

# **Town of Dallas Planning Board Meeting**

## **Agenda**

**Thursday, December 19, 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- November 21, 2019
- 8.** Old Business
  - a. Text Amendments: Conditional Zoning
  - b. Town of Dallas Street and Traffic Standards Policy
- 9.** Other business
- 10.** Adjournment

# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: Transition to Conditional Zoning

AGENDA ITEM NO. 8A

MEETING DATE: 12/17/2019

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### BACKGROUND INFORMATION:

In the November meeting, the Planning Board recommended the included conditional zoning text be adopted, but did not adopt a consistency statement along with that recommendation.

After that meeting, Gaston County's Planning Director, Mr. David Williams, shared the benefits of Conditional Zoning from the County's perspective at the Board of Alderman's work session, and the Board of Alderman agreed that this change would be beneficial for the Town.

In order to schedule a public hearing for this text amendment in January, the Planning Board needs to adopt a consistency statement to be included along with their recommendation.

Staff has included a sample consistency statement for your consideration.

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### BOARD ACTION TAKEN:

## CONDITIONAL DISTRICTS AND CONDITIONAL USE PERMITS

### § 153.070 INTENT

~~—The establishment of conditional use districts (CUD) and issuance of appropriate conditional use permits (CUP) provide important flexibility to this chapter. It is recognized that certain types of zoning districts would be inappropriate at particular locations in the absence of special conditions. By means of controls exercised through this subchapter, property uses normally undesirable in certain locations, can be developed to minimize harmful and incompatible effects to an acceptable level for surrounding properties and public service systems. Applications for CUD's and CUP's are intended for firm development proposals and are neither intended nor suited for securing early zoning for tentative used that may not be undertaken for an extended period of time.~~

The establishment of conditional districts (CD) and issuance of appropriate conditional use permits (CUP) provide important flexibility to this chapter. It is recognized that certain types of zoning districts would be inappropriate at particular locations in the absence of special conditions.

The Conditional Zoning (CD) District process allows for the establishment of certain uses that, because of their nature or scale, have particular impacts on both the immediate area and the community as a whole. The development of these uses cannot be predetermined or controlled by general district standards. In order to accommodate these uses, this Section establishes the conditional zoning district process. The process for approval of a CD Zoning District is explained in **Section 153.072**.

The rezoning of any parcel of land to a CD district shall be a voluntary process initiated by the property owner or his authorized agent. Any area rezoned to a CD district shall be in strict compliance with the goals, objectives and implementation strategies of the Town of Dallas' most current Future Land Use Plan and all other plans and regulations officially adopted by the Town of Dallas Board of Alderman. The review process established in this Section provides for the accommodation of such uses by a reclassification of property into a CD district, subject to specific conditions (which may exceed those that would otherwise be required for the use in question), which ensure compatibility of the use with the enjoyment of neighboring properties and in accordance with the general plans of development of the Town. A conditional zoning district is not intended for securing early zoning for a proposal.

### **§ 153.071 PARALLEL CONDITIONAL USE DISTRICTS ESTABLISHED. (Remove)**

### **§ 153.072 CONDITIONAL USE DISTRICTS; APPLICATION, PERMITTED USES AND DEVELOPMENT REQUIREMENTS.**

~~(A) Applications for the establishment, expansion or alternation of conditional use districts shall be submitted and reviewed in accordance with the provision of the chapter relating to amendments and changes to this chapter. To be eligible to request a CUD designation, an applicant must own the property at the time of the request. An application for CUD designation must be accompanied with an application for conditional use permit in accordance with § 153.073. Following approval by the Board of Aldermen of a parallel conditional use district, the~~

## CONDITIONAL DISTRICTS AND CONDITIONAL USE PERMITS

~~property for which approval was granted shall be identified on the official zoning map for the town.~~

~~(B) Within a CUD, no use shall be permitted except pursuant to a conditional use permit authorized by the Board of Aldermen which shall specify the use or uses authorized. Potential uses which may be requested for a parallel conditional use district shall be restricted to those uses permitted in the corresponding general zoning district. Uses permitted in CUP's shall be subject to all applicable development standards and requirements for that use listed in the corresponding general zoning districts as well as any additional requirements specified by a conditional use permit granted in accordance with § 153.073.~~

A. *Purpose:* The "parallel conditional" district (CD) approval process is established to address those situations when a particular use may be acceptable but the general zoning districts which would allow that use would not be acceptable. Such zones may be approved or changed only by the Planning Board or Board of Alderman in accordance with the regulations contained herein. The review process established herein provides for the accommodation of such uses by a reclassification of property into a "parallel conditional" district.

1. Rezoning of property to any parallel conditional district is a voluntary procedure on the part of the property owner.
2. Any use permitted under this process also must conform to the development regulations for the corresponding general zoning district.
3. Unlike requests for rezoning to a general zoning district, applications for CD zoning may be filed only by the owner of the property in question or the owner's authorized agent
4. Provisions for seeking conditional use approval without an associated request for CD zoning are contained in **Section 153.073** of this Ordinance.

### B. *Application Process*

1. Petitioning for a CD zoning district is a voluntary procedure and can be initiated only by the owner(s) of the property(ies) in question or by his/her authorized agent. No CD zoning district may be established until an application has been submitted and the Board of Alderman has approved such application. The Administrator shall schedule a meeting with the applicant, prior to any public information meeting (PIM) being advertised and/or held to review the rezoning application.
2. Furthermore, no application shall be considered complete unless it is accompanied by all items required by this section and a fee, in accordance with a fee schedule approved by the governing board for the submittal of an application for rezoning to a CD district. Said fee shall be waived for any application submitted by any

## CONDITIONAL DISTRICTS AND CONDITIONAL USE PERMITS

official or agency acting on behalf of the Town of Dallas, Gaston County or the State of North Carolina.

