Land Development Code

City of Hickory, NC

Acknowledgements

Mayor and City Council Members

- Mayor Hank Guess
- Tony Wood
- Charlotte Williams
- Danny Seaver
- Anthony Freeman
- Arnita Dula
- Jill Patton

City of Hickory

- Warren Wood, City Manager
- Rick Beasley, Assistant City Manager
- Rodney Miller, Deputy City Manager
- Yaidee Fox, Assistant City Manager
- Chad Hunsucker, Airport
- Steve Miller and Will Hamblin, Public Services
- Mark Seaman, Parks, Recreation and Sports Tourism
- Dana Kaminske, Communications and Marketing

Hickory Regional Planning Commission

- Bill McBrayer
- Junior Hedrick
- Sam Hunt
- William Pekman
- Steve Mull
- Christina McNally
- Anne Williams
- Robert Lelewski

Planning and Development Staff

- Brian Frazier, Director
- Cal Overby, Planning Manager
- David Leonetti, Business Services Manager
- Michael Kirby, Senior Planner
- Wilson Elliott, Planner
- Jason Meier, Zoning Enforcement Officer
- Chasity Hollar, Planning Technician
- KyLeigh /Swink, Planning Technician
- Erin Kay, Community Development Assistant
- Daniel Ezell, GIS Manager

Amendments

1. TA 11-01 (Adopted 12-6-2011) - amendments to Article 3 (Zoning Districts), Article 4 (Overlay Districts), Article 6 (Use Regulations), Article 7 (Intensity Dimensional and Design Standards), Article 9 (Standards of General Applicability), Article 10 (Signs), Article 12 (Nonconformities), and Article 14 (Definitions).
2. TA 12-01 (Adopted 2-5-2013) – amendments to Article 2 (Development Review Procedures), Article 6 (Use Regulations), Article 7 (Intensity, Dimensional and Design Standards), Article 9 (Standards of General Applicability) and Article 10 (Signs).
3. TA 14-01 (Adopted 4-15-2014) – amendments to Article 2 (Development Review Procedures), Article 4 (Overlay Districts), Article 6 (Use Regulations), Article 7 (Dimensional Standards), Article 8 (Subdivisions), Article 9 (Standards of General Applicability) and Article 10 (Signs).
4. TA 14-02 (Adopted October 7, 2014) – amendments to Article 6 (Sec. 6.1 Use Table & 6.2.21 Seasonal and Temporary Sales) and Article 14 (Section 14.1 Terms and Definitions Defined).
5. TA 14-03 (Adopted January 6, 2015) – amendments to Article 6 (Sec 6.3.2 Accessory Dwelling Units, Sec. 6.4 Temporary Health Care Structures), Article 7 (Sec. 7.1 Residential District Standards), and Article 14 (Sec. 14.1 Terms and Uses Defined).
6. TA 15-01 (Adopted December 15, 2015) – amendments to Article 2 (Sec. 2.2.9 Citizen Comments), Article 4 (Section 4.3 Neighborhood Preservation Overlay District), and Article 9 (Sec. 9.14.7 Perimeter Parking Area Buffers).
7. TA 16-01(Adopted January 17, 2017) – amendment to Article 7 (Section 7.3 Non-Residential District Standards – Residential Density in C-1 District).
8. TA 18-01 - 5 year review and update.
9. TA 19-01 – Annual Update
10. TA 21-01 - Statutory and Annual Update.
11. TA 22-01 – Annual Update.
12. TA 23-01 – Airport Overlay Amendments.
13. TA 23-02 Annual Update.
14. TA 24-01 Annual Update
15. TA 26-01 – Enforcement Procedures / Article 13

