

Town of Dallas Planning Board Meeting

Agenda

Thursday, May 16, 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- February 21, 2019
- 8.** New Business
 - a) Sign Ordinance Text Amendments
 - a. EVM Signs and other Sign Regulations
 - b) Chickens
- 9.** Old Business
 - a. Permitted Uses Chart and Ordinance Changes- Update and Consistency Statement
- 10.** Other business
- 11.** Adjournment

MINUTES
Town of Dallas
PLANNING BOARD

Meeting of February 21, 2019

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

The following members were present: Curtis Wilson-Chair, Glenn Bratton- Co-Chair, , Tim Farris, David Jones, Alternate Reid Simms

Members absent: Eric Clemmer, John Beaty, John O' Daly, and Alternate Gene Brown

Also present: Tiffany Faro-Director of Development Services, Johnny Denton-Town Engineer, Todd Helton, Mark Carpenter

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 Glenn Bratton to approve the minutes for September 2018 and January 2019, and the motion was adopted unanimously.

Old Business:

1) Permitted Uses in All Zones

Staff proposed an updated permitted uses chart as requested by the Planning Board in January. Discussion was held on where beekeeping should be allowed- and if it should be regulated by zone or allowed throughout with proper permits. Discussion was also held regarding existing businesses, especially those in the existing B-3 district, and how these changes would affect them. The Planning Board decided to discuss if chickens should be a permitted use in a different discussion. Tim Farris made a motion to recommend the proposed text changes as presented- with the addition of beekeeping in all zones, along with a text amendment to the Non-Conforming Uses ordinance to state that existing businesses located in B-3 be allowed to replace the structure regardless of cost and operate as the existing use for 5 years from the adoption date of the ordinance. Glenn Bratton seconded this motion, and it was adopted unanimously.

Sections to Amend Include: 153.020, 153.022, 153.023, 153.024, 153.025, 153.026, 153.027, 153.028, 153.029, 153.030, 153.031, 153.032, 153.033, 153.034, 153.035, 153.036, 153.037, 153.038, 153.039, 153.040, 153.041

Sections to Add: Appendix C- Permitted Uses Chart, 153.051- Supplemental Regulations

New Business:

1) Text Amendment regarding Solid Waste/Septage Facilities

Staff proposed an amendment to 153.038 I-2 General Industrial that would add solid waste management facilities to the list of permitted uses- if accompanied by a conditional use permit.

This proposed change was also included in the suggested permitted uses chart. Staff explained that the Town may not be fully allowed to prohibit these uses within the jurisdiction, but we are allowed to regulate where and can opt to impose conditions or regulations for mitigating impacts on surrounding development. This text amendment would be to accommodate this type of project in the event that the permitted uses chart in its entirety was not adopted at the next Board of Alderman meeting. Glenn Bratton made a motion to not recommend this text change, and the motion was seconded by David Jones. All except Tim Farris approved this motion.

2) Conditional Use District Rezoning Request

Staff presented an application from MorrowWebb Mill LLC to rezone PID#226172 from I-2 to I-2 CUD. The consideration of this application is assuming the adoption/inclusion of solid waste management facilities as an allowable conditional permitted use. Staff noted that this rezoning was the “Step 1” of a 2-step process, and was required for the consideration of a conditional use permit. Tim Farris made a motion to recommend the rezoning to I-2 CUD, and that motion was seconded by David Jones. All except Glenn Bratton approved this motion.

3) Conditional Use Permit Application

Staff presented the Conditional Use Permit application as submitted by MorrowWebb Mill LLC. Planning Board discussed the applicant’s submittal, noting that they believed that there would be impacts by the proposed use on the neighboring properties. Members noted that the Dallas Church of God has been systematically performing cleanup efforts of the surrounding properties, while the condition of this parcel was not ideal already. Concerns of traffic (truck and other) and possible impact on the nearby spring fed pond were also expressed. The Town Engineer noted that the use may impact stormwater runoff, and that any runoff from washing the vehicles should be directed to wastewater. Staff presented other possible conditions for consideration that are required for this use within Gaston County jurisdiction. After discussion and clarifications of the exact nature of the use provided by Mr. Helton and Mr. Carpenter, Tim Farris made a motion to request more information and a proposed site plan from the applicant before consideration of this conditional use permit, which was seconded by David Jones, 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

PLANNING BOARD AGENDA ITEM

DESCRIPTION: EVM Signs and Other Sign Regulations

AGENDA ITEM NO. 8A

MEETING DATE: 5/16/2019

BACKGROUND INFORMATION:

The Town has received several questions and applications for signs in the past month, and discovered that our ordinances regulating signs requiring a permit have not been updated recently.

Staff is recommending a thorough review of our existing regulations to determine the desired changes in preparation for possible text amendment(s).

Of specific interest is EVM signage regulation, as we have 2 current requests for this signage type that are not allowed per our current ordinances.

BOARD ACTION TAKEN:

NEXT STEPS:

Notes/ Questions for Discussion:

- EVM Signage
 - Examples of these signs: Gas Station Price Displays, Town Sign, Drugstore Advertising signage, Church Signs
 - Should we allow EVM signs in B-3P Central Business Perimeter?
 - Discuss Setback requirements for EVM in each zone
 - Do we want to regulate color(s), frequency of display changes, etc.
- Sign Schedule
 - Instead of regulating by Use Type, should we regulate by zone?
 - Suggest addition of maximum heights, SF maximums, permitted locations, and sign setbacks to the chart
 - Add notes to clarify how measurements are made (ie. From grade, sign base, foundation of primary structure, etc.
 - Possible limits on SF of attached building signage
 - If we use sign types, we may want to define them here or in our definitions.
 - Look at the wording for “C”. I am unclear how to best interpret- suggest clarifying.
- Advertising Signs
 - Clarify the definition of an advertising sign here, or reference where it can be found.
 - What about advertising signage for customary home occupations in residential districts?
- Special Sign Regulations
 - Consider Renaming to Additional Sign Regulations
 - Consider revision of “E”- seems to conflict with EVM signage regulations
 - Do we want to have more restrictive sign regulations for our National Register Historic District or any properties locally designated as historic through Gaston County?
 - Suggest Removing H- add this regulation to the sign schedule instead for consistency?
 - Add that outdoor advertising/billboard signs are only permitted in B-2, and list applicable regulations outlined in 153.087
 - Add any details noted in B-2 that should be included for all sign regulation (across zones)- ie. Side-by-side and V-type signage, on-premises vs. off-premises signage, distance between signs, regulations on lighting of signs, signs near residential zones
- Signs in B-2 and B-3
 - Suggest Removing this section- info to be located in the chart
- Add Graphics as Appendix showing how signs are measured (max height/width), and where they should be located on a site.

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

(A) EVM signs shall be permitted only within those zones which are classified as B-2 (Highway Business) and BC-1 (Shopping Center), or, in the case of EVM signs owned by, and located entirely on property of a subdivision of government, within the B-3 (Central Business) Zone, so long as the EVM sign is no closer than 500 feet from any other permitted EVM sign and providing that the government operates such EVM sign in service to the public.

(B) EVM signs shall be located a minimum distance of 25 feet from any street right-of-way within the B-2 (Highway Business) and BC-1 (Shopping Center) zones; and a minimum distance of eight feet from any street right-of-way within the B-3 (Central Business) zone.

(C) EVM signs shall 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.

(D) EVM signs permitted within the B-3 (Central Business) zone as provided herein, may, in addition to providing for public information dissemination and community messaging, allow for "off-premise advertising", but only if the Board of Aldermen have first officially adopted a set of policies, guidelines, and pricing for such advertising which shall be non-discriminatory; reflective of community standards and values; and give defined preference to local and regional goods, products, and services.

(Ord. passed 11-3-1970; Am. Ord. passed 7-3- 1972; Am. **Ord. passed 6-12-2012**)

APPENDIX D: SIGN REGULATIONS SCHEDULE

<i>Type of Use</i>	<i>Type of Sign</i>	<i>Permitted Number of Signs</i>	<i>Maximum Area of Sign (Sq. Ft.)</i>	<i>Lo cation</i>	<i>Permitted Illumination</i>
Single-family dwellings	Identification	1 /dwelling unit	1½	A	None
Multi-family dwellings	Identification	1 /building	3	B	None
Group housing projects	Identification	1 /street front	6	B	None
Churches, schools, colleges, hospitals, community recreation centers, art galleries, museums, libraries, golf course country clubs, swimming clubs, parks, playgrounds, funeral homes	Identification	1 /building	12	A	Lighted (N.M.)
Cemeteries	Identification	1 /street front	12	B	Lighted (N.M.)
Nursing homes for chronic or convalescent patients, homes for the aged and infirm, day care centers, pre-school, day nurseries	Identification	1 /establishment	12	B	Lighted (N.M.)
Commercial uses conducted in buildings or with buildings associated	Identification and/or business	No limit	Signs attached to buildings - no limit; signs detached from buildings - 100	C	Luminous
Commercial uses not conducted in or associated with buildings	Identification and/or business	1 /establishment	100	D	Luminous
Industrial	Identification	No limit	One sq. ft. of street frontage at front of lot	D	Luminous
<p>A- Behind street right-of-way line. B- Behind required setback. C- One sign per establishment per street front may be detached from the building provided it is located behind the property line and at least ten feet above ground level if located within 15 feet of a street right-of-way line. Other signs shall be mounted on the building provided that no sign shall project into street right-of-way unless it is at least ten feet above the street grade in which case it shall not be less than four feet behind the curb line, behind property line. D- Behind property line.</p>					

(Ord. passed 11-3-1970; Am. **Ord. passed 7-3-1972**)

§ 153.084 ADVERTISING SIGNS.

The provisions of this subchapter shall apply to the following zones only: M O and I, Medical and Office Institutional; O and I-2, Office and Institutional; B-1, Neighborhood Business; B-2, Highway Business; B-3, Central Business; B-3P, Central Business District Perimeter; B-4, General Business; I-1 Light Industrial; I-2, General Industrial; I-2L, General Industrial Limited; and EI-1, Exclusive Industrial.

(Ord. passed 11-3-1970; Am. **Ord. passed 7-3- 1972**)

§ 153.085 SPECIAL SIGN REGULATIONS.

(A) A shopping center consisting of five or more businesses located in a unified building or group of buildings may have business and/or identification signs as permitted in the zone or district, except that the shopping center as a whole may have one detached sign per street front over and above the detached signs permitted for the business establishments in the shopping center.

(B) One temporary sign shall be permitted on the site of any construction work bearing the name of the building, the owner, and those furnishing services or materials used on such construction work.

(C) Real estate signs in residential zones advertising the sale, rental or lease of the premises on which such sign is located shall not exceed four square feet in area and shall be at least ten feet from any street right-of way line.

(D) No sign shall be erected or maintained at any location where by reason of its position, working, illumination, shape, symbol, color, form or character, it may obstruct, impair, obscure, interfere with the view of, or may be confused with, any authorized traffic-control sign, signal or device, or interfere with mislead, confuse or disrupt traffic.

(E) No sign having flashing, intermittent or animated illumination shall be permitted within 75 feet of a street or highway intersection or within 300 feet of any residential zone unless the sign is not visible from such zone.

(F) No advertising sign shall be permitted in any area designated by the Board of Aldermen as one of scenic beauty or historical interest.

(G) A sign designated to be viewed from two directions shall be considered as one sign, provided that the two sign faces are parallel and not more than 42 inches apart.

(H) All detached business signs shall be limited to a height of 30 feet and shall not exceed 100 square feet in area.

(Ord. passed 11-3-1970; Am. **Ord. passed 7-3- 1972**)

§ 153.086 B-3: CENTRAL BUSINESS ZONE.

Signs in B-3: Central Business zones shall be regulated as follows:

(A) *Types of signs permitted:* Identification and/or business.

(B) *Permitted number of signs:* Two per use per street.

(C) *Permitted illumination:* Luminous.

(D) *Permitted location:* Anywhere on the property, but projecting not more than six inches into street right-of-way above the street sidewalk grade, in which case it may project 18 inches into the street right-of-way, A sign may project over the street right-of-way if said sign is attached to a canopy or similar appurtenance which extends over the right-of-way, but in no case shall project beyond the end of the canopy or appurtenance. Roof signs shall not be permitted

(Ord. passed 11-3-1970; Am. **Ord. passed 7-3- 1972**)

§ 153.087 B-2: HIGHWAY BUSINESS ZONE.

(A) *Types of signs permitted:* Outdoor advertising signs.

(B) *Size of signs:*

(1) Multi-tenant signs.

(2) The maximum size limitations shall apply to each side of a sign structure; and signs may be placed back-to-back, side-by-side or in V-type construction with not more than two displays to each facing, and such sign structure shall be considered as one sign.

(3) Side-by-side signs shall be structurally tied together to be considered as one sign structure.

(4) V-type and back-to-back signs will not be considered as one sign if located more than 15 feet apart at their nearest points.

