

Town of Dallas Planning Board Meeting

Agenda

Thursday, October 17, 2019

To be held at Fire Station Community Room at 6:30 pm

The following agenda is proposed:

1. Call to Order
2. Roll Call of Members Present; Declaring a quorum as present
3. Invocation or Moment of Silence
4. Pledge of Allegiance to the Flag
5. Announcements/Introductions
6. Approval of Agenda with Additions or Deletions
7. Approval of Minutes- September 19, 2019
8. Old Business
 - a. Petition for Text Amendment: R-5 and R-4 zones
9. New Business
 - a) Request for Clarification: Permitted Uses Downtown
 - b) Text Amendment: EVM signage
 - c) Annexation Recommendation: Ollie Way
10. Other business
11. Adjournment

MINUTES
Town of Dallas
PLANNING BOARD

Meeting of September 19, 2019

The meeting was called to order at 6:30 PM by Chairman Curtis Wilson

The following members were present: Curtis Wilson- Chairman, Glenn Bratton- Co-Chair, Tim Farris, John O'Daly, David Jones, and Alternate Gene Brown (Mr. Beaty arrived late- nonvoting)

Members absent: Eric Clemmer, Alternate Reid Simms

Also present: Tiffany Faro-Director of Development Services, Johnny Denton-Town Engineer

There was an invocation lead by Chairman Wilson and pledge of allegiance.

Approval of Agenda: A motion by Tim Farris was made and seconded by Glenn Bratton to approve the agenda for this meeting, and the motion was adopted unanimously.

Approval of Minutes: A motion by Tim Farris was made and seconded by David Jones to approve the minutes for July 2019 with corrections, and the motion was adopted unanimously.

Old Business:

1) Conditional Zoning: Presentation by Gaston County

David Williams, Planning Director for Gaston County, provided a powerpoint presentation and information to the Planning Board on the differences between conditional use permits and conditional zoning, while also noting that the County recently eliminated parallel conditional use districts from their ordinances. The Planning Board engaged in a question and answer session with Mr. Williams to try to determine how conditional zoning may be implemented to have a positive impact on planning and development within Dallas. The Planning Board expressed an interest in having more control over land use- especially within commercial areas- and Mr. Williams agreed that conditional zoning would offer that oversight if implemented. Tim Farris made a motion to recommend that staff propose text amendments to replace conditional use districts with conditional zoning- which was seconded by Glenn Bratton, and approved by all. The Planning Board also requested to be made aware of the Board of Alderman's consideration of this text amendment in order to be present and advocate for this change.

New Business:

1) Petition for Text Amendment: R-4 and R-5 Zones

Staff presented a petition for text amendment filed by CH Land Company, LLC requesting the addition of two new zones for residential development that would allow for increased density. Todd Akers was present representing NVR, Inc. and also voiced support for this amendment to allow more density by-right. Staff presented options to the Planning Board that included requiring all density to be conditional, some to be permitted by-right, or all by-right. The Planning Board shared concerns of parking and fire safety and emergency services, but also acknowledged the need for housing affordability and diverse housing options within Town

limits. Planning Board shared they are not comfortable with R-4 by right, but would like to find a good balance that allows some density by-right, and possibly more via conditional approval. They requested Staff to bring back a proposed text amendment for the November meeting.

2) Ordinance Enforcement: Criminal vs. Civil

Staff presented a proposed text amendment that would eliminate misdemeanor enforcement of zoning violations, and instead update the ordinances to allow for civil penalties for those who violate our zoning and land use ordinances. Planning Board asked for clarity on the "look back" for properties that have been in violation for a while, and Staff reminded that we are complaint driven, and that we are also limited by state statutes on how we can regulate long-standing violations. The Town Engineer shared that we also currently don't have any way to enforce stormwater requirements within Town limits, and offered support for these text amendments to be able to properly enforce our requirements. Glenn Bratton made a motion to recommend the proposed text changes with the following consistency statement:

The proposed update of the Town's enforcement ordinances guiding land use-minimum housing, floodplain administration, subdivision, and zoning- is consistent with the adopted 2003 Land Use Plan in order to maintain and enhance the Town's aesthetic qualities and physical character. These text amendments are therefore deemed reasonable and in the public's best interest in order to ensure compliance with the Town of Dallas' Code of Ordinances guiding land use and development regulations.

This motion was seconded by Tim Farris, and approved by all.

Other Business and Adjournment:

Tim Farris made a motion to adjourn, seconded by Glenn Bratton, and approved unanimously.

Respectfully Submitted,

Approved:

Tiffany Faro, Development Services Director

Curtis Wilson, Chairman

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Petition for Text Amendment: Adding R-5 and R-4 zones

AGENDA ITEM NO. 8A

MEETING DATE: 10/17/2019

BACKGROUND INFORMATION:

CH Land Company, LLC has submitted a Petition for Text Amendment and is asking the Board to consider a text amendment that would create two new residential zones- R-5 and R-4 (see attached).

This request is stemming from current market demand, development costs, terrain challenges on remaining buildable sites, and projected population growth in our region.

Per the direction of the Planning Board at the last meeting, the Development Services Director has made some suggested revisions to the text amendment petition application that could allow for certain types of development permitted by-right, and other types of development permitted through a conditional approval process.

Changes proposed attempt to address concerns with on-street parking, fire protection, connectivity, and other site needs that may arise due to more dense development.

Proposed text amendment has been sent to two interested developers for their input and feedback, to be distributed for your consideration.

BOARD ACTION TAKEN:

Appendix A: Yard and Height Requirements for Residential Districts

Zone	Minimum Lot Area (Sq. Ft.)	Minimum Lot Area Per Dwelling Unit (Sq. Ft.)	Minimum Lot Width (In feet)	Minimum Front and Rear* Yard Depth (In feet)	Individual Minimum Side Yard Depth (In feet)	Minimum Side Yard Depth (In feet)*	Maximum Building Height
R-15	15,000	15,000	100	45	15	15	35 feet
R-12	12,000	12,000	90	40	12	12	35 feet
R-10	10,000	10,000	80	35	10	10	35 feet
R-8	8,000	8,000 single 6,000 1st unit 3,000 additional unit each	70	30	8	8	35 feet
R-6	6,000	6,000 single 5,000 1st unit 2,500 additional unit each	60	25	6	6	35 feet
R-5	5,500*	5,500 *-500 SF per attached side	50	25**	5	5	35 feet
R-4	4,400*	4,400 *-400 SF per attached side	40	25**	5	5	35 feet
RMF		15,000 1st unit 3,500 additional unit each		45	45	45	35 feet

An additional ten feet shall be required to the requirements listed above on all side yards which abut a public or private street (corner lots)

Attached housing shall be exempt from side yard setback requirements, and may reduce lot width by 5' for each attached side. Further reduction may be permitted through conditional zoning. Attached buildings to include 3 or more units are only allowed with conditional approval regardless of zoning designation.

**Rear setback may be reduced by 5' at the discretion of Town Staff if requested to accommodate a larger front setback for parking purposes only. Further reduction may be permitted through conditional zoning.

