

9 Standards of General Applicability

9.1 Building Number and Arrangement

9.1.1 Buildings per zoning lot

When detached single family dwellings and duplexes are proposed, only one principal building shall be allowed per zoning lot.

Other types of development (TA 18-01)

When more than one principal structure is proposed on a zoning lot, the Planning Director may issue a Zoning Compliance permit provided that the following standards and all other applicable provisions of this Land Development Code are met:

- (1) All streets, street or driveway connections and utilities must be designed and constructed to the standards of the 8 and the Manual of Practice.
- (2) Approval Procedures

When one or more principal buildings are proposed on a zoning lot, the applicants shall be required to submit plans for a pre-application conference in accordance with Section 2.1.2 of this Land Development Code.

9.2 Off-Street Parking and Loading

9.2.1 General

Purpose. The purpose of the off-street parking and loading regulations of this section is to ensure that the off-street parking, loading and vehicular access needs of land uses will be met without adversely affecting traffic patterns, vehicular and pedestrian safety, or the surrounding neighborhoods. In recognition of the fact that different transportation access-based solutions will be appropriate in different areas of the city and for different types of development, the standards set out in this section allow flexibility in dealing with vehicle parking, loading and access issues.

Applicability.

- (1) New Development
- (2) Unless otherwise expressly stated in this section, the parking, loading and access standards of this section shall apply to all new buildings constructed and all new uses established in all zoning districts.
- (3) Expansions and Increases in Intensity
- (4) Unless otherwise expressly stated in this section, the parking, loading and access standards of this section shall apply when an existing structure or use is expanded or enlarged, through the addition of dwelling units, floor area, seating capacity, employees or other units of measurement used for establishing off-street parking and loading requirements. Additional off street parking and loading spaces shall be required only to serve the enlarged or expanded area, not the (pre)existing building or use.
- (5) Change of Use
- (6) Unless otherwise expressly stated in this section, off-street parking and loading facilities shall be provided for any change of occupancy, use or manner of operation that would, based on the Off-Street Parking Schedules of Section 9.2.2 or the Off-Street Loading Schedule of Section 9.2.3, result in a requirement for more parking or loading spaces than the former use. Additional parking or loading spaces shall be required only in proportion to the extent of the change.

No Reduction Below Minimums. The number of parking and loading spaces existing on a site shall not be reduced below the minimum requirements of this section except as otherwise allowed herein. Any change in use to a use that requires more parking or loading spaces than exist on the

subject site shall be a violation of this Land Development Code unless additional parking and loading spaces are provided to meet the minimum requirements of this section.

Damage or Destruction. When a conforming or nonconforming building or use is damaged by fire, collapse, explosion, or Act of God and is reconstructed, repaired, or rebuilt (subject to all applicable provisions of this Land Development Code), off-street parking and loading facilities need not be provided, except that any parking or loading spaces that existed at the time of damage or destruction shall be restored or continued in operation. In no case, however, shall it be necessary to restore or maintain parking or loading spaces in excess of the requirements in effect at the time the use or building is re-established.

Effect on Nonconforming Status. A use that was legally established shall not be deemed nonconforming solely as a result of providing fewer than the minimum number of off-street parking or loading spaces required by this section.

Joint Use. Off Street parking and loading facilities provided for one use shall not be considered as providing required parking or loading facilities for any other use, except as otherwise expressly allowed under the Shared Parking provisions of this section.

Off-Street Parking Exemptions (TA 18-01). Uses in the C-1 zoning district shall be exempt from the off-street parking requirements of Sec. 9.2.2.

9.2.2 Off-Street Parking Schedules (TA 14-01) (TA 21-01)

Schedule A. Off-street parking spaces shall be provided in accordance with the requirements of Schedule A. In lieu of complying with the standards of Schedule A, an applicant may request approval of an Alternative Parking Plan, pursuant to Sec. 9.2.7. In some cases, the applicable off-street parking space requirement in Schedule A refers to Schedule B. This schedule can be found following “Schedule A.”

Schedule A	
Use Categories	Minimum Parking
Residential Categories	
Group Living	1 per 4 residents
Single Family Detached	2 per unit
Single Family Attached	2 per unit
Duplexes	2 per unit
Manufactured Homes	2 per unit
Multi-Family	1.5 per unit
Nursing/Extended Care Facilities	0.2 per bed
Senior Housing	0.3 per unit
Commercial Categories	
Adult Business	3 per 1,000 sq. ft.
Amusement Facilities, Outdoor	Per Schedule B
Amusement Facilities, Indoor	3 per 1,000 sq. ft.
Major Event Entertainment	Per Schedule B
Marina	0.5 per slip
Mini-storage Facilities	1 per 100 storage units plus 1 per employee (no less than 4)
Office	2 per 1,000 sq. ft.
Retail Sales , Service and Fast Food Restaurants (unless otherwise listed)	3 per 1,000 sq. ft.
Furniture sales	2 per 1,000 sq. ft.
Restaurants and Drinking Establishments	8 per 1,000 sq. ft.
Health Clubs and Gyms	5 per 1,000 sq. ft.

Hotels and Motels	1 per rentable room
Meeting rooms and Places of Assembly	0.3 per seat
Theaters	0.25 per seat
Vehicle Repair	1 per 750 sq. ft. of floor area
Industrial Categories	
Industrial Service and Wholesale Sales	1 per 1,000 sq. ft.
Manufacturing and Production	0.6 per employee
Warehouse and Freight Movement	0.6 per employee
Waste-related, High Impact Use	Per Schedule B
Institutional Categories	
Basic Utilities	None
Colleges	Per Schedule B
Community Recreation Centers	2 per 1,000 sq. ft.
Cultural Facilities	2 per 1,000 sq. ft.
Daycare	2 per 1,000 sq. ft.
Elementary or Junior High School	0.25 per student
High School	0.3 per student
Medical Centers	Per Schedule B
Parks and Open Areas	Per Schedule B
Religious Institutions	0.2 per seat
Other Categories	
Agriculture	Per Schedule B
Aviation and Surface Passenger Terminals	Per Schedule B
Detention Facilities	Per Schedule B
Essential Public Facilities	Per Schedule B
Kennels	Per Schedule B
Mining	Per Schedule B
Railroad Yards	Per Schedule B
Wireless Communication Facilities	Per Schedule B

Schedule B. Schedule B uses have widely varying parking demands, making it difficult to specify a single requirement. The off-street parking requirement for such uses shall be established by the Planning Director based on estimates of parking demand, which may include recommendations of the Institute of Traffic Engineers (ITE), data collected from uses that are the same or comparable to the proposed use, or other relevant information. The Planning Director may require that the applicant submit a parking study that provides analysis and justification for the proposed number of spaces to be provided. Parking studies shall document the source of data used to develop the recommendations. The Planning Director shall review the submitted study along with any other traffic engineering and planning data that are appropriate and establish the off-street parking or loading requirements for the use proposed.

9.2.3 Off-Street Loading (TA 18-01)

Off-street loading space shall be provided for all non-residential uses that contain a gross floor area of 40,000 square feet, or greater.

Minimum Dimensions. Each loading space shall be at least twelve (12) feet wide by twenty-five (25) feet long, with at least fourteen (14) feet of overhead clearance. Each required loading space shall have adequate, unobstructed means for the ingress and egress of vehicles.

