

# 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	P	P	P	P	P				(TA 22-01)
Single-family Residence (attached)	P	P	P	P	P	P	P	P	P	P	P		(TA 21-01, 22-01)
Accessory Dwelling Unit	P	P	P	P	P	P	P	P	P	P	P		6.3.2, (TA 21-01, 22-01)
Caretaker's Residence					AC	AC	AC	AC	AC	AC	AC	AC	(TA 21-01)
Duplexes	P		P	P	P	P	P	P	P	P			(TA 11-01, 14-01, 21-01)
Manufactured Home	P												6.2.13 (TA 22-01)
Manufactured Home Park	S												6.2.14 (TA 22-01)
Multi-family Structure			P	P	P	P	P	P	P	P	P		
Upper Story Residential					P	P	P	P	P	P	P		
<b>Group Living</b>													
Boarding House				P						P			6.2.9 (TA 22-01)
Family Care Home (6 or fewer residents)	P	P	P	P	P	P	P	P	P				(TA 24-01)
Group Living Facility (7 or more residents)	S	S	S	S				S		S			6.2.9
Nursing, Convalescent, and Extended Care Facilities						P	P	P	P	P			6.2.17, (TA 21-01) (TA 24-01)
<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												6.2.30 (TA 24-01)
Food Truck and Trailer Court					P	P	P			P	P		6.2.29 (TA 23-02)
Drinking Establishment					S	S	S	S	S	S	S	S	6.2.8 (TA 11-01, 19-03, 21-01)

	R-1	R-2	R-3	R-4	NC	CC-1	CC-2	OI	C-1	C-2	C-3	IND	Standards (Notes)
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
Professional 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										P [2]	P [2]	P	(TA 24-01)
Junkyards and Recycling Facilities												S	6.2.10
Manufacturing and Production										P [2]	P [2]	P	(TA 24-01)
Railroad Yards												P	
Warehouse and Freight Movement										P [2]	P [2]	P	
Waste-related												S	
Wholesale Sales										P [2]	P [2]	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 (TA 22-01)
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	P	P	P	P	P	P	P	P	P	P	P	P	6.2.19 (TA 24-01)

	R-1	R-2	R-3	R-4	NC	CC-1	CC-2	OI	C-1	C-2	C-3	IND	Standards (Notes)
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	P	P	P	P	P	P	P	P	P	P	P		6.2.20 (TA 11-01) (TA 24-01)
<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												P	6.2.18 (TA 24-01)
Parking, Off Street	P[3]	P[3]	P[3]	P[3]	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 and outdoor storage areas related to a use shall be no more than 50,000 square feet per zoning lot in C-2 and C-3 zoning districts. (TA 21-01)(TA 24-01)
- [3] Off street parking is only permitted for uses permitted in the zoning district.

## 6.2 Use Standards

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### 6.2.1 Adult Uses / Sexually Oriented Business

All windows, doors, entries, etc. for all adult uses shall be so located, covered, screened or otherwise treated (such treatment shall not include painting) so that views of the interior of the establishment shall not be visible to the public from any public or semi-public area, or public or semi-public street.

No adult use shall be located within 1,000 feet of another adult use. This distance shall be measured as a straight line from property line to property line.

No adult use shall be located within 1000 feet of any residential zoning district, religious institution, school, child daycare, and/or public park or playground. This distance shall be measured in a straight line from property line to property line.

Nothing in this subsection shall be construed to permit the operation of any business or the performance of any activity prohibited under any other section of this Land Development Code or the laws of the City of Hickory or the State of North Carolina.

All structures associated with an adult use / sexually oriented business shall be setback at least 50 feet from all property lines and/or rights-of-way.

The maximum permitted floor area ratio (FAR) of any adult use / sexually oriented business shall be 0.40.

No more than one (1) adult use / sexually oriented business shall occupy the same building, structure and/or property or any portion thereof. No other principal or accessory use may occupy the same building, structure, property or portion thereof with any adult use / sexually oriented business.

Except for business signs, permitted within this Land Development Code, no other promotional materials, displays or signs shall be visible to the public from sidewalks, walkways, alleys, or street.

Any adult use / sexually oriented business shall be located on an individual lot of record, and shall not be part of a combined development.

All adult uses / sexually oriented business shall be open to inspection at all reasonable times by any law enforcement officer, the Planning Director, or such other persons as the Planning Director may designate in the normal course of his duties.

No merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas or any area where they can be viewed from the sidewalk in front of the building. Neither the performance nor any photograph, drawing, sketch or other pictorial or graphic representation of a performance displaying any portion of the breasts below the top of the areola or any portion of the pubic hair, buttocks, genitals, and/or anus may be visible outside of the adult use / sexually oriented business.

No signs shall be placed in any window. A one-square-foot sign may be placed on the door to state hours of operation and admittance to adults only.

### 6.2.2 Animal Hospital or Veterinary Clinic

All activities, with the exception of animal exercise yards, shall be conducted within an enclosed building.

Buildings housing animal hospitals or veterinary clinics shall be set back at least 100 feet from any adjacent residential district.

Exercise and confinement yards shall be set back at least 200 feet from any lot occupied by a dwelling unit.

### **6.2.3 Bed and Breakfast**

All required off street parking shall be located outside of required yards.

One parking stall shall be provided for each bedroom together with two (2) parking stalls for the permanent residents.

No more than six bedrooms shall be dedicated to accommodation of transients.

The operators shall be full time residents of the premises.

Signs shall be limited to one non illuminated sign of up to six (6) square feet in area.

The serving of meals to transients shall be limited to breakfast only.

### **6.2.4 Cemetery**

All requirements of the North Carolina General Statutes regarding interment of the human or animal dead shall be met.

There shall be adequate space within the site for the parking and maneuvering of funeral corteges.

No interment shall occur within 30 feet of any lot line.

All structures shall be set back at least 25 feet.