153.027 R-5 & R-4 SINGLE FAMILY RESIDENTIAL

(A) *Permitted uses.* Refer to the Permitted Uses Chart (Appendix C).

(B) *Lot area and width, yards and building height requirements.*

(1) Designation of this zoning classification shall be limited as follows:

- a. R-5: 200 acres contiguous max; 10 acres min
- b. R-4: 50 acres contiguous max; 10 acres min

(2) The requirements set forth in the Appendix A: Yard and Height Requirements for Residential Districts and Appendix B: Yard and Height Requirements for Business Districts shall govern.

(C) *Parking.*

(1) A minimum of 4 parking spaces per dwelling unit is required, to include enclosed and exposed spaces. In no case shall off-street parking space(s), whether enclosed or not, extend into the public right of way, or into an easement or a public sidewalk on private property. If on-street parking is located along lot frontage, it may be counted toward all or part of the parking requirement of a dwelling unit provided the standards below are met:

- a. Street width allows for on-street parking
- b. Parking Space clearly marked on street, and available for public use as needed
- c. Parking space is not located within eight (8) feet of a driveway apron, within fifteen (15) linear feet of a fire hydrant, or any area specifically signed for no parking- including designated bike lanes.

(2) Calculations for residential parking will be based on overall parking along each street frontage to include both off-street and on-street from intersection to intersection. Additional parking for other structures shall be required as outlined in 153.042.

(3) Attached and detached single family homes may be permitted to have front or side entry parking access if the following conditions are met:

- a. For attached single family homes, the minimum required off street parking space(s) whether enclosed or not, may not abut one another unless connected to an alley, privately maintained public access, and utility easement.
- b. Single or double bay side-loading off street parking spaces, whether enclosed or not, shall be permitted for the end unit of an attached house provided the minimum required off street parking spaces(s), whether enclosed or not, is recessed at least 1.5 feet behind the primary plane of the conditioned space of a residential structure.

(D) *Signs.*

The requirements set forth in the sign regulations, §§ 153.080 through 153.087, shall apply.

(E) *Site plan.*

- (1) New construction within this zone shall only be permitted per an approved subdivision site plan.
 - a. Developer shall hold at least one (1) public information meeting prior to subdivision plan consideration for approval.
- (2) 15% of the overall area to be developed shall be placed as open space, and each lot shall have direct access by right-of-way or easement to such open space. Such open spaces shall be held in nonprofit, corporate ownership by the owners of the lots within the development. The title to such open space shall be preserved to the perpetual benefit of the private properties in the development and shall be restricted against private ownership for any other purposes. Twenty percent of the open space must have improvements. As an option, where the Board of Aldermen agrees, such open space may be dedicated to the town for public benefit.
 - a. Where the property lies along an adopted corridor on the Town's Bike and Pedestrian Plan, the developer shall be required to construct that portion of the corridor as part of the overall site development. This area shall contribute to the open space requirements outlined above. The trailway may be dedicated for private use by properties within a development only until such time as the trail is extended – either by the Town or as a result of adjacent development.
 - b. Cul-de-sacs shall have a minimum ten (10) foot wide paved pedestrian access path connecting to the nearest public space, street right-of-way, or common open space, and have paved pedestrian connections, where practicable to provide pedestrian access connectivity. This path shall be considered part of the required common open space within the development.
- (3) Traffic control plans showing signage and pavement markings shall be prepared in accordance with the guidance of the Manual on Uniform Traffic Control Devices. The developer is responsible for the initial installation of the devices or markings and the maintenance thereof until a public agency (Town or NCDOT) accepts the street for maintenance.
- (4) If the project contains multiple phases, the Town may request a development agreement to be in place prior to approval of any subdivisions within this zone.

(F) *Design Standards.*

- (1) Development within this zone must comply with the requirements below, in addition to all other design and development standards outlined within the Zoning and Subdivision Codes as applicable.
 - a. Balconies, stoops, stairs, open porches, bay windows, and awnings are permitted to encroach into the front setback area up to 8'.

- b. Mechanical equipment exceeding 16 square feet shall not encroach into any required setback.
- c. Elevated Decks shall be constructed only in an established rear yard and are not permitted to encroach into the rear setback.
- d. Rear awnings, pergolas, etc. that are not enclosed may encroach the rear setback area up to 8'. Enclosed additions are not permitted to encroach the rear setback.
- e. Walls adjacent to a side setback of less than 6' shall be clad using a fire-resistant building material such as masonry or fiber-cement siding, or constructed with an extra layer of 1/2" min. interior gypsum board. Alternate materials or construction may also be permitted upon approval of the Fire Chief.

(G) Other Considerations.

(1) Developers may request leniency with the requirements noted in this section via conditional approval by the Board of Alderman. Administrative waivers of the requirements noted above are not permitted.

	Residential								Office	Business					Industrial	
	R-15	R-12	R-10	R-8	R-6	R-5	R-4	RMF	RMF-H	O&I-1	BC-1	B-1	B-2	B-3	B-3P	I-2
PERMITTED USES (any use not specified below is eligible to apply for conditional zoning approval)																
RESIDENTIAL																
Single-family dwellings. (Attached)						X	C									
Single-family dwellings. (Detached)	X	X	X	X	X	X	C									
Manufactured/ Mobile Homes					X											
Trailer Camps/ Mobile Home Parks					X											
Multi-family Residential				X	X			X	X			C	C	C	C	
Fraternities				C	C								C			
Homes for the aged and infirm	X	X	X													
Mixed Use Residential								X	X			C	C		C	
Nursing homes for chronic or convalescent patients	X	X	X													
TRAVEL AND TOURISM																
Boarding and rooming houses													X			
Motel / Hotel													X		X	
Bed and Breakfast Inn				C	C									X		
Tourist Homes	C	C	C	C	C								X			
MUNICIPAL/PUBLIC																
Assembly Hall											C	C	C		C	
Cemeteries	X	X	X	X	X				X		X	X				X
Municipal, county, state and federal uses not involving the outdoor storage of equipment or materials	X	X	X	X	X				X		X	X	X	X	X	X
Public libraries, public museums and art galleries.	X	X	X	X	X				X		X	X	X	X	X	X
Public or private utilities buildings and appurtenances, not to include the outdoor storage of equipment or materials	X	X	X	X	X				X		X	X		X	X	X
Public utility storage or service yards														X	X	
PROFESSIONAL SERVICES																
Offices rendering professional services									X	X	X		X	X	X	X
Agencies offering specialized Services not involving retail trade or inventory									X	X	X		X	X	X	X
business offices											X		X	X	X	X
Data processing and computer centers												C		C		X
BUSINESS AND RETAIL																
Automotive																
Auto parts and supplies (new)										X		X		X	X	X
Auto parts and supplies (used)														X	X	X
Auto sales												X		X	X	X
Auto Service/Repair stations									X	X	X			X	X	X
Automobile Garages														X	X	X
Car Wash												X		X	X	X
Gas Stations											X	X		C	C	C
Parking lots not for public use (principal use)														C	C	C
Trailer Sales and Service																X
Services																
Banks and financial institutions									X	X	X	X	X	X	X	X
Barber shops or beauty shops										X	X	X	X	X	X	X
Dry cleaning establishments (drop-off only)										X	X	X	X	X	X	X
Exterminator Office										X	X	X		X	X	X
Funeral Homes											X		C	X	X	X
Laundry pickup stations, laundrettes and laundromats										X	X	X				X
Radio and television repair shops.										X	X	X				X
Shoe repair shops										X	X	X	X	X	X	X
Tailor shops										X	X	X		X	X	X
Upholstery shops										X	X	X		X	X	X
Food & Drink																
Alcoholic beverage package stores										X	X	X				X
Bake shops and dairy bars										X	X	X	X	X	X	X
confectioneries										X	X	X	X	X	X	X
delicatessens										X	X	X	X	X	X	X
Eating and drinking establishments										X	X	X	X	X	X	X
Grocery stores										X	X	X		X	X	X
Microbreweries												X		X	X	X

