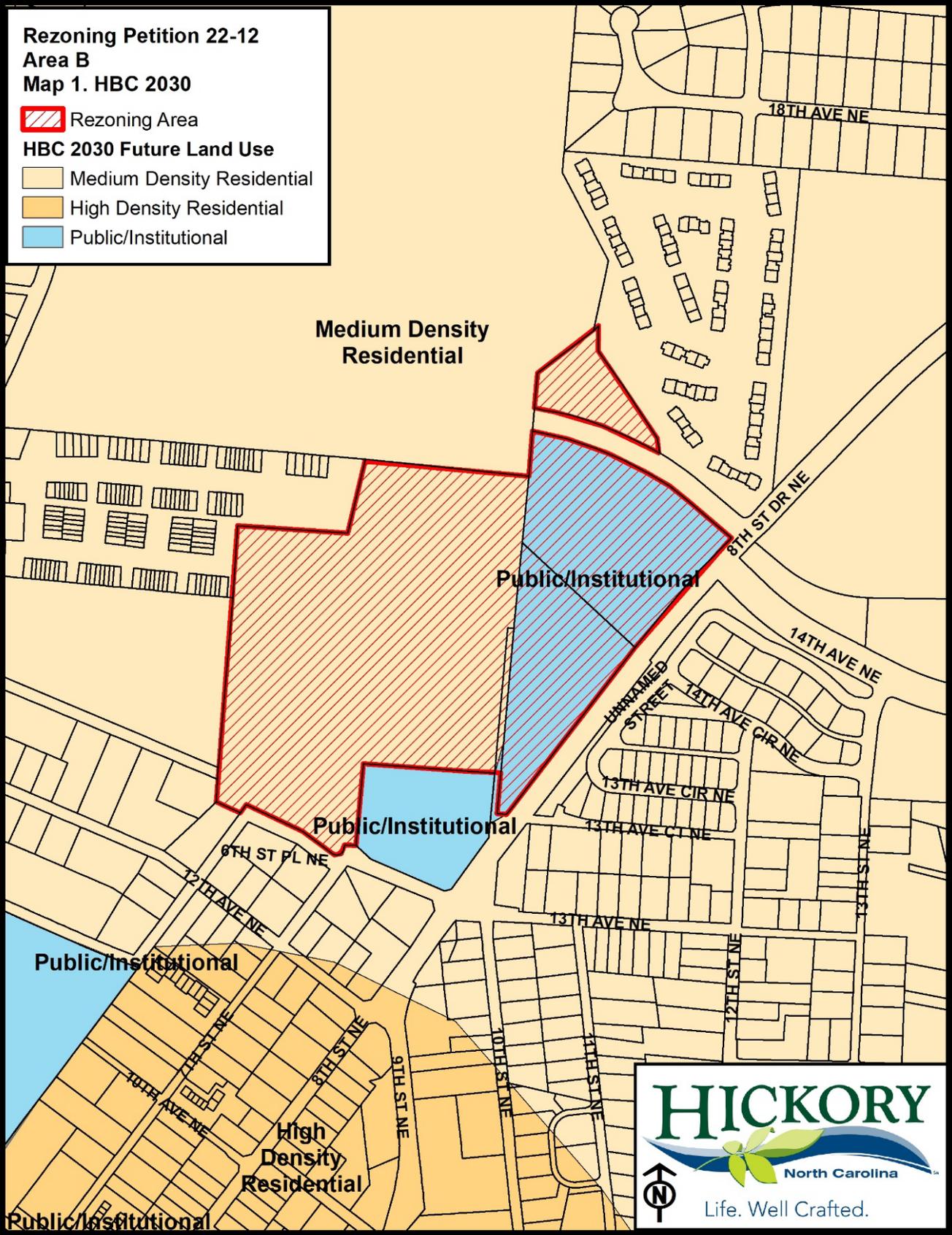
As of October 19, 2022, staff has received eleven (11) inquiries regarding this petition.

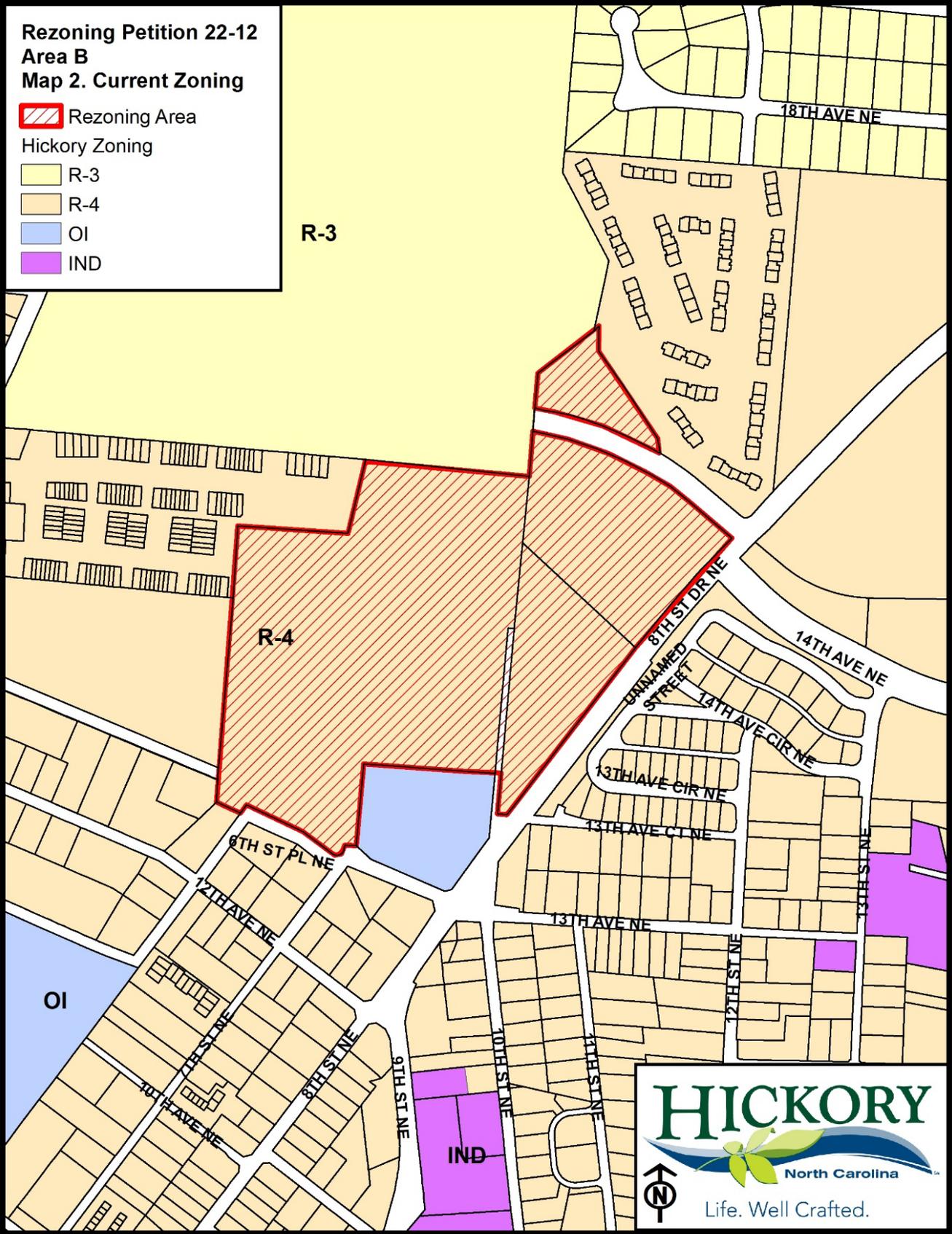




Rezoning Petition 22-12  
Area A  
Map 3. Aerial Photo  
 Rezoning Area







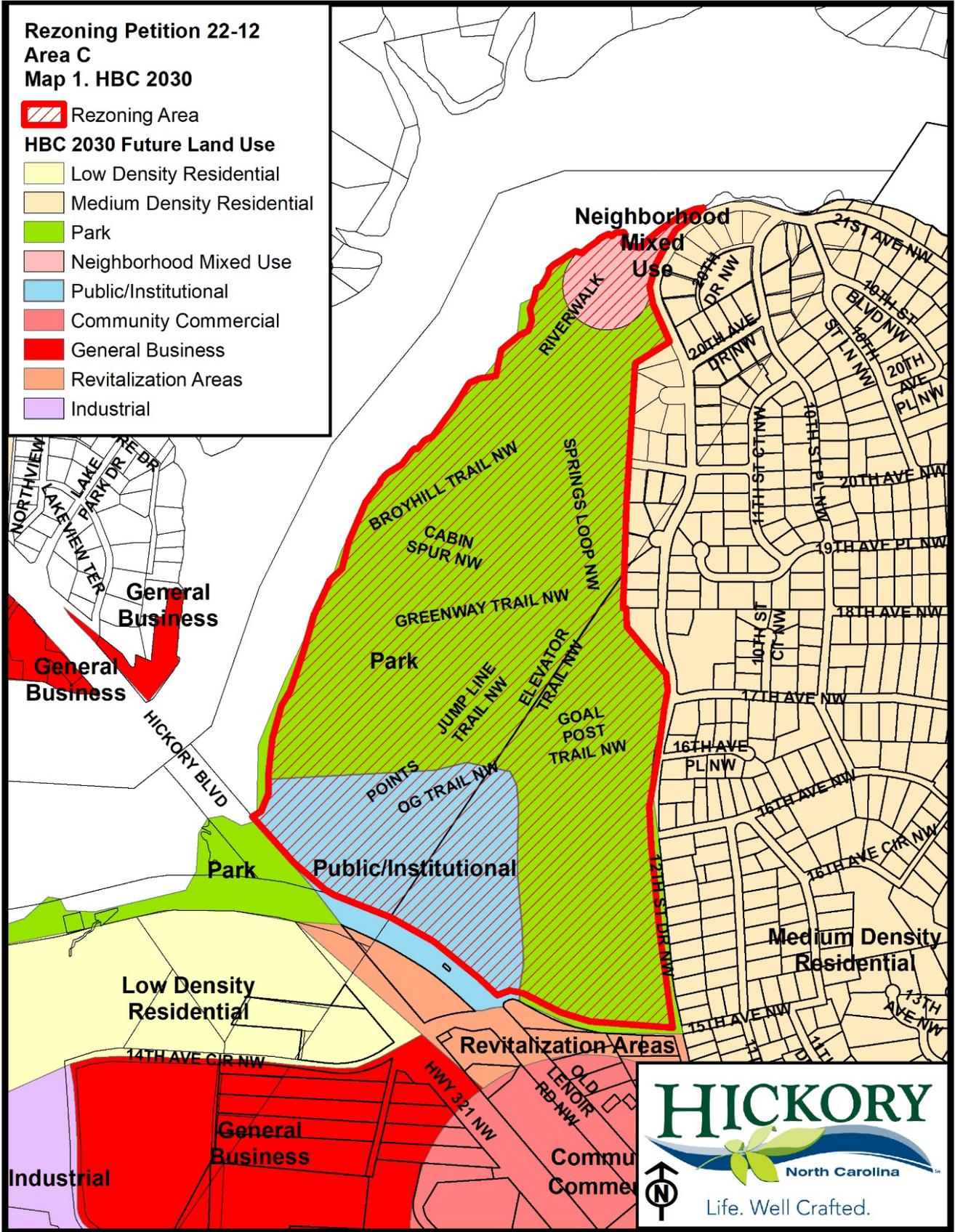
Rezoning Petition 22-12  
Area B  
Map 3. Aerial Photo