3. The Administrator may require the petitioner to submit more than one copy of the rezoning application in order to have enough copies available to circulate to other government agencies for review and comment. When dealing with the conditional zoning district process, it may be desirable to request additional information in order to evaluate a proposed use and its relationship to the surrounding area. Therefore, the Planning Board or Board of Alderman may request additional information as they deem necessary.

### *C. Public Involvement Meeting.*

1. Before a public hearing may be held on a petition for a parallel conditional zoning district, the petitioner must file with the planning department a written report of at least one community meeting held by the petitioner. The community meeting shall be held prior to the public hearing before the Planning Board.
2. Written notice of such a meeting shall be given to the property owners and organizations entitled to notice as provided by **Section 153.124**.
3. The report shall include among other things, a listing of those persons and organizations contacted about the meeting and the manner and date of contact, the date, time and location of the meeting, and a description of any changes to the rezoning petition made by petitioner as a result of the meeting. In the event the petitioner has not held at least one meeting pursuant to this subsection, the petitioner shall file a report documenting efforts that were made to arrange such a meeting and stating the reasons such a meeting was not held. The adequacy of a meeting held or report filed pursuant to this section shall be considered by the Planning Board and/or the Board of Alderman but shall not be subject to judicial review.

### *D. Submittal to Zoning Administrator.*

Before any property is rezoned to a CD district, the application must be reviewed by the Planning Board, and a public hearing first must be held by the Board of Alderman. Upon submission of a completed application, the applicant will be informed of the dates of the meetings and public hearing. The Planning Board review shall be held first and shall take place no sooner than five (5) weeks after the complete application has been submitted to the zoning administrator. Notification of the public hearings shall be made as provided by **Section 153.124**.

### *E. Planning Board Review.*

Once the Planning Board public hearing has been concluded, the Planning Board shall have up to forty-five (45) days to render a recommendation on the parallel conditional rezoning. Any recommendation on a parallel conditional district rezoning shall be accompanied by a statement describing whether the action is consistent with an adopted comprehensive plan and any other officially adopted plan that is applicable and explaining why the Planning Board considers the action taken to be reasonable and in the public interest. Once a recommendation is received by the Planning Board, the Administrator will coordinate with the applicant to set a date for the public hearing to be held at a Board of Alderman meeting, to be followed by a decision.

## CONDITIONAL DISTRICTS AND CONDITIONAL USE PERMITS

### *F. Board of Alderman Action.*

Any public hearing held by the Board of Alderman pertaining to the zoning of a property to a CD district must be conducted within sixty (60) days of the date of recommendation. The Board of Alderman may open and continue this hearing and take action at a later date. The Board of Alderman will be apprised of the Planning Board's previous actions on the matter at hand. Any decision on a parallel conditional district rezoning shall be accompanied by a statement describing whether the action is consistent with an adopted comprehensive plan and any other officially adopted plan that is applicable and explaining why the Board of Alderman considers the action taken to be reasonable and in the public interest.

### *G. Conditions to Approval of Petition.*

The decision to rezone property to a CD district shall be legislative in nature. In approving a petition for the reclassification of a piece of property to a CD district, the Board of Alderman may require that reasonable and appropriate conditions be attached to approval of the petition. Such conditions shall be limited to those that address the conformance of the development and use of the site to Town Ordinances and an officially adopted comprehensive or other plan and those that address the impacts reasonably expected to be generated by the development or use of the site. The petitioner will have a reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the governing board. In no instance shall any of these conditions be less restrictive than any requirements that would otherwise pertain to that particular development if it were located in a general or parallel conditional use zoning district. Such conditions may exceed any performance criteria or minimum requirements listed elsewhere in this Ordinance that pertain to that development. Statements that (1) analyze whether the rezoning is consistent with an adopted comprehensive plan and any other officially adopted plan, and (2) other matters that the Town deems appropriate and (3) why it considers the action taken to be reasonable and in the public interest shall be prepared and accompany each final decision relative to the CD rezoning request.

### *H. Payment in Lieu of Open Space Dedication*

1. If open space within a development is physically impractical due to unusual topographic conditions then the Board of Alderman may, at its discretion, accept either an equitable amount of land in another location, or a fee paid to the Town in lieu of dedication, through conditional zoning.

The following formula shall be used to determine the fee:

$(\text{Assessed Value of On-Site Property}) \times ((\text{Yearly Adjusted Inflation Rate}) (\# \text{ of Years since Last Revaluation}) + 1) = \text{Payment in Lieu of Open Space Dedication Fee}$

- a. *Assessed Value of On-Site Property* equals the value of the required amount of land to be dedicated as a percentage of the assessed valuation of the site prior to subdivision. (i.e. If the total acreage is 100 and the total assessed value equals \$500,000 and the required open space dedication is 15 acres, then the Assessed Value of the Open Space Dedication would be 15% of \$500,000 or \$75,000.

CONDITIONAL DISTRICTS AND CONDITIONAL USE PERMITS

- b. *Yearly Adjusted Inflation Rate* is based upon prevailing inflation rates as reported annually in the Wall Street Journal or other reliable financial reporting medium. (i.e. 3%)
- c. *Number of Years Since Last Revaluation* is the total number of years since the last revaluation was conducted by the taxing authority.