CHAPTER 1 INTRODUCTORY PROVISIONS 8

Sec. 1.1 Title 8
Sec. 1.2 Authority 8
Sec. 1.3 Applicability and Jurisdiction 8
Sec. 1.4 Compliance Required 8
Sec. 1.5 Interpretation 8
Sec. 1.6 Minimum requirements 8
Sec. 1.7 Purpose and Intent 8
Sec. 1.8 Implementation of the Comprehensive Plan 9
Sec. 1.9 Zoning Map and Maps 9
Sec. 1.10 Manual of Practice 9
Sec. 1.11 Commentary 10
Sec. 1.12 Word Usage and Construction of Language 10
Sec. 1.13 Conflicting Provisions 11
Sec. 1.14 Transitional Provisions 12
Sec. 1.15 Severability 13

CHAPTER 2 DEVELOPMENT REVIEW PROCEDURES 14

Sec. 2.1 General 14
Sec. 2.2 Land Development Code Text and Zoning Map Amendments 25
Sec. 2.3 Subdivision Plats 30
Sec. 2.4 Special Uses 35
Sec. 2.5 Certificates of Appropriateness 38
Sec. 2.6 Zoning Compliance Permits 42
Sec. 2.7 Zoning Compliance Certificates 44
Sec. 2.8 Variances 44
Sec. 2.9 Written Interpretations 45
Sec. 2.10 Appeals of Administrative Decisions 46
Sec. 2.11 Review and Decision Making Bodies and Administrative Staff 47

CHAPTER 3 BASE ZONING DISTRICTS 51

Sec. 3.1 Residential Zoning Districts 51
Sec. 3.2 Non-Residential Zoning Districts 52
Sec. 3.3 Neighborhood (NC) and Community Center (CC-1) Zones 54
Sec. 3.4 Commercial Corridor (CC-2), Office and Institutional (OI), General Business (C-2) and Regional Commercial (C-3) Zones 59
Sec. 3.5 Central Business District (C-1) 61
Sec. 3.6 Industrial 64

CHAPTER 4 OVERLAY AND SPECIAL PURPOSE DISTRICTS 66

Sec. 4.1 Overlay Zoning Districts 66
Sec. 4.2 Revitalization District Overlay 66
Sec. 4.3 Neighborhood Preservation Overlay 67
Sec. 4.4 Historic District Overlay 68
Sec. 4.5 Watershed Protection Overlay 72
Sec. 4.6 Airport Overlay 87
Sec. 4.7 NC 127 Central Corridor Overlay 91
Sec. 4.8 High Rise Sign Overlay 93

CHAPTER 5 PLANNED DEVELOPMENTS **94**

Sec. 5.1 Planned Development Districts **94**

CHAPTER 6 USE REGULATIONS **98**

Sec. 6.1 Permitted Uses **98**
Sec. 6.2 Use Standards **103**
Sec. 6.3 Accessory Uses **119**
Sec. 6.4 Temporary Uses **121**

CHAPTER 7 INTENSITY, DIMENSIONAL AND DESIGN STANDARDS **127**

Sec. 7.1 Residential District Standards **127**
Sec. 7.2 Multi-Family Development Standards **128**
Sec. 7.3 Non-Residential District Standards **132**
Sec. 7.4 Measurements, Computations and Exceptions **133**

CHAPTER 8 SUBDIVISION DESIGN STANDARDS **137**

Sec. 8.1 General **137**
Sec. 8.2 Adequate Public Facilities **139**
Sec. 8.3 Manual of Practice **139**
Sec. 8.4 Lots **140**
Sec. 8.5 Blocks **142**
Sec. 8.6 Streets **142**
Sec. 8.7 Sidewalk and Pedestrian Access **143**
Sec. 8.8 Conservation Subdivisions **144**
Sec. 8.9 Domestic Water Supply and Sanitary Sewerage **145**
Sec. 8.10 Erosion Control **146**
Sec. 8.11 Fire Protection **146**
Sec. 8.12 Underground Utilities **149**
Sec. 8.13 Easements **150**
Sec. 8.14 Public Utilities **150**
Sec. 8.15 Performance Guarantees **151**
Sec. 8.16 Maintenance and Warranty Funds **153**