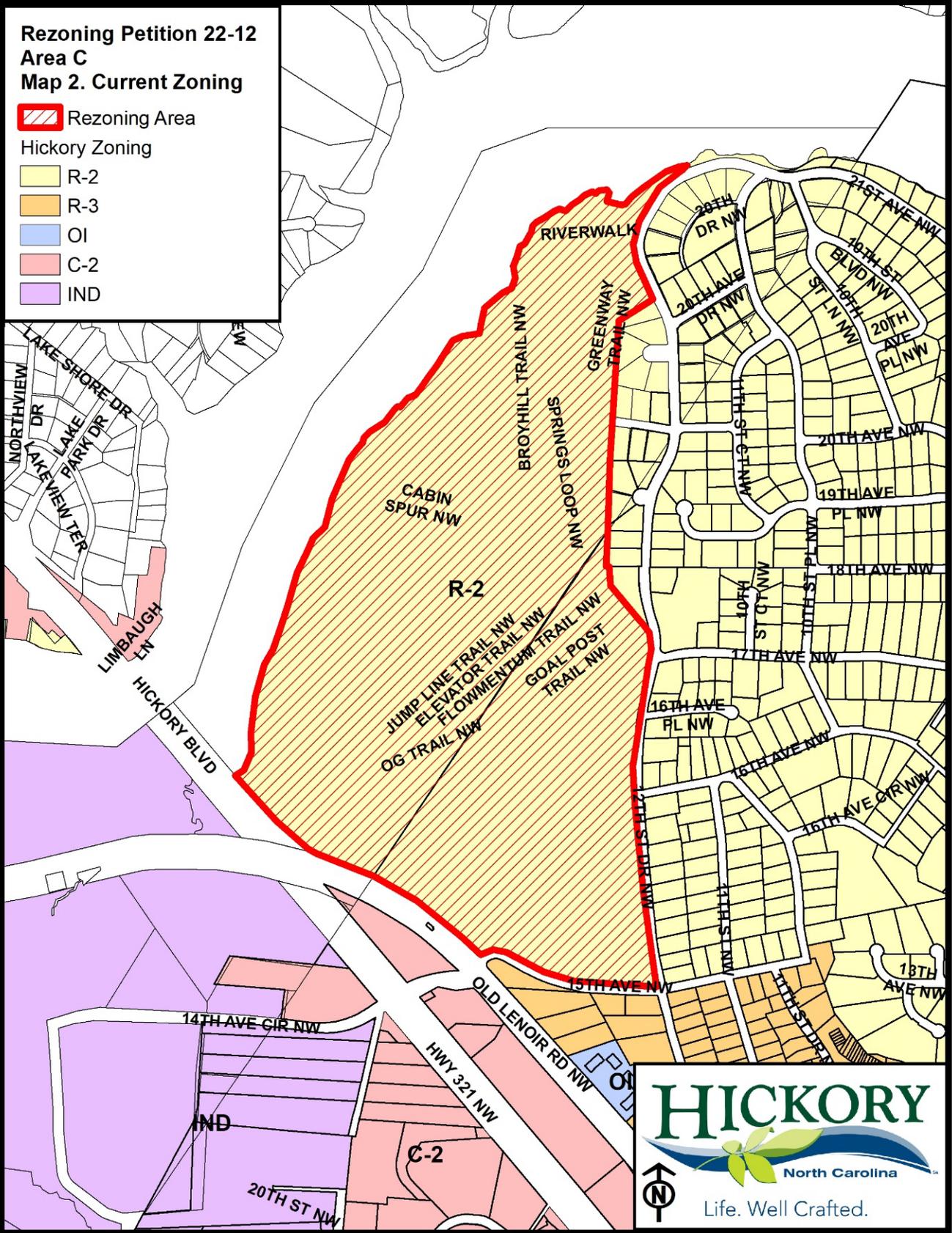
 Rezoning Area



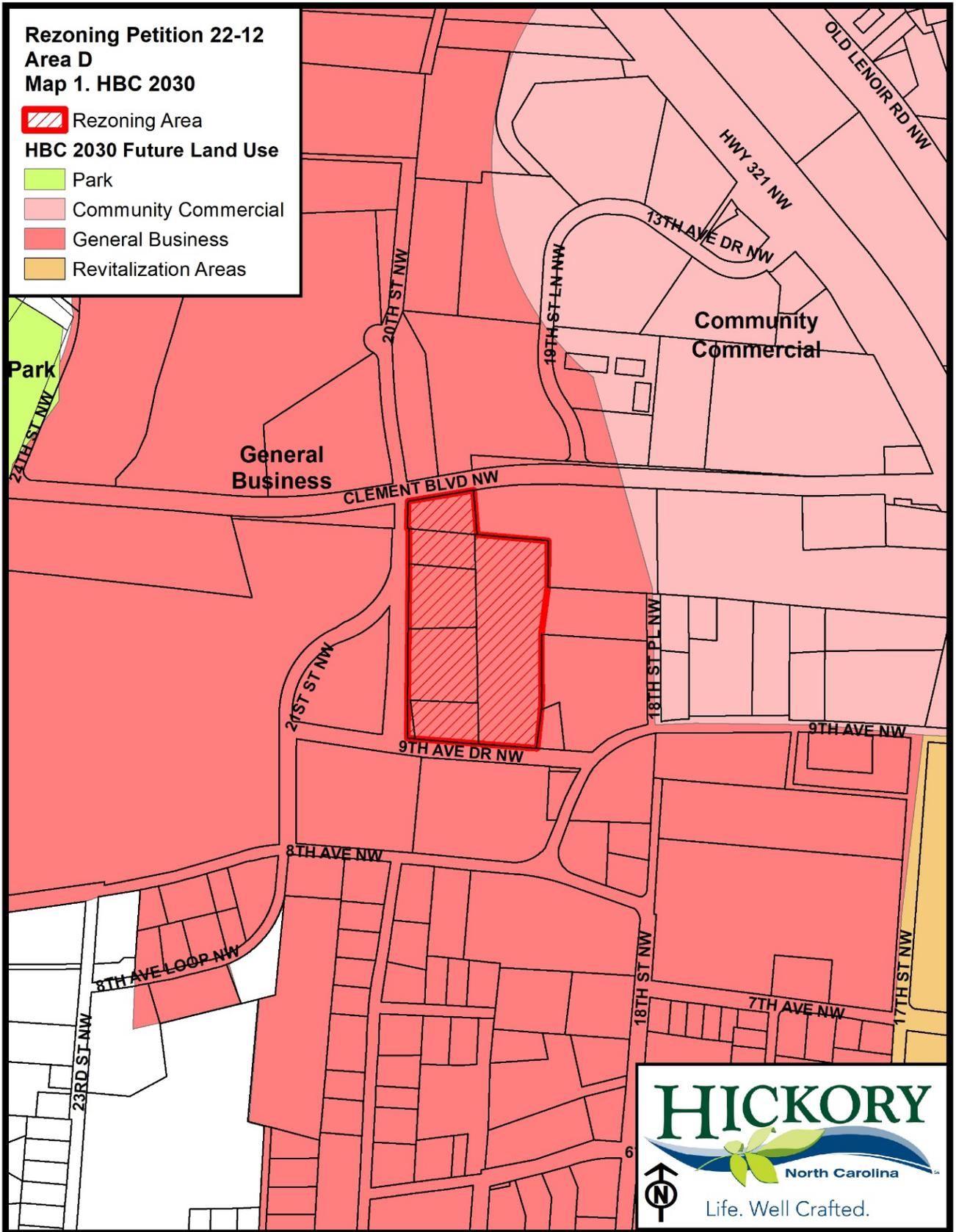
**Rezoning Petition 22-12  
Area C  
Map 1. HBC 2030**

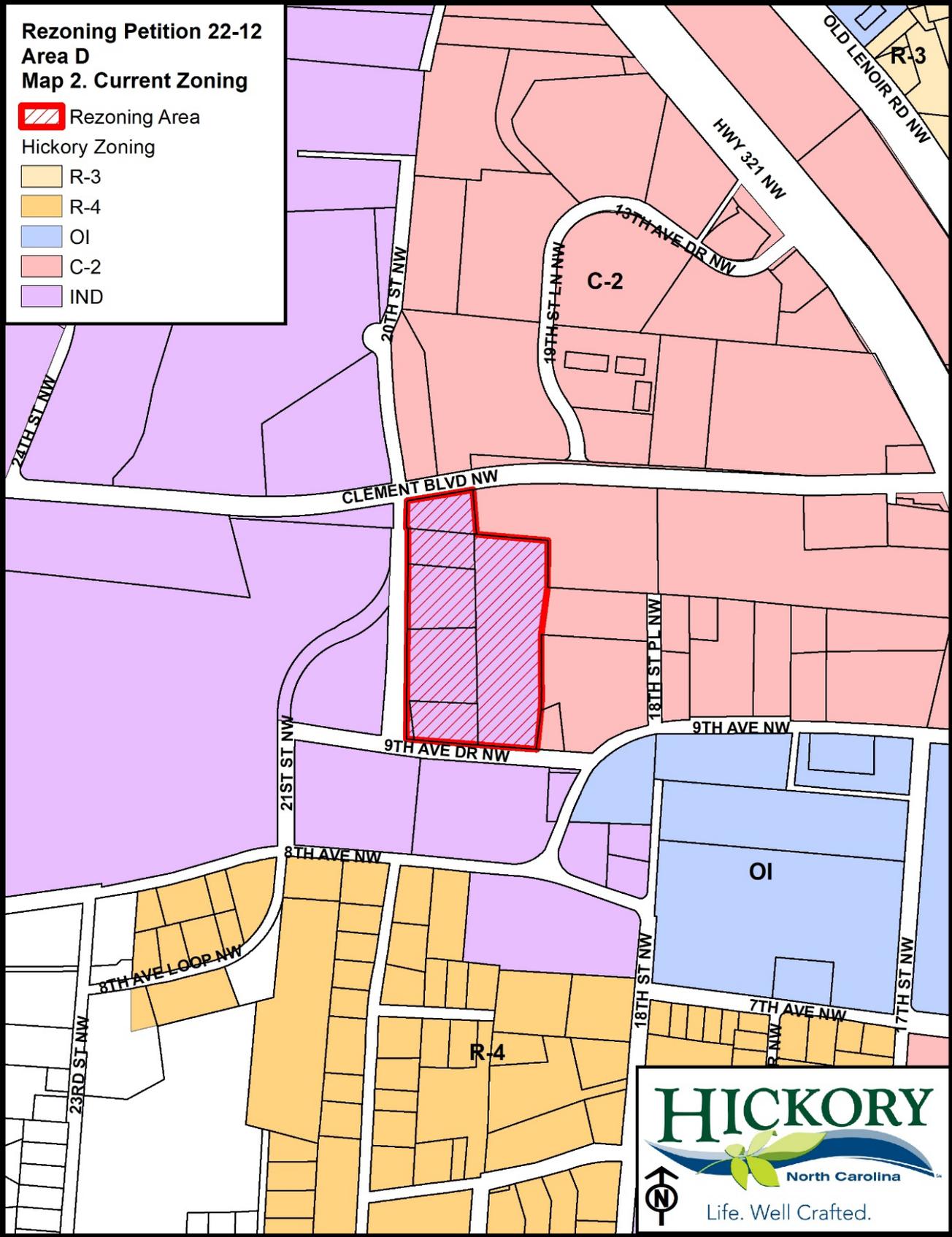
-  Rezoning Area
- HBC 2030 Future Land Use**
-  Low Density Residential
-  Medium Density Residential
-  Park
-  Neighborhood Mixed Use
-  Public/Institutional
-  Community Commercial
-  General Business
-  Revitalization Areas
-  Industrial











**Rezoning Petition 22-12  
Area D  
Map 2. Current Zoning**

 Rezoning Area

Hickory Zoning

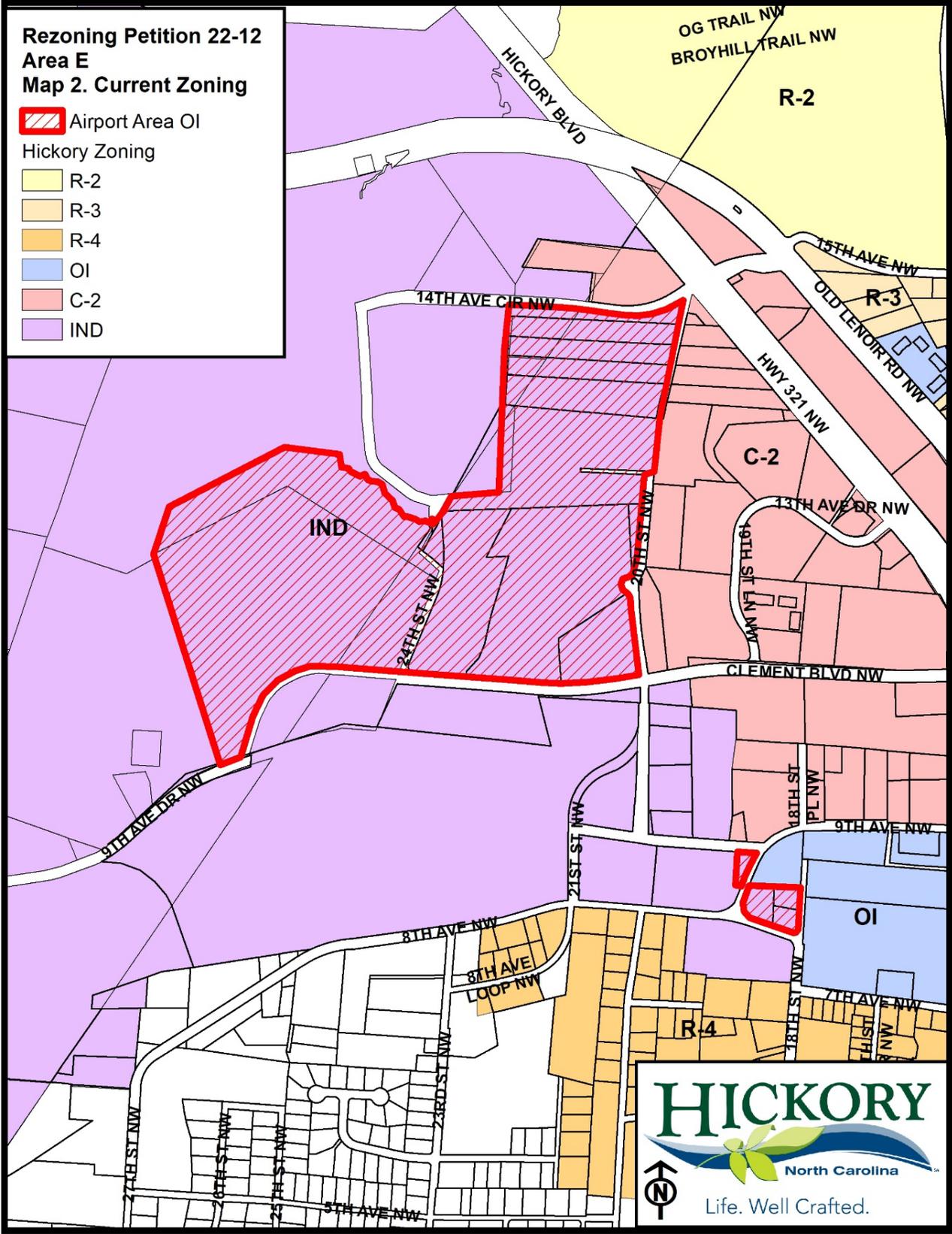
-  R-3
-  R-4
-  OI
-  C-2
-  IND

Rezoning Petition 22-12  
Area D  
Map 3. Aerial Photo

 Rezoning Area







Rezoning Petition 22-12  
Area E  
Map 3. Aerial Photo

 Airport Area OI





To: Hickory Regional Planning Commission  
From: Office of Business Development, Planning and Development Division  
Re: 2022 Land Development Code Update - Text Amendments (TA) 22-01

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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 effectiveness. In 2022, staff also conducted an update to the Hickory by Choice 2030 Comprehensive Plan. This update warranted a review of the City's Land Development Code to ensure it continues working to implement the city's comprehensive plan. The following are the recommended revisions.