Waiver or Modification of Requirements. As part of the review and approval of a site plan, the Planning Director may waive or modify the requirements of this section upon finding that the use does not require loading spaces of a number or size required by this section, given the particular

operational characteristics of the use and its need or lack thereof for the delivery or shipments of goods to and from the site.

Location and Screening of Loading Areas. To the maximum extent possible, all loading berths shall be located between the building and the rear lot line of the property, and/or shall be screened from the view of the street and adjacent properties. Such screening shall consist of dense evergreen landscaping, raised berms, or masonry walls that are architecturally compatible to the building. The planning director may approve an alternative screening mechanism provided that it meets or exceeds the objectives of this Land Development Code

9.2.4 Rules for Computing Parking and Loading Requirements

The following rules shall apply when computing the number of parking and loading spaces required under this section.

Fractions. When calculation of the number of required spaces results in a fractional number, a fraction of less than .5 shall be disregarded and a fraction of .5 or more shall be rounded to the next highest whole number.

Distances. Distances shall be measured between nearest off-street parking facility and nearest primary entrance of the building or use to be served.

Multiple Uses. When 2 or more uses or separate establishments are located within the same development, off-street parking shall be provided for each use or separate establishment unless an Alternative Parking Plan is approved under the provisions of Section 9.2.7, or the property is developed as a Conditional Zone. If one or more uses within a multi-use development are of a size that would otherwise exempt them from compliance with off-street parking requirements, only one such exemption shall be permitted to be taken for the entire development.

Floor Area.

- (1) Unless otherwise expressly stated, all square footage-based off-street parking and loading standards shall be computed on the basis of the sum of the gross horizontal floor areas of all the floors of a building or structure, measured from the exterior faces of exterior walls or from the centerline of walls separating 2 buildings or structures, but excluding stairwells and elevator shafts at each floor and floors or parts of floors devoted exclusively to vehicular parking or loading.
- (2) When more than 20 percent of the floor area on a site is in an accessory use, the parking for the accessory use is calculated separately. An example would be a 30,000 square foot building with 20,000 square foot warehouse and a 10,000 square foot accessory office area. The required parking for the office and warehouse would be calculated separately.

Seating. When seating consists of benches, pews or other similar seating facilities, each 20 linear inches of seating space shall be counted as 1 seat. Where parking requirements relate to movable seating in auditoriums and other assembly rooms, 15 square feet of net floor area shall be construed to be equal to one seat, except where otherwise specified. Net floor area shall be the actual area occupied by seating and related aisles, and shall not include accessory unoccupied areas or the thickness of walls.

Employees, Students and Other Occupants. For the purpose of computing parking requirements based on the number of employees, students, residents or occupants, calculations shall be based on the largest number of persons working on any single shift, the maximum enrollment or the maximum fire-rated or licensed capacity, whichever is applicable.

New and Unlisted Uses. Upon receiving a development application for a use not listed in the parking and loading schedules of this section, the Planning Director shall apply the standards of the listed use that is deemed most similar to the use proposed or require that a parking study be submitted.

Bicycle Parking. Bicycle parking may substitute for up to ten percent of required parking. For every five secure bicycle parking spaces provided, the motor vehicle parking requirement is reduced by one space. Existing parking may be converted to take advantage of this provision.

9.2.5 Use of Required Off-Street Parking Spaces

Required off-street parking spaces may be used only for parking licensed, operable, motor vehicles.

Required spaces may not be used for the display of goods for sale or lease, except in compliance with a temporary or seasonal use permit, for motor vehicle repair or service work of any kind, or for long term storage of recreational vehicles, boats, motor homes, campers, mobile homes, or building materials.

No buildings other than those for shelter of attendants for the off-street parking area shall be erected or placed upon off-street parking areas. Attendant buildings may have a maximum gross floor area of 50 square feet and a maximum height of 15 feet.

9.2.6 Parking on Unpaved Surfaces Prohibited

No person shall keep, store or park any motor vehicle or trailer, whether operable or inoperable, on any portion of a front yard or any side corner yard facing a street except on a paved surface that is used as a driveway or approved off-street parking area to the property.

9.2.7 Alternative Parking Plans

Scope. An Alternative Parking Plan represents a proposal to meet vehicle parking and transportation access needs by means other than providing parking in accordance with the ratios established in Sec. 9.2.2. Alternative Parking Plans may not be used to reduce required setbacks, landscaping or screening of off-street parking areas.

Applicability. Applicants who wish to provide fewer off-street parking spaces than required pursuant to Sec. 9.2.2 or provide parking on a remote site shall be required to secure approval of an Alternative Parking Plan in accordance with the standards of this section.

Review and Approval Procedure.

- (1) The Planning Director shall be authorized to approve, approve with conditions, or deny Alternative Parking Plans for developments that will provide at least 80 percent of the required number of off-street parking spaces.
- (2) All other Alternative Parking Plans shall require review and approval in accordance with the Special Use procedures of Sec. 2.4.
- (3) In order to approve an Alternative Parking Plan, the Decision-Making Body must determine that the proposed plan will protect surrounding neighborhoods, maintain traffic circulation patterns and promote quality urban design as would strict compliance with otherwise applicable off street parking standards.

Contents. Alternative Parking Plans shall be submitted in a form established by the Planning Director and made available to the public. At a minimum, such plans shall include maps that detail the type of alternative proposed and the rationale behind the proposal.

Recording. Approved Alternative Parking Plans shall be recorded in the office of the County Register of Deeds where the property is located. No building permits or certificates of occupancy shall be issued until proof of recordation of the agreement has been presented to the Planning Director.

Violations and Revocation. Any modification or waiver of off-street parking approved under an Alternative Parking Plan shall remain valid only as long as the conditions warranting the modification or waiver exist. If such conditions are deemed to no longer exist, the alternative parking plan approval shall be revoked. Revocation of an Alternative Parking Plan shall not preclude other remedies and enforcement actions available under this Land Development Code.

The Zoning Compliance Permit or Special Use Permit covering such approval shall include the requirements that the permit is valid only so long as the conditions described in the application for the permit exist.

Eligible Alternatives. A number of specific parking and access alternatives are described below. The Planning Director shall, however, be authorized to consider and approve other alternatives to providing off-street parking spaces on the site of the subject development if the applicant demonstrates to the satisfaction of the Planning Director that the proposed plan will do at least as good of job protecting surrounding neighborhoods, maintaining traffic circulation patterns and promoting quality urban design as would strict compliance with otherwise applicable off-street parking standards.

- (1) **Shared Parking.** Shared parking spaces may occur where two or more uses on the same or separate sites are able to share the same parking spaces because their parking demands occur at different times. Shared use of required nonresidential parking spaces is allowed if the following documentation is submitted in writing to the planning director as part of a building or zoning permit application or land use review:

 - (a) The names and addresses of the uses and of the owners or tenants that are sharing the parking.
 - (b) The location and number of parking spaces that are being shared.
 - (c) An analysis showing that the peak parking times of the uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses; and
 - (d) A legal instrument such as an easement or deed restriction that guarantees access to the parking for both uses.
- (2) **Remote Parking.** The Planning Director may permit all or a portion of required off-street parking to be located on a separate lot (from the use served), subject to the standards of this section.