(C) *Spacing of signs.*

(1) Signs may not be located in such a manner as to obscure, or physically interfere with the effectiveness of an official traffic sign, signal or device; obstruct or physically interfere with the driver's view of approaching, merging or intersecting traffic.

(2) No two sign structures shall be spaced less than 500 feet apart.

(3) No sign structure may be located adjacent to or within 500 feet of an interchange, intersection at grade or safety rest area. Said 500 feet to be measured along the highway from the beginning or ending of pavement widening at the exit from or entrance to the main traveled way.

(4) The foregoing provisions for the spacing of signs do not apply to sign structures separated by buildings or other obstructions in such a manner that only one sign facing located within the above spacing distances is visible from the highway at any one time.

(5) Official and on-premises signs and structures that are not lawfully maintained shall not be counted nor shall measurements be made from them for the purposes of determining compliance with spacing requirements.

(6) The minimum distance between sign structures shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway and shall apply only to structures located on the same side of the highway.

(D) *Lighting of signs-restrictions:*

(1) Signs which contain, include or are illuminated by any flashing intermittent or moving light or lights are prohibited except those giving public service information, such as time, date, temperature, weather or similar information.

(2) Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the travel ways of the highway and which are of such intensity or brilliance as to cause glare and to impair the vision of the driver of any motor vehicle or which otherwise interferes with any driver's operation of a motor vehicle are prohibited.

(3) No sign shall be so illuminated that it interferes with the effectiveness of, or obscures an official traffic sign, device or signal.

(4) All such lighting shall be subject to any other provisions relating to lighting signs presently applicable to all highways under the jurisdiction of the State of North Carolina.

(5) Illumination shall not be added to non-conforming signs or signs conforming by virtue of the grandfather clause.

(E) *Location of signs near residential areas:* No sign structure shall be located within 75 feet to a residential structure or a residential zone boundary.

(F) *Height of sign above highway or grade level:* The top of a sign structure shall not be in excess of 40 feet in height above the highway or natural grade level, whichever is higher. However, an outdoor advertising sign may be extended to a height not to exceed 80 feet provided that the size of a sign exceeding 40 feet in height shall not be larger than 200 square feet in area.

(G) *On-premise signs:* The provisions of this section shall not apply to on-premise signs.

(Ord. passed 11-3-1970; Am. Ord. passed 7-3- 1972; Am. **Ord. passed 7-19-1988**)

TOWN OF DALLAS, NORTH CAROLINA

PLANNING BOARD AGENDA ITEM

DESCRIPTION: Chickens

AGENDA ITEM NO. 8B

MEETING DATE: 5/16/2019

BACKGROUND INFORMATION:

The Town has received an inquiry on if chickens are allowable in Town limits. At our last meeting, the Planning Board decided to look at this topic separate of the permitted uses chart to decide whether or not we wanted to consider allowing them within municipal limits.

While currently chickens are prohibited by our ordinances, Staff is including ordinances from Gastonia and Lincolnton for consideration if a text amendment is desired.

If we would like to allow chickens, staff also recommends updating the permitted uses chart to reflect this change (Board of Alderman has not yet officially adopted the last recommendation.)

BOARD ACTION TAKEN:

NEXT STEPS:

PROPOSED TEXT AMENDMENT

§ 90.01 CERTAIN ANIMALS PROHIBITED.

(A) It shall be unlawful for any person, firm or corporation to keep within the corporate limits of the town, any livestock, animals or poultry other than house pets **unless otherwise approved by permit**. This prohibition shall be interpreted to include cows, swine, goats, sheep, and turkeys, but this list is not to be deemed all inclusive.

(B) The provisions of this section shall not apply to those persons, firms or corporations that were keeping livestock, animals or poultry within the corporate limits of the town prior to November 12, 1996.

(C) Equine shall be permitted within the town limits under the following conditions.

(1) The property upon which the equine will be maintained must be greater than two acres.

(2) No area to be used for storage, care or exercise/grazing of the equine may lie within 100 feet of the nearest dwelling of another property owner. Adjacent property developed after placement of an equine shall be exempt from this clause.

(3) No property owner can exceed a ratio of two equine per two acres of land.

(4) Equine must be provided an enclosure to protect the equine from the elements. (5) All areas for use by the equine shall be securely fenced so as to maintain control of the equine.

(6) The areas of use by the equine shall be in the rear yard only as defined by the zoning regulations (Chapter 153).

(7) The equine shall not cause obnoxious odors on other properties.

(D) Chickens shall be permitted within the town limits if the owner receives a permit from the Town of Dallas and demonstrates that the chickens will be kept in a manner that satisfies each of the following conditions:

- a. The tract on which the chickens will be kept shall be at least one-fourth of an acre.
- b. A maximum of five hens shall be permitted on a tract of land that is between one-fourth and one-half acre in size, a maximum of ten hens on a tract of land that is larger than one-half acre.
- c. No roosters shall be allowed.
- d. All aspects of the keeping of hens, including keeping chicks, eggs, manure, compost and other related attributes and activities, must be only personal and noncommercial.
- e. Such animals must be provided with adequate shelter to protect them from the elements and must be contained in a secure fenced enclosure at all times.
- f. Such animals must be confined at all times in a coop, or other secure enclosure, which is not less than 18 inches in height. The coop or other secure enclosure must be well ventilated and well drained so there is no accumulation of odor or moisture.
- g. A coop, or combination coop and run of sufficient size, should be provided for the hens to include a minimum coop area of four square feet per chicken if a run is provided. A minimum of ten square feet coop area is required if no run is provided or chickens are to be contained in the coop.

PROPOSED TEXT AMENDMENT

- h. No coop or secure enclosure shall be erected or maintained within the front yard (as defined by the zoning ordinance), within fifteen feet of any property line or within 50 feet of another residence (other than that of the owner). The maximum area for all coop and run structures is 300 square feet.
- i. Any property owner who has a tract of **more than one acre of land** may elect to obtain a permit for hens under the terms and conditions set forth below:
 - a. No more than 20 such fowl shall be kept or maintained per acre. The number of fowl shall be proportionate to the acreage. There will be no discounting for chicks or other young fowl.
 - b. Chickens must be provided with adequate shelter to protect them from the elements and must be contained in a secure fenced enclosure at all times.
 - c. Chickens must be confined at all times in a coop, fowl house or other secure enclosure.
 - d. No coop, fowl house or secure enclosure shall be erected or maintained within the front yard (as defined by the zoning ordinance), within 25 feet of any property line, or within 100 feet of another residence.

[Print](#)

Dallas, NC Code of Ordinances

§ 90.01 CERTAIN ANIMALS PROHIBITED.

(A) It shall be unlawful for any person, firm or corporation to keep within the corporate limits of the town, any livestock, animals or poultry other than house pets. This prohibition shall be interpreted to include cows, swine, goats, sheep, chickens and turkeys, but this list is not to be deemed all inclusive.

(B) The provisions of this section shall not apply to those persons, firms or corporations that were keeping livestock, animals or poultry within the corporate limits of the town prior to November 12, 1996.

(C) Equine shall be permitted within the town limits under the following conditions.

(1) The property upon which the equine will be maintained must be greater than two acres.

(2) No area to be used for storage, care or exercise/grazing of the equine may lie within 100 feet of the nearest dwelling of another property owner. Adjacent property developed after placement of an equine shall be exempt from this clause.

(3) No property owner can exceed a ratio of two equine per two acres of land.

(4) Equine must be provided an enclosure to protect the equine from the elements.

(5) All areas for use by the equine shall be securely fenced so as to maintain control of the equine.

(6) The areas of use by the equine shall be in the rear yard only as defined by the zoning regulations (Chapter 153).

(7) The equine shall not cause obnoxious odors on other properties.

(Prior Code, § K-III-1) (Ord. passed 11-12-1996; Ord. passed 12-10-1996; Ord. passed 12-9-2003) Penalty, see § 10.99

§ 90.09 SANITARY REQUIREMENTS OF PENS, COOPS, STABLES AND ENCLOSURES.

It shall be unlawful for any person to maintain any pen, coop, stable or enclosure, including fenced-in-yards in which animals are kept in a manner so as to produce obnoxious odors or which may become a breeding place for flies or mosquitoes. The owner or occupant of any premises on which animal(s) are kept in an enclosure(s) shall be required to maintain the enclosure(s) in a clean and healthful manner at all times, and all manure or other waste matter removed from the pen, coop, stable or enclosure shall be immediately hauled from the town or stored in suitable fly-proof bins or buried under at least six inches of earth.

(Prior Code, § K-III-9) (Ord. passed 8-12-1997; Am. Ord. passed 6-14-2016) Penalty, see § 90.99

Sec. 10-18. - Permits for wild animals and livestock.

- (a) It shall be unlawful for any person to own, keep, have or maintain any livestock or any chickens, turkeys, ducks, guineas, geese, pheasants, pigeons or other domestic fowl within the city except in accordance with a permit issued pursuant to this section.
- (b) No permit may be issued for any wild animal unless the owner thereof has also obtained a permit from the North Carolina Wildlife Resources Commission authorizing him to keep such an animal.
- (c) No permit may be issued for any livestock, except as may be otherwise set forth below, unless the applicant for the permit demonstrates that the livestock will be kept on a tract of land that satisfies each of the following conditions:
 - (1) The tract shall consist of at least one acre of land under single ownership or control.
 - (2) Each cow or other large livestock shall have a minimum pasture area of two acres. Each goat, sheep, or other small livestock shall have minimum pasture area of one-fourth acre. Livestock pasture area must be securely fenced at all times.
 - (3) Livestock animals must be provided with adequate shelter to protect them from the elements.
 - (4) No barn or building that houses livestock animals shall be erected or maintained within the front yard (as defined by the zoning ordinance), within 25 feet of any property line or within 100 feet of another residence other than that of the applicant. Fences shall not be erected or maintained within 15 feet of any property line or paved road surface, or within 75 feet of a residence other than that of the applicant; provided, however, that if the closest residence other than that of the applicant is more than 90 feet from the property line, the fence may be erected or maintained closer than 15 feet to the property line at a point as allowed by the administrator when issuing the permit.
 - (5) The shelter and fenced pasture area shall be kept clean, sanitary and free from accumulations of animal excrement and objectionable odor.
 - (6) For the purposes of calculating pasture area requirements, large livestock less than one year of age and small livestock less than six months of age shall not be included.
 - (7) All food and feed kept for feeding livestock shall be kept and stored in rat-free and ratproof containers, compartments or rooms unless kept in a ratproof building.
- (d) No permit may be issued for any turkeys, ducks, guineas, geese, pheasants or other domesticated fowl unless the applicant for the permit demonstrates that the fowl will be kept on a tract of land that satisfies each of the following conditions:
 - (1) The tract shall consist of at least one acre of land under single ownership or control.
 - (2) Such animals must be provided with adequate shelter to protect them from the elements and must be contained in a secure fenced enclosure at all times.
 - (3) Such animals must be confined at all times in a coop, fowl house or other secure enclosure.
 - (4) Reserved.
 - (5) No coop, fowl house or secure enclosure shall be erected or maintained within the front yard (as defined by the zoning ordinance), within 25 feet of any property line or within 100 feet of another residence.
 - (6) The coop, fowl house or other secure enclosure shall be kept clean, sanitary and free from accumulations of animal excrement and objectionable odor. It shall be cleaned daily, and all droppings and body excrement shall be placed in a flyproof container and double-bagged in plastic bags for proper disposal.
 - (7) No more than 20 such fowl shall be kept or maintained per acre. The number of fowl shall be proportionate to the acreage. There will be no discounting for chicks or other young fowl.