### **Article 2 – Development Review Procedures**

Section 2.1.7(3)(a) – Revised text to reference mail notices as required by the North Carolina General Statutes. This was done to ensure the code mirrored the statute as written.

Section 2.1.13 – Footnote 2 was revised to clearly state notices are for required public hearings.

### **Article – 3 Base Zoning Districts**

Sections 3.3.2 – Section was deleted. Deletion is recommended due to the minor nature of the design elements. The intent is to simplify building design criteria.

Section 3.3.8 – Section was modified to reduce required minimum ground floor window requirements from 30% to 25%. While storefront windows are a desirable feature, the interior building layouts for many modern businesses cause implementation difficulties.

Section 3.4.4 – Section was deleted. This section was somewhat redundant, as other parts of the section adequately covers building design standards.

Section 3.5.2 - Section was deleted. Deletion is recommended due to the minor nature of the design elements. The intent is to simplify building design criteria.

Section 3.5.8 - Section was deleted. This section was somewhat redundant, as other parts of the section adequately covers building design standards.

Section 3.5.9 - Section was modified to reduce required minimum ground floor window requirements from 30% to 25%. While storefront windows are a desirable feature, the interior building layouts for many modern businesses cause implementation difficulties.

Section 3.5.10 (Entryways) – This section was deleted as it is redundant and adequately covered in other parts of the section.

## **Article 5 – Planned Developments**

Sections 5.1.8 (Pedestrian and Bike Travel) – Modified to mirror all other sections of the Land Development Code that pertain to the installation of sidewalks.

Section 5.1.9 – Modified to clearly indicate planned development master plans are general documents, and not fully engineered plans. Requiring fully engineered plans during a rezoning process is a large expense to perspective developers, whose proposal may or may not be ultimately approved for rezoning. Section was also modified to list what information is required on a planned development master plan.

## **Article 6 – Use Regulations**

### Section 6.1 (Use Table)

1. Single Family Residences (Detached) were made permissible, by right, in NC, CC-1 and CC-2 districts. This use was only permissible in those districts upon the granting of a special use permit.
2. Single Family Residences (attached) were made permissible, by-right, in R-2, CC-1, CC-2 and C-3 districts. This use was not permissible in R-2 and C-3 districts, and only permissible in CC-1 and CC-2 districts upon the issuance of a special use permit.
3. Accessory Dwelling Units were made permissible in all non-residential districts, with the exception of Industrial. Upper story residential is already permissible in non-residential districts, so having both permissible across the board would seem logical.
4. Manufactured Homes were made impermissible in R-4 districts.
5. Manufactured Home Parks were made impermissible in R-4 districts.
6. Boarding House was added to the table, and made permissible in R-1, R-4, and C-2 districts. A note was added to direct users to the location standards for such uses. A definition for such uses was also added to Article 14 of the Land Development Code.
7. Cultural Facilities were made a permissible use in the IND district.

Section 6.2.9 – Revised to add Boarding Houses. Boarding Houses would be required to adhere to the same location standards as Group Living facilities.

## **Article 7 – Intensity, Dimensional and Design Standards**

### Section 7.1 (Residential District Standards)

1. Minimum lot size for Single Family Attached was reduced to zero, as the physical property beneath townhomes is only actual land owned. Townhome lots typically consist of lots that immediately surround the individual dwelling unit.
2. The minimum lot size for duplexes in R-1 districts was reduced from 1 acre to ½ acre. The permissible density in R-1 districts is 2 units per acre. The modification makes the math work.
3. Rear yard (property line setback) was reduced from 25 feet to 20 feet. This was done so to make rear yard setbacks similar, in that front yards are greater the rear yards.
4. Added footnote #5. The footnote further explains the lots size reductions for single-family attached uses.

Section 7.2.1 – Modified to eliminate driveway width limitation. Driveway widths are handled by either the NCDOT or the City's Public Services Department.

Section 7.4.2 – Section was modified to include a provision for averaging of minimum lot widths as already existing for front yard setbacks. Modification would allow for properties to be divided to so long as the average lot widths are similar to those surrounding them. This modification was put forth in efforts to encourage further infill housing.

## **Article 8 - Subdivisions**

Section 8.6.5 (Connectivity) – This section was eliminated, as NC Fire Code already covers street connectivity, and its elimination prevents conflicts.

Section 8.8.2 – Section modified to decrease the required minimum area for cluster subdivision. Modification would lower minimum area from 10 acres to 5 acres in districts where single family (attached and detached) and two-family is permissible. The minimum size would remain 10 acres in R-1 and R-2 districts. Section was also modified to include a provision for the use or privately maintained and constructed alleys.

Section 8.2.2 – Footnote #2 under the dimensional table was modified to indicate setback standards are applicable to both attached and detached single-family residences.

Section 8.15 – Section was revised to indicate the requirements for performance guarantees were applicable to all other parts of the ordinance.

## **Article 9 – Standards of General Applicability**

Section 9.13.7 (Landscaping Requirements for Parking Areas) – Section title was modified to eliminate the word “buffer” as landscaping requirements for parking areas are not necessarily buffers. The word buffer was also eliminated and changed to landscaping area. Section was also revised to increase tree spacing requirements from 30 feet to 45 feet to prompt the health of trees. This revision will better situations were trees completely block businesses from view. Section was also revised to increase shrub spacing along streets from 3 feet to 5 feet, which is the standard for parking areas not abutting streets.

Section was also modified to eliminate a requirement for a raised sidewalk or planting area. At-grade sidewalks and planting areas will satisfy this requirement. Landscaping along driveways was modified to increase tree spacing to 45 feet and 20 feet for canopy and understory trees, respectively.

Landscaping requirements were modified to change required trees from canopy to understory. Section was also eliminating the planting of trees in automotive sales lots. Automotive sales lots will still be required to plant the required shrubbery.

Section was also modified to give the Planning Director the discretion to consider alternative landscape designs.

Section 9.13.9 – Section was modified to refer to Duke Energy’s recommended planting list when under of near overhead powerlines.

## **Article 10 - Signs**

Section 10.2 – Section was modified to prohibit signs the are commonly referred to as feather flags.

Section 10.5.2 – Section was revised to change the freestanding sign requirements for properties zoned CC-2 to those required for C-2, C-3 and Ind districts. CC-2 districts are located along corridors where

vehicular traffic is greater than those around intersections, as such the standards should permit for taller and larger signs.

#### **Article 14 - Definitions**

Section 14.1 – Definitions were modified or added for Boarding House, Duplex, Dwelling Single-Family Attached, Dwelling Single-Family Detached, Professional Services, and Minor Subdivision.

#### **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 22-01 necessary 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.

## 2.1.6 Application Deadlines

Each year, staff shall prepare a calendar of application deadlines. Applications shall be submitted prior to the deadline and determined to be complete within the prescribed period. Any application submitted after the deadline or found to be incomplete within the prescribed time frame shall be held until the next deadline.

## 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 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. 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*)**
  - (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. ~~to the owner of the subject property and all owners of property adjacent to the subject property, except in the case of Zoning Map Amendments where mailed notices will be sent to the owner of the subject property and all owners of property within 500 feet of the subject property.~~ 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 one-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).

(c) In the event of appeals of administrative decisions, the notice shall only be required to be mailed to the person or entity whose appeal, application or request is the subject of the hearing, and to the owner of the property that is subject to the hearing if the owner did not initiate the hearing.

(d) In the event of Major Certificates of Appropriateness, mailings shall only be required to be sent to those who own property immediately adjacent to the property under consideration for action. The timeframe for mailing such notices, shall be the same as required in subsection (a) above.

**(4) Additional Notice Required for Development Approvals. (TA 21-01)** In addition to any other notice required by this ordinance, a development approval or denial shall be in writing and may contain a provision that the development shall comply with all applicable State and local laws. The City may issue development approvals in print or electronic form. Any development approval issued exclusively in electronic form shall be protected from further editing once issued.

**(5) Notice of Determinations. (TA 21-01)**

1. In addition to any other notice required by this ordinance, when an officer makes a determination under this ordinance her or she shall give written notice to the owner of the property that is the subject of the determination and to the party who sought the determination, if different from the owner. 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. It shall be conclusively presumed that all persons with standing to appeal have constructive notice of the determination from the date a sign providing notice that a determination has been made is prominently posted on the property that is the subject of the determination, provided the sign remains on the property for at least 10 days. The sign shall contain the words "'Zoning Decision'" or "'Subdivision Decision'" or similar language for other determinations in letters at least 6 inches high and shall identify the means to contact a City of Hickory local government staff member for information about the determination. Posting of signs is not the only form of constructive notice. Any such posting shall be the responsibility of the landowner, applicant, or person who sought the determination. Verification of the posting shall be provided to the staff member responsible for the determination. Absent an ordinance provision to the contrary, posting of signs under this subsection shall not be required.

**2.1.8 Continuation of Public Hearings.**

Whenever the provisions of this Land Development Code require that a review or decision-making body take action on an application, the review or decision-making body shall be authorized to postpone action on the matter until a later date. A public hearing for which proper notice was given may be continued to a later date without again complying with the notice requirements of this Land Development Code, provided that the continuance is set for a date and time certain which is

announced in open session during the originally noticed meeting. If a public hearing is tabled or deferred for an indefinite period of time or postponed more than 6 months from the date of the originally scheduled public hearing, new public notice shall be required prior to the rescheduled public hearing. The cost of such re-notification shall be borne by the party requesting the postponement.

**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 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 applicant’s / landowner’s 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	PC	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	-	-	-
Special Uses	R	◻	<DM>	-	-	-	N, P, M
Alternative Sign Plans	R	DM	-	-	-	-	-
Certificates of Appropriateness							
Minor	DM	-	-	A	-	-	-
Major	R	-	-	A	<DM>	-	M, P
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 changes 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.

development of land uses generally devoted to manufacturing, processing and assembly, warehousing, distribution and servicing enterprises and office activities controlled by performance standards to limit the effect of such uses on uses within the district and on adjacent districts.

### 3.3 Neighborhood Center (NC) and Community Center (CC-1) Zones

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#### 3.3.1 Architectural Compatibility Design Standards (TA 18-01)

The following design guidelines shall apply to all development within the NC and CC-1 zoning districts.

##### **Guidelines**

- (1) Vehicle service areas may be located in the fronts of buildings provided they are screened from view from all adjacent rights of way. (TA 11-01)
- (2) Buildings placed along the sidewalk shall have windows and doors facing the street consistent with Façade Transparency (Sec. 3.3.8) and incorporate architectural features consistent with Ground Level Details (Sec. 3.3.2) and Treatment of Blank Walls (Sec. 3.3.6).

**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) Service, loading, and trash collection areas shall be screened by a combination of decorative walls of masonry, wood, and plantings.
- (3) Loading areas shall not face any 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 all 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. (TA 11-01)
- (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.

#### **3.3.2 Ground Level Details**

The intent of this section is to ensure buildings display visual interest and reinforce the pedestrian character of the street.

**Guidelines (TA 18-01)**

- (1) Facades of commercial and mixed-use buildings within Neighborhood and Community Centers shall be designed to be pedestrian friendly through the inclusion of at least three of the following elements:
  - (a) Kickplates for storefront doors and windows
  - (b) Projecting sills
  - (c) Canopies and awnings
  - (d) Plinths
  - (e) Containers for seasonal plantings near doors and windows

**3.3.3 Sidewalk Encroachments**

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

**Guidelines (TA 18-01).** 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 Americans with Disabilities Act (ADA) or a minimum of five (5) feet wide; whichever is greater. (TA 11-01)

**3.3.4 Curb Cut Limitations.** The intent of this section is to provide safe convenient vehicular access without compromising pedestrian safety.

**Guidelines.**

- (1) Curb cuts for non-residential uses shall not exceed 30 feet in width for combined entry/exits. (TA 11-01)



**Figure 3-1: Sidewalk Setback from Driveway with Continuous Sidewalk Pattern**

- (2) Sidewalk patterns shall carry across the driveway.
- (3) Adjacent development should share driveways to the greatest extent possible.
- (4) Vehicular access shall be located to avoid directing traffic through abutting residential zones.

**3.3.5 Screening and Noise Control of Service Areas**

The intent of this section is to reduce the impact of service, loading and trash storage areas.

### Guidelines

- (1) All service, loading, and trash collection areas that are visible from public rights-of-way, pedestrian pathways, or residential zones shall be screened by a combination of decorative walls of masonry, wood, and plantings.
- (2) Loading and service areas shall be fully screened from view from residentially zoned property. (TA 11-01)

### 3.3.6 Treatment of Blank Walls

The intent of this section is to ensure buildings do not display blank walls to adjacent street or residential areas.

**Guidelines (TA 18-01).** Walls or portions of walls shall have architectural treatment wherever that face is adjacent to a street or residential zoning district. The architectural treatments on these walls shall extend the entire length on of the wall, and include at least four of the following shall be used in these walls: (TA 11-01)

- (1) Concrete or masonry plinth at the base of the wall,
- (2) Transition lines of different texture or color,
- (3) Projecting cornices,
- (4) Decorative tile work,
- (5) Projecting canopy or awning,
- (6) Opaque or translucent glass,
- (7) Artwork,
- (8) Vertical articulation,
- (9) Lighting fixtures, or
- (10) Other architectural element as approved that meets intent above.





**Figure 3-2: Treatment of Blank Walls**

**3.3.7 Prominent Entrances.** The intent of this section is to ensure building entrances are easily identifiable and clearly visible from streets and sidewalks

**Guidelines (TA 18-01)**

- (1) The principal entry to a building should be marked by ornamentation around the door and at least one of the following:
  - (a) Recessed entrance of at least 3 feet,
  - (b) Protruding entrance of at least 3 feet,
  - (c) Canopy or awning extending at least 5 feet,
  - (d) Portico extending at least 5 feet, or
  - (e) Overhang extending at least 5 feet.