X: Permitted by Right*

C: Conditional*

*SUPPLEMENTAL REGULATIONS MAY APPLY- CHECK TOWN ORDINANCES

	Residential								Office	Business					Industrial	
	R-15	R-12	R-10	R-8	R-6	R-5	R-4	RMF	RMF-H	O&I-1	BC-1	B-1	B-2	B-3	B-3P	I-2
PERMITTED USES (any use not specified below is eligible to apply for conditional zoning approval)																
Retail																
Adult Use/ Sexually Explicit Retail											X	X	X			
Antique shops											X			X		
Apparel Shops											X			X		
Art/Music Supply and Retail											X	X	X	X	X	
Auction house (indoor)											X	X	X	X	X	X
Auction house (outdoor)												C				C
Bookstores											X	X	X	X	X	
camera shops											X					
Convenience Stores											X	X	X			C
Department stores											X					
Drugstores											X	X	X		X	X
Dry goods stores											X	X	X	X	X	
Florist shop											X	X	X		X	X
Furniture stores											X	X	X	C	X	X
Hardware stores											X	X	X		X	X
Household appliance stores											X	X	X		X	
Jewelry stores											X	X	X	X	X	X
Newsstands											X	X	X	X	X	X
Pet shops											X					
Retail Stores within Mixed Use								X	X			C	C		C	
Retail Stores- other											X	X	X	C	C	X
Second Hand Precious Metal Business											X	X	X	X	X	
Shoe Stores											X	X	X	X	X	
Sporting goods stores											X	X	X	X	X	
Tobacco/ Smoke Shops											X					
Toy stores											X	X	X	X	X	
Variety stores											X	X	X			
Wholesale Departments											X	X				X
ANIMAL/AGRICULTURAL (Must comply with Chapter 90:Animals)																
Abattoirs and slaughterhouses																C
Animal feeds- Manufacturing, servicing, processing, assembling, and fabricating .																X
Beekeeping	X	X	X	X	X			X	X	X	X	X	X	X	X	X
Farming (crops)	C	C	C													X
Greenhouses	C	C	C													C
Hatcheries																
Plant Nurseries	C	C	C													
Veterinary hospitals and commercial kennels																X
EDUCATIONAL																
Classroom trailers designed to be utilized by a public school	X	X	X	X	X					X		X	X	X	X	X
Schools and colleges kindergartens and day nurseries	X	X	X	X	X					X		X	X	X	X	X
RELIGIOUS AND CHARITABLE ORGANIZATIONS																
Churches and other places of worship.	X	X	X	X	X					X		X	X	X	X	X
Philanthropic and eleemosynary institutions.	X	X	X	X	X					X		X	X	X	X	X
Promo for Trade Associations or Civic, Religious groups											X	X	X		X	X
RECREATIONAL																
Electronic gaming operation(s)											X		X			
Adult Entertainment											X		X			
Fairs, carnivals and similar transient amusement enterprises																C
Fitness Center / Gymnasium											X	X	X		X	
Indoor recreation											X	X	X	X	X	X
Movie theaters											X		X		X	
Outdoor recreation (not racetracks)													X			
Public or private golf courses, non-commercial swimming or tennis clubs, and country clubs	X	X	X	X	X							X	X			X
MEDICAL																
dental offices and clinics										X	X	X	X		X	
Medical offices and clinics										X	X	X	X		X	
Clinical laboratories											X	X	X		X	
Hospitals for human care													X		X	

	Residential								Office	Business					Industrial	
	R-15	R-12	R-10	R-8	R-6	R-5	R-4	RMF	RMF-H	O&I-1	BC-1	B-1	B-2	B-3	B-3P	I-2
PERMITTED USES (any use not specified below is eligible to apply for conditional zoning approval)																
INDUSTRIAL/MANUFACTURING																
Auto wrecking or junk yards																C
Automobile accessories- Manufacturing, servicing, processing, assembling, and fabricating																X
Bedding Fabrication																X
Bedding, pillows and carpets- Manufacturing, servicing, processing, assembling, and fabricating																X
Bottling Plants																X
Building materials- Manufacturing, servicing, processing, assembling, and fabricating																X
Chemicals- Manufacturing, servicing, processing, assembling, and fabricating																X
Clothing and cloths Fabrication																X
Clothing including hosiery- Manufacturing, servicing, processing, assembling, and fabricating																X
Cold Storage Plants																X
Dry cleaning and pressing plants												C		C		X
Electric and electronic products- Manufacturing, servicing, processing, assembling, and fabricating																X
Food and food products, not to include slaughterhouses and abattoirs- Manufacturing, servicing, processing, assembling, and fabricating																X
Freezer lockers																X
Gasoline, oil, or alcohol storage above ground																C
Glass- Manufacturing, servicing, processing, assembling, and fabricating																X
Household appliances- Manufacturing, servicing, processing, assembling, and fabricating																X
Ice- Manufacturing, servicing, processing, assembling, and fabricating.																X
Leather goods Fabrication, not to include processing or storage or raw hides																X
Leather goods- Manufacturing, servicing, processing, assembling, and fabricating																X
Machine tools.- Manufacturing, servicing, processing, assembling, and fabricating																X
Metal products fabrication																X
Metals and metal products- Manufacturing, servicing, processing, assembling, and fabricating																X
Mixing plants for concrete or paving materials																X
Newspaper offices or printing plants																X
Paints- Manufacturing, servicing, processing, assembling, and fabricating																X
Paper products fabrication, not to include the manufacturing of paper																X
Paper products- Manufacturing, servicing, processing, assembling, and fabricating																C
Plastic containers and similar plastic product fabrication																X
Pottery, porcelain, and vitreous china- Manufacturing, servicing, processing, assembling, and fabricating																X
Rubber products- Manufacturing, servicing, processing, assembling, and fabricating																C
Soaps, detergents and washing compounds- Manufacturing, servicing, processing, assembling, and fabricating																X
Solid Waste/ Septage Management Facilities																C
Stone crushing, cutting and polishing																C
Storage of materials and equipment outdoors																C
Storage warehouses and yards, except storage of salvage																X
Textiles- Manufacturing, servicing, processing, assembling, and fabricating																X
Transportation Terminals																X
Welding shops																X
Wholesale and Jobbing Plants																X
Wholesale Distribution Centers																C
Wood and wood products, including furniture- Manufacturing, servicing, processing, assembling, and fabricating																X

X: Permitted by Right*

C: Conditional*

*SUPPLEMENTAL REGULATIONS MAY APPLY- CHECK TOWN ORDINANCES



TEXT AMENDMENT CONSISTENCY STATEMENT

The proposed text amendments to add R-5 and R-4 Single Family Residential are consistent with the 2003 Land Use Plan's recommendations for new residential to be clustered so as to preserve open space and heighten pedestrian accessibility, to provide for alternative smaller lot sizes to promote the preservation of open space in the community, and to provide for future connectivity within the town. This text amendment is therefore deemed reasonable and in the public's best interest as supports an increased demand for housing in light of Dallas' current and anticipated growth, while ensuring the above goals are met.