Example:

Assessed Valuation: \$75,000

Inflation Rate: 3%

Yrs Since Last Revaluation: 6

**Cost of Off-Site Open Space= \$88,500**

$(75,000) \times ((.03 \times 6) + 1)$ $= \$ 88,500$
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- 2. Payments in lieu of dedication shall be approved as part of the Schematic. Any disagreement in the amount of required payment shall be resolved by conducting a professional appraisal of the fair market value of the property. The professional appraiser shall be mutually agreed upon by the Town or appointed by the Town should an agreement not be reached. All payments made in lieu of dedication shall be made at the time of Construction Document approval. Failure to submit the required fee along with such applications will delay approval of such submissions until payment is rendered. All funds received for payment in lieu of dedication shall be used for the acquisition, development, or redevelopment of public open space within the same general area of the new development; within the Town.

*I. Effect of Approval; Zoning Map Designation.*

If a petition for a CD district is approved, the district that is established and all conditions which may have been attached to the approval are binding on the property as an amendment to the zoning map. Subsequent development on the property in question shall be in accordance to the standards for the approved CD district, the site plan, and any conditions attached to the approval. The applicant shall be responsible for all expenses involved in the dedication of rights-of-way when such dedication is a condition of the rezoning. Following the approval of the petition for a CD district, the subject property shall be identified on the Zoning Map by the appropriate district designation. If a use requiring a conditional use permit is included in the approval of the conditional district, and said conditional use was clearly indicated within the conditions and/or on the approved site plan, and meets all other applicable standards of this Ordinance, no additional hearing is required for the conditional use permit.

*J. Binding Effect.*

The Administrator may approve minor changes in the detail of the approved application. A "minor change" to the approved conditional use permit shall be deemed to be a change which:

- 1. Will not alter the basic relationship of the proposed development to adjacent property;
- 2. Will not increase the gross floor area of any nonresidential use by the smaller of ten (10) percent or ten thousand (10,000) square feet (Note: Such limitations shall be cumulative and shall be based on the gross floor area of the conditional use permit as originally approved);

## CONDITIONAL DISTRICTS AND CONDITIONAL USE PERMITS

3. Will not decrease the off-street parking ratio below the minimum number of parking spaces required by this Ordinance or reduce the yards provided at the periphery of the site, by the lesser of ten (10) feet or ten (10) percent of the current existing yard measurement;
4. Will not increase the height of any structure to the extent that additional usable floor space could be added; or
5. Will not result in an increase in the number of dwelling units constructed;
6. Will not alter the uses permitted.

Further changes to the development may be made only by the Planning Board or Board of Alderman in accordance with this Ordinance.

No certificate of occupancy for a use listed in a conditional district shall be issued for any building or land use on a piece of property unless the building is constructed or used, or the land is developed or used, in conformity with the conditions approved. In the event that only a segment of a proposed development has been approved, the certificate of occupancy shall be issued only for that portion of the development constructed or used as approved.

### *K. Change in CD Zoning.*

Once a petition for rezoning to a CD district has been approved by the Board of Alderman, any request to materially change (i.e., any change other than a "minor change" as defined in Section 153.072(l)) the parallel conditional district shall be considered a new zoning change request. All procedures pertinent to new CD requests as outlined in this Chapter shall be followed.

### *L. Petition Resubmission.*

If a request for CD zoning is denied, a similar application for the same property or any portion thereof shall not be filed until the expiration of a 12-month period from the date of denial. This waiting period shall not be applicable where the application for a conditional use permit is determined by the Administrator to be substantially different from (i.e., not similar to) the original application.

Notwithstanding, the Administrator may allow resubmission of a similar application within said 12-month period if it determines that since the date of action on the prior petition:

1. There has been a significant change in the zoning district classification of an adjacent piece of property; or
2. The governing board has adopted a plan that changes public policy regarding how the property affected by the proposed conditional use should be developed; or
3. Construction or expansion of a road, water line, sewer line, or other such facilities has occurred to serve the property and can accommodate comfortably the intensity of development allowed under the proposed classification; or
4. There has been some other extraordinary change in conditions or circumstances, outside the control of the petitioner, which justifies waiver of the 12-month restriction on a new petition; this, however, shall not include a change in the ownership of the subject property.

## CONDITIONAL DISTRICTS AND CONDITIONAL USE PERMITS

### *L. Petition Withdrawal.*

An applicant who has submitted a complete application for a CD rezoning may withdraw the application prior to a final decision being rendered.

1. If a petition is withdrawn once a public hearing has been advertised (via paper, mail, or on-premises sign), a similar petition submitted by that property owner (or his agent) shall not be accepted by the Administrator within one hundred (180) days of the date of withdrawal. (Note: The purpose of this is to allow petitions to be withdrawn without penalty prior to the posting of any public hearing notices or submittal of such notice to the newspaper of general circulation.)
2. If said petition is otherwise withdrawn within 2 business days of a public hearing where a final decision may have been otherwise rendered, a similar petition submitted by that property owner/or his agent shall not be accepted by the Administrator within one year of the date of withdrawal.

### *M. Appeals.*

An appeal to the decision of the Board of Alderman shall be filed with the Clerk of Superior Court in the nature of certiorari in accordance with G.S. 160A-388(e) within thirty (30) days after the Board of Alderman's decision.