**3.3.8 Façade Transparency.** The intent of this section is to provide visual connection between the activities inside and outside the building.

**Guidelines**

- (1) For all nonresidential redevelopment a minimum of 15% of any ground floor façade that is visible from and fronting on abutting streets shall be comprised of windows with clear glass allowing views into the interior.
- (2) For all new nonresidential development a minimum of ~~30%~~ 25% of any ground floor façade that is visible from and fronting on abutting streets shall be comprised of windows with clear glass allowing views into the interior. Display windows or translucent glass may be used to meet half this requirement.

**3.3.9 Building Standards for Large Buildings.** The following additional standards apply to all single and multiple tenant buildings containing more than 25,000 square feet of gross floor area.

**Facades and Exterior Walls**

- (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 3-3).

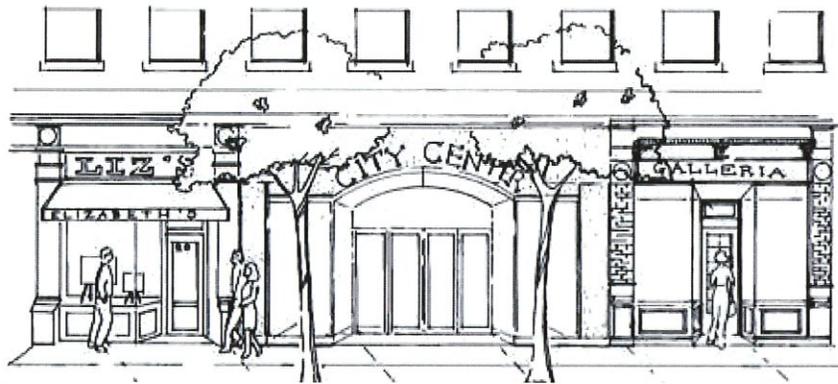


Figure 3-3: Ground Floor Façade

### Entryways

- (1) Each large retail establishment on a site shall have clearly defined, highly visible customer entrance and featuring no less than 3 of the following:
  - (a) canopies or porticos;
  - (b) overhangs;
  - (c) recesses/projections;
  - (d) arcades;
  - (e) raised corniced parapets over the door;
  - (f) peaked roof forms;
  - (g) arches;
  - (h) outdoor patios;
  - (i) display windows; or
  - (j) architectural details such as tile work and moldings which are integrated into the building structure and design;
- (2) All building facades that are visible from adjoining properties and/or public streets shall comply with the requirements noted above.

**3.3.10 Outdoor Lighting.** Outdoor lighting must comply with Sec. 9.7

### 3.3.11 Parking and Loading Areas (TA 18-01)

The use of on-street parking is encouraged in the center districts. When off-street parking spaces are required or provided, they shall be subject to all parking/loading area design, construction, landscaping standards, and screening requirements.

Parking garages must present a horizontal rather than sloped building line on all visible edges. The exterior finish of parking structures shall be compatible with adjacent buildings and give the appearance of buildings, not parking garages.

Loading and service areas shall be screened from view from adjacent properties and streets.

### Pedestrian Access

- (1) **Purpose.** Pedestrian access is required to ensure pedestrian connection between the buildings on the site and the public right-of-way and between adjacent sites. Pedestrian access shall be designed to the standards in this section.
- (2) **Connections.**

- (a) **Street Connections.** The pedestrian system must connect all adjacent streets and sidewalks to the main entrance.
  - (b) **Internal Connections.** The system must connect all buildings on the site, and provide connections to other areas of the site, such as parking areas, bicycle parking, recreational areas, common open space areas, and all pedestrian amenities.
  - (c) **Adjacent Connections.** The system should connect to adjacent sites and, if available, adjacent pedestrian networks.
  - (d) **Materials.** The circulation system must be hard surfaced, and be constructed in accordance with the Manual of Practice.
  - (e) Where the system crosses driveways, parking areas, and loading areas, the system must be clearly identifiable through the use of elevation changes, pedestrian tables, a different paving material, or other similar method.
  - (f) Where the system is parallel and adjacent to a vehicle travel lane, the system must be a raised path or be separated from the vehicle travel lane by a raised curb, bollards, landscaping or other physical barrier.
- (3) **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.

**3.3.12 Connectivity (TA 18-01).** Non-residential sites shall be designed to provide connectivity to adjoining parcels and rights of way. This requirement may be waived by the Planning Director if deemed impractical or undesirable.

**3.3.13 Public Transit (TA 18-01).** Consideration should be given to accommodate public transit vehicles when such service is available, or will be available.

**3.3.14 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.

**3.3.15 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 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**

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**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.

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

### **3.4.4 Building Standards for Large Buildings (TA 11-01)**

The following additional standards apply to all single and multiple tenant buildings containing more than 25,000 square feet of gross floor area.

**Facades and Exterior Walls.** 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).

#### **Entryways**

- (1) Each large retail establishment on a site shall have clearly defined, highly visible customer entrance and featuring no less than 3 of the following:
  - (a) canopies or porticos;
  - (b) overhangs;
  - (c) recesses/projections;
  - (d) arcades;
  - (e) raised corniced parapets over the door;

- ~~(f) peaked roof forms;~~
  - ~~(g) arches;~~
  - ~~(h) outdoor patios;~~
  - ~~(i) display windows; or~~
  - ~~(j) architectural details such as tile work and moldings which are integrated into the building structure and design;~~
- ~~(2) All building facades that are visible from adjoining properties and/or public streets shall comply with the requirements noted above.~~

### 3.4.5 Outdoor Lighting

Outdoor lighting must comply with Sec. 9.7

### 3.4.6 Parking and Loading Areas (TA 11-01)

Parking garages must present a horizontal rather than sloped building line on all visible edges. The exterior finish of parking structures shall be compatible with adjacent buildings and give the appearance of buildings, not parking garages.

Loading and service areas shall be screened from view from adjacent properties and streets.

#### Pedestrian Access

- (1) **Purpose.** Pedestrian access is required to ensure pedestrian connection between the buildings on the site and the public right-of-way and between adjacent sites. Pedestrian access shall be designed to the standards in this section.
- (2) **Connections.**
  - (a) **Street Connections.** The pedestrian system must connect all adjacent streets and sidewalks to the main entrance.
  - (b) **Internal Connections.** The system must connect all buildings on the site, and provide connections to other areas of the site, such as parking areas, bicycle parking, recreational areas, common open space areas, and all pedestrian amenities.
  - (c) **Adjacent Connections.** The system should connect to adjacent sites and, if available, adjacent pedestrian networks.
  - (d) **Materials.** The circulation system must be hard surfaced, and be constructed in accordance with the Manual of Practice.
  - (e) Where the system crosses driveways, parking areas, and loading areas, the system must be clearly identifiable through the use of elevation changes, pedestrian tables, a different paving material, or other similar method.
  - (f) Where the system is parallel and adjacent to a vehicle travel lane, the system must be a raised path or be separated from the vehicle travel lane by a raised curb, bollards, landscaping or other physical barrier.
- (3) **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.

**3.4.7 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.

**3.4.8 Public Transit (TA 18-01).** Consideration should be given to accommodate public transit vehicles when such service is available or will be available.

**3.4.9 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.

**3.4.10 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 Code for One- and Two-Family Dwellings.

## 3.5 Central Business District (C-1)

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### 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 Ground Level Details.** The intent of this section is to ensure buildings display visual interest and reinforce the pedestrian character of the street.

#### Guidelines (TA 18-01) (TA 19-01)

- (1) Facades of commercial and mixed-use buildings shall be designed to be pedestrian friendly through the inclusion of at least three of the following elements:

- (a) Kickplates for storefront doors and windows
- (b) Projecting sills
- (c) Canopies and awnings
- (d) Plinths
- (e) Containers for seasonal plantings near doors and windows



**Figure 3-4: Ground Level Details**

**3.5.3 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.

**3.5.4 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.

**3.5.5 Curb Cut Limitations.** The intent of this section is to provide safe convenient vehicular access without compromising pedestrian safety.

**Guidelines**

- (1) Curb cuts for non-residential uses shall not exceed 30 feet in width for combined entry/exits.
- (2) Sidewalk patterns shall carry across the driveway.
- (3) Adjacent development should share driveways to the greatest extent possible.
- (4) Vehicular access shall be located to avoid directing traffic through abutting residential zones.



**Figure 3-5: Sidewalk Setback from Driveway with Continuous Sidewalk Pattern**

### **3.5.6 Screening and Noise Control of Service Areas.**

The intent of this section is to reduce the impact of service, loading and trash storage areas.

#### **Guidelines**

- (1) All service, loading, and trash collection areas that are visible from public rights-of-way, pedestrian pathways, or residential zones shall be screened by a combination of decorative walls of masonry, wood, and plantings.
- (2) Loading and service areas shall be fully screened from view from residentially zoned property.

### **3.5.7 Treatment of Blank Walls (TA 18-01) (TA 19-01).**

The intent of this section is to ensure buildings do not display blank walls to adjacent street or residential areas.

**Guidelines.** Walls or portions of walls where windows are not provided shall have architectural treatment wherever that face is visible from a street or residential areas. At least four of the following shall be used in these walls:

- (1) Concrete or masonry plinth at the base of the wall,
- (2) Transition lines of different texture or color,
- (3) Projecting cornices,
- (4) Decorative tile work,
- (5) Projecting canopy or awning,
- (6) Opaque or translucent glass,
- (7) Artwork,
- (8) Vertical articulation,
- (9) Lighting fixtures, or
- (10) Other architectural elements as approved that meets intent above.



**Figure 3-6: Treatment of Blank Walls**

### **3.5.8 Prominent Entrances**

The intent of this section is to ensure building entrances are easily identifiable and clearly visible from streets and sidewalks

#### **Guidelines (TA 19-01)**

- (1) The principal entry to a building should be marked by ornamentation around the door and at least one of the following:
  - (a) Recessed entrance of at least 3 feet,
  - (b) Protruding entrance of at least 3 feet,
  - (c) Canopy or awning extending at least 5 feet,
  - (d) Portico extending at least 5 feet, or
  - (e) Overhang extending at least 5 feet.

### **3.5.9 Façade Transparency (TA 19-01)**

The intent of this section is to provide visual connection between the activities inside and outside the building.

#### **Guidelines**

- (1) For all new non-residential or mixed use development or redevelopment, a minimum of 30% 25% of any ground floor façade that is visible from and fronting on abutting streets shall be comprised of windows with glass allowing views into the interior.
- (2) Upper story elevations must be comprised of at least 15% glass. The height of parapets shall be excluded from the area used to calculate glass requirements for upper story elevations.
- (3) Display windows or translucent glass may be used to meet half these requirements.

### 3.5.10 Building Standards for Large Buildings (TA 18-01)

The following additional standards apply to all single and multiple tenant non-residential and mixed-use buildings containing more than 25,000 square feet of gross floor area.

#### Facades and Exterior Walls

- (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).

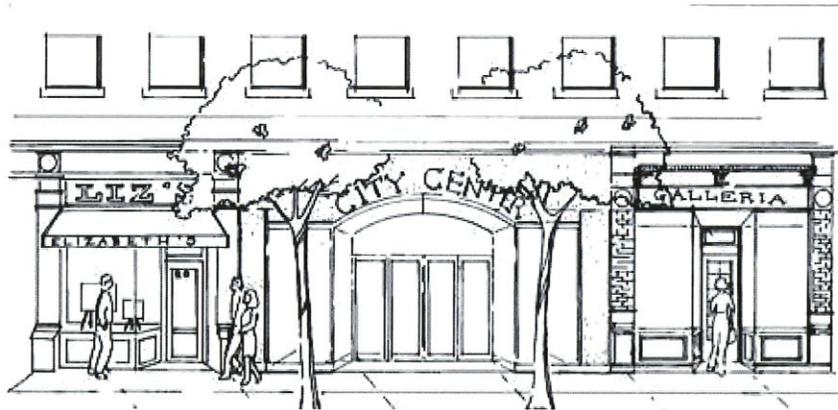


Figure 3-7: Ground Floor Façade

#### Entryways (TA 18-01)

- (1) Each large building on a site shall have clearly defined, highly visible customer entrance and featuring no less than 3 of the following:
  - (a) canopies or porticos;
  - (b) overhangs;
  - (c) recesses/projections;
  - (d) arcades;
  - (e) raised corniced parapets over the door;
  - (f) peaked roof forms;
  - (g) arches;
  - (h) outdoor patios;
  - (i) display windows; or
  - (j) architectural details such as tile work and moldings which are integrated into the building structure and design;
- (2) All building facades that are visible from adjoining properties and/or public streets shall comply with the requirements noted above.

### 3.5.11 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.

### 3.5.12 Outdoor Lighting

Outdoor lighting must comply with Sec. 9.7.

### **3.5.13 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.

### **3.5.14 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.

### **3.5.15 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 Code for One- and Two-Family Dwellings.

## **3.6 Industrial (IND)**

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### **3.6.1 Building Design Standards**

The following standards shall apply to all buildings in the IND Zoning District that are visible from or fronting on a major or minor thoroughfare:

**Roofs (TA 18-01).** Parapets or other architectural elements shall be used to conceal flat roofs and rooftop equipment such as HVAC units from major and minor thoroughfares and adjacent residentially zoned properties.

#### **Materials and colors (TA 11-01) (TA 18-01)**

- (1) Predominant exterior building materials on the ground floor façade of the primary street frontage 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.
- (2) Colors for primary facade colors areas shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, or fluorescent colors shall be prohibited.
- (3) Building trim and accent areas may feature brighter colors, including primary colors,

### **3.6.2 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.

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.

## **5 Planned Developments**

### **5.1 Planned Development Districts (PD)**

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#### **5.1.1 Establishment**

The Planned Development (PD) district is hereby established.