Includes: 153.027 (NEW), Appendix A- Yard and Height Requirements for Residential Districts, and Appendix C- Permitted Uses Chart

Curtis Wilson, Planning Board Chairman

Date

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Request for Clarification: Permitted Uses Downtown

AGENDA ITEM NO. 9A

MEETING DATE: 10/17/2019

BACKGROUND INFORMATION:

CL Parker Gardens plans to open a business at 132 N Gaston Street, which is located in our B-3 Central Business zone. Our current permitted uses chart allows for dry goods stores, which covers the majority of the items planning to be sold, however, they would also like to sell potted flowers.

Staff has interpreted flower sales as a "florist shop" which is not currently permitted in B-3, but issued a zoning verification letter approving the sale of other dry goods.

The owner would like to ask the Planning Board for clarification of the current ordinances to see if she would be able to sell potted plants under any currently allowable permitted use within B-3, or if the Planning Board concurs with Staff that a text amendment may be required in order to allow this use.

If a text amendment would be required, the owner would also like to request that this be recommended by the Planning Board.

BOARD ACTION TAKEN:

T Faro

From: Autumn Parker <carolinalandscaping@icloud.com>
Sent: Friday, October 04, 2019 3:28 PM
To: T Faro
Subject: Re: Business Information

Good afternoon Tiffany,

I am sending over some pictures of the types of flowers/plants that we would be selling in our store. (132 N Gaston St. Dallas NC 28034)

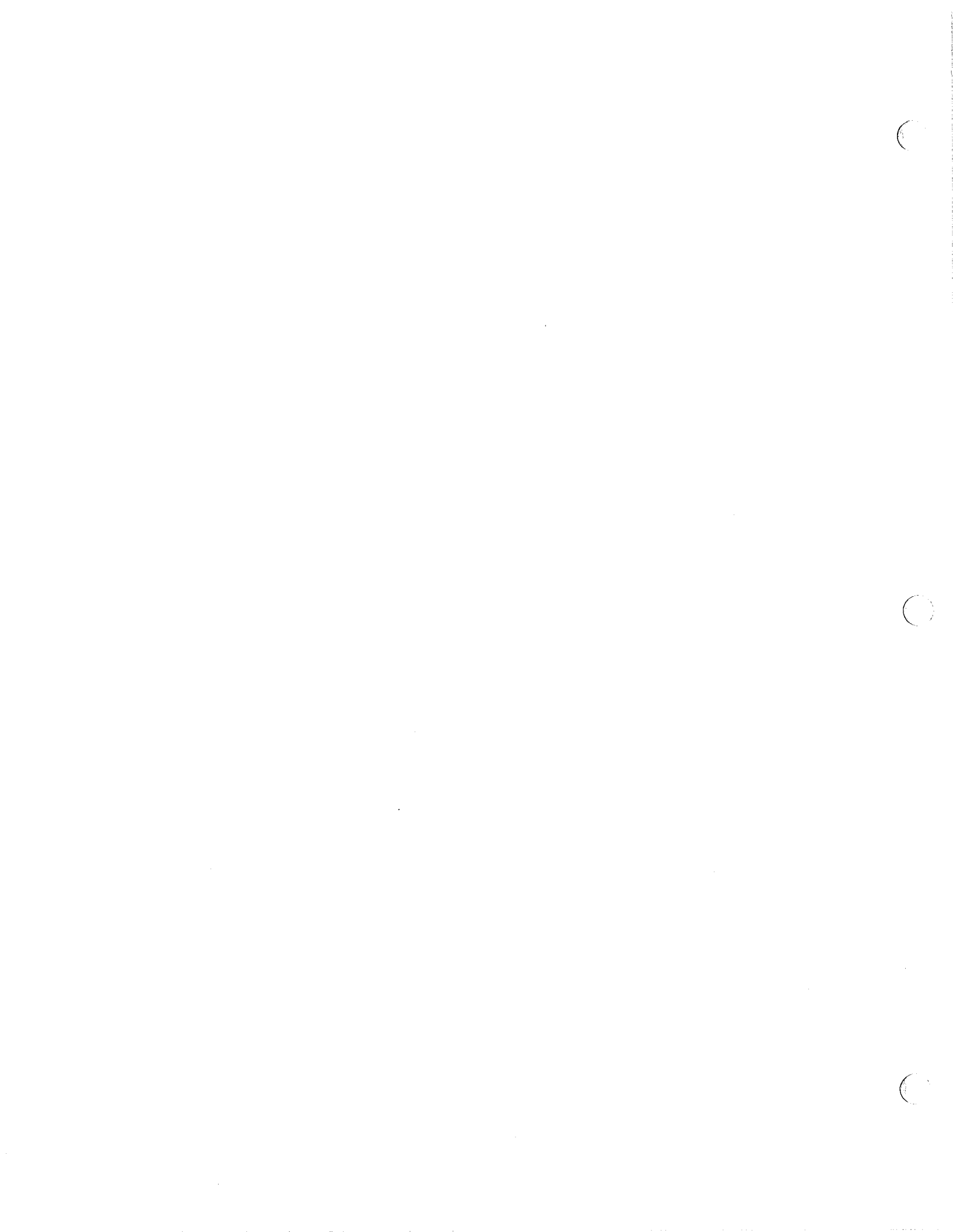
I am needing some clarification of permitted uses chart. This business would not be considered a floral shop. We would not be selling cut stemmed flowers. But simply plants/ flowers that would go in a gardening pot or flower bed. Could this business be listed as a General Merchandise store, hardware, or could this still fall under the Dry Goods store? Thank you in advance!

Please know that I am very excited for my business to come to Dallas and I think it would brighten and bring some new life to this part of town!!