## **§ 153.073 CONDITIONAL USE PERMITS; APPLICATION, PROCEDURES, FINDINGS AND CONDITIONS.**

The following procedures pertain to conditional use permits that are not associated with a Conditional Use Districts (CD). Refer to **Section 153.072** for procedures to be followed in association with Conditional District requests.

### *A. Purpose*

There are many uses identified in **Appendix C** that are "uses by right" and that are allowed "by right" in each general zoning district subject to the use meeting certain area, height, yard and off-street parking and loading requirements. In addition to these uses, there are some uses in these districts that are "conditional uses" and are subject to the issuance of a conditional use permit. The purpose of having conditional uses is to ensure that these uses are compatible with surrounding development and are in keeping with the purposes of the general zoning district in which they are located. There may be some uses that prior to adoption of this Ordinance were allowed as "uses by right" but now are allowed subject to a conditional use permit (CUP). For these uses, any expansion or modification to the uses would be subject to the issuance of a conditional use permit.

~~(A) Requests for conditional use permits as authorized by this subchapter in conditional use districts shall be processed and considered by the same procedure as set forth in this chapter for zoning changes. Applications for a CUP must be filed by an applicant owning the property at the time of the request. The initial request for a CUP must be filed simultaneously with a request for rezoning to a conditional use district. The application may recommend conditions on the permit~~

## CONDITIONAL DISTRICTS AND CONDITIONAL USE PERMITS

~~that will insure that the purpose and intent of this subchapter will be served and the public safety and welfare secured. A site plan shall be submitted when site development conditions are specified. When required, at least one copy of the site plan shall be reproducible. The application may be amended by the applicant before or during public hearings held by the Planning Board and the Board of Aldermen. (The Application for Conditional Use Permit (CUP), on file in the office of the Town Clerk, is incorporated by reference as if set forth in full herein.)~~

### B. Process

1. A pre-application meeting between the applicant and the Administrator shall be required in order to familiarize the applicant of the procedure for securing approval of a conditional use permit. The Administrator shall accept no conditional use permit application for review without such meeting having first occurred unless the Administrator determines that such meeting would not serve any meaningful purpose and waives the meeting requirement.
2. Procedures for application submittal are as follows:
  - a. A complete conditional use permit application that is signed by the applicant and which is accompanied by a submittal fee shall be filed with the Administrator.
  - b. The application shall be accompanied by a drawing or plan, drawn to scale, that includes or is accompanied by the following:
    - i. Name, address and phone number of the property owner (or his agent) and the property identification number of the property
    - ii. A boundary survey and vicinity map, showing the property's total acreage, general location in relation to adjoining streets, railroads and/or waterways, date and north arrow. The zoning classification of the property in question and contiguous properties shall also be shown. (In lieu of the boundary and survey maps, one or more up-to-date tax maps depicting the area in question may be submitted. Any required drawing or depiction of the proposed development or use shall not appear on the tax maps but rather shall appear on the drawing or plan.)
    - iii. All existing easements, reservations and rights-of-way.
    - iv. The name and addresses of all owners, tax parcel numbers and existing land use(s) of all contiguous properties.
    - v. Proposed use of all land and structures including the number of residential units proposed, if any, and total square footage of nonresidential development.
    - vi. Number and location of all proposed structures, their approximate area and exterior dimensions, height, and proposed number of structures.
    - vii. A description of all screening and landscaping required and/or proposed by the applicant; the delineation of any wooded, landscaped or grassed areas existing prior to development and proposed to remain on the property once the development is completed.
    - viii. Proposed phasing, if any, and approximate completion time for the project.

## CONDITIONAL DISTRICTS AND CONDITIONAL USE PERMITS

- ix. Delineation of areas within the regulatory floodplain as shown on the official Federal Emergency Management Agency (FEMA) flood hazard boundary maps for Gaston County.
- x. Traffic, parking and circulation plans, showing the proposed location and arrangement of parking spaces and ingress and egress to adjacent streets.
- xi. A list of any additional development conditions or standards that differ from those that would normally apply to that use. Only conditions that exceed the Town of Dallas' minimum standards can be considered and listed by the applicant.
- xii. The Administrator reserves the right to waive the depiction of some or all of the information contained above when, in his opinion, such information is not a requirement of this Ordinance for the particular conditional use being requested. Notwithstanding, if either the Planning Board or Board of Alderman determines that such additional information is needed to render a recommendation or decision on the application, they may require the applicant to submit it prior to rendering a decision.
- xiii. In lieu of showing all of the information in paragraphs above, the applicant may submit a general development plan which shows on the proposed site, by land use type, the areas to be developed for buildings and parking and shall show all points of ingress and egress onto thoroughfares and collector streets.

### c. *Additional Information*

In the course of evaluating the proposed conditional use, the Administrator, Board of Adjustment, or Board of Alderman may request additional information from the applicant in order to assist in the review process. A request for such additional information shall stay any further consideration of the application by such agency. Such additional requested information may include (but shall not be limited to) the following:

1. Stormwater drainage plan.
2. Existing and proposed topography at five-foot contour intervals or less.
3. The existing and proposed location of all water and sewer lines and fire hydrants intended to serve the proposed development.
4. Proposed number, type, and location of signs.
5. A traffic impact study of the proposed development prepared by a qualified transportation or traffic engineer or planner. Information requested to be a part of the impact study may include:
  - a. Existing traffic conditions within the study area boundary.
  - b. Traffic volumes generated by the existing and proposed development on the parcel, including the morning peak, afternoon or evening peak, and average annual daily traffic levels.