#### **5.1.2 Planned Development Defined**

Planned Development (PD) shall only be approved as part of a conditional zoning district in accordance with Land Development Code Sec. 2.2, generally, and Sec. 2.2.8 specifically. Applications for a zoning map amendment to an existing Planned Development District shall be processed and considered and voted upon in accordance with the procedures specified in Sec. 2.2 of this Land Development Code.

#### **5.1.3 Relation to Major Transportation Facilities**

Planned Developments shall be in conformance with the adopted Thoroughfare, Sidewalk and Bikeway Plans and located and designed as to provide direct access to and from such districts without creating significant traffic along minor streets in residential neighborhoods outside the district.

#### **5.1.4 Relation to Public Utilities, Facilities and Services**

Planned Developments shall be so located in relation to sanitary sewers, water lines, storm and surface drainage systems and other utilities systems and installations that minimum levels of service shall be maintained.

#### **5.1.5 Relation to Public Transit**

Where practical, Planned Developments shall be designed to accommodate public transit vehicles when such service is determined to be appropriate by the City.

#### **5.1.6 Reduction or Increase in Minimum Area Generally Required**

In connection with a particular Planned Development proposal, the City Council may approve as part of the conditional zoning approval:

Lesser areas than generally required upon findings, in the particular case, that special circumstances require such reduction, and the other requirements can be met in such lesser area, provided that generally no such reduction shall amount to more than 10 percent of the area generally required; or

Greater areas than generally required upon findings that, in the particular case, the proposed plan of development or the character of the property involved, in themselves or as it may reasonably be expected to develop, require such increase to meet the requirements and intent of PD zoning or to provide necessary special protection.

#### **5.1.7 Alternate Development Standards**

Property development and subdivision regulations including but not limited to setbacks, floor area ratios, building heights, landscaping requirements and parking and loading requirements shall comply with the standards provided within this chapter where such requirements are not

specifically modified as an alternative development standard on the approved Master Land Use Plan. Regarding Master Land Use Plans see Sec. 5.1.9.

**5.1.8 Planned Development District Specific Design Requirements (TA 21-01)**

Minimum Area and Density

Land Use(s)	Minimum Required Area	Maximum Density [2]
Residential	2 acres	20 units per acre [1]
Office / Institutional	2 acres	2.0 FAR
Commercial	2 acres	2.0 FAR
Industrial	5 acres	2.0 FAR
Mixed-Use	2 acres	2.0 FAR

[1] The City Council may lower or increase permitted density if it finds such change is supported by and conforms to the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.

[2] Maximum permitted floor area ratios (FAR) may be increased by the City Council.

**Permissible Densities (TA 18-01).** Development densities, minimum lots sizes, and lot widths shall be approved by Hickory City Council. In determining the permissible densities of any Planned Development Hickory City Council should consider the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan, and any other relevant plans or documents.

**Permitted Uses.** Use permitted within Planned Development Districts shall be in conformance with the findings and recommendations of the Hickory by Choice 2030 Comprehensive Plan.

**Height Limitations.** The maximum height of any structure located within a Planned Development District shall be 80 feet. Where a Planned Development District abuts a district with a lower permitted height requirement, all structures within the Planned Development district shall be setback two (2) additional feet for each one (1) foot the respective building(s) exceeds the height requirement of the adjacent district.

**Use Orientation.** Non-residential uses shall be oriented towards streets other than adjacent minor streets in residential neighborhoods, and away from residential neighborhoods, whether or not the district is separated from residential areas by streets.

**Principal Vehicular Access Points.** Vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Merging and turnout lanes or traffic dividers and extra width of the approach street shall be required where existing or anticipated heavy flows indicate need. In general, minor streets shall not be connected with streets outside the districts in such a way as to encourage use of such minor streets by substantial amounts of through traffic.

**Street connections.** Streets in Planned Developments shall be connected to the surrounding street network where such connection provides a logical extension of the surrounding street system; provided such connections do not encourage inappropriate traffic types and volumes through established neighborhoods and further integrates the Planned Development into the surrounding neighborhood.

**Provisions for Parking Linkage.** Provisions shall be made to provide for connection of parking facilities to existing or proposed parking facilities on adjacent properties in order to protect the capacity of the external public street system.

**Property Subdivision.** Any applicant that proposes to subdivide property within the boundary of a Planned Development shall do so in conformance with Chapter 8 of this Land Development Code.

**Streets.** Streets shall be constructed to the specifications required by the City of Hickory's Engineering Manual of Practice. Exceptions to street construction standards may be permitted if sufficient evidence is provided to ensure public safety and sound design are utilized.

**Pedestrian and Bike Travel (TA 19-01).** All buildings or clusters of buildings within Planned Development Districts shall be connected with safe, convenient linkages other than streets (sidewalks, bikeways or walking paths). Sidewalks shall be required to be installed along all **new adjacent** streets. If development or redevelopment occurs in an area where the current sidewalk network **along existing streets** is more than 500 feet away, a fee in-lieu may be utilized as outlined within this Land Development Code.

**Environmentally Sensitive Areas.** All perennial streams, rivers, lakes, ponds, flood plains and steep slopes shall be protected and preserved as open space or recreation areas. Preservation of these areas may be counted towards required open space requirements. Where such resources are present, no design shall be approved unless it complies with the requirements of all applicable federal, state and local laws and regulations pertaining to these resources.

**Overhead / Aerial Utilities.** New electrical, cable television, telephone and similar utility lines shall be installed underground in accordance with Sec. 9.16 with this Land Development Code.

**Outdoor Lighting.** All provided outdoor lighting shall be so designed as to minimize impacts upon adjacent properties, and shall adhere to Sec. 9.7 of this Land Development Code.

**Building Spacing.** Each building shall have yards surrounding the structure. The outer perimeter of these required yards shall be defined as the building site line. The minimum distance between adjacent buildings shall be as required by the North Carolina State Building and / or Fire Code.

**Staging.** Planned Developments which are proposed to be completed in stages shall be required to provide a detailed phasing schedule. This detailed phasing schedule shall include areas, buildings, land-uses proposed for each phase and the timeframe for which required improvements (on and off site) are to be completed.

**Off-site Improvements (TA 18-01).** In instances where off-site improvements, such as transportation or utility improvements, are required or proposed to serve the Planned Development, no phase subsequent to the first phase will be permitted to commence until such off-site improvements are installed.

**Operation and Maintenance of Facilities for Common Use.** The ordinance approving any proposed Planned Development shall include a requirement that all common facilities not offered for dedication to the City be privately operated and maintained with no future expense to the taxpayers of the City of Hickory. An applicant may satisfy this requirement through appropriate restrictive covenants or any other method approved by the City. All proposed operation and maintenance documents shall be approved by the City prior to approval of the Planned Development.

#### **5.1.9 Planned Development Master Land Use Plan Requirements**

**Planned Development Master Land Use Plans Defined.** Planned Development Master Land Use Plans are **detailed general** site plans outlining activities proposed to be undertaken within Planned Development Districts. Such Master Land Use Plans shall provide **detailed** locations and intensities of all activities proposed to be undertaken within the proposed district. These activities **shall** include, but **shall are** not be limited to, the location and type of land uses, the location and forms of buildings and parking areas, open space and park areas, phasing schedules and boundaries, streets and pedestrian facilities and landscaping areas.

**Planned Development Master Land Use Plan Detailed Requirements (TA 18-01).** Planned Development Master Land Use Plans submitted as part of a Planned Development zoning map amendment, or as part of an amendment to an approved Planned Development District shall include maps and plans for the Planned Development Districts that depict the following items:

- (1) The name of the proposed Planned Development and the names of the developer and design professionals;
- (2) Scale, dimensions, date, north arrow;
- (3) General locations of stormwater facilities ~~Conceptual grading, site preparation and stormwater management;~~
- (4) General location, height, number of stories, floor area, orientation, setbacks and proposed land-uses of all structures;
- (5) Open space (designate public or private), floor area, recreation space and impervious surface area necessary to demonstrate conformance with applicable requirements;
- (6) Landscaping and buffering;
- (7) Any proposed property subdivision, including proposed future property lines;
- (8) Primary vehicular and pedestrian circulation system including all proposed exclusive storage bays, turn lanes, vehicular and pedestrian cross access points, points of ingress and egress for principal pedestrian, vehicle, bicycle, and transit;
- (9) Proposed street layout (both public or private);
- (10) Location of all parking, ~~loading, sanitation and recycling facilities;~~ area and number of parking spaces in parking lots;
- (11) ~~Location, character and intensity of all proposed outdoor lighting fixtures;~~
- (12) ~~Location of all utility systems including;~~
- (13) Location, height, dimensions and type of all signs; and
- (14) Locally or nationally recognized historic structures.

## 6 Use Regulations

### 6.1 Use Table

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#### 6.1.1 [P] Permitted Uses

A “P” indicates that a use is permitted by right in the respective zoning district, subject to compliance with all other applicable regulations of this Land Development Code.

#### 6.1.2 [S] Special Uses

An “S” indicates that a use is allowed only if reviewed and approved in accordance with the Special Use procedures of Sec. 2.4.

#### 6.1.3 [AC] Accessory Uses

The abbreviation “AC” indicates that a use is allowed only as an accessory use in the respective zoning district. For additional information on accessory uses, see Sec. 6.3.

#### 6.1.4 Uses Not Allowed

A blank cell (one that doesn’t contain an “S” or “P”) indicates that the listed use is not allowed in the respective zoning district, unless it is otherwise expressly allowed by other regulations of this Land Development Code.

#### 6.1.5 Classification of Uses

##### Considerations

- (1) Uses are assigned to the category whose description most closely describes the nature of the primary use. 14 defines each use category. Developments may have more than one primary use. Developments may also have one or more accessory uses. Developments with more than one primary use are addressed in Sec. 6.1.6.
- (2) The following items are considered to determine what use category in which a use is placed, and whether the activities constitute primary uses or accessory uses:
  - (a) The description of the activity(ies) in relationship to the characteristics of each use category;
  - (b) The relative amount of site or floor space and equipment devoted to the activity;
  - (c) The relative amounts of sales from each activity;
  - (d) The customer type for each activity;
  - (e) The relative number of employees in each activity;
  - (f) Hours of operation;
  - (g) Building and site arrangement;
  - (h) Vehicles used with the activity;
  - (i) The relative number of vehicle trips generated by the activity;
  - (j) Signs;
  - (k) How the use advertises itself; and
  - (l) Whether the activity would be likely to be found independent of the other activities on the site.

#### 6.1.6 Developments with Multiple Primary Uses

When all of the primary uses of a development fall within one use category, then the development is assigned to that use category. For example, a development that contains a retail bakery and a café would be classified in the Retail Sales and Service category because all the primary uses are in that category. When the primary uses of a development fall within different use categories, each primary use is classified in the applicable category and is subject to the standards for that category.

### **6.1.7 Unlisted Uses (TA 18-01)**

If an application is submitted for a use type that is not listed in the use table of this section, the Planning Director shall be authorized to classify the new or unlisted use type into an existing land use category that most closely fits the new or unlisted use.

### **6.1.8 Standards and Conditions (TA 21-01)**

Some uses in some zoning districts are subject to special use-specific conditions and standards. These standards and conditions are indicated by bracketed numbers “[1]” or by a cross-reference in the final column of the table. Cross references refer to detailed standards that apply to the listed use type. Bracketed numbers refer to conditions that immediately follow the use table.

	R-1	R-2	R-3	R-4	NC	CC-1	CC-2	OI	C-1	C-2	C-3	IND	Standards (Notes)
<b>Residential Categories</b>													
<b>Residential Household Living</b>													
Single-family Residence (detached)	P	P	P	P	PS	PS	PS	P	P				
Single-family Residence (attached)	P	P	P	P	P	PS	PS	P	P	P	P		(TA 21-01)
Accessory Dwelling Unit	P	P	P	P	P	P	P	P	P	P	P		6.3.2, (TA 21-01)
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			P									6.2.13
Manufactured Home Park	S			S									6.2.14
Multi-family Structure			P	P	P	P	P	P	P	P	P		
Upper Story Residential					P	P	P	P	P	P	P		
<b>Group Living</b>													
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)
Boarding House	P			P						P			6.2.9
<b>Commercial Categories</b>													
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												
Drinking Establishment					S	S	S	S	S	S	S	S	6.2.8 (TA 11-01, 19-03, 21-01)
Major Event Entertainment									S	S	S	S	
Marina										S	S		6.2.12 (TA 11-01)
Mini-storage Facilities							P			P	P	P	6.2.15

Office and Personal Services					P	P	P	P	P	P	P	P	
Retail Sales and Service (unless otherwise listed)					P	P	P		P	P	P	P[1]	
Seasonal Sales					P	P	P		P	P	P		6.2.21 (TA 14-02)
Temporary Sales					AC	AC	AC		AC	AC	AC		6.2.21 (TA 14-02)
Vehicle Repair					P	P	P		P	P	P	P	6.2.22
<b>Industrial Categories</b>													
Industrial Service						S [2]			S[2]	P [2]	P [2]	P	
Junkyards and Recycling Facilities												S	6.2.10
Manufacturing and Production						S[2]			S[2]	P [2]	P [2]	P	
Railroad Yards												P	
Warehouse and Freight Movement										P [3]	P [3]	P	
Waste-related												S	
Wholesale Sales										P [3]	P [3]	P	
<b>Institutional Categories</b>													
Basic Utilities	P	P	P	P	P	P	P	P	P	P	P	P	
Cemetery	P	P	P	P	P	P	P	P	P	P	P	P	6.2.4
Colleges					S	S	P	P	P	P	P	P	
Community Recreation Centers	S	S	S	S	P	P	P	P	P	P	P	P	6.2.5
Cultural Facilities	S	S	S	S	P	P	P	P	P	P	P	P	6.2.6
Daycare (5 or fewer clients)	AC	AC	AC	AC	P	P	P	P	P	P	P		6.2.7 (TA 11-01)
Daycare (6 or more clients)	S	S	S	S	P	P	P	P	P	P	P		6.2.7
Day Center								S	S	S			6.2.25 (TA 19-03)
Food Pantries								S	S	S			6.2.26 (TA 19-03)
Medical Centers					P	P	P	P	P	P	P		
Parks and Playgrounds	P	P	P	P	P	P	P	P	P	P	P		
Public Facilities	S	S	S	S	S	P	P	P	P	P	P	P	6.2.19
Religious Institutions	P	P	P	P	P	P	P	P	P	P	P	P	
Shelter Facilities								S	S	S			6.2.27 (TA 19-03)
Schools	S	S	S	S	P	P	P	P	P	P	P		6.2.20 (TA 11-01)
<b>Other Categories</b>													
Adult Business												S	6.2.1

Agriculture	P											P	6.2.28
Airports												P	
Detention Facilities												S	
Kennels	S				S	S	S			S	S	S	6.2.11
Mining												S	6.2.16
Open Storage, Accessory										AC	AC	AC	6.3.4
Open Storage, Principal												S	6.2.18
Parking, Off Street	P[4]	P[4]	P[4]	P[4]	P	P	P	P	P	P	P	P	
Wireless Communication Facilities, Alternative Structures/Collocation	P	P	P	P	P	P	P	P	P	P	P	P	6.2.23
Wireless Communication Facilities, New Towers	S	S	S	S	P	P	P	P	P	P	P	P	6.2.24

- [1] No Retail use in an Industrial district shall occupy more 20,000 square feet of floor area and outdoor storage area per zoning lot.
- [2] Industrial Size Limitation: Floor area shall be no more than 20,000 square feet per zoning lot in the - CC-1 and C-1 zoning districts. All activities must be conducted entirely within an enclosed building in the CC-1 and C-1 districts. Floor area and outdoor storage areas related to a use shall be no more than 50,000 square feet per zoning lot in the C-2 and C-3 zoning districts. *(TA 21-01)*
- [3] Industrial Size Limitation: Floor area and outdoor storage areas related to a use shall be no more than 50,000 square feet per zoning lot in the C-2 and C-3 zoning districts.
- [4] Off street parking is only permitted for uses permitted in the zoning district.