All structures over 25 feet in height must be set back a minimum of 25 feet plus two (2) feet for each foot of height above 25 feet to the maximum height permitted in the district in which it is located or 50 feet, whichever is more restrictive.

### **6.2.5 Community Recreation Centers**

Where membership is not limited to residents of adjacent residential areas, the site shall have direct access to an arterial or collector street.

A minimum lot size of 20,000 square feet shall be provided.

All required setbacks shall be at least 40 feet.

The light source of outdoor lighting fixtures shall not be directly visible from property outside the zoning lot on which the fixture is located. Additionally, the maximum illumination permitted at the zoning lot line shall be 0.20-foot candles.

### **6.2.6 Cultural Facilities**

The use shall have direct access to an arterial or collector street.

A minimum lot size of 40,000 square feet shall be required.

Retail sales of historical, educational and cultural objects shall be limited to 5% of the total usable floor area of the use. Uses that devote higher percentage of higher percentage to retail sales shall be classified as Retail Sales/Service.

No external evidence of retail sales shall be permitted.

### **6.2.7 Daycare (Child and Adult)**

A paved driveway providing adequate vehicle stacking and turn around areas for pick-up and drop-off of children or adults shall be provided.

Uses designed to accommodate more than 30 persons shall be located upon and have direct access to an arterial or collector street and have a minimum lot size of 30,000 square feet.

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

#### **6.2.8 Drinking Establishments (TA 19-01)**

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

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

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

#### **6.2.9 Group Living and Boarding Houses (TA 12-01) (TA 18-01) (TA 19-01) (TA 22-01) (TA 23-02)**

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

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

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

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

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

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

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

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

#### **6.2.10 Junkyards and Recycling Facilities**

The minimum lot size shall be 2 acres.

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

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



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

#### **6.2.11 Kennels**

All activities, with the exception of animal exercise areas, shall be conducted within an enclosed soundproof building.

Outdoor exercise areas are only permitted in the R-1 and IND districts.

No kennel in a NC, CC-1, CC-2, or C-2 district shall house more than 25 animals at a time.

The breeding of animals for sale on-site shall only be permitted in the R-1 and IND districts.

Outdoor exercise areas shall observe a 100-foot setback from all lot lines.

The disposal methods for wastes generated shall be reviewed and approved by the appropriate Department of Health.

No noise levels above surrounding ambient levels shall be detectable at the zoning lot boundaries of the lot containing the kennel.

No odors greater than ambient odors shall be detectable at the zoning lot boundaries of the lot containing the kennel.

#### **6.2.12 Marina**

All operations shall be so located as to prevent hazards to navigation.

The maximum capacity of the operation shall be 100 slips.

#### **6.2.13 Manufactured Homes (TA 11-01) (TA 18-01) (TA 21-01)**

Manufactured homes meeting the criteria outlined in this section are permitted on all lots where specified in the use table. All manufactured homes placed on individual lots, used as a replacement for an existing manufactured home, or placed in Manufactured Home Parks must meet the criteria below.

The Manufactured Home shall:

- (1) Be occupied only as a single-family dwelling;
- (2) Have a minimum width of fourteen (14) feet. Manufactured homes placed in manufactured home parks shall have a minimum width of fourteen (14) feet;
- (3) Have a length not exceeding five (5) times its width, with length measured along the longest axis and width measured perpendicular to the longest axis at the narrowest part. This provision does not apply to manufactured homes placed in Manufactured Home Parks;
- (4) Be set up in accordance with the standards established by the North Carolina Department of Insurance. Skirting material for Manufactured Homes set up in Manufactured home parks shall be of a material resistant to rust and decay. Manufactured Homes placed on individual lots shall have a continuous, permanent masonry foundation or masonry curtain wall installed under the perimeter. This wall shall be constructed in accordance with the standards of the North Carolina

Uniform Residential Building Code for one and two-family dwellings, with no openings except for required ventilation and access. The masonry curtain wall or masonry foundation shall be solid brick or brick veneer. If any masonry other than brick is used, then it must be painted. Installation shall include a positive surface water drainage away from the home;

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

#### **6.2.14 Manufactured Home Park (TA 23-02)**

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

#### **Permitted Principal and Accessory Uses and Structures.**

##### **(1) Principal Uses and Structures Permitted.**

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

convenience goods and personal service establishments, provided that the floor area occupied by all such establishments shall not total an amount in excess of 5% of the residential floor area of such district.

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

**Minimum Land Area for Manufactured Home Parks.** The minimum gross land area required for a Manufactured Home Park is 10 acres in R-1 districts.

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

#### **Development Requirements for Manufactured Home Parks**

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

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

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

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

#### **Internal Relationships**

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

- (2) In particular, streets, drives, parking and service areas shall provide safe and convenient access to dwelling units and general facilities, and for service and emergency vehicles. Streets shall not be so laid out as to encourage outside traffic to traverse the development on minor streets, nor occupy more land than is required to provide access as indicated, nor create unnecessary fragmentation of the development into small blocks. In general, block size shall be the maximum consistent with the use and shape of the site and the convenience and safety of occupants.
- (3) Vehicular access to streets shall be limited and controlled as follows:
  - (a) If the street or portion thereof serves 50 or less dwelling units, vehicular access from off-street parking and service areas may be directly to the street from the sites of individual dwelling units. Determination of number of dwelling units served shall be based on normal routes of traffic anticipated in the development.
  - (b) Vehicular access to other streets or portions of streets from off-street parking and service areas shall be so combined, limited, located, designed and controlled as to channel traffic from and to such areas conveniently, safely and in a manner which minimizes marginal traffic friction and promotes free flow of traffic on streets without excessive interruption.
  - (c) Ways for pedestrians and cyclists; use by emergency or service vehicles. Walkways shall form a logical, safe and convenient system for pedestrian access to all dwelling units, project facilities, and principal off-site pedestrian destinations.
  - (d) Walkways to be used by substantial numbers of children as play areas or routes to school or other destinations shall be so located and safeguarded so as to minimize contacts with normal automotive traffic. If substantial bicycle traffic is anticipated, bicycle paths shall be coordinated with the walkway system. Street crossings shall be held to a minimum on such walkways, shall be located and designed to promote safety, and shall be appropriately marked and otherwise safeguarded.