CHAPTER 9 STANDARDS OF GENERAL APPLICABILITY **154**

Sec. 9.1 Building Number and Arrangement **154**
Sec. 9.2 Off-Street Parking and Loading **154**
Sec. 9.3 Street Access **161**
Sec. 9.4 Intersection Visibility (Sight Triangle) **162**
Sec. 9.5 Access to Uses Not Allow in Residential Zoning Districts **162**
Sec. 9.6 Solid Waste Storage Areas; Screening **162**
Sec. 9.7 Outdoor Lighting **163**
Sec. 9.8 Window Display of Sexual Oriented Devices, Materials and Anatomical Areas **164**
Sec. 9.9 Operational and Performance Standards **164**
Sec. 9.10 Animal Keeping **166**
Sec. 9.11 Fencing and Other Standards for Certain Utility Uses **166**
Sec. 9.12 Disposition of Cremated Remains **165**
Sec. 9.13 Landscaping and Screening **167**
Sec. 9.14 Fire Protection **176**

Sec. 9.15 Property Maintenance 176
Sec. 9.16 Underground Utilities 177

CHAPTER 10 SIGNS 179

Sec. 10.1 General 179
Sec. 10.2 Prohibited Signs 181
Sec. 10.3 Sign Location 181
Sec. 10.4 Alternative Sign Plan 182
Sec. 10.5 Signs in Commercial, Office & Institutional and Industrial Districts 182
Sec. 10.6 Murals 187
Sec. 10.7 Signs in Residential Zoning districts 187
Sec. 10.8 Off-Premises Signs (Billboards) 187
Sec. 10.9 Electronic Message Boards 188
Sec. 10.10 Temporary Signs 188
Sec. 10.11 Sign Construction and Maintenance 190

CHAPTER 11 STORMWATER MANAGEMENT 191

Sec. 11.1 Purpose and Scope 191
Sec. 11.2 Definitions 192
Sec. 11.3 Warning and Disclaimer of Liability 193
Sec. 11.4 Stormwater Management Plans 194
Sec. 11.5 Permit Requirements 194
Sec. 11.6 Fees 194
Sec. 11.7 Permit Suspension and Revocation 195
Sec. 11.8 Peak Flow reducing Stormwater Control Facility Requirements 195
Sec. 11.9 Stormwater Management Facilities 194
Sec. 11.10 Plan Requirements 195
Sec. 11.11 Plan Criteria 197
Sec. 11.12 Professional Licensure Requirements 197
Sec. 11.13 Inspections and Maintenance 197
Sec. 11.14 Financial Security 197
Sec. 11.15 Inspection Schedule 197
Sec. 11.16 As-Built Certifications and Final Submittals 198
Sec. 11.17 Operation and Maintenance Agreements 198
Sec. 11.18 Maintenance of Pre-Existing Stormwater Management Facilities 199
Sec. 11.19 Appeals 200

CHAPTER 12 NONCONFORMITIES 201

Sec. 12.1 General 201
Sec. 12.2 Nonconforming Uses 202
Sec. 12.3 Nonconforming Structures 203
Sec. 12.4 Nonconforming Lots 204
Sec. 12.5 Nonconforming Signs 204
Sec. 12.6 Other Nonconformities 205

CHAPTER 13 VIOLATIONS, PENALTIES, AND ENFORCEMENT 206

Sec. 13.1 Responsibility for Enforcement 206
Sec. 13.2 Violations 206

Sec. 13.3 Continuing Violations 207
Sec. 13.4 Liability 209
Sec. 13.5 Remedies and Enforcement Powers 209
Sec. 13.6 Continuation of Previous Enforcement Actions 209
Sec. 13.7 Remedies Cumulative 209
Sec. 13.8 Persons Subject to Penalties 209
Sec. 13.9 Enforcement Procedures 209

CHAPTER 14 DEFINITIONS 211

Sec. 14.1 Terms and Uses Defined 211