 - (a) **Location.** No Remote parking space shall be located more than 600 feet from the boundary of the lot containing the use to be served by the parking. This distance limitation may be waived by the Planning Director if adequate assurances are offered that van or shuttle service will be operated between the remote lot and the principal use.
 - (b) **Zoning Classification.** Remote parking areas shall be considered accessory to the principal use that the parking spaces are intended to serve. Parking areas shall require the same or a more intensive zoning classification than that required for the most intensive of the uses served by the remote parking area, provided that remote parking facilities may be located in any zoning districts that allow commercial parking lots.
 - (c) **Remote Parking Agreement.** If a remote parking area is not under the same ownership as the principal use served, a written agreement among the owners of record shall be required.
 - (d) **Application.** Remote Parking Agreements shall be submitted in a form established by the Planning Director. At a minimum, such plans shall detail the type of alternative proposed and the rationale behind the proposal.
- (3) **Valet Parking.** The Decision-Making Body may authorize valet parking as a means of satisfying some or all of otherwise applicable off-street parking standards.
- (4) **Transportation Demand Management Plan.** The Planning Director may authorize a reduction in the number of required off-street parking spaces for large developments or uses (those otherwise required to provide more than 100 parking spaces) that institute and commit to maintain a Transportation Demand Management program, in accordance with the standards of this section.

 - (a) **Required Study.** The applicant shall submit a study to the Decision-Making Body clearly indicating the types of transportation demand management activities and

measures proposed. The study shall be provided in a form established by the Planning Director.

- (b) **Transportation Management Activities.** There shall be no limitation on the types of transportation management activities for which reductions may be granted from otherwise required off-street parking ratios. The following measures shall serve as a guide to eligible transportation management activities.
- (c) **Posting and Distribution of Information.** The distribution and posting of information from transit agencies and other sources of alternative transportation may be cause for a reduction in otherwise applicable off-street parking requirements.
- (d) **Transportation Coordinator.** The appointment of a Transportation Coordinator with responsibility for disseminating information on ride-sharing and other transportation options may be cause for a reduction in otherwise applicable off-street parking requirements. In addition to acting as liaisons, Transportation Coordinators must be available to attend meetings and training sessions with the city or transit providers.
- (e) **Off-Peak Work Hours.** Employers that institute off-peak work schedules, allowing employees to arrive at times other than the peak morning commute period may be eligible for a reduction in otherwise applicable off-street parking requirements. The peak morning commute period is defined as 7:30–9:00 a.m., and the peak p.m. period is defined as 4:00-6:00 p.m.
- (f) **Preferential Parking.** The provision of specially marked spaces for each registered carpool and vanpool may be cause for a reduction in otherwise applicable off-street parking requirements.
- (g) **Financial Incentives.** The provision of cash or in-kind financial incentives for employees commuting by carpool, vanpool and transit may be cause for a reduction in otherwise applicable parking requirements.

9.2.8 Vehicle Stacking Areas

The vehicle stacking standards of this subsection shall apply unless otherwise expressly approved by the Planning Director.

Minimum Number of Spaces. Off Street stacking spaces shall be provided as follows:

Activity Type	Minimum Stacking Spaces	Measured From
Automated teller machine (ATM)	3	Teller
Bank teller lane	4	Teller or Window
Restaurant drive-through	4	Order Box
Restaurant drive-through	4	Order Box to Pick-Up Window
Car wash stall, automatic	4	Entrance
Car wash stall, self-service	3	Entrance
Quick lube	3	Entrance
Other	4	Pick-Up Window

Design and Layout. Required stacking spaces are subject to the following design and layout standards.

- (1) **Size.** Stacking spaces must be a minimum of 10 feet by 20 feet in size.
- (2) **Location.** Stacking spaces may not impede on or off-site traffic movements or movements into or out of off-street parking spaces.

- (3) **Design.** Stacking spaces must be separated from other internal driveways by raised medians if deemed necessary by the Planning Director for traffic movement and safety.

9.2.9 Off-Street Parking, Loading, and Vehicle Use Area Design Standards (TA 21-01)

General.

- (1) All off street parking, loading, and vehicle use areas shall be graded and drained so as to dispose of all surface water accumulated within the area, in accordance with the stormwater management standards contained herein and the design standards of the City of Hickory Engineering Division.
- (2) All off street parking, loading, and vehicle use areas shall be located solely on private property and shall not use public property or public right of way.
- (3) All off street parking, loading, and vehicle use areas shall be designed, marked and signed to provide safe and convenient circulation, in accordance with commonly accepted traffic engineering practices, and subject to the review and approval of the Planning Director in accordance with said practices.

Surfacing. Except for agricultural uses, all off street parking, loading and vehicle use areas shall be marked, signed and surfaced with asphalt or concrete pavement or an alternative approved by the Planning Director so as to provide a durable and dustless surface. In making a determination as to the suitability of a proposed alternative, the Planning Director shall find that such improvement:

- (1) Provides a safe and permanent surface, suitable for the quantity and quality of traffic expected to use it;
- (2) Provides a surface which will accept permanent delineation of parking spaces, aisles, access ways and maneuvering areas;
- (3) Provides a surface that will not contribute to subsidence erosion or sedimentation, either onsite or offsite, and
- (4) Provides a surface that meets the design standards of the Manual of Practice
- (5) Parking areas for single family and two family dwellings located within front yards shall not exceed 24 feet in width per dwelling unit.

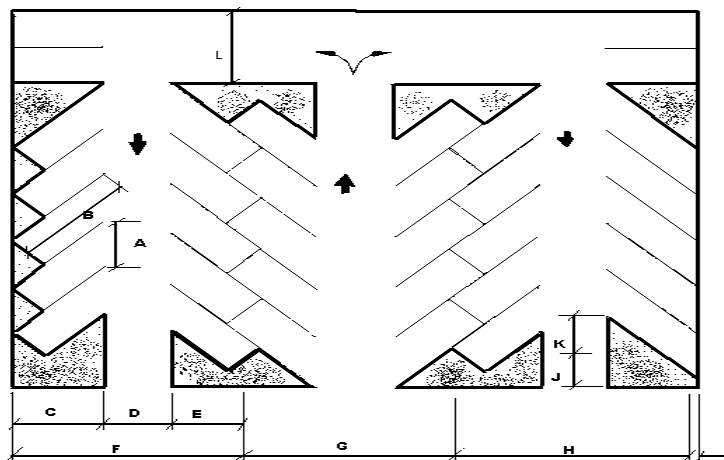
All driveways shall also be surfaced in the manner referenced above. Single-family residential driveways in excess of fifty (50) feet shall only be required to surface the first twenty-five (25) feet from the street providing access to the property.

Striping. All parking areas, except for stacked parking, must be striped and maintained in conformance with the parking dimension standards of the “Parking Space and Aisle Dimensions, except parking for single-family residences and duplexes, which is exempt from this requirement.