#### **6.2.15 Mini-storage Facilities**

Such facilities shall front on and take access from a collector or arterial street.

Such facilities shall be used only for dead storage of materials or articles and shall not be used for assembly, retail or business purposes.

The storage of dangerous items or hazardous materials is prohibited.

#### **6.2.16 Mining (TA 21-01)**

For purposes of these regulations, extraction of earth products shall mean the mining, quarrying, development of mines for exportation of extractive materials primarily for commercial purposes. Including but not limited to treating, crushing, or processing the material or off-site disposition of more than 500 cubic yards of fill or other materials.

Extraction of earth products in association with an approved development plan shall be considered to be an accessory use. Such operations shall employ best management practices to control on-site erosion and the transfer of mud, dirt and debris onto public streets by vehicles exiting the site. Where deemed appropriate by the City Engineer, a performance guarantee may be required to be posted to ensure that public streets are maintained free of excessive accumulations of mud, dirt and debris and the road surfaces are not damaged by hauling operations.

In addition to the information required for all applications for approval of special uses, the following shall be submitted as part of the application:

- (1) **Site Plan.** Three copies of site plan, prepared by a North Carolina Registered Land Surveyor or Engineer, which shall contain the following:
  - (a) North Point, scale and date.
  - (b) Extent of area to be excavated or mined.
  - (c) Locations, width and elevation of all easements and rights of way within or adjacent to the extraction site.
  - (d) Location of all existing or proposed structures on site.
  - (e) Location of all areas on the site subject to flood hazard or inundation, as shown on flood maps or soils maps.
  - (f) Location of all water courses on the site, including direction of flow and normal fluctuation of flow.
  - (g) Existing topography at a contour interval of 5 feet based on mean sea level datum.
  - (h) Proposed handling and storage areas for overburden, byproducts and excavated materials.
  - (i) Proposed fencing, screening and gates; parking, service and other areas.
  - (j) Any areas proposed for ponding.
  - (k) Access roads to the site, as well as onsite roads, with indication of surface treatment to limit dust. Sight distances on all roads used for access to the site shall be shown.
- (2) **Operations Plan.** An operations plan, which shall include:
  - (a) The date proposed to commence operations and their expected duration.
  - (b) Proposed hours and days of operations.
  - (c) Estimated type and volume of extraction.
  - (d) Description of method of operation, including the disposition of topsoil, overburden and byproducts.
  - (e) Description of equipment to be used in the extraction process.
  - (f) Any phasing of the operation and the relationship among the various phases.
  - (g) Description of proposed haul routes.
  - (h) Operating practices that will be followed to comply with the performance standards applicable to the operation.
- (3) **Rehabilitation Plan.** A rehabilitation plan, which shall include:
  - (a) A statement of planned rehabilitation of the excavated land, including detailed methods of accomplishment and planned future use of the rehabilitated land.
  - (b) A map showing the final topography, after rehabilitation, to the same scale as the site plan; it shall also depict any water areas and methods for preventing stagnation and pollution thereof, landscaping and ground cover proposed to be installed and the amount and type of backfill to be employed, if any.
  - (c) A phasing and timing plan, related to the phasing and timing portion of the operations plan, showing the progression of the rehabilitation and the date when it will be complete.
  - (d) The method of disposing of all equipment, structures, dikes and spoil piles associated with the operations.
  - (e) The name, address and signatures of land owners and applicants.
  - (f) A written legal description and survey of the property, prepared by a North Carolina Registered Land Surveyor or Engineer.
  - (g) A fee, as set by the City Council.

- (4) **Standards for Evaluation.** The following standards shall be used in evaluating an application for a permit to conduct extraction of earth products:
- (a) Direct illumination resulting from the operation shall not fall upon any land not covered by the application.
  - (b) Equivalent sound levels at the boundaries of the extraction site shall not exceed the following standards:
 

Between 7:00 am and 7:00 pm	68 dBA
Between 7:00 pm and 7:00 am	58 dBA
  - (c) Vibration levels at the boundaries of the extraction site shall not exceed the following standards:
 

Maximum Peak Particle Velocity	
Steady State	1.0 Inches/Second
Impact	2.0 Inches/Second

Note: The maximum particle velocity shall be the product of two times the frequency in cycles per second times the sum of 3 mutually perpendicular displacement components recorded simultaneously. For purposes of this Land Development Code, steady state vibrations are vibrations that are continuous, or vibrations in discrete impulses more frequent than 60 per minute. Discrete impulses that do not exceed 60 per minute shall be considered impact vibrations. Maximum air blast vibration, measured at the lot lines of the zoning lot containing the extractive use, shall be 125 decibels on the linear scale.
- (5) The rehabilitation plan shall be referred to the appropriate county soil and water conservation district for review and recommendation, which shall not be binding upon the City Council, in particular, regarding the landscape material specified, the planting and maintenance proposed to insure continuous growth and development, and the acceptability of the proposals for the handling of lakes, ponds, etc.
  - (6) The permanent roads, defined as those to be used in excess of one year within the excavation site, shall be surfaced with a dust free material such as soil cement, bituminous concrete or Portland cement concrete from the nearest public road to the yard area. Also, all permanent roads located within 300 feet of residentially zoned land shall be treated the same.
  - (7) Roads other than permanent roads shall be treated with dust inhibitors, to be specified in the operations plan, which will reduce to a minimum the generation of dust from the road surfaces as a result of wind or vehicular action. Properly operated water wagons shall be an acceptable method of dust inhibition.
  - (8) Where the proposed extraction shall take place within 300 feet of a dwelling, school, church, hospital, commercial or industrial building, public building or public land, a security fence at least six feet high shall be installed.
  - (9) Spoil piles and other accumulations of byproducts shall not be created to a height more than forty feet above the original contour and shall be so graded that the vertical slope shall not exceed the material's natural angle of repose.
  - (10) Extraction of earth products operations shall employ best management practices to control on-site erosion and the transfer of mud, dirt and debris on to public streets by vehicles exiting the site.
  - (11) Operators shall be responsible for preventing (and correcting) excessive wear and tear on public streets.