Thank you,
Autumn Parker
704-860-5843



On Oct 2, 2019, at 1:35 PM, T Faro <tfaro@dallasnc.net> wrote:



Merriam-Webster

Definition of *florist*

: a person who sells or grows for sale flowers and ornamental plants

Collins English Dictionary

a shop where flowers and pot plants are sold

Freedictionary.com

Noun 1. florist shop - a shop where flowers and ornamental plants are sold
flower store, florist

Cambridge Dictionary

Florist- a person who sells cut flowers and plants for inside the house



October 2, 2019



Mayor

Rick Coleman

Aldermen

Jerry Cearley
Allen Huggins
Darlene Morrow
Stacey Thomas
Hoyle Withers

Town Manager

Maria Stroupe

Town Clerk/HR

Da'Sha Leach

Finance

Jonathan Newton

Town Attorney

J. Thomas Hunn

Police

Allen Scott

Electrical

J. Doug Huffman

Public Works

Bill Trudnak

Development Svc

Tiffany Faro

Fire Chief

Earl Withers III

Recreation

Garrett Lowery

Town of Dallas
210 N. Holland St.
Dallas, NC 28034

Phone:

704-922-3176

Fax:

704-922-4701

Web Page:

www.dallasnc.net

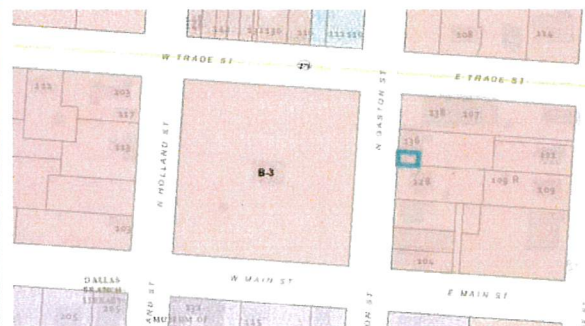


CL PARKER GARDENS
132 N GASTON STREET
DALLAS, NC 28034

Re: Zoning Verification Letter- 132 N Gaston Street

Dear Business Owner,

The property located at 132 N Gaston Street, further identified as Parcel ID# 132202, is located within the Town of Dallas limits and zoned B-3 Central Business.



Dry goods stores are a permitted use by right within this zone, and you are approved to sell seeds, yard flags, wreaths, and other "garden type" items in this location.

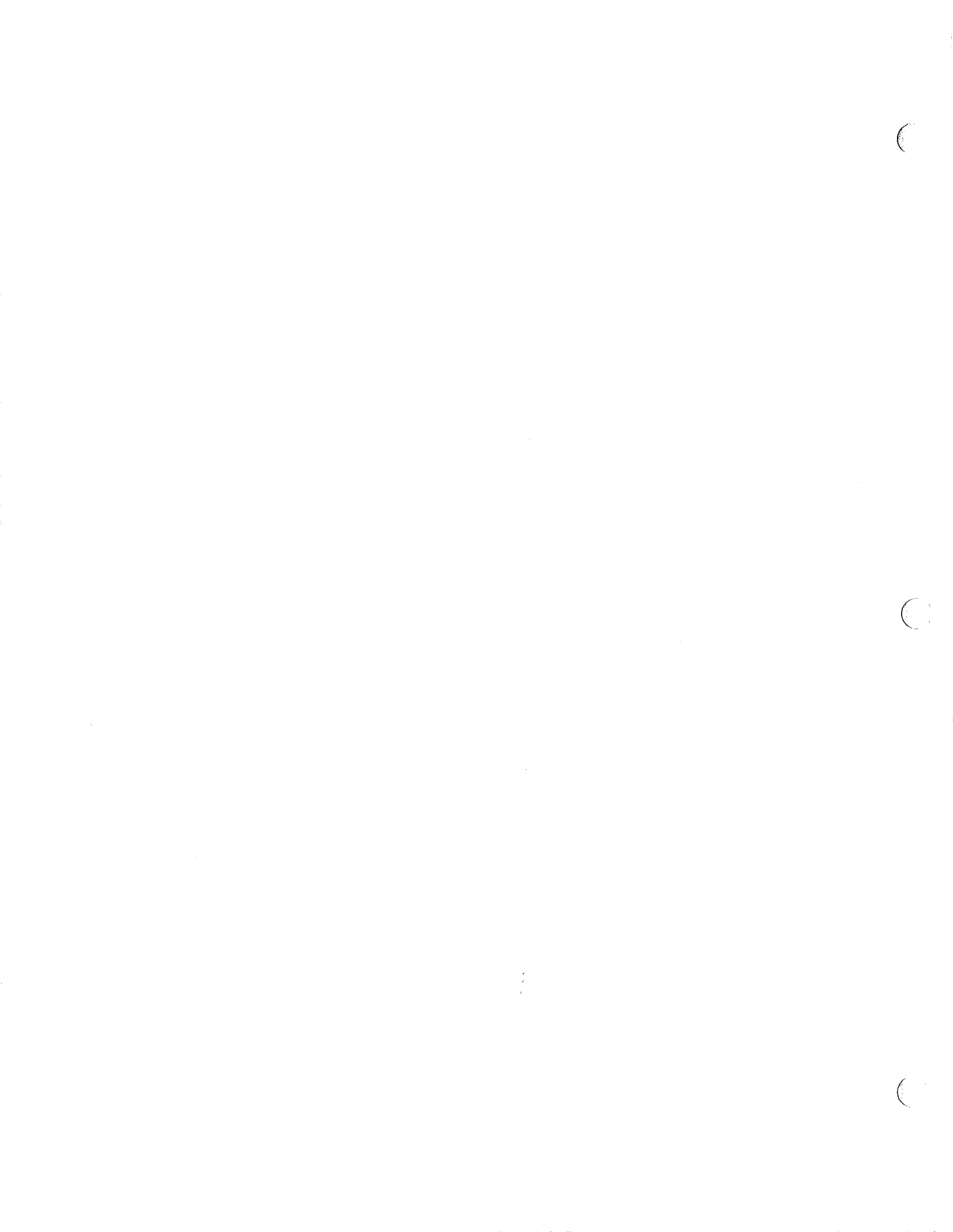
Florist shops are not currently permitted as a use by-right within this zone, however, you may petition for a text amendment if desired to add this component to your business.

Prior to opening, please be sure to contact the Gaston County Fire Marshal's office to update their information regarding the occupancy at this location.

Sincerely,

Tiffany Faro
Development Services Director

tfaro@dallasnc.net
704-922-3176 ext. 230



TEXT AMENDMENT CONSISTENCY STATEMENT

The proposed text amendment to Appendix C-Permitted Uses Chart is consistent with the 2003 Land Use Plan's goal to maintain and promote a vibrant and healthy downtown for a variety of retail, commercial, residential, social, cultural, and institutional uses, and is therefore deemed reasonable and in the public's best interest.

Curtis Wilson, Planning Board Chairman

Date

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Petition for Text Amendment- EVM Signage

AGENDA ITEM NO. 9B

MEETING DATE: 10/17/2019

BACKGROUND INFORMATION:

Wade and Wendi McLamb recently applied for a sign permit for an EVM sign located within Town limits.

After review of the application for consistency with our adopted requirements, it was determined that many of the churches in Town would not qualify with the ordinance as written- as it requires that electronic messaging signs be 150' from any residential zone (several churches are contained within these zones).

In addition, the calculation currently required for computing minimum slide time is challenging to calculate and verify.