Parking Space and Aisle Dimensions. Off-street parking spaces and vehicle circulation areas shall be designed in accordance with the following minimum standards:

Dimensional Feature (all dimensions in feet)	Diagram	Parking Angle				
		0	45	60	75	90
Stall width (parallel to aisle)	A	9.0	12.7	10.4	9.3	9.0
Stall length	B	24.0	24.5	21.4	19.5	18.0
Stall length of line	C	9.0	17.0	18.5	19.0	18.0
Aisle width between stall lines	D	12.0	12.0	16.0	22.0	24.0
Stall depth, interlock	E	9.0	14.8	17.0	18.3	18.0
Module, wall to interlock	F	30.0	43.8	51.5	59.3	60.0
Module, interlocking	G	30.0	41.6	50.0	58.6	60.0
Module, interlock to curb face	H	30.0	41.8	49.4	56.9	58.0
Bumper overhang (typical)	I	0.0	1.5	1.8	2.0	2.0
Offset	J	—	6.3	2.7	0.5	0.0

Setback	K	24.0	11.0	8.3	5.0	0.0
Cross-aisle-one-way	L	18.0	18.0	18.0	18.0	18.0
Cross-aisle, two-way	—	24.0	24.0	24.0	24.0	24.0



9.3 Street Access (TA 18-01)

Each lot shall have access to a public street through a portion of the lot, through an approved private street or through commonly owned property. If access is provided through commonly owned property and providing, such access way shall be at least 20 feet in width. A grandfathered lot of record to be used for one single family dwelling may be made accessible through an approved access easement, recorded in the office of the Register of Deeds, a minimum of 20 feet in width, which provides access to the lot from a public or approved private street. Access easements shall require approval for legal sufficiency by the Staff Attorney and approval by the Planning Director.

9.4 Intersection Visibility (Sight Triangle) (TA 21-01)

Intersection visibility shall be observed as outlined in the City's Engineering Manual of Practice.

9.5 Access to Uses Not Allowed in Residential Zoning Districts

9.5.1 Access Limitation

Privately owned land located in a residential zoning district shall not be used for vehicular or pedestrian access to any use located in a nonresidential zoning district unless the use is allowed in the residential district through which access is to be taken. This limitation on access shall apply unless otherwise expressly provided in this section or otherwise authorized by this Land Development Code or other lawful regulations.

9.5.2 Alternative Access Allowed

Where provision does not exist for safe access for emergency and public service vehicles and such access is not reasonably feasible except through a residential zoning district, access reserved for and limited to such vehicles may be authorized by the Fire Marshal, subject to conditions and safeguards designed to protect the tranquility and character of the residential land over which access is to be taken.

9.5.3 Pedestrian Access Allowed

Where convenience and safety would be promoted, the Planning Director may authorize walkways and bicycle paths to nonresidential zoning districts across a residential zoning district, with the

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

9.6 Solid Waste Storage Areas; Screening (TA 23-02)

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

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

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

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

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

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

9.6.2 Setbacks

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

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

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

9.7 Outdoor Lighting (TA 14-01) (TA 18-01)

9.7.1 The purpose of this section is to ensure site lighting contributes to the character of the site and does not disturb adjacent development as light spillage.

9.7.2 General Guidelines. (TA 21-01)

The light source of outdoor lighting fixtures shall not be directly visible from property outside the zoning lot on which it is located. Additionally, the maximum illumination permitted at the zoning lot line from any use, other than single-family residential, onto a lot line of any adjacent residentially zoned lot shall be 0.20 foot-candles.

Lighting fixtures shall be limited to heights of 30 feet for parking lots and 20 feet for pedestrian walkways.

All outdoor lighting fixtures shall be cut-off fixtures and have flat lenses and/or shielding. A cut-off light fixture emits 0% of its light above 90 degrees, and no more than 10% above 80 degrees from horizontal.

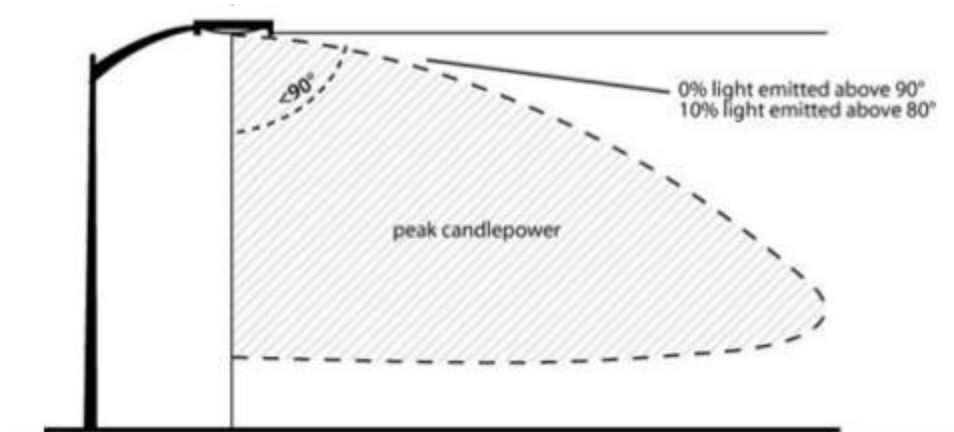


Figure 9-1: Cut-Off Lighting Fixture

Roof-top lighting is prohibited in all zoning districts.

Continuous strips or tubes of bulbs, neon, or LED lighting that emit more than 900 lumens (7 watt LED, 13 watt compact fluorescent, or 60 watt incandescent). Shall be concealed or shielded with full cut-off style fixtures with an angle not exceeding 90 degrees, with 90 percent of the light below 80 degrees. This shall apply to lighting on the interior or exterior of windows, and around buildings and signs as an accent. Such lighting shall be continuously illuminated, whereas it does not blink, flash, or oscillate. This subsection is not applicable to similar lighting associated with recognized holidays or special events, provided it is installed and removed in a reasonable period of time. This subsection shall not apply to any properly permitted electronic message boards.

Outdoor Lighting Standards for Outdoor Recreational Uses

Because of their unique requirements for nighttime visibility and their limited hours of operation, outdoor recreation uses are exempt from the outdoor lighting standards of this section. Instead, outdoor lighting for outdoor recreation uses are subject to the following standards:

- (1) Lighting must be designed to minimize adverse impacts on traffic safety and nuisance impacts on residentially zoned properties. Mitigation can be required via extra landscaping, earlier shut-off times for the fixtures, cut-off fixtures, where feasible, and other techniques.
- (2) The maximum height for outdoor lighting fixtures shall be sixty (60) feet.

9.8 Window Displays of Sexual Oriented Devices and Materials Depicting Specified Sexual Activities and Specified Anatomical Areas

No sexually oriented device or any materials depicting specified sexual activities and specified anatomical areas shall be viewable from the outside of an establishment regardless of whether it meets the requirements of an Adult Use or Sexually Oriented Business as defined herein.

9.9 Operational Performance Standards

All uses and activities conducted on commercial or industrial zoned property shall comply with the performance standards of this section.