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

**6.2.17 Nursing, Convalescent, and Extended Care Facilities (TA 11-01)(TA 18-01)(TA 24-01)**

All nursing, convalescent and extended care facilities shall have direct access to a collector or arterial street.

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

**6.2.18 Open Storage (TA 24-01)**

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

**6.2.19 Public Facility**

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

**6.2.20 Schools (TA 24-01)**

Schools shall have direct vehicular access to a collector or arterial street.

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

**6.2.21 Seasonal and Temporary Sales (TA 14-02) (TA 23-02) (TA 24-01)**

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

Temporary sales include, but are not limited to, the display and sale of landscape supplies, building materials that are not otherwise required to be screened, outdoor furniture, and recreational equipment.

- (1) Property and/or business owners may permit for short-term temporary sales by not-for-profit groups, such as Girl Scout troops, high school groups and similar organizations, to be conducted on their premises. These types of sales will not be required to obtain a temporary sales permit; provided such sales do not utilize temporary structures, cooking devices or portable power (generators). Should such

sales utilize these types of items a temporary sales and/or special event permit shall be required.

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

#### **6.2.22 Vehicle Repair**

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

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

#### **6.2.23 Wireless Communication Facilities, Alternative Structures or Collocation (TA 14-01) (TA 21-01) (TA 24-01)**

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

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



50 feet in height so long as such addition does not add more than 20 feet to the height of the existing structure;

- (3) Installing an antenna on an existing tower of any height, including a pre-existing tower, provided such addition does not increase the vertical height of the structure more than the greater of:
  - (a) ten percent (10%) of the vertical height of the existing tower; or
  - (b) the height of one (1) additional antenna array, with separation from the nearest existing antenna array not to exceed twenty (20) feet.
- (4) The addition of appurtenance to the body of an existing tower that protrudes horizontally from the edge of the tower no more than the greater of:
  - (a) twenty (20) feet; or
  - (b) the width of the existing tower at the level of the appurtenance.
- (5) Increasing the area of the existing compound by no more than 2,500 square feet.
- (6) The one time replacement of an existing tower that adds no more than 20 feet to the overall height of the existing tower.

#### **Notice of Decision**

- (1) The City shall issue a written decision approving or denying an application within forty-five (45) days in the case of requests involving applications for collocations and within 150 days in case of other Zoning Compliance Certificates, each as measured from the time the application is deemed complete. An application for collocation shall be deemed complete unless the City provides written notice to the applicant within forty-five (days) of submission, or within some other mutually agreed upon timeframe.
- (2) For purposes of the Land Development Code, collocations are defined as the installation of new wireless telecommunication facilities / apparatuses on previously approved structures.

**Review Criteria.** The following requirements/standards shall be used in conducting an administrative review of alternative tower facilities proposed under this subsection:

- (1) **Screening.** Any additional buildings or equipment shall be screened in accordance with Sec. 9.13.
- (2) **Inventory of Existing Sites.** Each applicant for approval of an antenna and/or a tower shall provide to the Planning Director an inventory of its existing antennas and towers that are either within the Hickory Regional Planning Area or within one half mile of the border thereof, including specific information about the location, height, and design of each tower or antenna. This information shall be used only for those purposes authorized by NCGS 160D-933(b) and other applicable statutes. It shall not be used to evaluate an applicant's business decisions about its designed service, customer demand for its service, or quality of its service to or from a particular area or site.

Applicants are encouraged to submit an inventory of potential future tower sites within the Hickory Regional Planning Area. The Planning Director may share such information with other applicants applying for administrative approvals or special use permits under this Land Development Code or other organizations seeking to locate towers or antennas within the jurisdiction of the governing authority, provided, however, that the Planning Director is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

- (3) **Visual Impact.** Each applicant for approval of an antenna and/or tower shall demonstrate that they are using the least visually obtrusive technology available to minimize the visual impact of the structure on surrounding properties. Where the Planning Director finds that the least visually obtrusive technology available is not

being used, or that the proposed location is not designed to minimize the visual impact on surrounding properties the Planning Director shall require a consideration of the application as a Special Use Permit as described below.

#### **6.2.24 Wireless Telecommunication Facilities, New Towers**

**Purpose.** The purpose of this subsection is to establish general standards for the siting of towers and antennas. The goals of this subsection and the subsection addressing alternative tower structures are to:

- (1) Encourage the location of towers in nonresidential/nonhistorical areas and minimize the total number of towers throughout the community;
- (2) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently;
- (3) Strongly encourage the joint use of new and existing tower sites;
- (4) Encourage users of towers and antennas to locate them in areas where adverse impacts on the community are minimized; and
- (5) Encourage users of towers and antennas to configure them in a way that minimizes their adverse visual impact.

**Alternatives to New Towers.** Communication companies are encouraged to locate telecommunication antennae on or in structures other than a tower. Such structures may include church steeples, transmission line towers, utility/light poles, water towers, etc. Where such facilities are not available, colocation of facilities is encouraged. (See the Alternative Tower Structure regulations of Sec. 6.2.23.)

**Administrative Approval in Commercial and Industrial Districts.** The Planning Director is authorized to approve towers or antennas, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in any industrial or commercial zoning district. Such towers shall be setback from any existing offsite residence or previously platted residential lot lines a distance equal to the height of the tower, and shall also be required to submit an engineering certification demonstrating the tower's construction will cause the tower to collapse inward in the event of a collapse, so no damage to structures on adjacent zoning lots will result.