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 House (TA 12-01) (TA 18-01) (TA 19-01)**

The use must be located at least 1,500 feet of another such Group Living or Boarding House facility.

All applicable requirements for Group Living facility 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 facility or Boarding House 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, as shown on the Thoroughfare Plan.

Buffers and screening, where applicable, shall be provided, as required by Section 9.13.

Signs 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.

#### **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 and Erosion Control Division of the Utilities and Engineering Department, or if the facility is located in a county other than Catawba County, as identified by the equivalent office of said county.

All instances of junkyards, recycling and salvage facilities shall be required to 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 evergreen landscaping shall be used to the maximum extent practicable.

## 7 Intensity, Dimensional and Design Standards

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

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.)	43,560 0 [1] [5]	N/A 0 [1] [5]	10,890 0 [1] [5]	7,260 0 [1] [5]
Duplex (sq. ft.)	43,560 21,780 [1]	N/A	10,890 5445 [1]	7,260 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 [6]	60 50 [6]
Primary Structure				
Minimum Yard Setbacks				
Front Yard (ft) [2]	40	20	20	20
Rear Yard (ft)	25	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

Street Side Yard (ft)	20	15	15	5
Maximum Height (ft)	20	20	20	20
Accessory Structure [4]				
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) [4]	15	15	15	15

- [1] The Department of Health is authorized to require a larger minimum lot area when public water and wastewater service is not available or utilized.
- [2] See 7.4.5 for setbacks regarding the use of front yard averaging.
- [3] 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. With the exception of underground swimming pools, all accessory structures over 500 square feet shall meet the primary structure setback requirements. *(TA 11-01)*
- [4] 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)*.
- [5] Single-family attached dwellings shall not have a required minimum lot size for each unit. The overall development of multiple units 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.
- [6] Single-family attached dwellings shall not have a required individual minimum lot width, provided the overall development possess the minimum required width for the district in which the property is located.

## 7.2 Multi-Family Development Standards

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

### 7.2.1 Parking and Loading Areas *(TA 18-01) (TA 21-01)*

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.

- Driveway coverage may exceed the size limitations in this section 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.
- No driveway providing access to parking or loading areas may exceed 24 feet in width.
- Multi-family developments in excess of one hundred fifty (150) dwelling units shall provide at least two vehicular access points on a public or private street.

unless prohibited by the NC Department of Transportation of the City of Hickory due to safety concerns.

### 7.2.2 Pedestrian Access

**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.

#### **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. 9.7

#### **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

**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.

#### **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 into 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

### 7.3 Nonresidential District Standards (TA 11-01, 14-01, 16-01, 19-01, & 21-01)

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	15,000	15,000
Min. Lot Width (sq ft)	50	50	50	50	25	50	50	50
Max. Residential Density (units per Acre)	30	30	30	30	100	30	30	N/A
Max. Non-Residential and Mixed Use Density (Floor Area Ratio)	2	2	2	2 [7]	6	2	2	N/A
Principal Structures – Minimum Yard / Setbacks (ft)								
Front (street)	10	10	20	20	0	20	20	30
Side Corner	10	10	15	15	0	15	15	15
Side	10 [6]	10 [6]	10 [6]	10 [6]	0	10 [6]	10 [6]	10 [6]
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][2]	55[1][2]	40 [1][2]	55[1][2]	100	80[1]	80[1]	80[1]
Accessory Structures – Minimum Yard /Setbacks (ft ) [4]								
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	80

[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 35 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] Increased building height, up to 80 feet, may be approved through the issuance of a Special Use Permit.

[3] Except for industrial uses within IND districts, 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.

[4] Except for industrial uses within IND districts, no accessory structure shall be erected or placed between the primary structure and any adjacent street or right-of-way.

- [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 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 units 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.
- [9] Single-family attached dwellings shall not have a required individual minimum lot width, provided the overall development possess the minimum required width for the district in which the property is located.

## 7.4 Measurements, Computations and Exceptions

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### 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

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 located 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 to the lesser average width, but in no case, to 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 from the where new parcel's property line widens to its maximum extent.
- (5) No further division of the parcels shall be permitted under this section.

#### 7.4.2.1 Density (TA 18-01)

##### Residential

## **8.5.2 Block Lengths**

Block lengths shall not exceed 1,500 feet or be less than 300 feet.

## **8.5.3 Pedestrian Crosswalks**

Where orientation or length of blocks or other considerations justify such action, crosswalks may be provided to improve pedestrian circulation and provide access to schools, playgrounds, shopping centers, transportation and other facilities. Where crosswalks are provided, they shall be located, dimensioned, fenced, screened, lighted or otherwise improved in such a manner as to provide security, tranquility and privacy for occupants of adjoining property, and safety for users of the walks.

## **8.6 Streets**

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### **8.6.1 Continuation or Projection of Arterial and Collector Streets**

Within or adjacent to subdivisions, arterial and collector streets shall provide for continuation of arterial or collector traffic flow from surrounding areas, except where topographic or other conditions make such continuance or projection unnecessary, impractical or undesirable.

### **8.6.2 Right-of-Way and Pavement Widths**

All streets shall be constructed in accordance with the City's Engineering Manual of Practice.

### **8.6.3 Right-of-Way Reservation (TA 18-01)**

When developments are to take place in areas where future roadways or roadway improvements are proposed by the Thoroughfare Plan, the design of the development should give consideration of the future improvements, and make efforts to design the development in a manner that accommodates for the future roadways.

### **8.6.4 Private Streets**

Private streets shall be allowed providing sole or primary access to one or more lots only if all of the following requirements are met:

Private streets shall meet all minimum design, dimensional and construction standards as provided in the Manual of Practice for streets.

Design, location and improvement shall provide for safe intersection with public streets, safe passage of public service and emergency vehicles and protection of adjoining property.

Agreements satisfactory to the City Manager, as agent for the City Council, are made for continuing common use of the private street by occupants of the property served, drainage, access easements for public service and emergency vehicles, and continuing private maintenance in condition for safe passage of public service and emergency vehicles. There shall be a recorded agreement, contained in the deed restrictions for the development creating an entity with legal authority to collect funds and cause work to be completed to maintain the private roadway. This agreement shall also specify that unless the street is privately maintained in condition for safe passage of such vehicles, the City may provide such maintenance, with charges therefore becoming a lien on the properties served, dividing among them proportionate to their assessed tax valuation.

### **8.6.5 Connectivity**

Property subdivisions shall be designed so as to provide adequate connectivity to external streets. Connectivity, meaning connection to streets outside the proposed subdivision, shall be provided as indicated below. In situations where practical design difficulties are present, specifically the proximity of water bodies, floodplains, slopes and the like, the Planning Director, in consultation with the City Engineer, may approve alternative connection requirements.

Number of Dwelling Units Permitted	Connection Points
1 to 50	1
51 to 100	2
101 or more	3

**8.6.6 Cul-de-Sacs (TA 18-01)**

**Maximum Length.** Except where otherwise approved by the Planning Director due to unusual land configuration (e.g., a narrow peninsula), cul-de-sac streets shall be subject to the following maximum length limits:

- (1) the maximum length is 1,500 feet to the beginning of the turning point; and
- (2) the Planning Director is authorized to approve access roads without turnarounds for dead end streets less than 150 feet in length or in such cases where a portion of a Transportation Plan Roadway is constructed to service the property.

**Design.** All such cul-de-sac streets shall be provided at the closed end with a turnaround of minimum dimensions as indicated with the City’s Engineering Manual of Practice.

**8.6.7 Roundabouts**

All roundabouts and traffic circles shall be considered on an individual basis taking into consideration the design vehicle, speed, specific site conditions and limitations imposed by the individual location.

**8.6.8 Access to Adjacent Properties**

Where compliance with the City’s approved transportation plan or to provide connection to existing or future neighborhoods, proposed streets may be extended to the boundary of such property with a temporary turnaround provided.

**8.6.9 Grading and Surfacing**

Streets and alleys shall be graded and surfaced as provided within the City’s Engineering Manual of Practice.

**8.6.10 Curbs and Gutters**

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

**8.6.11 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.

**8.6.12 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.

**8.6.13 Street Lights**

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.

#### **8.6.14 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)**

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#### **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, 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.

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.

### **8.8 Conservation Subdivisions**

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#### **8.8.1 Purpose and Description**

Conservation Subdivisions (CS) are a green development strategy that can support sustainable development in Hickory through the preservation of open space and natural areas. By providing design flexibility, CS strategically concentrates development on a subject site in order to protect sensitive and valuable open space, habitat, and other environmental resources. Successful implementation of CS strategies should result in the support and creation of contiguous open space throughout the city.

#### **8.8.2 Minimum Design Standards (TA 14-01) (TA 21-01)**

Conservation Subdivisions shall comply with the following requirements:

- (1) The minimum land area shall be equal to or greater than 10 acres in R-1 and R-2 districts and 5 acres in all other districts where single-family detached and two family residential are permissible.
- (2) No lot or parcel, existing or created, as part of the conservation subdivision shall have access or be granted any form of access, with the exception of pedestrian walkways, to or from any street or roadway, existing or future, that was not constructed as part of the subdivision. All lots shall be accessed, vehicular or otherwise, only by new streets or roadways, public or private, constructed to the minimum standards of the City. Private alleys may also be utilized, as long as such are constructed in a manner satisfactory to the city.
- (3) All conservation, common open space, areas shall be contiguous to the maximum extent practical, or consist of several large areas. In no instance shall open space be part of an

individual lot, owned by a single person, family, etc., who is solely responsible for its maintenance.

- (4) Protects the minimum required land area, including developable and undevelopable land, as permanent open space for natural habitat, active or passive recreation, and/or conservation or preservation where no more than 50% of the designated open space shall be protected by other regulations or otherwise be unsuitable for development (i.e. floodplains, wetlands, steep slopes, shorelines, etc).
- (5) Protects all floodplains, wetlands and steep slopes (steep slopes are those equal to or greater than 25%).
- (6) Maintains upland buffers of at least 50' along all wetlands, lakes and perennial streams.
- (7) Protects rural roadside character and public safety by limiting the number of driveways.
- (8) Identifies a conservation theme. Conservation themes may include, but are not limited to: Maintenance of mature woodlands, existing fields, pastures, meadows, forest preservation, water quality preservation, or watershed preservation. The conservation theme should guide the location and use of the designated open space.

**Dimensional Standards (TA 18-01)**

Zoning District	Min. Lot Size[1] (sq. ft.)	Min. Lot Width (ft)	Min. Conservation Area	Setbacks[2] (ft)		
				Front	Side	Rear
R-1	6,000	50	50%	25	5	20
R-2	4,800	40	30%	20	5	10
R-3	4,000	30	30%	20	5	10
R-4	3,200	20	30%	20	5	10
Non-Residential Districts	2,400	20	30%	20	5	10

- (1) No land intended for dwellings units or other buildings or their accompanying lots may be preserved as conservation area.
- (2) All setbacks for lots on the perimeter of the development shall be the same as those of the underlying zoning district. Side corner setbacks shall be 15 feet. Setbacks as noted herein shall apply to single family (attached and detached) and two family dwellings. The setbacks included herein shall be treated as building separations between multiple family buildings and setbacks from property lines for 1, 2 and 3 story multiple family dwellings. Buildings greater than three stories in height shall provide an additional 5-foot of setback or separation per story per structure. Where these regulations are inconsistent with the North Carolina Building Code, the more stringent shall apply.

Conservation Subdivisions shall consider the following design principles and shall provide a written report to the Planning Director demonstrating how each of these requirements is going to be met to the greatest extent possible on the subject property:

- (1) Developed lots are located in or adjacent to woodlands and visually buffered from surrounding roadways
- (2) Designs around existing hedgerows and tree lines between fields and minimizes impacts on large mature woodlands
- (3) Leaves scenic views and vistas unblocked
- (4) Interior lots surrounded by other structures should be avoided; each structure should have a view of the conservation area.