- (8) All food and feed kept for feeding chickens, turkeys, ducks, guineas, pheasants or other domesticated fowl shall be kept and stored in rat-free and ratproof containers, compartments or rooms unless kept in a ratproofing building.
- (e) No permit may be issued for any chickens unless the applicant for the permit demonstrates that the chickens will be kept in a manner that satisfies each of the following conditions:
- (1) The tract on which the chickens will be kept shall be at least one-fourth of an acre.
 - (2) No roosters shall be allowed.
 - (3) A maximum of five hens shall be permitted on a tract of land that is between one-fourth and one-half acre in size, a maximum of ten hens on a tract of land that is larger than one-half acre.
 - (4) All aspects of the keeping of hens, including keeping chicks, eggs, manure, compost and other related attributes and activities, must be only personal and noncommercial.
 - (5) Such animals must be provided with adequate shelter to protect them from the elements and must be contained in a secure fenced enclosure at all times.
 - (6) Such animals must be confined at all times in a coop, or other secure enclosure, which is not less than 18 inches in height. The coop or other secure enclosure must be well ventilated and well drained so there is no accumulation of odor or moisture.
 - (7) A coop, or combination coop and run of sufficient size, should be provided for the hens to include a minimum coop area of four square feet per chicken if a run is provided. A minimum of ten square feet coop area is required if no run is provided or chickens are to be contained in the coop.
 - (8) No coop or secure enclosure shall be erected or maintained within the front yard (as defined by the zoning ordinance), within ten feet of any property line or within 50 feet of another residence.
 - (9) The coop, or other secure enclosure shall be kept clean, sanitary and free from accumulations of animal excrement and objectionable odor.
 - (10) The maximum area for all coop and run structures is 300 square feet.
 - (11) Any property owner who has a tract of more than one acre of land may elect to obtain a permit for hens under the terms and conditions set forth in subsection (d) of this section.
- (f) No permit may be issued for any equine unless the applicant for the permit demonstrates that the animals will be kept on a tract of land that satisfies each of the following conditions:
- (1) The tract shall consist of at least two acres of land under single ownership or control.
 - (2) Each horse shall have a minimum pasture area of one acre. Livestock pasture area must be securely fenced at all times.
 - (3) Horses must be provided with adequate shelter to protect them from the elements.
 - (4) No stable, barn or building that houses horses shall be erected or maintained within 25 feet of any property line or within 100 feet of another residence. Fenced enclosures shall not be erected or maintained within 15 feet of any property line or paved road surface, or within 75 feet of a residence other than that of the applicant; provided, however, that if the closest residence other than that of the applicant is more than 90 feet from the property line, the fence may be erected or maintain closer than 15 feet to the property line at a point as allowed by the administrator when issuing the permit.
 - (5) The shelter and fenced pasture area shall be kept clean, sanitary and free from accumulations of animal excrement and objectionable odor.
 - (6) For the purposes of calculating pasture area requirements, equine less than one year of age shall not be included.

- (7) All food and feed kept for feeding equine shall be kept and stored in rat-free and ratproof containers, compartments or rooms unless kept in a ratproofing building.
- (g) Upon receipt of an application for a permit, the administrator shall investigate and verify the information set forth in the livestock permit application and identify and notify the adjoining property owners of the permit application by regular first-class mail. Adjoining property owners shall be sent a copy of the permit application, a copy of the livestock ordinance requirements and a deadline for submitting public opinions concerning the permit application. A period of not less than 30 days shall be given to submit public comment concerning the permit application. After the expiration of the period for submitting public comment, the administrator shall make a determination concerning the permit application and notify the applicant of the determination in writing.
- (h) The administrator shall issue the permit required by this section unless it is found that:
- (1) The applicant has failed to comply with the applicable requirements of any subsections of this section;
 - (2) The animal for which the permit is requested poses a substantial danger of harm to any person, animal or property;
 - (3) The animal for which the permit is requested seriously interferes with the use and enjoyment of neighboring properties because of offensive noise or odor or for other reasons; or
 - (4) The animal for which the permit is requested otherwise constitutes a threat to the public health or safety.
- (i) Subject to the provisions of G.S. 106-701 as it may be amended from time to time and any successor statute, the requirements of this section apply to wild animals, livestock and fowl that are present within the city on the effective date of this chapter as well as those brought within the city thereafter. However, owners of wild animals, livestock or fowl that are within the city on the effective date of this chapter shall not be deemed in violation of this section until they have been notified in writing of its requirements, have been given 30 days to apply for the required permits or otherwise come into compliance, and have failed to come into compliance during that time.
- (j) A permit issued in accordance with this section may be revoked by the administrator for any reason that would have justified denial of the permit as set forth in this section. If a permit is revoked, the applicant shall be given a written explanation of the reasons for revocation. Upon the determination of a violation, the owner shall have 30 days in which to bring the property or condition into compliance with this section or to remove the animals from the premises. If the administrator denies or revokes a permit in accordance with this section, he shall notify the owner of the animal(s) of his right to appeal such decision in accordance with section 10-20.

(Code 1982, § 10-5; Ord. of 7-21-87; Ord. of 12-19-95(1), § 4; Ord. of 3-4-97(1), § 2; Ord. of 1-19-16, § 1)

Sec. 10-19. - Prohibition of certain animals and operations.

- (a) No person may have or keep within the city any wild animal other than one classified as a wild animal by the North Carolina wildlife resources commission and for which a permit is obtained from that commission, or any hogs, pigs, or swine except that a person may have or keep one miniature Vietnamese potbellied pig (*sus scrofa vittatus*) provided that any out-of-doors pen constructed for said potbellied pig shall meet the required yard setbacks and other requirements for small livestock as set forth in section 10-18; however, any out-of-doors pen constructed prior to January 1, 1996, shall not have to meet said setbacks so long as the potbellied pig occupying such pen is in existence.
- (b) No person may locate, construct, or operate any animal breeding, growing, or feeding establishment for commercial purposes within the city. However, this prohibition shall not apply to animals maintained solely for

family use by the owner of the premises upon which they are located.

(Code 1982, § 10-6; Ord. of 7-21-87; Ord. of 12-19-95(1), § 5; Ord. of 3-4-97(1), § 3)

[Print](#)

Lincolnton, NC Code of Ordinances

§ 90.01 KEEPING OF LIVESTOCK PROHIBITED.

(A) It shall be unlawful to keep or maintain any cow, horse, pony, mule, sheep, goat or other livestock on any lot or within any pen, stable or other enclosure or building within the corporate limits.

(B) This section shall not be deemed to prohibit the assembling of livestock for shipment or the unloading from shipment of livestock, provided the livestock are not kept within the corporate limits for more than 24 hours prior to shipment or subsequent to unloading.

(Prior Code, § 3-1) Penalty, see § 10.99

§ 90.02 FOWL AT LARGE.

It shall be unlawful for any person to keep any ducks, geese, guinea, roosters or other domestic fowl in the city. Residents of single family homes may keep hens as authorized under this section.

(A) The tract on which the hens will be kept shall be at least one-third of an acre in size.

(B) A maximum of five hens shall be permitted on a tract of land that is between one-third and one-half acre in size and a maximum of ten hens on a tract of land that is larger than one-half acre in size.

(C) No person shall allow his or her hens to run at large. Such hens must be contained in a fowl house, coop or other secure, fenced enclosure at all times.

(D) Such fowl house, coop or other enclosure must be situated at least 15 feet from all property lines, at least 30 feet from the nearest residence other than that of the owner and may not be located between the street and a line drawn parallel to the street facing walls of a residence.

(E) Fowl houses, coops and enclosures must be kept in a neat and sanitary condition at all times to prevent offensive odors.

(Prior Code, § 3-2) (Ord. O-04-16, passed 6-2-2016) Penalty, see § 10.99

§ 90.03 PIGEONS TO BE CONFINED.

It shall be unlawful for any person to keep pigeons, except when the pigeons are properly kept in a cage or enclosure at all times.

(Prior Code, § 3-3) Penalty, see § 10.99

TOWN OF DALLAS, NORTH CAROLINA

PLANNING BOARD AGENDA ITEM

DESCRIPTION: Permitted Uses

AGENDA ITEM NO. 9A

MEETING DATE: 5/16/2019

BACKGROUND INFORMATION:

At the February Meeting, the Planning Board voted to recommend updates to our Permitted Uses Chart and other applicable referenced ordinances sections. Staff had an oversight and has discovered that in order for the Board of Alderman to vote on this recommendation, the Planning Board needs to provide a consistency statement that the proposed revisions are or are not consistent with a Town adopted plan.

Also, if the Planning Board would like to update the previous recommendation to include chickens, they may opt to do so as part of the recommendation (with statement).

Staff will prepare and present consistency statement options for Planning Board consideration, or the Planning Board may elect to create and adopt an alternative statement.

BOARD ACTION TAKEN:

NEXT STEPS:

	Residential										Office	Business			Industrial
	R-15	R-12	R-10	R-8	R-6	RMF	RMF-H	O&I-1	BC-1	B-1		B-2	B-3	B-3P	

PERMITTED USES (any use not specified below is eligible to apply for conditional zoning approval)

RESIDENTIAL

Single-family dwellings.	X	X	X	X	X												
Manufactured/ Mobile Homes					X												
Trailer Camps/ Mobile Home Parks					X												
Multi-family Residential				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					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					
Municipal, county, state and federal uses not involving the outdoor storage of equipment or materials	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
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
Public utility storage or service yards																	X

PROFESSIONAL SERVICES

Offices rendering professional services										X	X	X					X
Agencies offering specialized services not involving retail trade or inventory business offices										X	X	X					X
Data processing and computer centers																C	

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		RMF	RMF-H	O&I-1	BC-1		B-1	B-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	
Auction house (indoor)										X	X	X	X	
Auction house (outdoor)										C				C
Bookstores										X	X	X	X	
camera shops										X				
Convenience Stores										X	X			C
Department stores										X				
Drugstores										X	X		X	
Dry goods stores										X	X	X	X	
Florist shop										X	X		X	
Furniture stores										X	X	C	X	
Hardware stores										X	X	X	X	
Household appliance stores										X	X	X	X	
Jewelry stores										X	X	X	X	
Newsstands										X	X	X	X	
Pet shops										X				
Retail Stores within Mixed Use									X	X	C		C	
Retail Stores- other										X	X	X	X	
Second Hand Precious Metal Business										X	X	X	X	
Shoe Stores										X	X	X	X	
Sporting goods stores										X				
Tobacco/ Smoke Shops										X	X	X	X	
Toy stores										X	X	X	X	
Variety stores										X	X	X	X	
Wholesale Departments										X	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											
Farming (crops)	C	C	C	C										X
Greenhouses	C	C	C	C										X
Hatcheries														C
Plant Nurseries	C	C	C	C										

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	RMF		RMF-H	O&I-1	BC-1	B-1		B-2

PERMITTED USES (any use not specified below is eligible to apply for conditional zoning approval)

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		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				
outdoor recreation (not racetracks)															
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
Medical offices and clinics									X	X	X				X
Clinical laboratories									X	X	X				X
Hospitals for human care											X				X

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

X: Permitted by Right*

C: Conditional*

*SUPPLEMENTAL REGULATIONS MAY APPLY- CHECK TOWN ORDINANCES

Supplemental Regulation of Permitted Uses

Auto Service Stations located within Shopping Centers must meet the following criteria for approval:

Auto service/ stations are within shopping centers are permitted to sell tires, tubes, gasoline, oil and other lubricants, motor and tire accessories and similar products; permitting the storage of tires, tubes, accessories and similar products and permitting minor repair work limited to the following:

- (a) Servicing of spark plugs, batteries and distributors and distributor parts.
 - (b) Tire servicing and repair, but not recapping or regrooving.
 - (c) Replacement of mufflers and tail pipes, water hose, fan belts broke fluid, light bulbs, fuses, floor mats seat belts, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors and the like.
 - (d) Radiator cleaning and flushing.
 - (e) Providing and repairing fuel pumps, oil pumps and lines.
 - (f) Minor servicing and repair of carburetors.
 - (g) Emergency wiring repairs.
 - (h) Adjusting and repairing brakes.
 - (i) Minor motor adjustments not involving removal of the head or crankcase or racing the motor.
1. All of the aforesaid minor repair work, but excluding the normal servicing of automobiles, must take place within an enclosed structure on the premises.
 2. The auto service station shall be designed as an integral part of the shopping center.
 - a. The Board of Aldermen may refuse to permit an auto service station to be erected in a proposed shopping center on the grounds that it fails to provide unity of development with other business uses in the same zone or that it fails to adequately protect residential uses in adjacent zones from the adverse effects of a business operation, or that the proposal fails to provide safe conditions for pedestrians and motorists, or that the plan fails to conform with the requirements of this chapter; but not on the grounds that architectural designs or building materials are esthetically unsatisfactory.

Promotional Activities must meet the following criteria for approval:

1. Be sponsored by or for trade or professions associations, or for civic, religious, charitable or eleemosynary groups.
2. No gaming, gambling, or similar (related) activities are permitted to be conducted as part of or accessory to the temporary use.
3. No temporary permitted use shall be permitted for a period of time exceeding ten consecutive days.
4. No temporary use shall begin until 9:00 a.m. and shall not extend beyond 12:00 midnight.
5. No permit for a temporary permitted use shall be granted by the Zoning Officer until permission therefore has first been granted by the Board of Aldermen.
6. No temporary permitted use shall be located within 400 feet of a residential use.

Supplemental Regulation of Permitted Uses

Electronic gaming operation(s) must meet the following criteria for approval:

1. That such uses provide, at minimum, off-street parking consistent with off-street parking requirements, § 153.042(J), Other Business or Service Uses, and requiring one parking space for each 200 square feet of gross floor area.
2. That no electronic gaming operation be located within 500 linear feet of the property line of any church/house of worship or any public or private elementary, middle, or high school, library, public park or playground, day care center, or residential-zoned district.
3. That no two electronic gaming operations be located within 1,000 linear feet of each other.
4. That no electronic gaming operation have more than 25 total electronic gaming machines or terminals.
5. That electronic gaming operations shall apply for and obtain a business registration from the Town to operate, and have fully paid, up-to-date, all required fees as prescribed by the Town of Dallas.
6. That electronic gaming operations shall be further regulated by Chapter 113: Game Rooms of the Dallas Code of Ordinances.
7. That during hours of operations, electronic gaming operations shall be open for direct, unobstructed access by all safety and enforcement personnel, and that all exit doors shall remain unlocked while patrons are on the premises.
8. No one under the age of 18 be allowed within the premises of an electronic gaming operation.