Within non-residential districts towers shall either be setback from adjacent properties a distance equal to its height, or upon receiving an engineering certification, the distance the certification states the structure's construction will cause the tower to collapse inward so that in the event of collapse, no damage to structures on adjacent zoning lots will result.

In the event a parcel where a telecommunications tower is to be placed abuts a residential zoning district the tower shall be setback from all residentially zoned property lines a distance equal to the tower's height.

**Principal or Accessory Use.** Antennas and towers may be considered either principal or accessory uses on an industrial or commercial zoned lot. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such a lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations including, but not limited to, setback requirements, lot size and coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed and antennas that are installed in accordance with the provisions of this subsection shall not be deemed to constitute the expansion of a nonconforming use or structure.

**Special Use Criteria.** The following criteria shall be used in deciding whether to approve the siting of new towers that require Special Use approval:

- (1) Evidence that the applicant has investigated the reasonable feasibility of collocating new antennas and equipment on an existing structure or structures within the applicant's search ring. Collocation on an existing structure is not feasible if the applicant demonstrates that collocation is technically or commercially impractical or the owner of a tower is unwilling to enter into a contract for such use at fair market value. Such evidence shall consist of:
  - (a) Copies of letters sent to owners of all existing towers within a one mile radius of the proposed site, requesting the following information:
    - (i) tower height;
    - (ii) existing and planned tower users;
    - (iii) whether the existing tower could accommodate the proposed antenna without causing instability or radio frequency interference; and
    - (iv) if the proposed antenna cannot be accommodated on the existing tower, an assessment of whether the existing tower could be structurally strengthened or whether the antennas transmitters and related equipment could be protected from electromagnetic interference, and a general description of the means and projected cost of shared use of the existing tower
  - (b) A copy of all responses within 30 days from the mailing date of the letter required by subsection (a).
  - (c) A summary explanation of why the applicant believes the proposed facility cannot be located on an existing tower.
  - (d) A summary explanation of why the applicant believes that the use of an alternative tower structure is not possible.
- (2) Buffering and screening of the site shall be installed in accordance with Sec. 9.13 In order to provide spatial separation and create visual blocks from adjacent properties and streets, a buffer shall be installed around the outside of all improvements on the site, including the tower and guy anchors, any ground buildings or equipment, and security fencing. Ground buildings located in a residential district may be located outside the buffered area if they are constructed so the exterior appearance of the building has the appearance of a residential dwelling, including pitched roof and frame or brick veneer construction. The applicant shall submit scaled elevations of such buildings to assist in the evaluation of compliance with this standard. The tower's guy anchors may be screened or fenced separately in order to comply with the requirements of this subsection.
- (3) All roof mounted antenna and equipment located on a building in the C-1, NC, CC-1, and CC-2 zoning districts shall be screened from view.
- (4) The base of the tower and each guy anchor shall be surrounded by a security fence or wall at least 8 feet in height unless the tower and all guy anchors are mounted entirely on a building over eight feet in height. The tower's guy anchors may be screened or fenced separately in order to comply with the requirements of this subsection.
- (5) No outside storage shall be allowed on any telecommunication facility site.
- (6) Associated buildings located in any residential district shall not be used as an employment center for any worker. This provision does not prohibit the periodic maintenance or periodic monitoring of equipment and instruments.
- (7) The telecommunications tower shall meet all applicable Federal Aviation Administration (FAA) standards and shall not restrict or interfere with air traffic or air travel from or to any existing or proposed airport. Any lighting shall not project onto surrounding residential property.

- (8) The minimum lot size requirement shall be that of the underlying zoning district, provided that larger minimum lot sizes may be required to comply with applicable setback standards.
- (9) The color of the tower shall be neutral, except to the extent required by Federal law, so as to minimize its visual impact.
- (10) No commercial advertising shall be allowed on the tower or its related facilities.
- (11) The base of the tower shall be set back from all adjacent property lines one foot for each foot in height. This setback may be reduced by the Planning Commission upon a finding that failure to grant a setback reduction would have the effect of prohibiting the provision of personal wireless service, that the reduction serves the general intent and purpose of this Land Development Code and the adopted Land Development Plan, and that the reduction will not substantially interfere with or injure the rights of others whose property would be affected by the reduced setback. To encourage shared use of towers, applications for towers which will operate with more than one user immediately upon completion may have a 10% reduction in the required setbacks. Also, to encourage the construction of monopole structures, monopole towers may have a 20% reduction in the required setbacks. To encourage location of towers in forested areas with a minimum depth of 65 feet, the tower may have a 20% reduction in the required setbacks. In no case shall the setback be less than those required for the underlying zoning district. Said setback reductions shall only be allowed upon a professional engineering certification which states that the structure's construction will cause the tower to crumble inward so that in the event of collapse, no damage to structures on adjacent zoning lots will result.
- (12) Notice shall be provided to the Planning Director when the tower is placed out of service. Towers that are not used for a period of 6 months or more shall be removed by the owner within 120 days of receipt by the City of notification to that effect.

**Notice of Decision.** Notice of permitting decisions shall be made in accordance with subsection 6.2.23, "Notice of Decision".

#### **6.2.25 Day Center (TA 19-01) (TA 21-01)**

The parcel on which a day center is located shall not be closer than 2,500 feet to any parcel on which another day center is located.

The parcel on which a day center is located shall not be adjacent to a residential use. For purposes of this section, parcels located across a street right-of-way from a proposed day center shall be deemed to be adjacent.

The parcel on which a day center is located shall not be within 200 feet of a residential zoning district.

#### **6.2.26 Food Pantries (TA 19-01)**

The parcels on which a food pantry is located shall not be closer than 2,500 feet to any parcel on which another food pantry is located.

Storage of items for distribution shall be located entirely within the building.

#### **6.2.27 Shelter Facilities (TA 19-01)**

The parcel on which a shelter facility is located shall not be closer than 2,500 feet to any parcel on which another shelter facility is located.

The parcel on which a shelter facility is located shall not be adjacent to a residential use. For purposes of this section, parcels located across a street right-of-way from a proposed day center shall be deemed to be adjacent.