The McLamb's are requesting that the EVM sign ordinance be updated to remove a distance from residential areas and to set a flat minimum slide time of 10 seconds (which is the current min. of the Town electronic sign).

Staff would like to request consideration of reduced brightness settings and/or restricted hours for electronic signage located within a certain distance of residential properties (instead of by zone).

BOARD ACTION TAKEN:

AN ORDINANCE AMENDING SECTION 153.082, Flashing, Moving, and Electronic Variable Messaging (EVM) Signs

ADOPTED BY THE DALLAS BOARD OF ALDERMEN 7/9/19)

Whereas, this amendment is in accordance with Application within Municipalities, pursuant to Article 8 of Chapter 160A, and

Whereas, the Town of Dallas recognizes the need to clarify and expand the regulations related to electronic variable messaging signage within Town limits; and

Whereas, the Town of Dallas agrees with the Planning Board's recommendation that the proposed updates to the EVM signage ordinance are consistent with the 2003 Future Land Use Plan's goal to plan for aesthetically pleasing and pedestrian friendly commercial corridors outside of the downtown area, while ensuring that land uses abutting residential development are compatible with the scale, intensity and overall character of existing and planned neighborhoods. This text amendment is therefore deemed reasonable and in the public's best interest in order to update our ordinances to match current technological advancements and accommodate the needs of our business community, while protecting the overall character and appearance of the Town.

Now, therefore be it ordained, by the Board of Aldermen of the Town of Dallas, North Carolina, that Section 153.082 of the Compiled Code of Town Ordinances be amended to replace the existing section's text to read as follows:

§ 153.082 FLASHING, MOVING AND ELECTRONIC VARIABLE MESSAGE (EVM) SIGNS

1. Installation of a new electronic variable messaging sign, or the conversion of a permitted non-digital sign to a digital sign, requires the issuance of a zoning permit. The addition of any digital display to a nonconforming sign is prohibited. Zoning permits may be revoked for any illuminated signage installed without first obtaining all required building and electrical permits and inspections from Gaston County.
2. **Location**
 - a. Electronic Variable Messaging signage must be located a minimum distance of 25 feet from any street or highway intersection and a minimum distance of 150 feet from any residential zoned area.
 - b. EVM signage located within the B-3 zone requires approval by the Board of Alderman in addition to the requirements outlined in this section.
 - c. EVM signage shall not be located within a sight distance triangle as defined by NCDOT on properties abutting a state road, or as defined by 153.012 on properties located along local roads.
3. **Appearance**
 - a. *Height:* Message center signs and digital displays shall have the same height limits as other permitted signs of the same type and location.
 - b. *Size:* Detached Electronic Variable Messaging signage shall not exceed 50 SF in size. Attached EVM signs are restricted to a maximum size of 20% of building facade width x 10', or 60 SF, whichever is less.

c. **Brightness:** Message center signs and digital displays are subject to the following brightness limits:

- i. During daylight hours between sunrise and sunset, luminance shall be no greater than five thousand (5,000) nits.
- ii. At all other times, luminance shall be no greater than two hundred fifty (250) nits.
- iii. Each sign must have a light sensing device that will automatically adjust the brightness of the display as the natural ambient light conditions change. To comply with the limits set here within.

4. **Message Duration:** The length of time each message may be displayed on a message center sign, digital display, or Tri-Vision Board sign is based upon the visibility and speed limit unique to individual signs and adjacent road conditions. The following method should be used to calculate message duration for message center signs, digital displays, or Tri-Vision Board signs.

- a. Determine the greatest distance from which the sign becomes visible on the road the sign is primarily intended to serve. If a sign is intended to be seen by more than one roadway, the road with the lower posted speed limit shall be used for determining message duration.
- b. Multiply the road's posted speed limit (MPH) by 5,280, and then divide by 3,600 to obtain the speed limit in feet/second.
- c. Divide the visibility distance by the speed limit (feet/second).
- d. Add an additional ten (10) percent of this number to the total. v. The resulting amount of time is the minimum permitted message duration, except where this value is less than eight (8) seconds in which the minimum message duration shall be no less than eight (8) seconds.

5. **Public Service Announcements:** The owner of every message center sign and digital display shall coordinate with the local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or alerts concerning terrorist attacks or natural disasters. Emergency information messages shall remain in the advertising rotation according to the protocols of the agency that issues the information.

6. Type-Specific Regulations

a. **Digital display signs** are subject to the following regulations in addition to all other requirements established in the Town's sign ordinance.

- i. **Area:** When used as an on-premises sign, digital displays shall not exceed more than 30% of the total sign area permitted on the site.
- ii. **Maximum Number per Property:** Where permitted, one (1) digital display sign is permitted per property

iii. **Message Display:**

1. Any Digital Display containing animation, streaming video, or text or images which flash, pulsate, move, or scroll is prohibited. Each complete message must fit on one screen.
2. One message/display may be brighter than another, but each individual message/display must be static in intensity.
3. The content of a digital display must transition by changing with no transition graphics (e.g., no fade-out or fade-in).
4. **Default Design:** The sign shall contain a default design which shall freeze the sign message in one position if a malfunction should occur.

b. **Message center signs** are subject to the following regulations, in addition to all other illumination requirements established in the Town's sign ordinance.

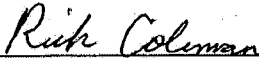
- i. *Area:* When used as an on-premises sign, message center signs shall not exceed 50% of the sign area for any one sign, and shall not exceed more than 30% of the total area for all signs permitted on a property.
- ii. *Maximum Number:* Where permitted, one (1) message center sign is permitted per street frontage, up to a maximum of two (2) message center signs per property.
- iii. *Message Display:*
 1. No message center sign may contain text which flashes, pulsates, moves, or scrolls. Each complete message must fit on one screen.
 2. The content of a message center sign must transition by changing with no transition graphics (e.g., no fade-out or fade-in).
 3. *Default Design:* The sign shall contain a default design which shall freeze the sign message in one position if a malfunction should occur.

7. Electrical Standards.

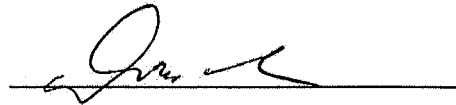
- a. The electrical supply to all exterior signs, whether to the sign itself or to lighting fixtures positioned to illuminate the sign, shall be provided by means of concealed electrical cables. Electrical supply to freestanding signs shall be provided by means of underground cables.
- b. The owner of any illuminated sign shall arrange for a certification showing compliance with the brightness standards set forth herein by an independent contractor and provide the certification documentation to the Town of Dallas as a condition precedent to the issuance of a sign permit.

Adopted, this 9th day of July, 2019.