Provides open space that is reasonably contiguous, avoids linear configuration where possible (except along streams and other linear features) and is located to take advantage of the potential for the creation of additional open space parcels on adjoining parcels.

- (1) Provides for the permanent maintenance and protection of dedicated open space.

## 8.14 Public Sites

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Where a proposed park or other recreation area, school site or other public site shown on the adopted master and/or comprehensive plans of the City of Hickory is located in whole or in part within the proposed subdivision, the proposed park or recreation area, school site or other public site shall be reserved for possible acquisition by the City Council or school board for a period of 18 months from the approval of the preliminary plat. Upon receipt of the preliminary plat, the Planning Director shall immediately notify the appropriate public body. The public body shall then decide within 60 days if it wishes the site to be reserved. If the City Council or school board does not wish to reserve the site, it shall notify the Planning Director that no reservation should be required. If the City Council or school board does wish to reserve the site, the subdivision shall not be approved without the reservation. The City Council or school board shall then have 18 months from the approval of the preliminary plat to acquire the site by purchase or initiation of condemnation proceedings. If the appropriate public body has not purchased or begun proceedings to condemn the site within 18 months, the reservation requirement shall lapse and the land may be used by the subdivider for other purposes as allowed by this Land Development Code.

## 8.15 Performance Guarantees

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### 8.15.1 Applicability (TA 21-01)

In lieu of completion of any required infrastructure improvements that are required, the applicant may, prior to the recordation of a plat, post a performance guarantee in an amount sufficient to secure to the City of Hickory the satisfactory construction, installation and dedication of the uncompleted portion of the required infrastructure improvements.

This section shall also be applicable to development activities not associated with property subdivisions. In lieu of completion of required improvements, including but not limited to parking lots, landscaping and other required site improvements, the applicant shall, prior to the issuance of a certificate of occupancy, post a performance guarantee in an amount sufficient to secure to the City of Hickory the satisfactory construction of the uncompleted parts of the development.

Performance guarantees associated with erosion control and stormwater control measures are not subject to the provisions of this section.

### 8.15.2 Type of Guarantee; Multiple Guarantees (TA 21-01)

The performance guarantee shall be in the form of a an irrevocable surety bond issued by any company authorized to do business in this State, an irrevocable letter of credit issued by any financial institution licensed to do business in this State, or other form of guarantee that provides equivalent security to a surety bond or letter of credit. The type of performance guarantee used shall be at the election of the developer. The developer shall have the option to post one type of a performance guarantee in lieu of multiple bonds, letters of credit, or other equivalent security, for all development matters related to the same project requiring performance guarantees.

Except in the case of cash or a certified check, sureties shall not be accepted unless the Staff Attorney and City Engineer has made a review thereof and rendered an opinion that the interests of the City of Hickory are fully protected.

The certified check shall be deposited with the City Manager, as escrow agent, who shall deposit it in an escrow account of the City of Hickory.

The letter of credit shall be from a banking corporation licensed to do business in North Carolina. The terms of the letter shall include the absolute right of the City of Hickory to withdraw funds from the bank forthwith upon the City Manager, or his or her designee, certifying to the bank that the terms and conditions of the performance guarantee have been breached.

### 8.15.3 Plans and Construction Programs

Colleges	Retail Sales and Service
Commercial Parking	Shelter Facility
Cultural Facilities	Vehicle Repair
Food Pantry	Wireless Communication Facilities
Marina	
Group 3	
Airports	Manufacturing and Production
Adult Business	Mining
Detention Facilities	Open Storage, Principal Use
Industrial Service	Railroad Yards
Junkyards and Recycling Facilities	Warehouse and Freight Movement
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.** 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 Buffer Landscaping Requirements (TA 15-01)

- (1) Parking areas shall be separated ~~and screened~~ from all adjoining properties, streets, vehicular travel ways and rights-of-way by a landscaped area buffer. Parking areas adjoining property lines of less intense uses shall buffer as required within this Article. The landscaped buffer area shall be at least five (5) feet in width. ~~along all street rights-of-ways and the perimeter of the parking area.~~
- (2) Within the landscape buffer area, canopy trees must be planted an average of ~~thirty (30)~~ forty-five (45) feet on center and shrubs must be planted an average of every five (5) feet on center. Along road frontages, shrub spacing shall be every three (3) feet on center in order to form a continuous hedge. When planting under overhead utility lines, one (1) understory tree must be substituted for each required canopy tree. Refer the Manual of Practice for a list of trees that are approved for planting under utility lines.

- (3) Parking areas shall be separated from the exterior wall of a structure by a raised, paved pedestrian sidewalk or a landscaped buffer strip at least three (3) feet in width.
- (4) Driveways into parking areas shall be bordered by a landscape buffer strip at least five (5) feet in width along each side of the driveway. At a minimum, the driveway landscaped area buffer shall include one (1) large canopy tree for every forty-five (45) ~~thirty (30)~~ feet of linear drive, or two (2) understory trees for every ~~twenty-five (25)~~ ~~twenty (20)~~ feet of linear driveway entrance. The plant materials may be grouped as an entrance planting rather than a linear border.

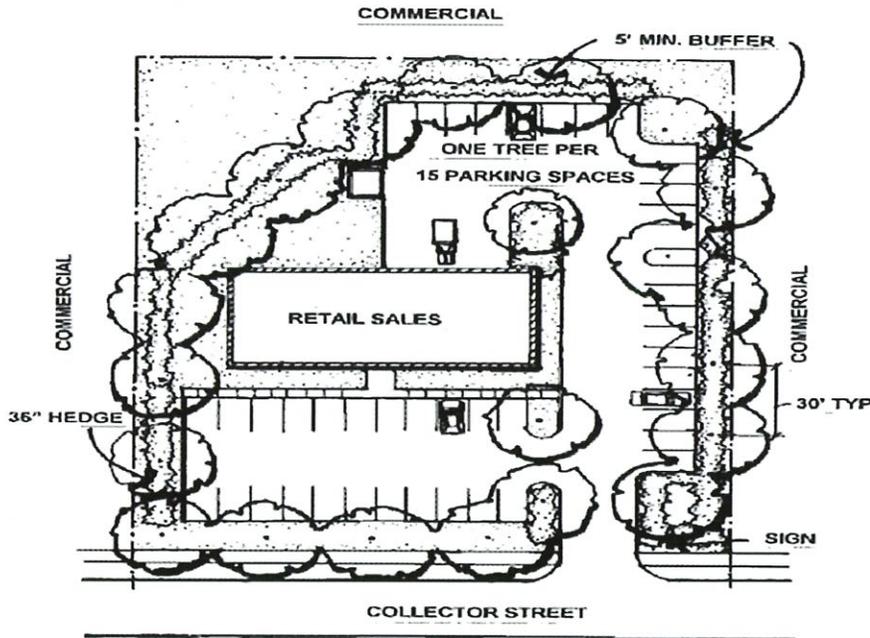


Figure 9-1 Parking Area Buffers

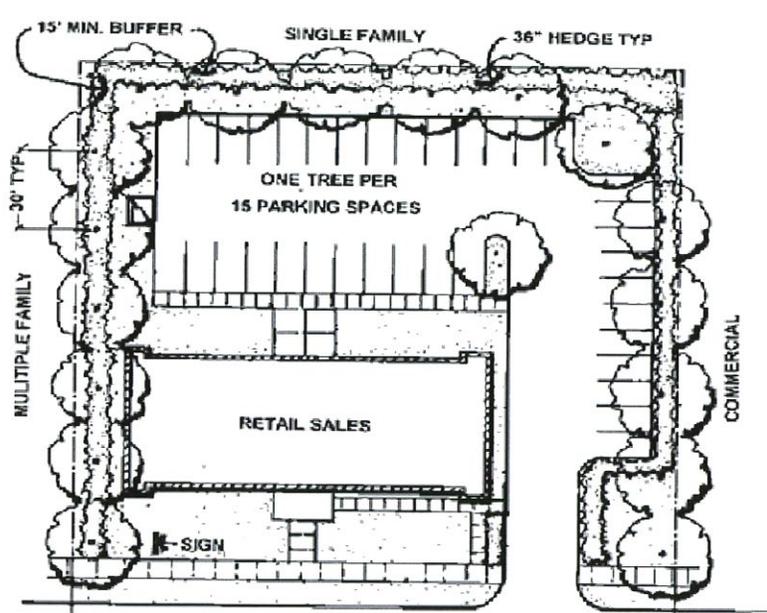
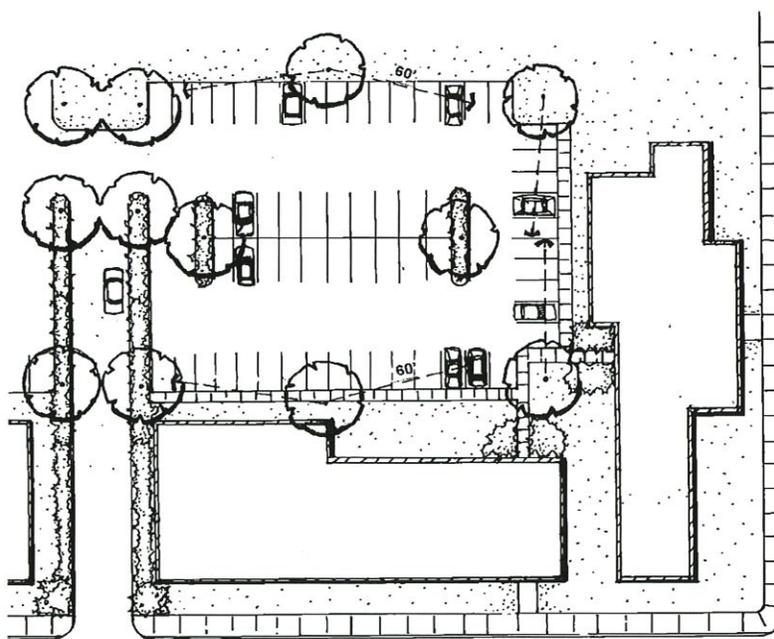


Figure 9-2 Parking Area Landscaping

**Interior Parking Area Landscape Requirements – New Parking Areas**

- (1) All rows of parking shall be terminated by an **understory canopy** tree planted within a landscape island. The landscape island shall be a minimum dimension of six (6) feet by eighteen (18) feet for single-loaded parking rows and six (6) feet by thirty-six (36) feet for double-loaded parking rows. Trees planted within perimeter landscape strips may be used to satisfy this requirement.
- (2) One (1) **canopy understory** tree shall be required for every fifteen (15) parking spaces, and one (1) shrub shall be provided for every ten (10) parking spaces required. All vehicular parking spaces must have at least one (1) tree within sixty (60) feet of each parking space.
- (3) **At least seventy-five (75) percent of all trees required by this section shall be canopy trees as listed in the Manual of Practice.** 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 **the Manual of Practice for a list of trees that are** 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

The Planning Director Commission, by means of a Special Use Permit in accordance with 2.4, shall have the authority to waive or reduce the requirements of Sec. 9.13, Landscaping and Screening 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.

### 9.13.9 Plant Specifications

**Plant Species.** Plants shall be chosen from the recommended plant species lists in the Manual of Practice. Plants which are not on the list may be used if approved by the Planning Director upon a showing that the proposed plants will likely achieve the objectives of this section as well as or better than plants listed in the Manual of Practice. Invasive, exotic plant species (see chart in Manual of Practice) shall not be used to meet the landscape requirements of this Land Development Code.

For the purpose of measuring required canopy trees for this section, the caliper of a tree is the diameter measured six (6) inches above the ground, if that measurement does not exceed four (4) inches. If the measurement does exceed four (4) inches, the measurement is taken twelve (12) inches above the ground.

#### Minimum Plant Size Requirements.

- (1) Canopy trees shall be two and one half (2.5) inches in caliper and a minimum of eight (8) feet in height at time of planting.
- (2) Understory trees shall be at six (6) feet in height at time of planting. Understory trees may be single or multi-stemmed.
- (3) Only certain understory trees shall be planted under overhead utility lines. An approved plant list is provided by Duke Energy in the Manual of Practice. When overhead utility lines are present, two (2) understory trees shall be planted for every one (1) canopy tree required.
- (4) Evergreen trees shall be a minimum of five (5) feet in height at planting.
- (5) Shrubs (evergreen or deciduous) required for parking areas shall be a minimum of a three (3) gallon container with a height of at least twenty-four (24) inches at time of planting.
- (6) Shrubs required as part of a ten (10) foot or greater buffer shall be a minimum of a five (5) gallon container with a height of at least thirty-six (36) inches at time of planting.

**Ground Cover.** All ground surfaces, not otherwise required to be paved, shall be maintained with ground cover such as grass or mulch.

Plant materials shall conform to the requirements described in the latest edition of American Standard for Nursery Stock, published by the American Association of Nurseryman. Plants must be healthy, well-formed, and free of disease and insects.

### 9.13.10 Maintenance and Pruning

It shall be the responsibility of the property owner, or in the event of a property transfer, the subsequent property owner to maintain and ensure the survival of the plant material in perpetuity. Plants and trees that do not survive planting or for some reason perish due to injury, disease and/or insect infestation must be replaced during the first planting season following the death of the plant(s) in accordance with the specifications of this Land Development Code.

Tree topping shall be prohibited on all trees that are required by the provisions of this Land Development Code, including perimeter buffer trees and parking lot landscaping. Topping is the severe cutting back of limbs larger than three (3") inches in diameter to stubs within the tree's

- Signs directing and guiding traffic on private property, which do not exceed 4 square feet in area and have a maximum height of 2 feet, and are placed within three (3) feet of vehicular driveway entrances;
- Incidental signs used in conjunction with equipment or other functional elements of a use or operation. These shall include, but not be limited to, drive thru window menu boards, signs of automatic teller machines (ATMs), gas pumps, express mail drop boxes, vending machines or newspaper delivery boxes, or signs painted or permanently attached to currently licensed motor vehicles that are not parked or located so as to function as a sign;
- Official flags limited to one per lot not exceeding 5 feet by 8 feet and located on the same lot as the organization, provided the height of the flag pole does not exceed the maximum height of the zoning district in which it is located, and is setback five (5) feet from all street rights-of-way and adjacent property lines;
- 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

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### 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

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### 10.3.1 Sight Triangles

All signs shall comply with the Sight Triangle standards Sec.9.4.