## CONDITIONAL DISTRICTS AND CONDITIONAL USE PERMITS

- c. The distribution of existing and proposed trips through the street network.
  - d. Analyses of the capacities of intersections located within the study area boundary.
  - e. Recommendations for improvements designed to mitigate traffic impacts and to enhance pedestrian access to the development from the public right-of-way; and
  - f. Other pertinent information, including but not limited to accidents, noise, and impacts of air quality and other natural resources.
6. Drawings of proposed building elevations.
7. An environmental impact statement that includes some or all of the following:
- a. A cover sheet that provides, in summary form, a description of the proposed project;
  - b. A statement of purpose and need of the project;
  - c. For projects proposed by public entities, a list of alternatives of the proposed project;
  - d. A succinct description of the environment affected by the project;
  - e. A discussion of short and long term consequences of the project on the environment including any adverse environmental impacts which cannot be avoided; and
  - f. A list of means that could be employed to mitigate any negative effects on the environment caused by this project.

d. Except as herein provided, no application shall be deemed complete unless it contains or is accompanied by all items listed in **Section 5.11.2(B)** and as may otherwise be required per **Section 5.11.2(C)** and a fee, in accordance with a fee schedule approved by the governing board for the submittal of conditional use permit applications. Said fee shall be waived for any application submitted by any official or agency acting on behalf of the Town of Dallas or the State of North Carolina.

### *D. Public Hearing and Decision.*

1. Once an application is deemed complete, public notice must be given per 153.024 and a public hearing shall be scheduled at the next Board of Adjustment meeting.
2. Once the public hearing has been conducted, the Board of Adjustment shall have up to forty-five (45) days to render a decision on the conditional use permit application from the date their public hearing was concluded. Any such decision shall require the approval of at least three-fourths ( $\frac{3}{4}$ ) of the members of the Board of Adjustment present and not excluded from voting at the meeting at which the decision is made. If a decision on the application is made by a vote of less than three-fourths of such Board of Adjustment membership, or if any person appeals the action of the Board of Adjustment through

## CONDITIONAL DISTRICTS AND CONDITIONAL USE PERMITS

written notice to the City Manager within fifteen (15) days of the Board of Adjustment's decision, the application shall be forwarded to the Board of Alderman for a new public hearing and a final decision. Any public hearing held by the Board of Alderman pertaining to a conditional use permit application must be conducted within sixty (60) days of the date of the appeal. The Board of Alderman may open and continue this hearing and take action at a later date. The Board of Alderman will be apprised of the Board of Adjustment's previous vote on the matter at hand.

3. Any Board of Adjustment and Board of Alderman public hearing relating to a conditional use permit shall be held in a quasi-judicial manner.
4. In approving an application for a conditional use permit, the Board of Adjustment or Board of Alderman may attach fair and reasonable conditions to the approval. Such conditions shall be limited to those that address the conformity of the development and use of the site to Town Ordinances and any officially adopted plan and those that address the impacts reasonably expected to be generated by the development or use of the site.

~~—(C) In granting a conditional use permit, the Planning Board may recommend and the Board of Aldermen may impose such reasonable and appropriate conditions upon such permit as it may deem necessary to assure that the use in the proposed location will be consistent with the intent of this subchapter and the standards established in the section. All such conditions shall be entered in the minutes of the meeting at which the permit is granted and also on the approved plans. These may include any subject area regulated in some form within this chapter. These specific conditions may address but shall not be limited to any or all of the following subject areas:~~

- d. Permitted uses;
- e. Building location and orientation;
- f. Yard dimensions;
- g. Buffer areas;
- h. Signs;
- i. Parking driveways and vehicle circulation patterns;
- j. Designated areas of common open space and for recreation;
- k. Pedestrian circulation;
- l. Loading areas;
- m. Off-street parking;
- n. Number of dwelling units;
- o. Size of commercial structures;
- p. Building height;
- q. Size of dwelling units within multi-family residential developments;
- r. Proposed contours of land following final grading;
- s. Proposed first floor elevations for buildings;
- t. Plans for storm water control;
- u. Location and intensity of lighting;
- v. Timing of development;
- w. Location and extent of rights-of-way and other areas to be dedicated for public use.

5. The petitioner will have a reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the Board of Adjustment and Board

## CONDITIONAL DISTRICTS AND CONDITIONAL USE PERMITS

of Alderman. In no instance shall any of these conditions be less restrictive than any requirements that would pertain to that particular development found in the zoning district in which the property is located. Such conditions may exceed any performance criteria or minimum requirements listed elsewhere in this Ordinance that pertain to that development. Such conditions shall be mutually agreeable by the Town and the petitioner.

### E. *Burden of Proof.*

1. The applicant has the burden of producing competent, material and substantial evidence tending to establish the facts and conditions that the items outlined in subsection b require. If any person submits competent, material, and substantial evidence allegedly contrary to any of the facts or conditions listed below, the burden of proof for overcoming such evidence shall rest with the applicant.