ATTEST:

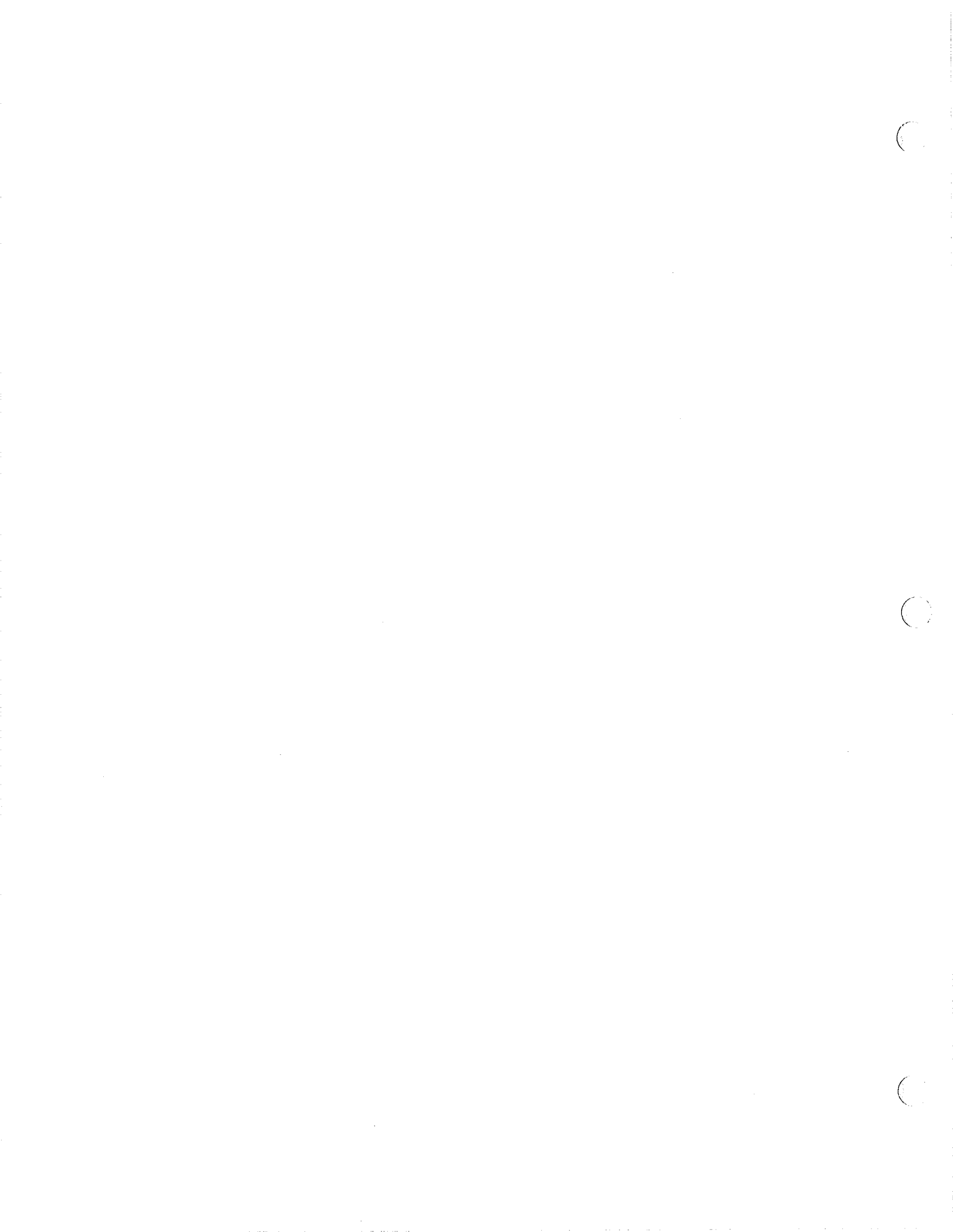


Rick Coleman, Mayor



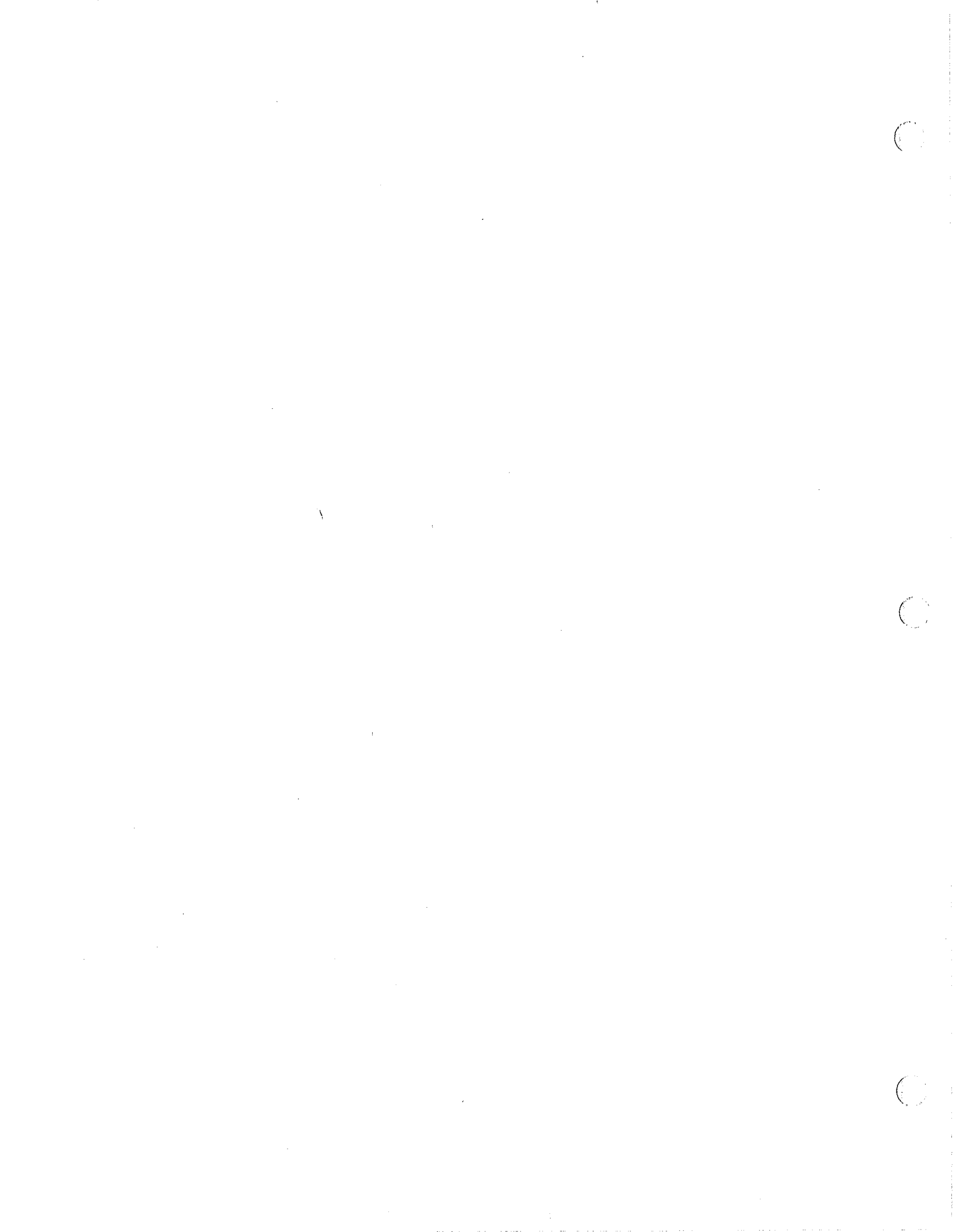
Da'Sha Leach, Town Clerk





EVM SIGNAGE- CONSISTENCY STATEMENT

_____ The proposed updates to the EVM signage ordinance are consistent with the 2003 Future Land Use Plan's goal to plan for aesthetically pleasing and pedestrian friendly commercial corridors outside of the downtown area, while ensuring that land uses abutting residential development are compatible with the scale, intensity and overall character of existing and planned neighborhoods. This text amendment is therefore deemed reasonable and in the public's best interest in order to update our ordinances to match current technological advancements and accommodate the needs of our business community, while protecting the overall character and appearance of the Town.



TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Annexation Request- Ollie Way

AGENDA ITEM NO. 9C

MEETING DATE: 10/17/2019

BACKGROUND INFORMATION:

NVR, Inc. and Katie Summey, owner of PID#170057 (no address assigned), is petitioning for annexation into the Town of Dallas for the development of a single family residential subdivision. This parcel is considered contiguous.

The parcel is currently located outside of Town of Dallas zoning, but is adjacent to R-10 single family residential, and is part of the 2003 Future Land Use Plan. The 2003 Future Land Use Plan highlights this specific parcel for Neighborhood and Community Business, but adjacent parcels are marked for new residential development.

The Planning Board recently recommended approval into R-6 Cluster Development Overlay based on available zoning options available, however, if the Planning Board chooses to recommend the addition of R-5 and R-4 zones, the developer may choose to request consideration and recommendation of annexation into the newly developed R-5 zone.

The public hearing for annexation of this parcel has been continued until November 12th to allow the developer to decide which option is preferred- if a new zone is adopted.

All changes to our current land use map require the approval of a consistency statement. This statement, if approved, will accompany the applicant's petition for annexation being considered.

STAFF RECOMMENDATION:

BOARD ACTION TAKEN:

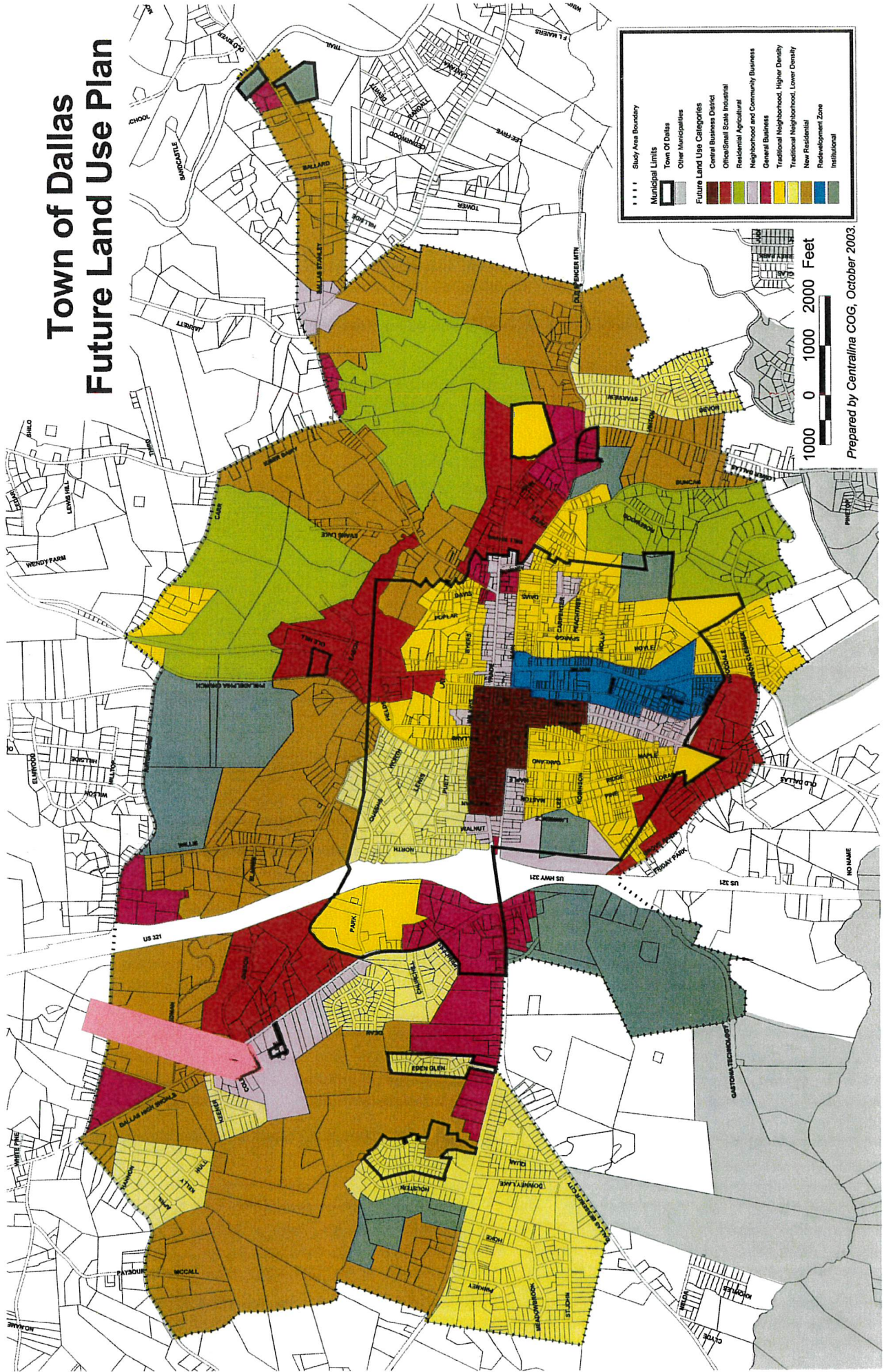
TEXT AMENDMENT CONSISTENCY STATEMENT

The proposed annexation of Parcel ID# 170057 into Town limits as R-5 Single Family Residential is technically inconsistent with the 2003 Future Land Use Plan's map designation as neighborhood and community business, however, this petition is deemed reasonable and in the public's best interest as this lot abuts land designated for new residential development, supports an increased demand for housing in light of Dallas' current and anticipated growth, and aligns with the 2003 Land Use Plan's recommendation for new residential to be clustered so as to preserve open space and heighten pedestrian accessibility.

Curtis Wilson, Planning Board Chairman

Date

Town of Dallas Future Land Use Plan



- - - - - Study Area Boundary
 Municipal Limits
 Town Of Dallas
 Other Municipalities
 Future Land Use Categories
 Central Business District
 Office/Small Scale Industrial
 Residential Agricultural
 Neighborhood and Community Business
 General Business
 Traditional Neighborhood, Higher Density
 Traditional Neighborhood, Lower Density
 New Residential
 Redevelopment Zone
 Institutional



Prepared by Centralina COG, October 2003.