### 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.

### 10.3.3 Vehicle and Pedestrian Area Clearances

When a sign extends over an area where vehicles travel or are parked, the bottom of the sign structure must be at least 14 feet above the ground. When a sign extends over a sidewalk or other area accessible to pedestrians, the bottom of the sign structure must be at least 9 feet above the ground.

## 10.4 Alternative Sign Plan

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The Planning Director may approve alternative sign plans to provide for flexibility in the application of sign regulations. Such plans are intended to allow property owners to address unique circumstances affecting their property such as excessive setbacks or topography and to encourage the removal or replacement of non-conforming signs. The Planning Director shall find that the alternative sign plan adheres to the purpose and intent of the regulations contained herein and that such plans result in the reduction of the total number of signs allowed or the total amount of sign area allowed, while allowing for reasonable exposure to the adjoining rights of way. Once approved, the alternative sign plan shall be used to guide the issuance of all sign permits related to the development in the future.

## 10.5 Signs in Commercial, Office & Institutional and Industrial Districts

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The following standards shall be used to regulate the installation of all on premise wall signs, ground mounted signs, and subdivision identification signs in all commercial, office & institutional and industrial zoning districts.

### 10.5.1 Wall Signs (On Premise)

The following standards shall be applied to wall signs in commercial, office & institutional and industrial zoning districts:

#### **Maximum Area and Number. (TA 12-01) (TA 18-01)**

- (1) Wall signage shall be limited to a maximum size of two (2) square feet of area per each linear foot of primary building wall or bay width, not to exceed three hundred (300) square feet. This measurement pertains to the building wall facing upon a public street or internal development driveway.
- (2) Buildings with primary walls in excess of one hundred fifty (150) linear feet shall be allowed wall sign area equal to fifteen percent (15%) of the total area of the primary wall face. This measurement pertains to the building wall facing upon a public street or internal development driveway.
- (3) Wall signage on the secondary walls shall be permitted subject to the following standards:
  - (a) Wall signage shall not be placed on building walls that directly abut residentially used properties or on walls that do not have similar architectural treatments as the primary wall.

- (b) Additional wall signage shall be permitted at a maximum of one (1) square foot of area per each linear foot of secondary building wall or bay width, not to exceed one hundred fifty (150) square feet.

**Mounting.** Wall signs shall be mounted consistent with the standards listed below:

- (1) **Equipment.** Wall signs shall be mounted to conceal all mechanical or electrical equipment.
- (2) **Projection (TA 19-01).** With the exception of properties located within residential districts, wall signs may be mounted perpendicular to the surface to which they are attached, provided such sign does not project more than thirty-six (36) inches from the surface to which it is attached.
- (3) **Extensions.** Wall signs shall not extend above or below the edge of any wall or other surface to which they are mounted. Wall signs shall not be erected, constructed, or maintained upon or above the roofline of any building. This shall not preclude the 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.

**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)
C-2, C-3, CC-2 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, CC-2, 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.

	to humans or property when they reach maturity or have cloven or solid hooves are not household animals. Household animals shall include, but not be limited to, domestic dogs, domestic cats, canaries, parakeets, love birds, parrots, cockatiels, finches, toucans, mynah birds, guinea pigs, hamsters, mice, rats, gerbils, small reptiles, small amphibians and aquarium fish.
Animals, Large Domestic	Animals including, but not limited to, horses, donkeys, burros, llamas, bovines, goats, sheep, swine, and other animals or livestock of similar size and type. Sheep, goats, and swine under three months in age are not included when counting large animals. Miniature large animals are considered large animals.
Animals, Small Domestic	Animals or fowl including, but not limited to, chickens, guinea hens, geese, ducks, turkeys, pigeons, and other fowl not listed or otherwise defined. Mink, chinchilla, nutria, gnawing animals in general, and other animals of similar size and type. Young small animals or fowl under three months in age are not included when counting small animals or fowl.
Average Daily Traffic	Average daily traffic shall be based on the trip generation rates found in the latest edition of Institute of Traffic Engineers (ITE) Trip Generation or on a traffic study approved by the City Engineer.
Basement	The portion of a building having its floor sub-grade (below ground level) on all sides.
Basic Utilities	Infrastructure services that need to be located in or near the area where the service is provided including water and sewer pump stations; sewage disposal and conveyance systems; electrical substations; water towers and reservoirs; water quality and flow control facilities; water conveyance systems; stormwater facilities and conveyance systems; telephone exchanges; mass transit stops or turnarounds, transit centers, park-and-ride facilities for mass transit; and emergency communication broadcast facilities. Such uses generally do not have regular employees at the site. Services may be public or privately provided.
Bed and Breakfast	A private-residential establishment providing lodging, breakfast, and hospitality and providing an alternative to other forms of short-term/overnight lodging, such as hotels. All such establishments must be licensed to meet state codes and regulations and must comply with all local municipal restrictions, compliance with health and safety, fire, and building codes and regulations.
Boarding House	A house in which occupants rent one or more rooms on a nightly basis, and sometimes for extended periods of weeks, months, and years. The common parts of the house are maintained, and some services, such as laundry and cleaning, may be supplied. They may provide "room and board," that is, some meals as well as accommodation. Bed and Breakfast operations are excluded from this definition.
Buildable Area	The portion of a lot remaining after required setbacks have been provided and any conservation or preservation areas,

	approvals approved pursuant to this ordinance attach to and run with the land.
Development Regulation	A unified development ordinance, zoning regulation, subdivision regulation, erosion and sediment control regulation, floodplain or flood damage prevention regulation, mountain ridge protection regulation, stormwater control regulation, wireless telecommunication facility regulation, historic preservation or landmark regulation, housing code State Building Code enforcement, or any other regulation adopted pursuant to NCGS 160D, or a local act or charter that regulates land use and development.
Domestic Vehicles	Any vehicle or trailer, licensed by any state of the United States or Mexico or province or territory of Canada, as a private vehicle for operation on streets and may include, but not be limited to, automobiles, private pickup trucks, trailers, and vans.
Drinking Establishment	An establishment where alcoholic beverages are obtainable within or thereon and where such beverages are consumed on the premises. This includes all bars, nightclubs, taverns, and other similar establishments. This excludes eating establishments where food sales exceed 30 percent (30%) of the facility's total sales. If the facility also sells food, and the sale of food products represents more than thirty percent (30%) of the facility's total sales, the facility shall be considered an eating establishment. Eating establishments are classified as Retail Sales and Service.
Drive-In Window	A window or other opening in the wall of a principal or accessory building through which goods or services are provided directly to customers in motor vehicles by means that eliminate the need for such customers to exit their motor vehicles.
Duplex	Two attached dwelling units in a single structure on a single lot. Such structures shall be constructed to applicable North Carolina Building Codes for one and two family dwellings.
Dwelling	Any building, structure, manufactured home, or mobile home, or part thereof, used and occupied for human habitation or intended to be used, and includes any outhouses and appurtenances belonging thereto or usually enjoyed therewith. This term does not include any manufactured home, mobile home, or recreational vehicle, if used solely for a seasonal vacation purposes.
Dwelling, Multi-Family	Three or more attached dwelling units in a single structure on a single lot.
Dwelling, Single-Family Detached	A structure containing a single dwelling unit, and located on its own lot.
Dwelling, Single-Family Attached	An attached single-family dwelling unit constructed in a group of two or more, separated by property lines, in which each unit extends from the foundation to the roof, and with open space on at least two sides. Such structures shall be constructed to applicable North Carolina Building Codes for one and two family dwellings.

Dwelling, Single-Family Detached	A detached single-family dwelling unit, which does not share any walls with another residence, and located on a single lot with private yards on all four sides. Such structures shall be constructed to applicable North Carolina Building Codes for one and two family dwellings.
Dwelling Unit	A room or group of rooms forming a single independent habitable unit used for, or intended to be used for, living, sleeping, sanitation, cooking and eating purposes by one family only; for an owner occupancy or for rental, lease or other occupancy on a monthly or longer basis, and containing independent kitchen, sanitary and sleeping facilities.
Dwelling Unit, Accessory (TA 14-03)	A subordinate dwelling unit located on the same lot as the principal dwelling. Such units may either be attached or detached from the principal dwelling; provided detached units are separated by at least five (5) feet from the principal dwelling. The use of such units shall be incidental and accessory to the primary dwelling.
Eating Establishment	An establishment whose principal business is the sale of food, frozen desserts or beverages to the customer in a ready to consume state.
Extended Care Facility	See Nursing/ Extended Care Facility
Evidentiary Hearing	A hearing to gather competent, material, and substantial evidence in order to make a finding for a quasi-judicial decision required by a development regulation adopted under NCGS 160D. This term may also be referred to as “quasi-judicial hearing”.
Family	Any number of people related by blood, marriage or adoption or not more than five unrelated persons living together as a single housekeeping unit, using a single facility in a dwelling unit for culinary purposes.
Family Care Home	A home with support and supervisory personnel that provides room and board, personal care and habilitation services in a family environment for not more than six resident persons with disabilities.
Fire Department Access Road	A travel-way that provides fire apparatus access from a fire station to a facility, building or portion thereof. This is a general term inclusive of all other terms such as fire lane, public street, private street, parking lot lane, and all weather driving surfaces.
Fire Flow	The flow rate of a water supply, measured at 20 pounds per square inch residual pressure that is available for fighting fire. The flow shall be available for the duration of at least 60 minutes.
Flat Roof	Any roof that has a roof slope of 2-in-12 or less.
Floor Area	The sum of enclosed areas on all floors of a building or buildings measured from the outside faces of the exterior walls, including halls, lobbies, arcades, stairways, elevator shafts, enclosed porches and balconies, and any below-grade floor area used for habitation, access and storage. Not countable as floor area are garages, carports, screened porches, covered decks, open terraces, patios, atriums, balconies, breezeways

Playground	See Parks and Playgrounds
Portable On-Site Storage Unit	Any container designed for the storage of personal property and for transport by commercial vehicle that is typically rented to owners or occupants of property for their temporary use. A portable on-site storage unit is not a building or structure.
Pre-Existing Towers and Antennas	Any tower or antenna on which a permit has been issued prior to the effective date of this Land Development Code.
Premises (TA 14-03)	A lot or parcel of real property where a business, profession, service, commodity, product, accommodation, event, attraction or other enterprise or activity or use exists or is conducted, manufactured, sold, offered, maintained or takes place.
Professional Services (Office)	An establishment containing practitioners of a calling or vocation in which knowledge of some department of science or learning is used in its application to the affairs of others. Such activities would include, but not be limited to, accounting, auditing and bookkeeping services, architectural services, engineering and surveying services, interior design services, medical offices and legal services. This use category excludes building contractors, any use that includes on-site retail sales, and/or any use that includes outdoor storage.
Public Facility	The use of land, buildings or structures by a municipal or other governmental agency to provide protective, administrative and social services directly to the general public, including police and fire stations, municipal buildings, libraries, community centers, and any other public facility providing the above services. This category also includes water or wastewater treatment plants, telephone exchanges, resource recovery facilities, and other similar public service structures, but not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and not including public cultural facilities.
Public Utility Uses	See Basic Utilities
Railroad Yards	Sites that contain multiple railroad tracks used for rail car switching, assembling of trains and transshipment of goods from other transportation modes to or from trains. Accessory uses include offices, employee facilities, storage areas and rail car maintenance and repair facilities.
Recreational Vehicle	A vehicular-type portable structure which can be towed, hauled or driven, and is primarily designed as temporary living accommodations for recreational, camping and travel use and includes, but is not limited to, travel trailers, motor homes, camping trailers, campers, automobile, truck and recreational vans.
Recycling and Salvage Facilities	Operations that process reusable material, including, but not limited to, metals (including vehicles which have been crushed off-site), glass, rubber (including tires), plastic, paper, wood, construction debris and scrap, which is intended for reuse or reconstitution for the purpose of using the altered form. Recyclable material shall not include hazardous materials and

Subdivision	The division of a lot, tract, or parcel of land into two or more lots, tracts, parcels, or other divisions of land for sale or building development that is not specifically exempted by NCGS § 160D-802.
Subdivision, Minor	A division of land which meets all of the following criteria: <ul style="list-style-type: none"> <li>▪ Creation of up to five (5) new building lots;</li> <li>▪ All lots created front on an existing public street constructed to the standards of the City of Hickory or NCDOT;</li> <li>▪ No new streets are created or required to access interior property;</li> <li>▪ No extension of public sewerage or waterlines is required, nor is the creation of new drainage easements through lots required to serve property at the rear;</li> <li>▪ All parcels created conform to the requirements of this Land Development Code and related controls.</li> <li>▪ No part of the parcel to be divided has been divided as a minor subdivision five (5) years prior to the current proposed division.</li> </ul>
Subdivision, Major	Any subdivision that does not meet the criteria of a Minor Subdivision.
Substantial Improvement	Any repair, reconstruction or improvement of a structure within any twelve-month period, where the cost equals or exceeds fifty percent of the market value of the structure, either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state and local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
Superior Court	A North Carolina Superior Court having proper jurisdiction over the matter.
Temporary Sales (TA 14-02)	Sales activities of a temporary nature conducted as an accessory use to established businesses, which are carried out either out-of-doors, or within temporary structures on the property to which the business conducting such 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.
Towing/Wrecker Service	A commercial establishment engaged in towing of vehicles or equipment from one location to another. Such facilities may also include an indoor or outdoor storage component for such vehicles or equipment, but may not include junked, salvaged,