Dallas, NC Code of Ordinances

TOWN OF DALLAS, NORTH CAROLINA CODE OF ORDINANCES

2017 S-4 Supplement contains:
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ZONES ESTABLISHED; REGULATIONS

§ 153.020 TOWN DIVIDED INTO ENUMERATED ZONES.

In order to regulate and limit the height and size of buildings; to regulate and limit the intensity of the use of lot area; to regulate and determine the areas of open spaces surrounding buildings and to classify, regulate and restrict the location of trades and industries and the location of buildings designed for specified industrial, business, residential and other uses, the town is hereby divided into the following zones.

- (A) R-15 Single-Family Residential.
- (B) R-12 Single-Family Residential.
- (C) R-10 Single-Family Residential.
- (D) R-8 Multi-Family Residential.
- (E) R-6 Multi-Family Residential.
- ~~(F) M-O and I-Medical-Office and Institutional.~~
- (G) O and I-1 Office and Institutional.
- ~~(H) O and I-2 Office and Institutional.~~
- ~~(I) A-1 Advertising Sign District.~~
- (J) BC-1 Shopping Center.
- (K) B-1 Neighborhood Business.
- (L) B-2 Highway Business.

(M) B-3 Central Business.

(N) B-3P Central Business District Perimeter.

~~(O) B-4 Central Business.~~~~(P) I-1 Light Industrial.~~

(Q) I-2 General Industrial.

~~(R) I-2L General Industrial Limited.~~~~(S) EX-1 Exclusive Industrial.~~~~(T) EX-1 Extractive Industrial.~~

(U) RMF Multi-Family District.

(V) RMF-H High Density Multi-Family District.

(Ord. passed 11-3-1970; Am. Ord. 7-3-1972)

Cross reference:

Yard and height requirements for business districts, see Appendix B

Yard and height requirements for residential districts, see Appendix A

§ 153.021 ZONING MAP; ZONE BOUNDARIES ADOPTED; RULES WHERE UNCERTAINTY EXISTS.

(A) The boundaries of the zones are shown upon the map accompanying this chapter and made a part hereof by reference, entitled "Zoning Map, the Town of Dallas, North Carolina", dated November 3, 1970. The zoning map, including all notations, references, amendments thereto, and other information shown thereon, is hereby made a part of this chapter the same as if such information set forth on the map were all fully described and set out herein. The zoning map, property attested, is on file in the office of the Building Inspector and is available for inspection by the public.

(B) In the creation by this chapter of the respective zones, the Board of Aldermen has given due and careful consideration to the peculiar suitability of each and every such zone for the particular regulations applied thereto and the necessary, proper and comprehensive groupings and arrangements of the various uses and densities of population in accordance with a well considered plan for the development of the town.

(C) The provisions of this chapter governing the use of land and buildings, the height of buildings, building site areas, the sizes of yards about buildings and other matters as hereinafter set forth, are hereby established and declared to be in effect upon all land included within the boundaries of each and every zone shown upon said map.

(D) Where uncertainty exists as to boundaries of any zone shown on said map, the following rules SHALL apply:

- (1) Where such zone boundaries are indicated as approximately following street lines, alley lines and lot lines, such lines shall be construed to be such zone boundaries.
- (2) In unsubdivided property or where a zone boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions shall be determined by use of the scale appearing on the map.
- (3) In case any further uncertainty exists the Board of Adjustment shall interpret the intent of the map as to location of such boundaries.

(4) Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.

(Ord. passed 11-3-1970; Am. Ord. passed 11-1972; Am. Ord. passed 4-11-1972; Am. Ord. passed 7-3-1972; Am. Ord. passed 12-5-1972)

§ 153.022 R-15, R-12 AND R-10 ZONES: SINGLE-FAMILY RESIDENTIAL.

Within the R-15, R-12 and R-10 zones as shown on the zoning map of the town, incorporated by reference in § 153.021, the following regulations shall apply.

(A) Permitted uses. Refer to Permitted Use Table (remove list below)

- (1) Single-family dwellings.
- (2) Churches and other places of worship.
- (3) Schools and colleges kindergartens and day nurseries.
- (4) Public libraries, public museums and art galleries.
- (5) Philanthropic and eleemosynary institutions.
- (6) Public or private golf courses, non-commercial swimming or tennis clubs, and country clubs subject to the following requirements: buildings, tennis courts and swimming pools shall be located at least 20 feet from any exterior lot line, on a site containing three acres or more.
- (7) Municipal, county, state and federal uses not involving the outdoor storage of equipment or materials.
- (8) Public or private utilities buildings and appurtenances, not to include the outdoor storage of equipment or materials.
- (9) Reserved.
- (10) Farming, truck-gardening and nurseries.
- (11) Customary accessory buildings, including a private garage, guests quarters and servants quarters on residential lot.
- (12) Church or public building bulletin boards, not exceeding 12 square feet in area.
- (13) Real estate signs not more than four square feet in area.
- (14) Cemeteries.
- (15) A temporary use, including a building or trailer, in conjunction with any authorized construction; provided:
 - (a) No living quarters are provided in such building or trailer;
 - (b) The construction shall commence prior to or simultaneously with the temporary use; and
 - (c) A permit for such use must be secured from the Building Inspector who may not issue a permit for a longer period than six months at any one location without an order from town Planning Board.
- (16) Classroom trailers designed to be utilized by a public school provided a permit for such use is secured from the Building Inspector who may not issue such permit for a longer period than 12 months at any one location without an order from the town Planning Board.

(17) A temporary permit may be issued by the Building Inspector/Code Enforcer allowing a storage trailer to be placed in the rear yard of a residence for the sole purpose of storing household goods provided that:

- (a) The residence is undergoing total remodeling;
- (b) The storage trailer may not be used for living quarters; and
- (c) The permit may not be issued for a period longer than six months but may be extended by the written approval of the Planning Board if valid reason are given to merit such extension.

(18) Industrial park entrance sign in a R-12 zone if the R-12 zone adjoins an industrial park and if the design and size of said sign is approved by the Board of Aldermen.

(B) *Lot area and width, yards and building height requirements.* 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) *Off-street parking.* Off-street parking shall be provided by all uses as required by § 153.042.
- (D) *Signs.* The requirements set forth in the sign regulations, §§ 153.080 through 153.087, shall apply.
- (E) *Site plan.* As an initial step in applying for the issuance of a building permit for the construction, alteration, or expansion of any structure housing a municipal, county, state, federal or other governmental use, a site plan shall be submitted which shall include the following grading, engineering design, construction size, height, shape and location of the building, location and design of parking areas, pedestrian and vehicular circulation on site, and plans for collecting and depositing storm water and natural or artificial watercourses. The site plan must be approved by the Town Clerk and by the Building Inspector before the building permit is issued; however, if the site plan is disapproved the applicant may appeal such decision to the town Planning Board and then to the Board of Aldermen. The structure housing such municipal, county, state or federal use must be constructed, altered or expanded in accordance with the site plan before a certificate of occupancy is issued by the Building Inspector.

(Ord. passed 11-3-1970; Am. Ord. 1-11-1972; Am. Ord. 7-3-1972; Am. Ord. passed 11-10-1998)

§ 153.023 RMF: MULTI-FAMILY DISTRICT

Note: Recommending Edits to this section at a later date

Within the RMF zone as shown on the zoning map of the town, the following regulation shall apply:

- (A) *Permitted uses.* Multi-family dwellings and customary accessory structures and uses.
- (B) *Off-street parking.* Off-street parking shall be provided for all uses as required by § 153.042.
- (C) *Off-street loading and unloading.* Off-street loading and unloading space shall be provided by all uses as required § 153.044.
- (D) *Signs.* For the purpose of advertising any use permitted in this zone, the regulations of §§ 153.080 through 153.087 shall apply.
- (E) *Advisory opinion.* Prior to submitting an application for rezoning, the applicant may submit a simple sketch plan of the proposed development to the town Planning Board in order to obtain an advisory opinion from such Board as to the feasibility of the proposed rezoning prior to the preparation and submission by the required preliminary plan and preliminary construction plan.
- (F) *Preliminary site plan.* An application for rezoning to a RMF Multi-family District shall be accompanied by a preliminary site plan prepared on a 28" x 42" sheet of reproducible material using the largest scale possible and shall contain:

- (1) Land area to be included in the rezoning request;
 - (2) Proposed locations of each existing and each proposed structure and their general exterior dimensions;
 - (3) Proposed uses of all land within the area requested for rezoning;
 - (4) Dimensions between all structures and from structures to property lines;
 - (5) Traffic parking and circulation plan showing proposed locations and arrangements of parking spaces and ingress and egress to and from adjacent streets;
 - (6) Proposed location and material of any screening walls, fences or plantings;
 - (7) Proposed exterior design of buildings;
 - (8) Schedule for number and size of apartments within the projects;
 - (9) Proposed time schedule and staging, if any, for construction of the project;
 - (10) A title giving the address of the development, names and addresses of the developers, the date, scale of the plan, and the person or firm preparing the plan;
 - (11) Provision for adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking, loading space, facilities for waste disposal and illumination;
 - (12) Means for providing adequate and safe location of play areas for children and other recreational areas according to the concentration of occupancy;
 - (13) Location and type of fences, walls or year-round screen planting, when deemed necessary by the town Planning Board to shield adjacent residential zones from parking lot illumination, headlights and noise and to reduce the visual encroachment of multi-family architecture and the activity on privacy and single-family residential neighborhood character;
 - (14) Such other information as may be considered essential by the town Planning Board for the protection of public health, safety, welfare, and conveniences.
- (C) *Preliminary construction plan.* A preliminary construction plan shall be prepared and shall include a perspective drawing of the multi-family dwelling units presenting the general appearances of the buildings and grounds from the major access street, which need not be prepared by an engineer, architect or commercial artist.
- (H) *Recommendations by the town Planning Board.* Any recommendations and suggestions concerning the preliminary plans for the proposed multi-family residential complex made by the town Planning Board shall be based upon a finding that the plans for the development are such that traffic hazards and congestion will not be created within the development and upon the public streets at the points of ingress and egress to such development, and that the plans maintain the purposes of this section and the functions of a multi-family residential complex. The purpose of a preliminary site plan and preliminary construction plan is to enable the town Planning Board to review them so as to recommend and approve the same prior to presentation of its written recommendation and report to the Board of Aldermen.
- (I) *Board of Aldermen approval.* The Board of Aldermen may refuse to approve a site plan or construction plan on the grounds that either it fails to provide unity of development with other property in the area, or that it fails to adequately protect residentially zoned properties in the same area from the adverse effects of such operation, or that the proposal fails to provide safe conditions for pedestrians and motorists, or that the plans fail to conform with the requirements of this section.
- (J) *Final plans.*
- (1) A final construction plan shall be prepared and shall include the following:

- (a) A detailed perspective drawing of the multi-family residential complex showing the appearance of the buildings and grounds from the major access street.
 - (b) Detailed final construction plans for the purposes of building inspection to include elevations of all buildings from all sides at a scale not less than 1/8 inch to 1 foot.
 - (2) The final site plan shall be prepared on a 28" x 42" sheet of reproducible permanent base material using the largest scale possible and shall include all data required for a preliminary site plan as well as any other information required by the town Planning Board.
 - (3) The final site plan and final construction plan for the proposed development for changes within the development shall be submitted by the developer to the Chairman of the Planning Board and to the Building Inspector for their recommendations and report thereon.
 - (4) An affirmative recommendation of the final plans for the proposed multi-family residential complex by the Chairman of the Planning Board and by the Building Inspector shall be upon the finding that the final plans for the development are substantially in agreement with the preliminary site plans and preliminary construction plans as approved by the Board of Aldermen and that traffic hazards and congestion will not be created within the development and upon the public streets at the point of ingress and egress to the development and that the plans maintain the purposes of this article and the functions of the multi-family residential complex.
 - (5) After approval of the final plans by the Chairman of the Planning Board and by the Building Inspector and after a copy of the approved plans is filed with said Building Inspector, the latter if other pertinent town ordinances have been complied with, shall issue a building permit for the construction, alteration or expansion of any building within an RMF Multi-Family Residential District upon application by the developer.
- (6) *Certificate of occupancy.*
- (a) No building shall be occupied within an RMF Multi-Family District until the certificate of occupancy shall have been issued by the Building Inspector and no certificate of occupancy shall be issued unless the approved final plans have been substantially followed as to each completed building and the use of same complies with this chapter.
 - (b) Provided, however, that the Building Inspector may issue a certificate of occupancy for the completed structures or buildings even though some other structures in the approved plans at the time are under construction.
 - (c) Provided further that a certificate of occupancy shall not be issued for any completed structure until all drives, walks, parking spaces, screens, and truck loading and unloading facilities serving the same shall have been provided and substantially improved as shown on the approved final plans.
- (K) *Development requirement.* In order to develop realty within the RMF Multi-Family District, the following will be required.
- (1) A portion of the land must front on a major thoroughfare of major collector street as defined by the town Planning Board.
 - (2) The minimum land requirement shall be 15,000 square feet for the first dwelling unit and 3,500 square feet for each additional dwelling unit therein.
 - (3) The minimum setback from street, and minimum side and rear yard shall be 45 feet.
 - (4) The minimum unobstructed open space shall be 70% of total lot area, a portion of which shall be developed for parks, playgrounds, and other recreational purpose.
 - (5) Gross ground floor area of principal structures shall not exceed 18% of total land area.