9.9.1 Noise

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

Term	Definition
"A" weighting scale.	The sound pressure level, in decibels, as measured with the sound level meter using the "A" weighted network (scale). The standard unit notation is dB(A).
Ambient base noise level.	The average sound pressure level in dB(A) during a reasonable period of time, as determined by employing a sound level meter as described in herein and excluding impulsive sounds.
ANSI.	American National Standards Institute or its successor bodies.
Construction.	On-site erection, fabrication, installation, alteration, demolition or removal of any structure, facility or addition thereto, including all related activities, including, but not restricted to, clearing of land, earth moving, blasting and landscaping.
Daytime hours	7:00 a.m. to 10:00 p.m., local time.
dB(A).	Sound level in decibels, determined by the "A" weighting scale of a standard sound level meter having characteristics defined by the American National Standards Institute, Publication ANSI, S 1.4-1971, for a Type 2 instrument.
Decibel (dB).	A unit of measure, on a logarithmic scale, of the ratio of the magnitude of a particular sound pressure to a standard reference pressure, which for purposes of this section shall be 0.0002 microbars.
Emergency work.	Work made necessary to restore property to a safe condition, work required to protect, provide or prevent persons or property from danger or potential danger; or work by private or public utilities when restoring utility service.
Nighttime hours.	10:01 p.m. to 6:59 a.m., local time.
Sound level.	In decibels, a weighted sound pressure level is determined by the use of a sound level meter whose characteristics and frequency weightings are specified in ANSI standards.
Sound level meter.	Any instrument certified to meet or exceed ANSI standards which includes an omnidirectional microphone, an amplifier, an output meter and frequency weighting network(s) for the measurement of sound level.
Sound-magnifying device.	Any device or machine for the magnification of a human voice, music or any other sound. "Sound-magnifying device" shall not include emergency warning devices on police, fire, ambulance or other emergency vehicles, nor shall it include horns or steam whistles which are used for purposes authorized by below.

Sound pressure level.	In decibels, twenty (20) times the logarithm to the base 10 of the ratio of the magnitude of a particular sound pressure to the standard reference pressure. The standard reference pressure is 0.0002 microbars
Sound source.	Any person, animal, device, operation, process, activity, or phenomenon which emits or causes sound.

Unless otherwise specifically indicated, it shall be unlawful for anyone to cause or allow the emission of sound from any source or sources which when measured pursuant to this section, to exceed the maximum decibel limits specified below. Ten (10) readings during a single observation period above the allowed decibel limits attributed to the sound source or sources shall constitute prima facie evidence of a violation of this section. The sound meter operator may cease taking readings as soon as the readings already taken show a violation of this ordinance. It shall not be necessary to complete all one hundred (100) readings if a fewer number have already indicated a violation of the ordinance. If fewer than 10 readings above the allowed decibel level are observed during the observation period then no violation shall be deemed to exist.

Noise measurements shall be made at the property line nearest the source of the noise on the receiving property. Such noise measurements shall be made at a height of at least four (4) feet above the ground and at a point approximately ten (10) feet away from walls, barriers, obstructions (trees, bushes, etc.) on a sound level meter operated on the "A" weighting network (scale).

The sound level measurement shall be determined as follows:

- (1) Calibrate the sound level meter within one (1) hour before use.
- (2) Set the sound level meter on the "A" weighted network at slow response.
- (3) Set the omni-directional microphone in an approximately seventy-degree position in a location that complies with standards mentioned above. The operator of the sound level meter shall face the noise source and record the meter's instantaneous response (reading) observed at consecutive ten-second intervals until one hundred (100) readings are obtained. One hundred (100) readings shall constitute one observation period.

Equivalent sound levels shall not exceed the following maximum standards:

	7:00 a.m. – 10:00 p.m.	10:01 p.m. – 6:59 a.m.
Residential	60 dBA	55 dBA
Commercial	65 dBA	60 dBA
Industrial	75 dBA	75 dBA

Exception to limitation standards. The maximum noise limitation standards defined in Sec. 9.9.1 shall not apply to the following sources:

- (1) Emergency warning devices or safety signals;
- (2) Lawn care equipment and agricultural field equipment used during the daytime hours;
- (3) Equipment being used for construction, provided that all equipment is operated with all standard equipment manufacturers' mufflers and noise-reducing equipment in use and in proper operating condition.
- (4) Parades, fairs, circuses, other similar public entertainment events, sanctioned sporting events, sporting activities taking place in areas set aside for such activities, or any activities, including but not limited to any public square, park or amphitheater or normally associated with any of the above;
- (5) Bells, chimes and similar devices which operate during daytime hours for a duration of no longer than five (5) minutes in any given period;
- (6) Emergency work;
- (7) Electric transformers and substations;
- (8) Emissions of sound from any source or sources on a railroad or
- (9) Emission of sound from any source or sources on public rights-of-way.

9.9.2 Vibration

Vibration levels shall not exceed the following standards:

Maximum Peak Particle Velocity	
Steady State	0.02 Inches/Second
Impact	0.04 Inches/Second

The maximum particle velocity shall be the maximum displacement vector sums of 3 mutually perpendicular components, recorded simultaneously, and multiplied by the frequency in cycles per second. For purposes of this Land Development Code, steady state vibrations are vibrations that are continuous or vibrating in discrete impulses more frequent than 60.

9.10 Animal Keeping

9.10.1 Keeping of Large or Small Domestic Animals (*TA 19-01*)

Where Permitted. The keeping of large and small domestic animals is permitted outright only in the R-1 and IND zones.

Standards Applicable to Keeping of Large or Small Domestic Animals. The following ratios of area to animals apply:

- (1) Large domestic animals: Three animals per gross acre on irrigated land.
- (2) Large domestic animals: One animal per gross acre on non-irrigated land.
- (3) Small domestic animals: One animal per two thousand square feet of land.
- (4) **Animal Enclosure Setbacks.** No structure or enclosure for animals other than fencing or grazing land may be located less than fifty (50) feet from either the centerline of any street or from any adjoining lot.
- (5) Except as permitted within this section, the keeping of large domestic animals is strictly prohibited in R-2 zoning districts. Large domestic animals used for ground clearing and nuisance plant removal shall be allowed on a temporary basis upon the issuance of a temporary permit issued by the animal control administrator. All conditions specified in the City's General Code of Ordinances for animal care shall apply and no temporary permit be issued for longer than 14 days.

9.10.2 Keeping Household Pets

In all zones where dwelling units are allowed, small domestic animals are allowed to be kept as household pets. Up to an aggregate of 5 animals per dwelling unit is permitted. (Six or more dogs or cats constitute a kennel, and any number of large or small domestic animals that exceeds the allowed limits constitutes a zoo.) Small birds (canary, parakeet, etc.); small amphibian/reptile (turtle, lizard, etc.); rodent (rat, hamster, gerbil, etc.); and tropical fish and animals that are always housed entirely within the dwelling unit are excluded from the numerical limitations.

9.11 Fencing and Other Standards for Certain Utility Uses

All public utility uses involving dangerous apparatus shall be surrounded by a chain link fence at least eight (8) feet in height, shall be screened from view with evergreen trees or shrubs, shall observe a ten foot buffer, and shall meet the performance standards of Sec. 9.9.

9.12 Disposition of Cremated Remains

The disposition of cremated remains in a niche, columbarium or scattering garden is a permitted accessory use in connection with the operation of a religious institution, funeral parlor home and/or human cemetery.

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

9.13.1 Purpose

The provisions of this section are intended to:

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

9.13.2 Applicability (TA 23-02)

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

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

Landscape requirements shall apply to the following activities:

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

Landscape requirements shall not apply to the following development:

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

9.13.3 Landscape Plan Required

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

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

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

9.13.4 Tree Preservation (TA 23-02)

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

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

Existing trees and wooded areas may be counted toward buffer and screening and parking area landscape requirements. Existing trees may be counted for fulfilling parking area requirements.