The parcel on which a shelter facility is located shall not be within 200 feet of a residential zoning district.

#### **6.2.28 Bona Fide Farm Uses (TA 21-01)**

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

#### **6.2.29 Food Truck and Trailer Courts (TA 23-02)**

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

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

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

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

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

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

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

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

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

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

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

#### **6.2.30 Campgrounds / Recreational Vehicle Parks (TA 24-01)**

Standards for campgrounds or recreational vehicle parks are as follows:

- (1) The minimum area required for the establishment of a campground or recreational vehicle park is five (5) acres.
- (2) A Minimum of 1,500 square feet of area must be provided for each tent, cabin, or recreational vehicle space.

- (3) All buildings, tents and recreational vehicle spaces must be setback at least 100 feet from any exterior property line.
- (4) No tent or recreational vehicle space shall be located within a Special Flood Hazard Area (SFHA), or floodway as shown on the most recent Flood Insurance Rate (FIRM) maps. Regardless of the width or extent of the SFHA, all tent sites or recreational vehicle spaces shall be setback at least fifty (50) feet from all perennial watercourses.
- (5) Buffering as required by this Land Development Code shall be required.
- (6) A sanitary source of drinking water must be provided within 500 feet of any tent site or recreational vehicle space.
- (7) Campgrounds containing tent sites shall provide bathhouses and bathrooms which are located no less than 1,000 feet of all tent sites.
- (8) Portable bathrooms or water stations shall not be utilized to satisfy the requirements of this section.
- (9) All internal roads and driveways shall be properly surfaced with asphalt or concrete.
- (10) All off-street and on-street parking spaces located at restroom / bath facilities or recreational areas shall be designed and surfaced with asphalt or concrete in accordance with the standards of the City.
- (11) Parks which contain recreational vehicles spaces shall, at all times, maintain an adequate and properly permitted septic facility for the disposal of human waste.
- (12) Any lighting provided within parks shall adhere to the standards contained within this Land Development Code.
- (13) Recreational vehicles shall remain operable at all time.
- (14) Recreational vehicles shall be able to move on their own power.
- (15) Recreational vehicles shall be licensed, insured and registered at all time when locate in a recreational vehicle park.
- (16) Decking, skirting or similar items or fixtures shall be prohibited.
- (17) Recreational vehicles shall not be set up for or maintained as a dwelling.
- (18) Recreational vehicles and tent sites shall be temporary, and shall not be perpetually set up on-site. Temporary shall be defined as no more than four (4) consecutive weeks within a calendar year. A campground / recreational vehicle park seasonal host site shall not be limited by this timeframe.

### **6.3 Accessory Uses (TA 18-01) (TA 23-02)**

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#### **6.3.1 Accessory Structures; General Regulations**

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

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

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

Shipping containers shall not be used as accessory structures.

#### **6.3.2 Accessory Dwelling Units (TA 11-01 & TA 14-03) (TA 23-02)**

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

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

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

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

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

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

### **6.3.3 Home Occupations**

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

- The principal person providing the business or service resides in the dwelling on the premises.
- The home occupation employs no more than one (1) person who does not reside on the premises.
- The home occupation causes no change in the external appearance of the existing buildings and structures on the property.
- Any commercial or off-road vehicles used in connection with the home occupation are located entirely within an enclosed building.
- All storage of goods, equipment, or vehicles associated with the home occupation must be located entirely within enclosed buildings.
- There shall be no advertising devices or other signs of the home occupation visible from outside the dwelling or accessory building.
- The use shall not generate traffic, parking, sewage or water use in excess of that which is normal in a residential district.
- No additional parking areas, other than driveways, shall be located in the front setback.
- The business or service is located within the dwelling or an associated accessory building, and does not exceed twenty-five (25) percent of the combined floor area of the structures or two hundred fifty (250) square feet, whichever is less.
- The home occupation does not create traffic or parking congestion, noise, vibration, odor, glare, fumes, or electrical or communications interference which can be detected by the normal senses off the premises, including visual or audible interference with radio or television reception.
- If the home occupation is associated with food preparation or catering, the applicant must show proof of compliance with all County environmental and health regulations and NC State Building Code regulations.
- Repair of automobiles is not permitted as a home occupation.

### **6.3.4 Open Storage, Accessory (TA 18-01) (TA 24-01)**

With the exception of uses located fully within industrial or business parks and not visible from outside of such, all instances of open storage areas as an accessory use shall be screened from view of any public or private street, and from all residentially zoned land through the installation of a solid fence, wall, or dense evergreen landscaping. Dense evergreen landscaping shall be used to the maximum extent practicable.

### **6.3.5 Parking of Commercial and Recreational Vehicles and Trailers**

**Recreational Vehicles.** An owner of a recreational vehicle, boat, or trailer may park or store such vehicles on their private residential property subject to the following limitations:

- (1) At no time shall such vehicles be occupied or used for living, sleeping or housekeeping purposes.
- (2) Parking is permitted anywhere on a lot for loading and unloading purposes for a period not exceeding 24 hours. When not loading or unloading, such vehicles shall not be parked in a front or street corner yard.
- (3) At no time shall such vehicles be permanently connected to any utility service.
- (4) At no time shall there be more than two (2) such vehicles or trailers stored on the property at any one time for a period longer than thirty (30) days; except where such vehicles are located entirely within an enclosed structure that complies with the regulatory requirements for the applicable zoning district.

**Commercial Vehicles**

The parking of any commercial vehicle or trailer with a gross weight of greater than 26,000 pounds or a length of greater than 25 feet shall not be permitted on any lot in any residential district except where such vehicles are located within an entirely enclosed structure that complies with the regulatory requirements for the applicable zoning district. No more than one (1) commercial vehicle shall be parked in a residential district at any time regardless of size. This requirement shall not be interpreted to prohibit vehicles from loading and unloading in any residential district.

Examples of vehicles with a gross weight more than 26,000 pounds.