- (6) The height of any portion of any structure shall not be greater than one-half of the horizontal distance from such structure to the nearest lot line or to any other structure within the complex.
- (7) Every building shall be separated on every side from any other building within the complex by a distance of at least 25 feet.
- (8) No parking of motor vehicles shall be permitted within the required setbacks. The space within the required setback shall not be used as maneuvering space for the parking or un-parking of vehicles, except that driveways providing ingress and egress to the parking area may be installed across the setback area.
- (L) *Effective approved site plan.* All approved site plans for RMF Multi-Family Districts shall be binding upon the applicants therefor, their successors and assigns, shall limit and control the issuance and validity of all building permits and certificate of occupancy and shall restrict and limit the construction location use and operation of all land and structures included within such plans, provided however, that upon a showing of necessity therefore, minor changes in the location and size of structures may be permitted if such minor changes will not cause any of the following circumstances to occur.

(M) *Amendment or revision of site plan.* Pursuant to the same procedure and subject to the same limitations and requirements set forth in this section, a site plan may be amended or revised, either partially or completely.

(N) *Copies.* Upon approval of the plan for a multi-family residential complex by the Board of Aldermen, one copy of the plan shall be filed with the Town Clerk, one copy with the Building Inspector, and one copy with the town Planning Board.

(Ord. passed 11-3-1970; Am. Ord. passed 1-11-1972; Am. Ord. passed 7-3-1972)

§ 153.024 RMF-H: HIGH DENSITY MULTI-FAMILY DISTRICT

Note: Recommending Edits to this section at a later date

Within the RMF-H Zone as shown upon the zoning map of the town, incorporated by reference in § 153.021, the following regulations shall apply.

- (A) *Permitted uses.* High density multi-family dwellings and customary accessory structures and uses which must be located within the primary structure.
- (B) *Required lot area, lot width and yards.*
- (1) Minimum lot size - none.
 - (2) Minimum lot area for first dwelling unit - 5,000 square feet.
 - (3) Minimum additional lot area for next eight units - 500 square feet.
 - (4) Minimum lot area per dwelling unit for nine units or more - 1,000 square feet.
 - (5) Minimum lot width - none.
 - (6) Minimum front yard - 20 feet.
 - (7) Minimum rear yard - 20 feet.
 - (8) Minimum side yard - 8 feet.
 - (9) Minimum combined width of both sides yards - 20 feet.

(C) *Height.* Each side yard shall be increased one foot for every two feet of building height in access of 40 feet.

- (D) *Screening.* Screening shall be provided in accordance with §§ 153.060 through 153.064.
- (E) *Off-street parking.* Street parking space shall be provided in accordance with § 153.042. (Ord. passed 11-3-1970; Am. Ord. passed 7-3-1972)

§ 153.025 CLUSTER DEVELOPMENT OVERLAY DISTRICT

REMOVE SECTION (NOT IN USE) may add back once reviewed/ revised for our needs

A cluster development is a special use designed to allow for non-conformant development, and mixed-use developments. The requirements for the cluster development are as follows.

- (A) Cluster developments are by conditional use permit only.
- (B) A cluster development may be developed in any residential, business or commercial zone in the town.
- (C) A minimum of five lots is required.
- (D) A lot size exemption of 75% of the minimum lot size for the zone the cluster development is to be utilized is allotted; all other requirements for that zone will apply.
- (E) Uses shall be limited to single-family detached dwellings, and related accessory uses, as described by the zoning district the development is in.
- (F) The maximum number of potential lots that may be created shall be computed by subtracting 20% of the gross area (an allowance for street right-of-way) and by dividing the remainder by the minimum lot area requirements for the zoning district in which the development is located. This section shall apply regardless of the amount of land actually required for streets.

(G) An amount of land at a minimum equal to the amount of reduction in lot size as determined by division (D) above shall be placed as open space within the development 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. In consideration of the purposes served by a cluster 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.

(Ord. passed 8-14-2007)

§ 153.026 R-8 AND R-6 ZONES: MULTI-FAMILY RESIDENTIAL

Within the R-8 and R-6 zones as shown on the zoning map, incorporated by reference in § 153.021, the following regulations shall apply.

(A) *Permitted uses.* Refer to Permitted Use Table (remove list below)

- (1) Any use permitted in the R-15, R-12 and R-10 zones.
- (2) Multiple dwellings.
- (3) Trailer camps.
- (4) Fraternities associated with a recognized junior or senior college.
- (5) Customary home occupations.

- (6) Manufactured homes, Class A, in R-6 zones only.
- (7) Adaptive reuse of historic building (this is subject to the issuance of a conditional use permit by the Board of Alderman in accordance with § 153.015.
- (B) *Lot areas and width, yards and building height requirements.* The requirements set forth in Appendix A: Yard and Height Requirements in Residential Districts and Appendix B: Yard and Height Requirements in Business Districts shall govern.

- (C) *Off-street parking.* Off-street parking shall be provided by all uses as required in § 153.042.
- (D) *Signs.* The requirements set forth in the sign regulations, §§ 153.080 through 153.087, shall apply. (Ord. passed 11-3-1970; Am. Ord. passed 7-3-1972; Am. Ord. passed 11-13-2001)

Cross reference:

Sign regulations schedule, see Appendix D

~~§ 153.027 M-O AND I ZONES: MEDICAL AND OFFICE INSTITUTIONAL~~

Within the M O and I zones as shown on the zoning map of the town, incorporated by reference in § 153.021, following regulations shall apply.

- (A) *Permitted uses.*
- (1) Any use permitted in R-6 residential zones.
 - (2) Medical and dental offices and clinics.
 - (3) Clinical laboratories.
 - (4) Nurses' dormitories.
 - (5) Drugstores.
 - (6) Hospitals for human care.
 - (7) Homes for the aged and infirm.
 - (8) Nursing homes for chronic or convalescent patients.

(B) *Required lot area, lot width, yards and building height.* For all permitted uses, the requirements of the R-6 zones shall apply in this zone.

- (C) *Off-street parking.* Off-street parking space shall be provided in accordance with § 153.042.
- (D) *Signs.* For the purpose of advertising any use permitted in this zone, the regulations contained in §§ 153.080 through 153.087 shall apply.
- (Ord. passed 11-3-1970; Am. Ord. passed 7-3-1972)

Cross reference:

Sign regulations schedule, see Appendix D

Yard and height requirements in business and residential districts, see Appendix A and Appendix B

§ 153.028 O AND I-1 ZONES: OFFICE AND INSTITUTIONAL.

Within the O and I-1 zones as shown on the zoning map, incorporated by reference in § 153.021, the following regulations shall apply.

~~(A) *Permitted uses.* Refer to Permitted Use Table (remove list below)~~

- (1) Any use permitted in residential zones.
- (2) Medical clinics.
- (3) Offices rendering professional services, such as legal medical, dental, engineering, architectural and similar services.
- (4) Agencies rendering specialized services such as real estate, telephone answering service, insurance, advertising, brokerage, stenographic and similar services not involving retail trade with the general public nor maintenance of a stock of goods for sale.

(B) *Required lot area, lot width, yards and building height.* For all permitted uses the requirements of the R-6 zones shall apply in this zone.

(C) *Off-street parking.* Off-street parking space shall be provided in accordance with § 153.042.

(D) *Off-street loading.* Off-street loading space shall be provided in accordance with § 153.044.

(E) *Signs.* For the purpose of advertising any use permitted in this zone, the regulations of §§ 153.080 through 153.087 shall apply.

(Ord. passed 11-3-1970; Am. Ord. passed 7-3-1972)

Cross reference:

Sign regulations schedule, see Appendix D

Yard and height requirements in business and residential districts, see Appendix A and Appendix B

~~§ 153.029 O AND I-2 ZONES: OFFICE AND INSTITUTIONAL~~

Within the O and I-2 zones as shown on the zoning map of the town, incorporated by reference in § 153.021, the following regulations shall apply.

- (A) *Permitted uses.*
- (1) Any use permitted in O and I-1 zones.
 - (2) Boarding and rooming houses.
 - (3) Homes for the aged and infirm.
 - (4) Cemeteries.
 - (5) Funeral homes.
 - (6) Greenhouses.
 - (7) Nursing homes for chronic or convalescent patients.

(B) *Required lot area, lot width, yards and building height.* For all permitted uses, the requirements of the R-6 zones shall apply in this zone.

(C) *Off-street parking.* Off-street parking space shall be provided in accordance with § 153.042.

(D) *Off-street loading.* Off-street loading space shall be provided in accordance with § 153.044.

(E) Signs. For the purpose of advertising any use permitted in this zone the regulations of §§ 153.080 through 153.087 shall apply.

(Ord. passed 11-3-1970; Am. Ord. passed 7-3-1972)

Cross reference:

Sign regulations schedule, see Appendix D

Yard and height requirements in business and residential districts, see Appendix A and Appendix B

~~§ 153.030 A-1 ZONES- ADVERTISING-SIGN-DISTRICT-~~
**REMOVE SECTION
(NOT IN USE)**

Within the A-1 zones as shown on the zoning map of the town, incorporated by reference in § 153.021, the following regulations shall apply.

(A) Permitted uses.

(1) Any use permitted in a surrounding zone which is contiguous to the perimeter of the A-1 district for more than 50% of its perimeter length.

(2) Advertising signs.

(B) Required lot areas lot width, yards and building height. For all permitted uses, the requirements of the predominant contiguous zone shall apply in this zone.

(C) Off-street parking. Off-street parking space shall be provided in accordance with § 153.042.

(D) Off-street loading. Off-street loading space shall be provided in accordance with § 153.044.

(Ord. passed 11-3-1970; Am. Ord. passed 7-3-1972)

Cross reference:

Sign regulations schedule, see Appendix D

§ 153.031 BC-1 ZONE: SHOPPING CENTER.

Within the BC-1 zones as shown on the zoning map of the town, incorporated by reference in § 153.021, the following regulations shall apply.

(A) Permitted uses. Refer to Permitted Use Table (remove list below)

(1) Any use permitted in O and F-1 zones, excepting residential zone uses.

(2) Banks and financial institutions.

(3) Barber shops or beauty shops.

(4) Dry cleaning establishments.

(5) Laundry pickup stations, laundrettes and laundromats.

(6) Florist shop.

(7) Drugstores.

(8) Grocery stores, delicatessens and confectioneries.

(9) Bake shops and dairy bars for retail sales on the premises only,

(10) Dry goods stores, show stores, and apparel shops.

(11) Furniture and household appliance stores.

(12) Hardware stores.

(13) Photographer studios, camera shops and music shops.

(14) Shoe repair shops.

(15) Tailor shops.

(16) Radio and television repair shops.

(17) Jewelry stores.

(18) Alcoholic beverage package stores.

(19) Auto service stations selling tires, tubes, gasoline, oil and other lubricants, motor and tire accessories and similar products; permitting the storage of tires, tubes, accessories and similar products and permitting minor repair work limited to the following.

(a) Servicing of spark plugs, batteries and distributors and distributor parts.

(b) Tire servicing and repair, but not recapping or regrooving.

(c) Replacement of mufflers and tail pipes, water hose, fan belts broke fluid, light bulbs, fuses, floor mats seat belts, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors and the like.

(d) Radiator cleaning and flushing.

(e) Providing and repairing fuel pumps, oil pumps and lines.

(f) Minor servicing and repair of carburetors.

(g) Emergency wiring repairs.

(h) Adjusting and repairing brakes.

(i) Minor motor adjustments not involving removal of the head or crankcase or racing the motor.

(j) 1. All of the aforesaid minor repair work, but excluding the normal servicing of automobiles, must take place within an enclosed structure on the premises.