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

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

9.13.5 Perimeter Landscape Buffer Requirements

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

General Buffer Requirements

- (1) Screening and buffering shall be required as outlined below and further described in the City of Hickory's Manual of Practice.
- (2) Screening, such as hedges, fences or walls, as described, shall not be over four (4) feet tall within front yards unless otherwise expressly allowed in the Land Development Code.
- (3) Where a natural buffer exists, it shall remain undisturbed, except for the removal of dead wood and invasive vines and plants. In cases where topography or other site conditions make it infeasible to retain the natural buffer, a waiver of the requirements may be given by the Planning Director. No limbing up is allowed and understory shall not be removed. Additional trees and shrubs may be required to bring the natural buffer up to the full perimeter buffer requirements.
- (4) All exposed areas of soil within the buffer area must be covered with mulch, groundcover vegetation or grass.
- (5) Refer to Section 9.13.9 of the Land Development Code and the City of Hickory's Manual of Practice for plant specifications for recommended plant lists and planting diagrams.
- (6) Buffer Types:
 - (a) **Ten-Foot Buffers.** For buffers required to be ten (10) feet in width, screening shall consist of at least the following measures, together with any additional specifications which may be required as a condition of a development permit:

- (i) A row of canopy trees and/or large evergreen trees planted an average of thirty (30) feet on center; and
 - (ii) One (1) understory tree or evergreen tree planted between each canopy tree; and
 - (iii) Fifteen (15) shrubs, per 100 linear feet of buffer, interspersed among the trees, at least 75%, of which shall be evergreen. A mix of shrub species may be used to create visual interest and diversity (see Manual of Practice).
- (b) Fifteen-Foot Buffers.** For buffers required to be fifteen (15) feet in width, screening shall consist of at least the following measures, together with any additional specifications which may be required as a condition of a development permit:
- (i) A double, staggered row of evergreen trees planted no more than ten (10) feet apart; or
 - (ii) A mixed buffer which for every 100 linear feet contains at a minimum:
 - 1) four (4) canopy trees, spaced approximately every twenty-five (25) feet apart, and
 - 2) four (4) understory trees or evergreen trees interspersed between the larger trees, and
 - 3) fifteen (15) shrubs (at least 75% evergreen).
 - (iii) A fifteen-foot mixed buffer shall be designed to form a densely planted semi-opaque visual buffer. Plants shall be spaced to cover the length of the entire buffer area. See the Manual of Practice for plant spacing.
- (c) Thirty-Foot Wide Buffers.** For buffers required to be thirty (30) or more feet in width, screening shall consist of at least the following measures, together with any additional specifications which may be required as a condition of a development permit:
- (i) A double, staggered row of evergreen trees planted no more than ten (10) feet apart; and
 - (ii) four (4) canopy trees planted approximately every twenty-five (25) feet on center; planted on the outward-facing side of the property; or
 - (iii) A mixed buffer which for every 100 linear feet contains at a minimum:
 - 1) four (4) canopy trees, and
 - 2) seven (7) understory trees or evergreen trees, interspersed between the larger trees, and
 - 3) Thirty (30) shrubs (at least 75% evergreen).
 - (iv) A mixed buffer shall be designed to form a densely planted, substantially opaque visual buffer. Plants shall be spaced to cover the full length of the buffer area. See the Manual of Practice for plant spacing.
- (d) Fences, Walls, and Berms (TA 18-01).** When a buffer is required, opaque fences, walls and/or berms may be substituted for half of the vegetation requirements outlined above. If a fence is provided, the required width of the buffer shall be reduced by 33 percent.
- (i) All fences shall be a minimum of six (6) feet high with the finished side facing outwards. Chain-link fencing shall not be used.
 - (ii) Walls shall be stone or brick-faced and shall be six (6) feet high, unless built in combination with an earthen berm.
 - (iii) If provided, berms shall not exceed a slope with a maximum rise of one (1) foot to a run of two (2) feet, a maximum height of four (4) feet and a maximum width of forty (40) percent of the required buffer width. All berms shall be stabilized with ground cover (mulch or vegetation) that provides permanent slope retention.

Buffer Matrix. The type of buffer to be provided along the side and rear property lines is described below. The type of landscaping required varies depending upon the intensity of proposed use. In the case of mixed-use projects or vacant land the most intense use shall be used to determine the buffer type. Land use groups are determined below.

Proposed Use	Abutting Use Buffer Type					
	Single and Two Family	Multi-Family		Group 1	Group 2	Group 3
		2-6 UPA	7+ UPA			
Multi-Family (<6 UPA)	10					
Multi-Family (7+ UPA)	10	10				
Group 1 Use	10	10	10			
Group 2 Use	15	15	15	10		
Group 3 Use	30	30	30	30	15	

UPA = Dwelling Units per Acre

Land Use Groups (TA 19-01). Land uses shall be assigned to land use groups in accordance with the standards of this section. In the case of uses not listed, the Planning Director shall make a determination of the group appropriate for such uses. In reaching the determination, the Planning Director shall be guided by the requirements for similar uses having comparable impacts.

Land Use Groups	
Group 1	
Daycare	Parks and Playgrounds
Cemetery	Religious Institutions
Community Recreational Uses	Schools
Group 2	
Agriculture	Medical Centers
Amusement Facilities	Mini-storage Facilities
Day Shelter	Office and Personal Services
Drinking Establishment	Public Facilities
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. (TA 23-02) With the exception of structures constructed to NC State Residential Building Code, all uses shall screen from view from public places and neighboring properties if in a different Land Use Group, all mechanical equipment such as, but not limited to, ground or roof-mounted air conditioners or pumps through the use of features such as berms, fences, false facades or dense landscaping.

9.13.7 Landscape Requirements for Parking Areas

General Requirements (TA 18-01)

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

Perimeter Parking Area Requirements (TA 15-01) (TA 22-01) (TA 23-02)