**6.3.6 Amateur Radio antennas**

The occupant shall possess a valid FCC license to operate legally permitted radio transmitting and receiving equipment associated with the antenna.

The antenna shall be located, constructed and maintained to ensure that adjacent property is protected from danger due to collapse, overturning or falling ice.

**6.4 Temporary Uses**

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**6.4.1 Construction Trailers as Temporary Offices**

A contractor engaged upon a construction project for which a Building Permit has been issued by the City of Hickory may temporarily use a construction trailer for office facilities in the location where the work is being done; provided such construction trailer shall not be placed upon a public street, but only upon the property on which the building permit authorizes the construction. The construction trailer shall be removed within 30 days of completion of the work for which the permit has been issued.

A Zoning Compliance Permit may be issued by the Planning Director for a one year period for the use of a manufactured home, or a modular home, as a temporary office while business properties are being remodeled, provided that it is placed upon the property for which there is a building permit issued by the City of Hickory for the remodeling. The permit shall be for a period of one year or until the remodeling is completed, whichever is



the shorter period. The permit may be renewed after the expiration of the 1 year period provided the building permit remains active.

#### **6.4.2 Model Dwelling Units**

In any residential district, the developers, builders or their agents may operate three model dwelling units as a sales office for the specific project under construction, subject to the following restrictions:

- (1) The model dwelling unit shall meet all applicable lot size and setback standards of the underlying zoning district.
- (2) Signs shall not be illuminated.
- (3) The model dwelling unit shall not be used for any business activity other than showing and sales.
- (4) At least 5 off street parking spaces shall be provided on the same lot as the model dwelling unit or on a contiguous lot within the specific project.
- (5) The model dwelling unit shall be discontinued when the specific residential project is sold out and shall comply with regulations generally applicable within the district.
- (6) The model dwelling unit shall not be approved for occupancy unless the site conditions and access are free from hazards to the public.

Model dwelling units may be erected or displayed in districts which exclude residential uses, provided that such models shall not be used for residential purposes, but only for display as a means to sell homes in districts in which they are permitted and provided that all other requirements of the district in which the model dwelling unit is erected shall be met.

#### **6.4.3 Garage, yard, tag, patio, and apartment sales**

Garage, yard, tag, patio and apartment sales are specifically permitted as an accessory use in all residential districts. Such sales shall be limited to 6 during each 12month period, for a maximum duration of 2 days per sale, 60 days apart. No zoning compliance permit is required for these sales.

#### **6.4.4 Portable On-Site Storage**

Portable on-site storage units are permitted in all zoning districts subject to the following standards:

**General.** No unit may be placed on a zoning lot that does not contain a principal structure.

**Number.** No more than one (1) portable on-site storage unit may be placed on any zoning lot at a time.

**Location.**

- (1) **Single-Family Residences.** The unit shall be located in the driveway or in the side or rear yard at least 5 feet from any property line.
- (2) **All Other Properties.** The unit shall be located in an on-site vehicular use area and shall not obstruct any drive aisle or block any required parking space.

**Permitted Timeframe.**

- (1) A temporary use permit for a portable on-site storage unit shall be limited to a maximum of 30 days. Such permit may be renewed one time for a maximum of 30 days provided that renewal occurs prior to expiration of the original temporary use permit. Only one such permit may be issued per calendar year.
- (2) If the building site is listed as the job address for an active building permit issued by the Catawba County Building Services Division, a unit may be placed on the

property, subject to the location standards above for the duration of the building permit.

#### **6.4.5 Repair of Automobiles or Motor Vehicles in Residential Districts**

The repair of any automobile or motor vehicle in a residential zoning district shall be subject to the standards of this subsection.

Only minor repairs and maintenance may be performed which, for purposes of this subsection, are defined as the changing and replenishment of fluid levels, such as hydraulic fluid, windshield washer fluid, and lubricating oil, the replacement of spark plugs, ignition points, the rotation of tires and the checking of adequate pressure, and the replacement of drive belts and hydraulic lines.

Any other repairs on a motor vehicle or automobile shall be restricted to totally enclosed spaces and only accomplished on privately registered vehicles having current State of North Carolina license plates, or motor vehicles designated by the State of North Carolina as qualifying for an antique or horseless carriage designation.

The automobile or motor vehicle referred to in (a) and (b) above shall be registered showing the address at which the limited repairs and maintenance or other repairs are to be performed.

#### **6.4.6 Temporary Health Care Structures (TA 14-03)**

A temporary health care structure is a transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person.

##### **(1) Definitions.**

- (a) **Activities of Daily Living:** Bathing, dressing, personal hygiene, ambulation or locomotion, transferring, toileting, and eating.
- (b) **Caregiver:** An individual 18 years of age or older who provides care for a mentally or physically impaired person and is a first or second degree relative of the mentally or physically impaired person for whom the individual is caring.
- (c) **First or Second Degree Relative:** A spouse, lineal ascendant, lineal descendant, sibling, uncle, aunt, nephew, niece, and includes half, step, and in-law relationships.
- (d) **Mentally or Physically Impaired Person:** A person who is a resident of the State of North Carolina, and who requires assistance with two or more activities of daily living as certified in writing by a physician licensed to practice in the State of North Carolina.
- (e) **Temporary Health Care Structure:** A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person which:
  - (i) Is primarily assembled at a location other than the site of installation;
  - (ii) Is limited to one occupant who shall be the mentally or physically impaired person;
  - (iii) Has no more than 300 gross square feet of floor area; and
  - (iv) Complies with applicable provisions of the State Building Code and NCGS 143-139.1(b)

**(2) Where Permitted.** Temporary health care structures shall be permitted as temporary accessory dwelling units within residential zoning districts.