2. Auto service stations shall be designed as an integral part of the shopping center.

3. The Board of Aldermen may refuse to permit an auto service station to be erected in the proposed shopping center on the grounds that it fails to provide unity of development with other business uses in the same zone or that it fails to adequately protect residential uses in adjacent zones from the adverse effects of a business operation, or that the proposal fails to provide safe conditions for pedestrians and motorists, or that the plan fails to conform with the requirements of this chapter; but not on the grounds that architectural designs or building materials are esthetically unsatisfactory.

(20) Automobile parking lots.

(21) Bookstores and newsstands.

(22) Pet shops.

(23) Toy stores.

- (24) Sporting goods stores.
- (25) Antique shops.
- (26) Restaurants (excluding those providing curb service).
- (27) Variety stores.
- (28) Movie theaters.
- (29) Department stores.
- (30) Any use which may be construed to be a promotional activity sponsored by or for either of the following
- (a) Trade or professions associations.
 - (b) Civic, religious, charitable or eleemosynary groups:
 1. Provided that no gaming, gambling, or similar (related) activities are permitted to be conducted as part of or accessory to the temporary use.
 2. Provided that no temporary permitted use shall be permitted for a period of time exceeding ten consecutive days.
 3. Provided that no temporary use shall begin until 9:00 a.m. and shall not extend beyond 12:00 midnight.
 4. Provided that no permit for a temporary permitted use shall be granted by the Zoning Officer until permission therefore has first been granted by the Board of Aldermen.
 5. Provided further that no temporary permitted use shall be located within 400 feet of a residential use.
 - (31) Electronic gaming operation(s), provided the following provisions are met:
 - (a) That such uses provide, at minimum, off-street parking consistent with off-street parking requirements, § 153.042(J), Other Business or Service Uses, and requiring one parking space for each 200 square feet of gross floor area.
 - (b) That no electronic gaming operation be located within 500 linear feet of the property line of any church/house of worship or any public or private elementary, middle, or high school, library, public park or playground, day care center, or residential-zoned district.
 - (c) That no two electronic gaming operations be located within 1,000 linear feet of each other.
 - (d) That no electronic gaming operation have more than 25 total electronic gaming machines or terminals.
 - (e) That electronic gaming operations shall apply for and obtain a license from the Board of Aldermen to operate, and have fully paid, up-to-date, all required license fees as proscribed within the "Privilege and Business License Fee Schedule" for the Town of Dallas. No such license shall be transferable.
 - (f) That electronic gaming operations shall be further regulated by Chapter 113: Game Rooms of the Dallas Code of Ordinances.
 - (g) That during hours of operations, electronic gaming operations shall be open for direct, unobstructed access by all safety and enforcement personnel, and that all exit doors shall remain unlocked while patrons are on the premises.

- (h) No one under the age of 18 be allowed within the premises of an electronic gaming operation.
- (B) *Required screening areas building coverage and yards.*
- (1) A screen containing a mixture of deciduous and evergreen trees spaced in a staggered triangular pattern not more than ten feet apart and containing not less than two rows of dense plant materials shall be planted in a fifteen-foot buffer strip along such rear or side lines, either or both. The same shall be planted at an initial height of at least three feet and shall be of such variety that an average height of six feet can be expected by normal growth within four years from the time of initial planting. No plant material which would be a host to insects, would affect the plants on adjoining property, or would spread disease, can be used; and all plant materials must be nursery grown and conform to the guidelines as published by the American Association of Nurserymen in their 1959 edition. All plant materials shall be planted at least three feet from the side or rear lot line of adjoining property and shall be planted in the required buffer strip prior to the issuance of a certificate of occupancy by the Inspections Superintendent.
 - (2) Not more than 30% of the zoned area shall be covered by buildings.
 - (3) No building shall be closer than 20 feet to any exterior lot line or closer than 100 feet to any street right-of-way in a BC-1 Shopping Center zone.
 - (4) The tract of land upon which the proposed shopping center is to be erected must contain at least five acres.
 - (5) A BC-1 Shopping Center zone shall about an existing or a proposed major thoroughfare for minimum distance of 400 feet and shall have a minimum average depth of 550 feet.
- (C) *Height.* Not to exceed 40 feet.
- (D) *Off-street parking.* Off-street parking shall be provided for all uses as required by § 153.042.
- (E) *Off-street loading and unloading.* Off-street loading and unloading space shall be provided by all uses as required by § 153.044.
- (F) *Signs.* For the purpose of advertising and use permitted in this zone the regulations of §§ 153.080 through 153.087 shall apply.
- (G) *Data to be submitted with petition.* The applicant for this classification shall present to the town Planning Board the following items for consideration at the time the petition for rezoning is filed.
- (1) A valid market analysis indicating the economic feasibility of the proposed development by outlining:
 - (a) The trade area of the proposed shopping center;
 - (b) An estimate of the trade area population, present and future;
 - (c) An estimate of the effective buying power of the trade area, both existing and proposed;
 - (d) An estimate of the net potential customer buying power for stores in the proposed development;
 - (e) An estimate of the amount of retail sales floor space in square feet currently lacking in the trade area.
 - (2) A statement indicating readiness to proceed with the proposed development by filing with the Zoning Officer an agreement signed by the owner or owners of the proposed development that actual construction shall begin within one year from the date final plans for the shopping center are approved and shall be prosecuted to completion within a reasonable period of time thereafter. In the event the town Planning Board and the Board of Aldermen find that the intent of this paragraph has been met or construction has not commenced within said one-year period, proceedings may be instituted for rezoning.

the area to its original classification. It is not the intent of this section, however, to prohibit a reasonable extension of the one-year limit by the Board of Aldermen.

(3) The preliminary site plan and the preliminary construction plan of the proposed development.

(H) *Preliminary plan.*

(1) The preliminary site plan shall be prepared on a 30" by 42" sheet of reproducible material using the largest scale possible and shall contain:

- (a) Dimensions of the property and adjacent lots and streets;
- (b) Location and proposed use of all buildings with dimensions and approximate ground floor area thereof;
- (c) Topography of existing ground and paved areas and elevation of street alleys, utilities sanitary and storm sewers, buildings and structure;
- (d) Plans for collecting and disposing of storm water and treatment of natural and artificial water courses;
- (e) General indication of proposed grading, surface drainage, terraces retaining wall heights, grades on paved areas and ground floor elevations shown by contours or spot elevations;
- (f) Parking areas with all spaces shown and dimensions thereof;
- (g) Service area, truck loading facilities, service drives and dimensions thereof;
- (h) Pedestrian walks or walkways with dimensions thereof;
- (i) Drives and access to parking spaces with dimensions thereof;
- (j) Curb cuts and points of ingress and egress and all sidewalks with dimensions thereof;
- (k) Distances between the buildings and the property lines;
- (l) Locations of plantings, walls and screening;
- (m) Name and address of the development, name and address of the developer, date and scale of the plan, and the name of the person or firm preparing the plans;
- (n) Vicinity map at a scale of 1 inch to 1,000 feet.

(2) The preliminary construction plan, the preliminary site plan and a detailed perspective drawing of the shopping center representing the general appearance of the buildings and grounds from the major thoroughfare must be prepared by a person authorized by law to prepare the same.

(3) Recommendations and suggestions concerning the preliminary plans for the proposed shopping center by the town Planning Board shall be upon the findings that the plans for the development are such that traffic hazards and congestion will not be created within the development and upon the public streets at the point of ingress and egress to the development and that the plans of a shopping center. Dedication of additional right-of-way for public street purposes may be required to resolve potential traffic hazards and congestion. The lack of minimum yard dimensions does not imply the lack of need for such minimum dimensions. The absence of minimum yard dimensions is to provide for flexibility and imagination in design of the development. The purpose of a preliminary site plan, preliminary construction plan and perspective drawing of the shopping center is to enable the town Planning Board to review the same in order that it may recommend and approve said plans prior to presentation of the written recommendation and report to the Board of Aldermen. In each case consideration shall be given to the location of the various facilities and buildings on the premises and minimum yard dimensions.

(4) The Board of Aldermen may refuse to approve a preliminary site plan or a preliminary construction plan on the grounds that either fails to provide unity of development with other business uses in the same zone, or that either fails to adequately protect residential uses in adjacent zones from the adverse effects of a business operation, or that either proposal fails to provide safe conditions for pedestrians and motorists or that either plan fails to conform with the requirements of this chapter.

(5) Preliminary plans for the entire shopping center shall be prepared; however, a section consisting of at least 33% of the total proposed area contained in the shopping center or a section of the shopping center consisting of not less than five separate buildings, each housing a separate use, may be designated for immediate development and final plans prepared for that section only.

(I) *Final plans.*

(1) A final construction plan shall be prepared and shall include the following:

- (a) Detailed perspective drawing of the shopping center showing the appearance of the buildings and grounds from the major access street;
- (b) Detailed final construction plans for purposes of building inspection to include elevations of every building from all sides at a scale of not less than 1/8 inch to 1 foot.
- (2) The final site plan shall be prepared on a 30" by 42" sheet of reproducible permanent base material using the largest scale possible and shall include the following:

- (a) Dimensions of the property and adjacent lots and streets;
- (b) Location, ground floor area and proposed use of the buildings with all dimensions thereof;
- (c) Parking area with all spaces shown and dimensions thereof;
- (d) Service area, truck loading facilities, service drives and dimensions thereof;
- (e) Pedestrian walks or walkways with dimensions thereof;
- (f) Drives and access to parking spaces with dimensions thereof;
- (g) Curb cuts and points of ingress and egress and all sidewalks with dimensions thereof;
- (h) Distances between the buildings and the property lines;
- (i) Location of plantings, walls and screening;
- (j) Name and address of the development, names and addresses of the developers, date, scale of plan and person or firm preparing the plan.

(3) The final site plan shall show all the information required of the preliminary site plan but the information shown shall be specific, precise and accurate to usual and recognized professional standards and not general in nature.

(4) A design of the storm sewerage system shall be submitted to the Town Clerk for his approval.

(5) The final site plan and final construction plan for the proposed development or changes within the development shall be submitted by the developer to the town Planning Board for its approval. After such approval is granted, the Building Inspector shall, if other pertinent town ordinances have been complied with, issue a building permit for the construction alteration or expansion of any building within a BC-1 Shopping Center zone upon application by the developer provided:

- (a) Construction of at least five separate buildings housing at least five separate units or construction of at least 33% of the total proposed area contained in the shopping center, whichever is greater, must be commenced initially thereafter, the developer may construct on building at a time.

(b) No building shall be occupied within a BC-1 Shopping Center zone until a certificate of occupancy shall have been issued by the Building Inspector and no certificate of occupancy shall be issued unless the approved final plans have been substantially followed as to each completed building and the use of same complies with this chapter.

(c) The Inspection Superintendent may issue a certificate of occupancy for any completed structure or building even though some other structures shown in the approved final plans at the time are under construction.

(d) A certificate of occupancy shall not be issued for the buildings constructed until all drives, walks, parking spaces, screening and truck loading and unloading facilities shall have been provided and substantially improved as shown on the final plans as approved.

(6) Pursuant to the same procedure and subject to the same limitations and requirements set forth in this section, a site plan may be amended or revised, either partially or completely.

(Ord. passed 11-3-1970; Am. Ord. passed 1-11-1972; Am. Ord. passed 7-3-1972; Am. Ord. passed 2-14-1995; Am. Ord. passed 6-12-2012)

Cross reference:

Sign regulations schedule, see Appendix D

Yard and height requirements in business and residential districts, see Appendix A and Appendix B

§ 153.032 B-1 ZONES: NEIGHBORHOOD BUSINESS.

Within the B-1 zones as shown on the zoning map, incorporated by reference in § 153.021, the following regulations shall apply.

(A) *Permitted uses.* Refer to Permitted Use Table (remove list below)

- (1) Any use permitted in the O and I-1 zones.
- (2) Business offices.
- (3) Auto service stations.
- (4) Eating and drinking establishments.
- (5) Groceries.
- (6) Banks and financial institutions.
- (7) Barbershops and beauty parlors.
- (8) Parking facilities.
- (9) Florist shops.
- (10) Hardware stores.
- (11) Automatic laundries.
- (12) Indoor recreation.
- (13) Radios and television repair shops.
- (14) Drugstores.

(15) Furniture and household appliance stores.

(16) Shoe shops.

(17) Tailor shops.

(18) Newsstands.

(19) Funeral homes.

(20) Alcoholic beverage package stores.

(21) Dry cleaning establishments.

(22) Any use which may be construed to be a promotional activity sponsored by or for either of the following:

(a) Provided that no gaming, gambling, or similar (related) activities are permitted to be conducted as a part of or accessory to the temporary use;

(b) Provided that no temporary permitted use shall be permitted for a period of time exceeding ten consecutive days.

(c) Provided that no temporary use shall begin until 9:00 a.m. and shall not extend beyond 12:00 midnight;

(d) Provided that no permit for a temporary permitted use shall be granted by the Inspections Superintendent until permission therefor has first been granted by the Board of Aldermen;

(e) Provided further that no temporary permitted use shall be located within 400 feet of a residential use.