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

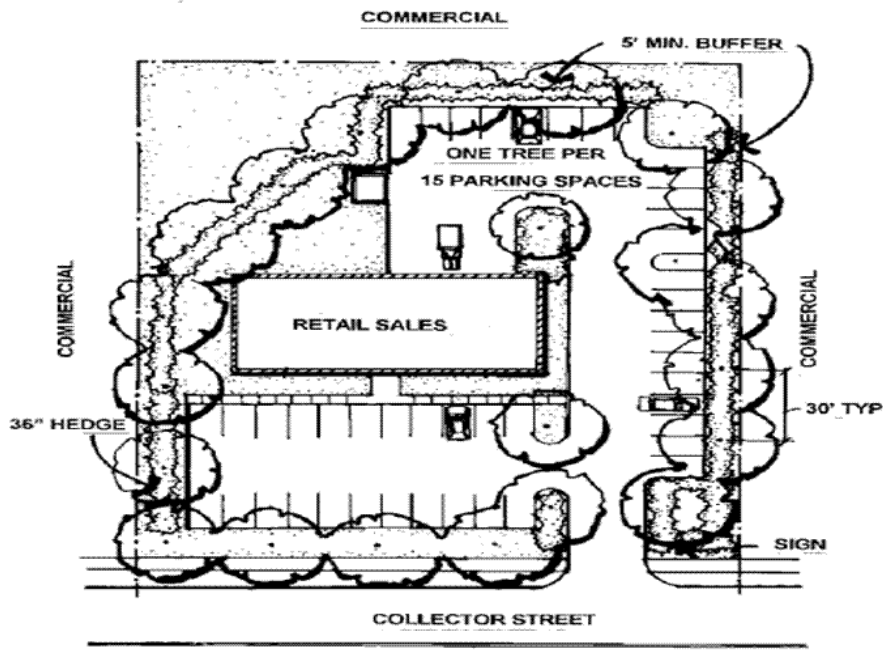


Figure 9-1 Parking Area Buffers

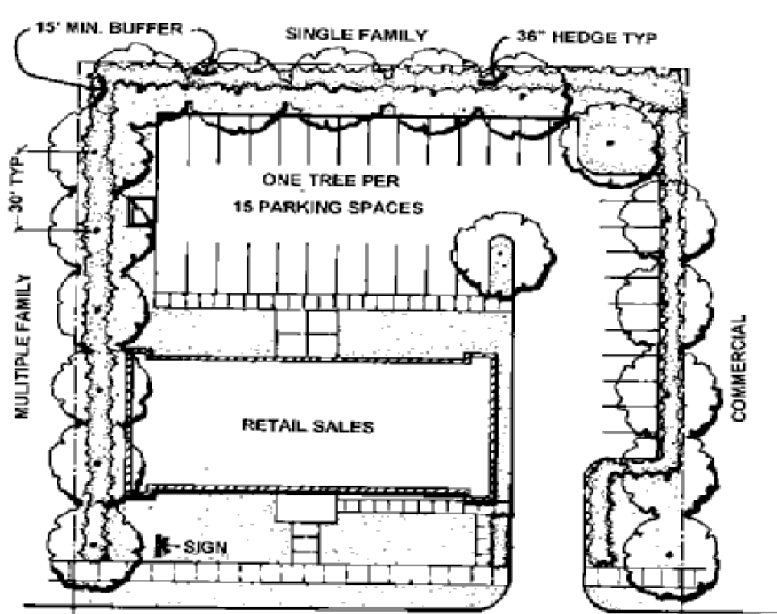


Figure 9-2 Parking Area Landscaping

Interior Parking Area Landscape Requirements – New Parking Areas (TA 22-01)

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

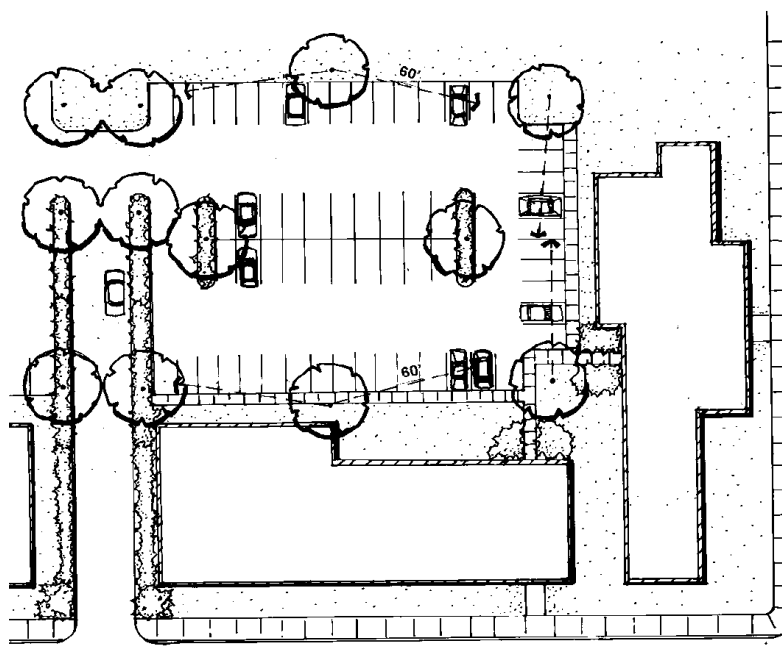


Figure 9-3: Interior Parking Area Landscaping

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

9.13.8 Alternative Methods of Compliance (TA 22-01)

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

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

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 trees shall be planted under overhead utility lines. Refer to Duke Energy's list of approved trees for planting under utility lines.
- (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 crown so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees that interfere with or are imminent threats to utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the Planning Director. All trees and shrubs shall be pruned in accordance with American National Standards Institution (ANSI) Standards. For more information about tree topping, refer to the City of Hickory Manual of Practice.

If plants or other screening materials are removed to repair underground utilities they must be replaced at the next appropriate growing season at the owners' expense.

9.13.11 Performance Guarantee. (TA 21-01)

Landscape and tree planting requirements may be deferred to an appropriate planting season with the approval of the Planning Director. This provision is meant to allow for seasonal extremes in weather and soil conditions that may be incompatible to landscaping. It is not, however, meant to be used in any way to circumvent the intent and purpose of the Land Development Code.

No Certificate of Occupancy shall be approved by the Planning and Development Department until:

- (1) The required landscaping is completed in accordance with the approved plan; or
- (2) A performance guarantee in the amount of 125% of the estimated cost to assure installation of the required landscaping.

No performance guarantee or portion thereof, as provided for in this section shall be released by the City until all landscaping has been installed, inspected and approved.

Upon completion of the required landscaping, the surety shall be returned to the applicant.

9.13.12 Permit Required for Pruning, Planting and Removal of Trees on Public Property

Maintenance.

- (1) No person shall cut, prune (including the root system), spray or treat any tree or shrub having its trunk in or upon any public property or contract with another person to perform such acts without first obtaining a written permit from the Planning Director, or his designee, and without complying strictly with the provisions of the permit and of this Ordinance.
- (2) Public and private utilities, including the City of Hickory, cable TV, natural gas, electric and telephone companies, may submit written specifications they will follow for the review and approval of the City Arborist. The Planning Director may issue a city-wide permit upon the recommendation of the City Arborist. Upon receiving approval, a utility shall not be required to obtain a permit for routine trenching and pruning operations affecting trees or shrubs having their trunks in public rights-of-way or property as long as such work is done in strict accordance with the approved specifications. Failure to comply with the approved specifications is a violation of this Ordinance.

Removal

- (1) Requests for removal of trees shall be handled on an individual permit basis.
- (2) The city shall have the right to remove trees, plants and shrubs within the lines of all streets, rights-of-way and public places, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public places subject to recommendation from the City Arborist and approval of the Planning Director.
- (3) No persons shall plant, or contract with another to plant, any tree or shrub in any public street right-of-way or public place without a permit from the city.
- (4) Individual permits will not be required for the city and/or the North Carolina Department of Transportation projects as long as tree preservation and protection requirements are included in the project.

9.13.13 Injuring Trees or Shrubbery on Public Property

Any person or company performing, or contracting with another to perform construction work (including the operation or storage of equipment or materials) within the drip line of any tree or shrub in or on any public right of way, City-owned property or other public property controlled by the City (collectively referred to as "public property") shall place the appropriate guard or protective barrier around the plant to the protect the drip line of the tree or shrub. If the activities require the trimming, pruning or removal of any tree located on public property, a written permit shall be obtained from the Planning Director after verification of approval from the City Arborist.

It shall be unlawful for any person to attach any object including but not limited to rope, wire, chain, or sign to any tree or shrub on public property or rights-of-way, or to the guard of stake intended for the protection of such tree except for the purpose of protecting it or the public.

It shall be unlawful as normal practice, except as described in this section, for any person to top any street tree, park tree or other tree on public property or rights-of-way. Topping is the severe cutting back of limbs larger than three (3) inches in diameter to stubs within the tree's crown so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees that interfere with or are imminent threats to utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the Planning Director.

All stumps of trees on public property or rights-of-way shall be removed so that the top of the stump shall not project above the surface of the ground.