~~2. —After reviewing the application for conditional use permit, the Planning Board shall forward its recommendation to the Board of Aldermen. Upon receiving the recommendation of the Planning Board, the Board of Aldermen shall consider the application and said recommendation and wither grant or deny the conditional use permit requested. The CUP, if granted, shall include such approved plans as may be required for granting the permit. Before a permit is granted, the applicant shall demonstrate and the Board of Aldermen Adjustment shall find:~~

~~(1) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan submitted;~~

~~(2) That the use will not create traffic hazards, excessive congestion or hazards to pedestrians within the development and upon the public streets at the points of ingress and egress to such development;~~

~~(3) That public facility systems are sufficient to serve the development;~~

~~(4) That surrounding properties will be adequately protected from potential adverse effects of the development;~~

~~(5) That the development complies with the standards and specifications for the corresponding general zoning districts; and~~

~~(6) That the use is consistent with the general plan of development for the area.~~

### F. *Approvals and Appeals.*

1. If an application for a conditional use permit is approved, the owner of the property shall have the ability to (i) develop the use in accordance with the stipulations contained in the conditional use permit or (ii) develop any other use listed as a "permitted use" for the general zoning district in which it is located. Any uses that would otherwise require the issuance of a conditional use permit under this Chapter, may be approved as part of the establishment of a parallel conditional district, without the issuance of a conditional use permit, so long as the use(s) meets all other applicable standards of this Ordinance. In these instances, the property may be used only for the development as approved for the conditional zoning district. Such approval, however, does not immediately authorize development activity, as the property owner will need to file for and secure a zoning permit, in accordance with Section 153.072 in

## CONDITIONAL DISTRICTS AND CONDITIONAL USE PERMITS

order to proceed with development. The Administrator shall ensure that any development plans submitted with such zoning permit request are consistent with the terms and conditions of the conditional use permit approved for such property or for any other use by right allowed in the underlying zoning district.

2. An appeal to a decision made by the Board of Adjustment regarding the issuance of a conditional use permit may be made to the Board of Alderman if written notice is given to the Town Manager within fifteen (15) days of the Board of Adjustment's decision. The Board of Alderman shall then conduct a new public hearing and render a final decision on the matter.

3. ~~If the Planning Board recommends the disapproval of~~ Board of Adjustment does not approve the conditional use permit, and/or if the Board of Aldermen denies the permit, each body shall enter the reason for its action in the minutes of the meeting at which the action is taken.

~~—(E) No appeal may be taken to the Board of Adjustment from the action of the Board of Aldermen in granting or denying a conditional use permit. Review of the Board of Aldermen's action shall be by the Superior Court in the nature of certiorari and pursuant to statutory provisions concerning review of Board of Adjustment decisions.~~

4. An appeal to the decision of the Board of Alderman shall be filed with the Clerk of Superior Court in the nature of certiorari in accordance with G.S. 160A-388(e) within thirty (30) days after the Board of Alderman's decision.

### G. *Petition Withdrawal*

An applicant who has submitted a complete application for a Conditional Use Permit may withdraw the application prior to a final decision being rendered.

1. If a petition is withdrawn once a public hearing has been advertised (via paper, mail, or on-premises sign), a similar petition submitted by that property owner (or his agent) shall not be accepted by the Administrator within one hundred (180) days of the date of withdrawal. (Note: The purpose of this is to allow petitions to be withdrawn without penalty prior to the posting of any public hearing notices or submittal of such notice to the newspaper of general circulation.)
2. If said petition is otherwise withdrawn within 2 business days of a public hearing where a final decision may have been otherwise rendered, a similar petition submitted by that property owner/or his agent shall not be accepted by the Administrator within one year of the date of withdrawal.

### H. *Binding Effect.*

Any conditional use permit herein authorized shall be perpetually binding to the property included in such permit unless subsequently changed or amended by the Board of Adjustment or Board of Alderman. All conditions contained in the conditional use permit shall run with the land and shall be binding on the original applicants, their heirs, successors, and assigns, unless subsequently changed or amended as provided for herein. However, the Administrator may approve minor changes in the detail of the approved application. A "minor change" to the approved conditional use permit shall be deemed to be a change which:

## CONDITIONAL DISTRICTS AND CONDITIONAL USE PERMITS

1. Will not alter the basic relationship of the proposed development to adjacent property;
2. Will not increase the gross floor area of any nonresidential use by the smaller of ten (10) percent or ten thousand (10,000) square feet (Note: Such limitations shall be cumulative and shall be based on the gross floor area of the conditional use permit as originally approved);
3. Will not decrease the off-street parking ratio below the minimum number of parking spaces required by this Ordinance or reduce the yards provided at the periphery of the site, by the lesser of ten (10) feet or ten (10) percent of the current existing yard measurement;
4. Will not increase the height of any structure to the extent that additional usable floor space could be added; or
5. Will not result in an increase in the number of dwelling units constructed;
6. Will not alter the uses permitted.

~~(G) Any amendment or modification of an approved CUP shall be processed in accordance with the provisions of this subchapter relating to the application for conditional use permits. No proposal to amend or change any conditional use permit shall be considered within 12 months of the date of the original authorization of such permit or within 12 months of the hearing of any previous proposal to amend or change any such permit. Provided, however, changes of detail may be authorized by the Building Inspector if such changes:~~

- ~~— (1) Do not alter the basic relationship of the proposed development to adjacent property;~~
- ~~— (2) Do not alter the uses permitted;~~
- ~~— (3) Do not increase the density or intensity of development;~~
- ~~— (4) Do not decrease the off-street parking ratio; or~~
- ~~— (5) Do not reduce the yards provided at the boundaries of the site.~~

Further changes to the development may be made only by the Board of Adjustment or Board of Alderman in accordance with this Ordinance.