(B) *Required lot area, lot widths and yards.* Buildings used wholly or in part for residential purposes shall comply with the requirements for R-6 zones. Buildings used for other permitted uses shall have a minimum front yard of 30 feet, provided that where the lot abuts on the side or rear of a residential zone, such buildings shall have a minimum side yard of eight feet on the abutting side, and a minimum rear yard of 20 feet on the abutting rear. For the purpose of this provision, where properties are separated by a street, or alleyway such properties are deemed abutting.

(C) *Height.* All buildings shall comply with the height requirements for residential zones.

(D) *Off-street parking.* Off-street parking space shall be provided by all uses as required by § 153.042.

(E) *Off-street loading.* Off-street loading space shall be provided by all uses as required by § 153.044.

(F) *Signs.* For the purpose of advertising any use permitted in this zone the regulations of §§ 153.080 through 153.087 shall apply.

(Ord. passed 11-3-1970; Am. Ord. passed 7-3-1972)

Cross reference:

Sign regulations schedule, see Appendix D

Yard and height requirements in business and residential districts, see Appendix A and Appendix B

§ 153.033 B-2 ZONES: HIGHWAY BUSINESS.

Within the B-2 zones, as shown upon the zoning map of the town, incorporated by reference in § 153.021, the following regulations shall apply.

A Permitted uses. Refer to Permitted Use Table (remove list below)

- (1) Any use permitted in the R-6 zones.
- (2) Auto service stations.
- (3) Restaurants and other eating establishments.
- (4) Drugstores.
- (5) Barbershops and beauty shops.
- (6) Places of indoor recreation and entertainment.
- (7) Places of outdoor recreation and entertainment not to include auto racetracks.
- (8) Motels, hotels, tourist homes, and boardinghouses.
- (9) Dry cleaning establishments.
- (10) Grocery stores and other retail business or service establishments not otherwise referred to in this section that are consistent with the purposes of this section and specifically cater to the needs of the traveling public.

- (11) Alcoholic beverage package stores.
- (12) Bank and financial institutions.

(13) Any use which may be construed to be a promotional activity sponsored by or for either of the following:

- (a) Trade or professional associations;
- (b) Civic, religious, charitable or eleemosynary groups:
 1. Provided that no gaming, gambling, or similar (related) activities are permitted to be conducted as a part of or accessory to the temporary use;
 2. Provided that no temporary permitted use shall be permitted for a period of time exceeding ten days;
 3. Provided that no temporary use shall begin until 9:00 a.m. and shall not extend beyond 12:00 midnight;
 4. Provided that no permit for a temporary permitted use shall be granted by the Zoning Officer until permission therefore has first been granted by the Board of Aldermen;
 5. Provided further that no temporary permitted use shall be located within 400 feet of a residential use.

(14) Coin operated laundries.

(15) Professional photography studios.

(16) Electronic gaming operation(s), provided the following provisions are met:

- (a) That such uses provide, at minimum, off-street parking consistent with § 153.042(J), Other Business or Service Uses, and requiring one parking space for each 200 square feet of gross floor area;
- (b) That no electronic gaming operation be located within 500 linear feet of the property line of any church/house of worship or any public or private elementary, middle, or high school, library, public park or playground, day care center, or residential-zoned district;

- (c) That no two electronic gaming operations be located within 1,000 linear feet of each other;
- (d) That no electronic gaming operation have more than 25 total electronic gaming machines or terminals;

(e) That electronic gaming operations shall apply for and obtain a license from the Board of Aldermen to operate, and have fully paid, up-to-date, all required license fees as proscribed within the "Privilege and Business License Fee Schedule" for the Town of Dallas. No such license shall be transferable.

(f) That electronic gaming operations shall be further regulated by Chapter 113: Game Rooms of the Dallas Code of Ordinances;

(g) That during hours of operations, electronic gaming operations shall be open for direct, unobstructed access by all safety and enforcement personnel, and that all exit doors shall remain unlocked while patrons are on the premises;

(h) That no one under the age of 18 be allowed within the premises of an electronic gaming operation.

(B) *Required lot area, lot widths and yards.* Buildings or structures used wholly or in part for residential purposes shall comply with the requirements for R-6 zones. Buildings used for other permitted uses where the lot abuts on the side or the rear of a residential zone shall have minimum side yard of eight feet on the abutting side, and a minimum rear yard of 20 feet on the abutting rear. For the purpose of this provision, where properties are separated by a street or alleyway, such properties are deemed abutting.

(C) *Height.* All buildings shall comply with the height requirements for residential zones.

(D) *Off-street parking.* Off-street parking shall be provided by all uses as required by § 153.042.

(E) *Off-street loading and unloading.* Off-street loading and unloading space shall be provided by all uses as required by § 153.044.

(F) *Signs.* For the purpose of advertising any use permitted in this zone the regulations of §§ 153.080 through 153.087 shall apply.

(Ord. passed 11-3-1970; Am. Ord. passed 1-11-1972; Am. Ord. passed 7-3-1972; Am. Ord. passed 9-20-1994; Am. Ord. passed 6-8-2010; Am. Ord. passed 6-12-2012)

Cross reference:

Sign regulations schedule, see Appendix D

Yard and height requirements in business and residential districts, see Appendix A and Appendix B

§ 153.034 B-3 ZONE: CENTRAL BUSINESS.

Within the B-3 zones as shown on the zoning map of the town, incorporated by reference in § 153.021, the following regulations shall apply.

A Permitted uses. Refer to Permitted Use Table (remove list below)

- (1) Any use permitted in B-1 zones.
- (2) Retail stores, offices, garages, greenhouses and retail stores conducting incidental and secondary wholesale departments.
- (3) Public utility storage or service yards.

- (4) Newspaper officers or printing plants.
- (5) Dry cleaning and pressing plants.
- (6) Freezer lockers.
- (7) Auto sales and service.
- (8) Auto parts and supplies (new).
- (9) Auction house.
- (10) Automobile laundries and automatic car washing establishments.
- (11) Adaptive reuse of historic building (this is subject to the issuance of a conditional use permit by the Board of Alderman in accordance with § 153.073(B) through (H).
- (B) *Required lot area, lot widths and yards.* Buildings or structures used wholly or in part for residential purposes shall comply with the requirements for R-6 zones. Buildings used for other permitted uses where the lot abuts on the side or the rear of a residential zone shall comply with the provisions of § 153.044(B).
- (C) *Height.* No building or structure shall exceed 80 feet in height.
- (D) *Off-street loading and unloading.* Off-street loading and unloading space shall be provided for all uses as required by § 153.044.
- (E) *Signs.* For the purpose of advertising any use permitted in this zone the regulations of §§ 153.080(B), 153.081, 153.085(E) through (H) and 153.086 shall apply.
- (Ord. passed 11-3-1970; Am. Ord. passed 7-3-1972; Am. Ord. passed 9-24-1997; Am. Ord. passed 4-14-1999; Am. Ord. 11-13-2001)

Cross reference:

Sign regulations schedule, see Appendix D

Yard and height requirements in business and residential districts, see Appendix A and Appendix B

§ 153.035 B-3P ZONE: CENTRAL BUSINESS DISTRICT PERIMETER.

Within the B-3P zones as shown on the zoning map of the town, incorporated by reference in § 153.021, the following regulations shall apply.

(A) Permitted uses. Refer to Permitted Use Table (remove list below)

- (1) Any use permitted in B-3 zones.
- (2) Hotels, motels and assembly halls.
- (3) Advertising signs.
- (4) Adaptive reuse of historic buildings (this is subject to the issuance of a conditional use permit by the Board of Alderman in accordance with § 153.073(B) through (H).
- (B) *Required lot area, lot widths and yards.* Buildings or structures used wholly or in part for residential purposes shall comply with the requirements for R-6 zones. Buildings used for other permitted uses where the lot abuts on the side or the rear of a residential zone shall comply with the provisions of § 153.044(B).

- (C) *Height.* No building or structure shall exceed 80 feet in height.
- (D) *Off-street parking.* Off-street parking shall be provided shall by all uses as required by § 153.042.
- (E) *Off-street loading and unloading.* Off-street loading and unloading space shall be provided by all uses as required by § 153.044.
- (F) *Signs.* For the purpose of advertising any use permitted in this zone the regulations of §§ 153.080 through 153.087 shall apply.
- (Ord. passed 11-3-1970; Am. Ord. passed 7-3-1972; Am. Ord. 11-13-2001)

Cross reference:

Sign regulations schedule, see Appendix D

Yard and height requirements in business and residential districts, see Appendix A and Appendix B

~~§ 153.036 B-4 ZONES: GENERAL BUSINESS.~~ REMOVE SECTION (NOT IN USE)

Within the B-4 zones as shown on the zoning map of the town, incorporated by reference in § 153.021, the following regulations shall apply.

(A) Permitted uses.

- (1) Any use permitted in the B-3 zones.
- (2) Wholesale and jobbing plants.
- (3) Bottling plants.
- (4) Cold storage plants.
- (5) Storage warehouses and yards, except storage of salvage.
- (6) Laundries.
- (7) Trailer sales and service.
- (8) Veterinary hospitals and commercial kennels.
- (9) Automobile laundries and automatic car washing establishments.

(B) *Required lot area, lot widths and yards.* Buildings or structures used wholly or in part for residential purposes shall comply with the requirements for R-6 zones. Buildings used for other permitted uses where the lot abuts on the side or the rear of a residential zone shall comply with the provisions of § 153.032(B).

(C) *Height.* No building or structure shall exceed 65 feet in height.

(D) *Off-street parking.* Off-street parking space shall be provided for all uses as required by § 153.042.

(E) *Off-street loading and unloading.* Off-street loading and unloading space shall be provided for all uses as required by § 153.044.

(F) *Signs.* For the purpose of advertising any use permitted in this zone the regulations of §§ 153.080 through 153.087 shall apply.

(Ord. passed 11-3-1970; Am. Ord. passed 7-3-1972)

Cross reference:

Sign regulations schedule, see Appendix D

Yard and height requirements in business and residential districts, see Appendix A and Appendix B

§ 153.037 I-1 ZONES: LIGHT INDUSTRIAL

REMOVE SECTION
(NOT IN USE)

Within the I-1 zones as shown on the zoning map of the town, incorporated by reference in § 153.021, the following regulations shall apply

(A) Permitted uses.

- (1) Any use permitted in the B-4 zones.
- (2) Fabrication of the following products, not to include the manufacture or processing of raw products or operations likely to be detrimental to the health, safety or general welfare of the community through the creation of fumes, dust, smoker noise or vibration.
 - (a) Clothing and cloths.
 - (b) Bedding.
 - (c) Leather goods, not to include processing or storage of raw hides.
 - (d) Paper products, not to include the manufacturing of paper.
 - (e) Plastic containers and similar plastic products.
 - (f) Metal products.
- (3) Transportation terminals.

(B) *Required lot area lot widths and yards.* Buildings or structures used wholly or in part for residential purposes shall comply with the requirements for R-6 zones. Buildings used for other permitted uses where the lot abuts on the side or the rear of a residential zone shall comply with the provisions of § 153.032(B)

(C) *Height.* Buildings used wholly or in part for residential purposes may exceed 35 feet in height, but for each five feet or fraction thereof an additional height above 35 feet, each yard shall be increased five feet over the minimum requirements.

(D) *Off-street parking.* Off-street parking space shall be provided as required by § 153.042.

(E) *Off-street loading and unloading.* Off-street loading and unloading space shall be provided as required by § 153.044.

(F) *Signs.* For the purpose of advertising any use permitted in this zone the regulations of §§ 153.080 through 153.087 shall apply.

(Ord. passed 11-3-1970; Am. Ord. passed 7-3-1972)

Cross references:

Sign regulations schedule, see Appendix D

Yard and height requirements in business and residential districts, see Appendix A and Appendix B

§ 153.038 I-2 ZONES: GENERAL INDUSTRIAL

Within the I-2 zones as shown on the zoning map of the town, incorporated by reference in § 153.021, the following regulations shall apply.

(A) Permitted uses. Refer to Permitted Use Table (remove list below)

- (1) Any use permitted in I-1 zones.
- (2) Welding shops.
- (3) Fairs, carnivals and similar transient amusement enterprises.
- (4) Trailer camps.
- (5) Manufacturing, servicing, processing, assembling, and fabricating the following products:
 - (a) Wood and wood products, including furniture.
 - (b) Textiles.
 - (c) Metals and metal products.
 - (d) Household appliances.
 - (e) Clothing including hosiery.
 - (f) Glass.
 - (g) Electric and electronic products.
 - (h) Food and food products, not to include slaughterhouses and abattoirs.
 - (i) Bedding, pillows and carpets.
 - (j) Animal feeds.
 - (k) Ice.
 - (l) Leather goods.
 - (m) Machine tools.
 - (n) Paints.
 - (o) Pottery, porcelain, and vitreous china.
 - (p) Soaps, detergents and washing compounds.
 - (q) Rubber products.
 - (r) Paper products.
 - (s) Building materials.
 - (t) Chemicals.
 - (u) Automobile accessories.
 - (v) Microbreweries.