9.13.14 Fences (TA 23-02)

Fences may be constructed up to, but not over side and rear property lines. Fences along streets can be built up to, but not into street rights-of-way. Where a dedicated right-of-way is not present, the fence shall be setback using what is shown on Catawba County tax parcel data as the point of reference for determining fence placement.

Within residential districts, fences may be up to 8 feet in height, provided fences constructed adjacent to any street is done so in a manner that does not obstruct vehicular visibility from an adjacent driveway, street, or street intersection.

9.14 Fire Protection

The provisions of Sec. 8.11 and Chapter 11 of the Hickory City Code of Ordinances shall apply, to the extent applicable, to all development within the City of Hickory's Regional Planning jurisdiction.

9.15 Property Maintenance

This section shall apply to all properties within the Hickory Regional Planning jurisdiction.

9.15.1 Construction

All new structures shall be designed, constructed and maintained in accordance with the following standards: all structures shall comply with applicable provisions of this Land Development Code and the North Carolina State Building Code as adopted by the NC State Building Code Council, and the City of Hickory Minimum Housing Code and such other building ordinances as may be adopted and or amended by the City from time to time.

9.15.2 Maintenance (TA 14-01)

All structures erected, occupied or continued under this Land Development Code shall be maintained in good structural condition, in compliance with all applicable codes and provisions of this Land Development Code. Specifically

All existing structures shall comply with applicable provisions of this Land Development Code and the following codes including but not limited to the: North Carolina State Building Code Volume IX – Existing Buildings, the requirements of the code under which the building was built and the City of Hickory Minimum Housing Code.

A structure shall have no more than 20 percent of its exterior roofs, walls and other elements of the structure covered with disfigured, cracked, or peeling surface materials for a period of more than 30 consecutive days.

A structure shall not be maintained with broken windows, holes in exterior surfaces including roofs and walls, ripped awnings, loose materials, loose elements or other obvious exterior defects for a

period of more than 30 consecutive days. Exterior materials shall form a weather tight surface with no holes, excessive cracks or decayed surfaces that permit air to penetrate rooms where such rooms are designed, used, permitted or intended for human occupancy or use.

A structure shall not have weeds, trees, vines, or other vegetation growing upon it greater than 12 inches in height in an untended manner for a period of more than 30 consecutive days.

All site lighting, parking areas, fences, railings, driveways, curbs, wheel stops, sidewalks, gutters, stormwater management areas and systems and other improvements and appurtenances shall be maintained in working order and reasonably free of defects.

The owner or tenant shall maintain all required landscape areas, trees and shrubs in a neat and healthy condition free of diseased, dead, or bare areas and free of debris and weeds greater than 12 inches in height.

The owner or tenant shall maintain all landscaped areas in a manner consistent with the requirements of this Land Development Code. Dead plants shall be replaced as necessary to maintain compliance with the regulations contained herein.

The property owner shall maintain the property and the exterior portions of any structures thereupon free of accumulations of debris, junk, garbage, or trash including but not limited to discarded furniture and other household goods, inoperative appliances, inoperative vehicles, and inoperative equipment except within approved dumpsters or trash enclosures, enclosed storage areas or on land approved for the operation of a junkyard.

All awnings both existing and newly erected shall be kept in good physical repair. All components of the awning including canopy, braces and anchors shall be maintained and kept free from cracks, rips and other physical damage. Exterior damages to an awning shall not be permitted for a period of more than 30 consecutive days.

9.16 Underground Utilities

9.16.1 Underground Utilities – Purpose and Intent

The appearance of the streets in the Hickory Regional Planning Area is an important part of the image of the City of Hickory. Aerial utilities add to the visual clutter along these streets and thereby detract from the aesthetics of the community. It is the intent of the City of Hickory to require all new utility distribution and service lines in the community to be placed underground.

9.16.2 Definitions

For purposes of this section the following definitions shall apply:

Distribution line: Any utility line less than 300 feet in length providing connection between transmission lines and service lines to a new building, parcel or subdivision. Distribution lines may also include feeder lines and sub-feeders.

Service Line: Any utility line that connects a distribution line to an end user. Service lines may also include tap lines and service drops.

Transmission line: Any utility line intended to move large quantities of utility service from generation sources to distribution lines. These lines do not provide direct service to adjoining property.

9.16.3 Permit Required for Utility Crossings of Public Streets and Other Property

All new utility distribution line and service line crossings of public rights of way and property shall be placed underground.

No new public utility distribution or service line shall cross any public right of way within the Hickory Regional Planning Area without first obtaining a written permit from the City Engineer,

or his designee, and without complying strictly with the provisions of the permit and of this Ordinance.

Public utilities including: cable TV, natural gas, electric and telephone companies or any other company that provides a commodity through a system of transmission that remains in place to provide the item or service created to ultimate consumers, may submit written specifications they will follow for the review and approval of the City Engineer. The City Engineer may issue a city-wide permit. Upon receiving approval, the service provider shall not be required to obtain a permit for routine underground crossings of public rights-of-way or property as long as such work is done in strict accordance with the approved specifications. Failure to comply with the approved specifications is a violation of this Ordinance.

All distribution systems, whether wire, pipeline, coaxial, fiber-optic cable or other, shall be underground unless infeasibility of such installation has been documented and the documentation accepted as satisfactory by the Planning Director.

In making this decision on the adequacy of the documentation and appropriateness of the request, the Planning Director shall consider the following factors:

- | | |
|---------------------------------|--|
| (1) Terrain; | (6) System flexibility; |
| (2) Impacts on other customers, | (7) Equipment availability; |
| (3) Load characteristics; | (8) Safety; |
| (4) Reliability; | (9) Timing; and |
| (5) Accessibility; | (10) Excessive conflicts with other utilities. |

9.16.4 Underground Utilities – On-site Service

Within any new development, all utilities installed to serve the project shall be placed underground without expense to the City. Such utilities shall be underground from the point they enter the site and shall include but not be limited to pad mounted or subterranean transformers, secondary electrical, telephone, fiber optic, and cablevision distribution lines. Underground secondary electrical services shall originate from a ground mounted or subterranean electrical transformer. Ground mounted transformers shall be located off the public right-of-way.

9.16.5 Underground Utilities – Off-site Service

All distribution lines or service lines providing direct customer service to an individual lot or subdivision shall be brought to the site underground including crossing public rights of way or property without expense to the City. Such lines shall not be required to be placed underground, however, if the distance of such placement will exceed 300 feet.

9.16.6 Underground Utilities – Required Road Improvements

All existing service lines or distribution lines providing direct customer service to an individual lot or subdivision running parallel to and installed or relocated in conjunction with construction of a new roadway or widening of an existing roadway to service the development which involves the relocation of power lines and poles shall be located underground.

9.16.7 Exemptions (TA 21-01)

Aerial crossings of public rights of way shall be permitted for service lines providing electrical service to a single lot/single family home. However, service lines from the right of way to the home shall be placed underground.

Power Line Exemption. A developer or builder shall not be required to bury power lines meeting all of the following criteria:

- (1) The power lines existed above ground at the time of first approval of a plat or development plan by the City, whether or not the power lines are subsequently relocated during construction of the subdivision or development plan.
- (2) The power lines are located outside the boundaries of the parcel of land that contains the subdivision or the property covered by the development plan.