No certificate of occupancy for a use listed as a conditional use shall be issued for any building or land use on a piece of property which has received a conditional use permit for such particular use unless the building is constructed or used, or the land is developed or used, in conformity with the conditional use permit. In the event that only a segment of a proposed development has been approved, the certificate of occupancy shall be issued only for that portion of the development constructed or used as approved.

### *I. Period of Validity of Conditional Use Permit.*

Unless the Board of Adjustment or Board of Alderman issues a conditional use permit which either is specifically exempt from any time constraints or has some other specified time period for implementation, the applicant must secure a valid building permit (or certificate of occupancy) within twenty-four (24) months from date of issuance of the conditional use permit. (NOTE: The conditional use permit shall also become null and void unless filed by the

## CONDITIONAL DISTRICTS AND CONDITIONAL USE PERMITS

applicant with the Register of Deeds within one hundred eighty (180) days of permit approval.) If a building permit or certificate of occupancy is not issued at the end of said time period, the conditional use permit shall automatically expire and shall be deemed rescinded. Such rescission shall not occur if the applicant has secured the vesting of a site development plan for a period of greater than twenty-four (24) months.

~~(F) Following Board of Aldermen approval of a conditional use permit authorizing specified permitted uses and/or specified development conditions, a copy of the permit shall be filed and recorded in the office of the Register of Deeds for Gaston County. All conditions contained in the CUP shall run with the land and shall be binding on the original applicants, their heirs, successors and assigns, unless subsequently changed or amended by the Board of Aldermen as provided for in this chapter. If after approval of a conditional use permit by the Board of Aldermen, any of the conditions affixed thereto shall be held invalid or void, then the conditional use permit shall be void and of no effect.~~

### *J. Violations*

Any violation of a term or condition of a conditional use permit shall be treated in the same as a violation of this chapter and shall be subject to the same remedies and penalties as any such violation. Where the Building Inspector determines that any term or condition of any conditional use permit is not being adhered to, he shall notify the property owner of his findings either by certified mail or in persons. In any case where any violation is not corrected or abated within 15 days of the date of such notice, the permit shall thereupon immediately become void and of no effect, and no building permits for further construction or certificates of occupancy under the conditional use permit shall be issued and all completed structures shall be regarded as non-conforming uses, see § 153.045.

## **153.024 NOTIFICATION OF PUBLIC HEARINGS (NEW)**

Notification of required public hearing(s) shall be as follows:

A. A notice shall be published in a newspaper having general circulation in the Town of Dallas once a week, for two (2) successive weeks, the first notice to be published not less than ten (10) days nor more than twenty-five (25) days prior to the date established for the public hearing.

B. A notice of the proposed zoning map change shall be sent by first class mail by the Administrator to the applicant and owners of all contiguous properties (as herein defined) as indicated on the most up-to-date records of the Gaston County Tax Department at least ten (10) but not greater than twenty-five (25) days prior to the public hearing.

C. The Administrator shall post at least one notice on the site proposed for rezoning or an adjacent public street or highway right-of-way at least ten (10) days prior to the scheduled public hearing. Where multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the Town shall post sufficient notices to provide reasonable notice to interested persons. Such notice shall state the nature of the public hearing and its date, time, and location at which it is to be held. The notice shall be removed only after final action has been taken on the matter. In lieu of any or all of this information to be contained on this posted notice, the notice may give a phone number where interested parties may call during normal business hours to get further information on

## CONDITIONAL DISTRICTS AND CONDITIONAL USE PERMITS

the proposed amendment. (The zoning administrator may relocate the placement of the sign(s) where the literal application of this provision would serve no meaningful purpose.)

D. Additional first class mail notice of any appeal made to the Board of Alderman from a decision by the Planning Board or Board of Adjustment shall be provided by the Administrator to any person who makes a written request for such notice during the Planning Board or Board of Adjustment hearing.

E. Any public hearing notice published or mailed shall state the nature of the public hearing, the date, time, and place at which the hearing is to occur, and who to call and/or see for more information.

F. The first class mail notice required may be waived if the zoning map amendment directly affects more than fifty (50) properties, owned by a total of at least fifty (50) different property owners. Under such circumstances, the Town may elect to mail such first class notices or publish the notice of the hearing as required by G.S. 160A-364. Such advertisement shall not be less than one-half ( $\frac{1}{2}$ ) of a newspaper page in size. The newspaper advertisement shall be effective only for property owners who reside in the area of general circulation of the newspaper that publishes the notice. Property owners who reside outside of the newspaper's circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified by first class mail pursuant to this section. In addition to the newspaper notice, the Town shall post one or more prominent signs on or immediately adjacent to the subject area reasonably calculated to give public notice of the proposed rezoning.

## TEXT AMENDMENT CONSISTENCY STATEMENT

The proposed text amendments to replace Parallel Conditional Use Districts with Conditional Zoning are consistent with the 2003 Land Use Plan's recommendation to ensure that the scale and design of commercial development is consistent with the unique small-town character of Dallas, and the goal to maintain and enhance the Town's aesthetic qualities and physical character, and is therefore deemed reasonable and in the public's best interest.

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Curtis Wilson, Planning Board Chairman

Date

# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: Street and Traffic Standards Policy

AGENDA ITEM NO. 8B

MEETING DATE: 12/19/2019

### BACKGROUND INFORMATION:

The need to update and adopt our standard street details and traffic standards was identified as the Town began exploring increased (and denser) development- both for residential and commercial properties.