(B) *Required lot area, lot widths and yards.* Buildings used wholly or in part for residential purposes shall comply with the requirements for R-6 zones. Buildings used for other permitted uses where the lot abuts on the side or the rear of a residential zone shall comply with the provisions of § 153.032(B).

(C) *Height.* Buildings used wholly or in part for residential purposes may exceed 35 feet in height, but for each five feet or fraction thereof of additional height above 35 feet, each yard shall be increased five feet over the minimum requirements.

(D) *Off-street parking.* Off-street parking spaces shall be provided as required by § 153.042

(E) *Off-street loading and unloading.* Off-street loading and unloading space shall be provided as required by § 153.044.

(F) *Signs.* For the purpose of advertising any use permitted in this zone the regulations of §§ 153.080 through 153.087 shall apply.

(Ord. passed 11-3-1970; Am. Ord. passed 7-3-1972; Am. Ord. passed 12-4-2015)

Cross reference:

Sign regulations schedule, see Appendix D

Yard and height requirements in business and residential districts, see Appendix A and Appendix B

~~§ 153.039 I-2L ZONE- GENERAL INDUSTRIAL LIMITED.~~ REMOVE SECTION (NOT IN USE)

Within the I-2L zones as shown on the zoning map of the town, incorporated by reference in § 153.021, the following regulations shall apply.

(A) *Permitted uses.*

- (1) Auto wrecking or junk yards.
- (2) Gasoline, oil, or alcohol storage above ground, provided a permit is obtained from Bureau of Fire Prevention as required by Fire Prevention Code.
- (3) Mixing plants for concrete or paving materials.
- (4) Stone crushing, cutting and polishing.
- (5) Storage of materials and equipment outdoors.
- (6) Hatcheries.
- (7) Abattoirs and slaughterhouses.

(B) *Required lot area, lot widths and yards.* Buildings used wholly or in part for residential purposes shall comply with the requirements for the R-6 zones. Buildings used for other permitted uses where the lot abuts on the side of the rear of a residential zone shall comply with the provisions of § 153.032(B).

(C) *Height.* Buildings used wholly or in part for residential purposes may exceed 35 feet in height, but for each five feet or fraction thereof of additional height above 35 feet, each yard shall be increased five feet over the minimum requirements.

(D) *Off-street parking.* Off-street parking space shall be provided as required by § 153.042.

(E) *Off-street loading and unloading.* Off-street loading and unloading space shall be provided as required by § 153.044.

(F) For the purpose of advertising any use permitted in this zone the regulations of §§ 153.080 through 153.087 shall apply.

(Ord. passed 11-3-1970; Am. Ord. passed 7-3-1972)

Cross reference:

Sign regulations schedule, see Appendix D

Yard and height requirements in business and residential districts, see Appendix A and Appendix B

~~§ 153.040 EI-1 ZONES- EXCLUSIVE INDUSTRIAL.~~ REMOVE SECTION (NOT IN USE)

Within the EI-1 zones as shown on the zoning map of the town, incorporated by reference in § 153.021, the following regulations shall apply.

(A) *Permitted uses.*

- (1) The manufacturing servicing, processing, assembling, and fabricating of the following products:
 - (a) Wood and wood products including furniture.
 - (b) Textiles.
 - (c) Metals and metal products.
 - (d) Household appliances.
 - (e) Clothing, including hosiery.
 - (f) Glass.
 - (g) Electric and electronics products.
 - (h) Foods and food products not to include abattoirs and slaughterhouses.
 - (i) Bedding, carpets and pillows.
 - (j) Leather goods, not to include the curing or tanning of raw hides and skins.
 - (k) Machine tools.
 - (l) Paints.
 - (m) Pottery porcelain and vitreous china.
 - (n) Soap, detergents and washing compounds.
- (2) Rubber products.
- (3) Paper products.
- (4) Automobile accessories.
- (5) Wholesale warehouses and distribution centers.
- (6) Data processing and computer centers.

(B) *Required yards:*

Front yards: 50 feet;

Side yards: 25 feet;

Rear yards: 20 feet

(C) *Height.* No building or structure shall exceed 50 feet in height.

- (D) *Off-street parking.* Off-street parking space shall be provided for all uses as required by § 153.042.
- (E) *Off-street loading and unloading.* Off-street loading and unloading space shall be provided for all uses as required by § 153.044.
- (F) For the purpose of advertising any use permitted in this zone the regulations of §§ 153.080 through 153.087 shall apply.

(G) *Sales.*

- (1) All sales, whether retail or wholesale, shall be conducted indoors and shall be limited to the sale of those products which are manufactured, serviced, assembled or fabricated on the premises.
- (2) Ownership of any retail sales outlet shall be the same as that of the manufacturing, servicing assembling or fabricating use.

(Ord. passed 11-3-1970; Am. Ord. passed 7-3-1972)

Cross reference:

Sign regulations schedule, see Appendix D

Yard and height requirements in business and residential districts, see Appendix A and Appendix B

REMOVE SECTION
(NOT IN USE)

~~§ 153.041 - EX-1 ZONES, EXTRA-CITY INDUSTRIAL.~~
Within the EX-1 zones as shown on the zoning map of the town, incorporated by reference in § 153.021, the following regulations shall apply.

- (A) *Permitted uses.*
 - (1) Farming, truck gardening, raising of livestock and nurseries.
 - (2) Public or private utilities, buildings and appurtenances.
- (B) *Required yards.*

(1) In no case shall any structure, storage area, truck loading or appurtenance be located within 50 feet of the operators property line.

(2) No excavation or processing shall be conducted within 100 feet of the operators property line.

(C) *Required fencing.* The quarry area being excavated shall be entirely enclosed within a fence, referred to in the trade as a non-climbable fence. The fence shall be a minimum of six feet in height, of a wire mesh, rectangular shape, the size of such rectangle not to exceed two inches by four inches, and is to be located a minimum of ten feet back from the edge of the excavated area.

(D) *Height.* No building or structure shall exceed 100 feet in height.

(E) *Off-street parking.* Off-street parking space shall be provided for all uses as required by § 153.042.

(F) *Off-street loading and unloading.* Off-street loading and unloading space shall be provided for all uses as required by § 153.044.

(G) For the purpose of advertising any use permitted in this zone the regulations of §§ 153.080 through 153.087 shall apply.

(H) *Access.* An access road shall be maintained for any use permitted from the property in a dust-free condition, until such time as the maintenance of the access road is assumed by the North Carolina Highway Commission.

(I) *Operative requirement.*

- (1) Records shall be made and maintained of all blasting or explosive activity taking place on the site. Such records shall be in sufficient detail and completeness to enable technically qualified experts to determine that safe and non-objectionable maximum limits are not being exceeded. In no case, however, shall the ground motion, measured in the home or business establishment of the nearest neighbor, exceed the movement as hereinafter shown:

Frequency of ground motion in cycles per second	Maximum amplitude of ground motion in inches
Up to 10	Not more than 0.0305
20	0.0153
30	0.0102
40	0.0076
50	0.0061
60	0.0051

- (2) Operators shall take such reasonable measures as are necessary to minimize the creation and emission of noise, dust, vibration, glare and odor from their extractive industry operations.

(I) *Abandonment of site.* Upon the permanent abandonment of all extractive activity upon site, the Board of Aldermen shall consider rezoning it to its best and most desirable use, taking into consideration the then existing use and zoning of surrounding properties.

(Ord. passed 11-3-1970; Am. Ord. passed 7-3-1972)

Cross reference:

Sign regulations schedule, see Appendix D

Yard and height requirements in business and residential districts, see Appendix A and Appendix B

§ 153.042 OFF-STREET PARKING REQUIREMENTS.

(A) In all business and industrial zones, except the P-3 zone which is specifically exempt from the provisions of this section, there shall be provided, at the time of the erection of any building or structure, or at the time any principal building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area, permanent off-street parking space in the amount specified in this section.

(B) In all residential and office and institutional zones, there shall be provided, at the time of the erection of any building or structure, or at the time any principal building or structure is enlarged or increased in capacity adding dwelling units, guest rooms, seats or floor area, or before conversion of any building or structure from one zoning use to another, permanent off-street parking space in the amount specified in this section.

(C) The off-street parking space required by this section shall be permanent open space and shall not be used for any other purpose. Wheel stops or curb shall be provided where necessary to prevent any vehicle from encroaching on adjacent property, on any street right-of-way or on the area within ten feet of such right-of-way as specified in division (F) below.

Consistency Statement for Permitted Uses Revision

_____The proposed update of the Town’s permitted uses chart and consolidation of ordinances guiding land use and development across all zones is consistent with the adopted 2003 Land Use Plan as it promotes a healthy and vibrant downtown area, provides for a mix of housing choices that complements the Town’s character, and allows for further development of both office and industrial sites within the community. These text amendments are therefore deemed reasonable and in the public’s best interest in order to clarify permitted uses for residents and developers alike, and promote targeted and intentional development across all zones within Town limits.

OR

Write-In:

Curtis Wilson, Chairman

Date

§ 153.045 NON-CONFORMING USES, BUILDINGS AND STRUCTURES.

(A) *Non-conforming uses.*

(1) A non-conforming use shall not be extended; except, however, a non-conforming use of any building may be extended to any portion or portions of said building which were at the time such use became non-conforming manifestly arranged or designed for such use.

(2) No structural alterations shall be made in a building housing a non-conforming use, except those required by law or ordinance or ordered by an authorized officer to secure the safety of the building.

(3) The non-conforming use of any building or structure which is damaged to an extent exceeding 50% of its then reproduction value, exclusive of foundations, by fire, flood, explosion, earthquake, war, riots or Act of God, shall be discontinued, and such building or structure shall thereafter be used only in conformance with the provisions of the zone in which located.

- a) **Any non-conforming use in existence 5 years prior to (Adoption Date of Ordinance) that is located within the B-3 Central Business District may continue to operate as its current non-conforming use in the event that the building or structure housing the non-conforming use is damaged by fire, flood, explosion, earthquake, war, riots or Act of God, regardless of the extent of damages, as long as business operations are not discontinued for longer than 9 months.**

(4) A non-conforming use shall not be changed to any but a conforming use. When a non-conforming use has been changed to a conforming use it shall not be changed again to any non-conforming use.

(5) No changes shall be made in the landscaping, grading of the lot, or external appearances of a non-conforming use without the grant by the Board of Adjustment of a special exception authorizing such change. The Board shall grant such an exception only upon an affirmative finding that the proposed change will have no adverse effect upon neighboring properties or upon the public and safeguards upon any such special exception which it grants for the further protection of neighboring properties in the public welfare.

(B) *Non-conforming buildings or structures.* Non-conforming buildings or structures shall be allowed to remain subject to the following provisions:

(1) A non-conforming building or structure shall not be extended unless such extension shall comply with all the requirements of this chapter for the zone in which it is located.

(2) A non-conforming building or structure which is damaged to an extent exceeding 75% of its then reproduction value, exclusive of foundation by fire, flood, explosion, earthquake, war, riot or Act of God, shall not be reconstructed except in conformance with the provisions of this chapter.

(3) Non-conforming signs or billboards shall be eliminated or changed to conform with the provisions of this chapter within 18 months of the date such signs or billboards become non-conforming.

PROPOSED TEXT AMENDMENT

Consistency Statement:

_____The proposed text amendment to 153.045 is consistent with the 2014 Town Center Plan as it protects long-standing small independent businesses that help to provide a “sense of place” to Dallas’ historic Town Square, and is therefore deemed reasonable and in the public’s best interest.

OR

_____The proposed text amendment to 153.045 is consistent with the 2003 Land Use Plan as the continued use of structures on Town Square adds to the economic vitality of the area while honoring the historic character of these businesses and the structures they are contained within, and is therefore deemed reasonable and in the public’s best interest.

OR

_____The proposed text amendment to 153.045 is NOT consistent with the 2014 Town Center Plan as it constrains new development opportunities needed for the revitalization of Town Square, and is therefore deemed unreasonable and not in the public’s best interest. By allowing existing non-conforming uses to continue operating in the event that significant damage occurs, the proposed amendment would prevent these locations from being rehabilitated into restaurants, snack shops, small independent businesses that cater to local trade, antique stores, and artist’s studios.

OR

_____The proposed text amendment to 153.045 is NOT consistent with the 2003 Land Use Plan as a non-conforming use alone does not add to the Community Image and Historic Preservation Goals of maintaining and enhancing the aesthetic qualities and physical character of the Town, and does not help to ensure the proper upkeep of downtown storefronts. This text amendment is therefore deemed unreasonable and not in the public’s best interest.

Curtis Wilson, Chairman

Date