**(3) Location, Size and Set-up.**

- (a) Temporary health care structures must meet the setback standards for primary structures as outlined in Section 7.1 of this Land Development Code.
  - (b) Temporary health care structures may not exceed three hundred (300) gross square feet in area, and must comply with applicable provision of the State Building Code
  - (c) A permanent foundation shall not be required for such structures.
- (4) General Standards.**
- (a) Temporary health care structures may be used by a caregiver in providing care for a mentally or physically impaired person on property owned or occupied by the caregiver’s residence; provided the structure is used to provide care for the mentally or physically impaired person.
  - (b) Temporary health care structures may be used by an individual who is the named legal guardian of the mentally or physically impaired person on the property of the residence of the legal guardian; provided the structure is used to provide care for the mentally or physically impaired person.
  - (c) Only one (1) temporary health care structure shall be allowed on a lot or parcel of land.
  - (d) All Temporary health care structures shall be connected to public water and sewer services, as well as Electric utilities.
  - (e) Any temporary health care structure installed pursuant to this section shall be removed within sixty (60) days in which the mentally or physically impaired person is no longer in receiving or is no longer in need of the assistance provided for in this section. If the temporary health care structure is needed for another mentally or physically impaired person, the temporary family health care structure may continue to be used, or may be reinstated on the property within sixty (60) days of its removal, as applicable.
- (5) Permitting Procedures and Inspections. (TA 21-01)**
- (a) Applications for temporary health care structures must be accompanied by documentation of the caregiver’s or individual’s relationship within the mentally or physically impaired person, and a written certification from a physician licensed in the State of North Carolina indicating the individual receiving care is a mentally or physically impaired person. Annual inspections may be required as outlined in NCGS 160D-915(e).

**6.4.7 Food Trucks and Trailers (TA 24-01)**

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

**(1) Location of Vendors**

- (a) Food trucks and trailers shall not be located in any required setback, yard, sight distance triangle, or require buffer, and shall not block driveways or other access to buildings.
- (b) Food trucks and trailers shall not be located in or on a public street unless the city has approved a temporary street closing for a city sponsored or civic event such as a street festival or fair and the food truck or trailer has been permitted to operate in the area, or the vendor has been permitted by the City of Hickory’s Planning Department to operate in one of the city’s designated lots, parks, or parking spots.

(c) Food trucks and trailers shall not be located within 15 feet from any fire hydrant or 5 feet from any driveway, utility box or vault, handicapped ramp, building entrance or exit, or emergency call box. Distance shall be the shortest distance between the nearest food truck and/or trailer and restricted structure.

(d) Food trucks and trailers shall not be located within 100 linear feet of the primary customer entrance of any restaurant during hours of operation unless (a) the food truck and/or trailer and restaurant have the same ownership, (b) the food truck or trailer has written permission from the restaurant for operation within the above prescribed distance, or (c) the food truck or trailer is located within a designated public spot established by the city. Distance shall be the shortest distance between the nearest food truck and/or trailer and the primary customer entrance of any restaurant.

## **(2) Permit Required for Operation**

(a) Prior to submitting an application to the Planning Department for a zoning permit, a food truck or trailer shall obtain a permit from the County Health Department establishing that the County Health Department has cleared the applicant for operating a food truck or trailer.

(b) A permit from the Planning Department is required prior to operation at any permitted location. One permit shall be required per location. Prior to issuance of a permit, the owner / operator shall submit an application to the Planning Department. The application shall be signed by the owner / operator, as well as the owner of the property where such will be located. The application shall be submitted with a site or plot plan and a copy of a permit issued by the County Health Department. No more than one food truck or trailer may be located on a property at any given time. The site plan shall identify the boundaries of the property, the proposed location(s) of the food truck or trailer on the property, and the adjoining uses on neighboring properties.

(c) All required permits shall be visibly displayed on the food truck or trailer at all times. Zoning Permits must be renewed annually on or before July 1<sup>st</sup>

## **(3) Standards Associated with Operation**

(a) Food trucks and trailers are subject to the city noise ordinances, and may not use audio amplification. All equipment associated with such vendors shall be located within three (3) feet of the Mobile Food Vendor.

(b) Trash receptacles must be provided by the property owner or operator for customers to dispose of food wrappers, utensils, etc. The owner or operator of the is responsible for disposing of all trash associated with the operation of the food truck or trailer at the end of each business day. City trash receptacles may not be used to dispose trash or waste, nor should private trash receptacles. All areas within proximity of the food truck or trailer must be kept clean. Grease and liquid waste may not be disposed in tree pits, storm drains, the sanitary sewer system or public streets.

(c) In addition to signage displayed directly on the vehicle, a food truck or trailer may display a menu board sign, which shall not exceed four feet in height or eight square feet of surface area. Such a sign shall be placed within ten feet of the food truck or trailer and must be removed when outside hours of operation. Balloons, streams, and other attention getting devices shall be prohibited.

(d) The sale of alcoholic beverages shall not be permitted by any food truck or trailer, absent the issuance of the requisite special event permit and required licensure from the State of North Carolina.

- (e) Permanent outdoor seating areas shall be prohibited. For the purpose of this section outdoor seating shall include, but not limited to, picnic tables and tables with movable chairs.
- (f) Food trucks and/or trailers shall vacate all permitted locations prior to impermissible hours of operation and shall not be stored, parked, or left overnight on any public street or sidewalk.
- (g) A fire extinguisher of minimum Class 2A, 10B and C grade will be kept on the Mobile Food Vendor's vehicle. If deep frying is proposed, a Class K fire extinguisher must be kept on the truck/trailer.
- (h) No electric direct wiring hookups may be used. Food trucks and/or trailers shall supply their own power source, if needed.
- (i) A copy of vehicle or trailer registration, and location of approved grease disposal facility shall be maintained on-site and accessible by the operator at all times.
- (j) If operating after dark, the operator may provide appropriate lighting in a manner that minimizes negative impacts to adjacent properties or motorists.
- (k) Food trucks or trailers shall not be placed on permanent foundations, and shall be transient and intermittent in nature.
- (l) If any of these standards are not met or satisfied, permits may be revoked at any time by the City of Hickory.