In addition to this, residential and commercial growth also creates an increase in vehicular traffic that can impact both residents and visitors. Many municipalities within Gaston County (and Gaston County itself) have begun requiring a Traffic Impact Analysis (TIA) for developments that generate over a certain # of trips per day in increased volume along access roads.

At the Planning Board's last meeting in November, a recommendation was made for the included street sections, but discussion of the TIA component was tabled until this meeting.

The Board of Alderman would like to consider adoption of this policy in January (it was discussed at their November work session), and have asked for the Planning Board's full recommendation prior to consideration.

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### BOARD ACTION TAKEN:

# **Town of Dallas**

## **Street and Traffic Standards Policy**

# Table of Contents

## Street Standards Details

S-100: Local Residential Street (20 or less lots)

S-100U: Local Residential Street Utility Layout

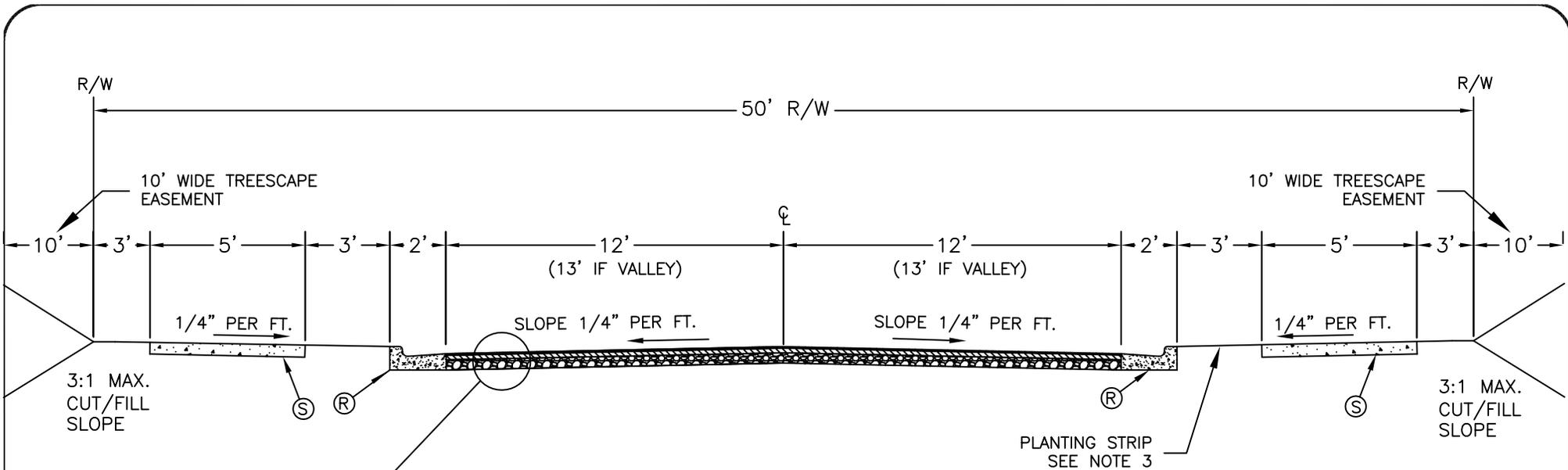
S-101: Local Residential Street (21-80 lots)

S-102: Local Collector/ Commercial Street (>80 lots and/or 2+  
intersections) S-103: Local Industrial Street

S-104: Local Residential Cul-De-Sac Detail

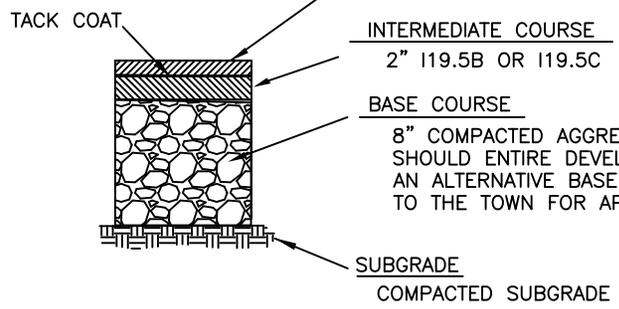
S-105: Local Residential Street- Variable Width Option

## Traffic Impact Analysis Requirements



SURFACE COURSE  
1" S9.5B

FINAL LIFT TO BE APPLIED UPON MEETING ONE OF THE FOLLOWING CONDITIONS:  
1) 75% DEVELOPMENT OCCUPANCY,  
2) 1 YEAR FROM INTERMEDIATE COURSE PLACEMENT,



TYPICAL PAVEMENT SECTION

KEY

- (R) 2' STANDARD CURB AND GUTTER OR 2'-0" VALLEY GUTTER WITH APPROVAL
- (S) 4" THICK CONCRETE SIDEWALK

NOTES:

1. FOR EXPLANATION OF RIGHT-OF-WAY WIDTHS REFER TO TOWN OF DALLAS SUBDIVISION ORDINANCE.
2. ZONING SETBACKS MEASURED FROM R/W
3. PLANTING STRIP ADJACENT TO SIDEWALK SHALL BE GRADED TO 1/4" PER FOOT (MIN.) UP TO 1 1/4" PER FOOT (MAX.), EXCEPT WHERE EXCESSIVE NATURAL GRADES MAKE THIS REQUIREMENT IMPRACTICAL. IN SUCH CASES, THE TOWN MAY AUTHORIZE A SUITABLE GRADE.

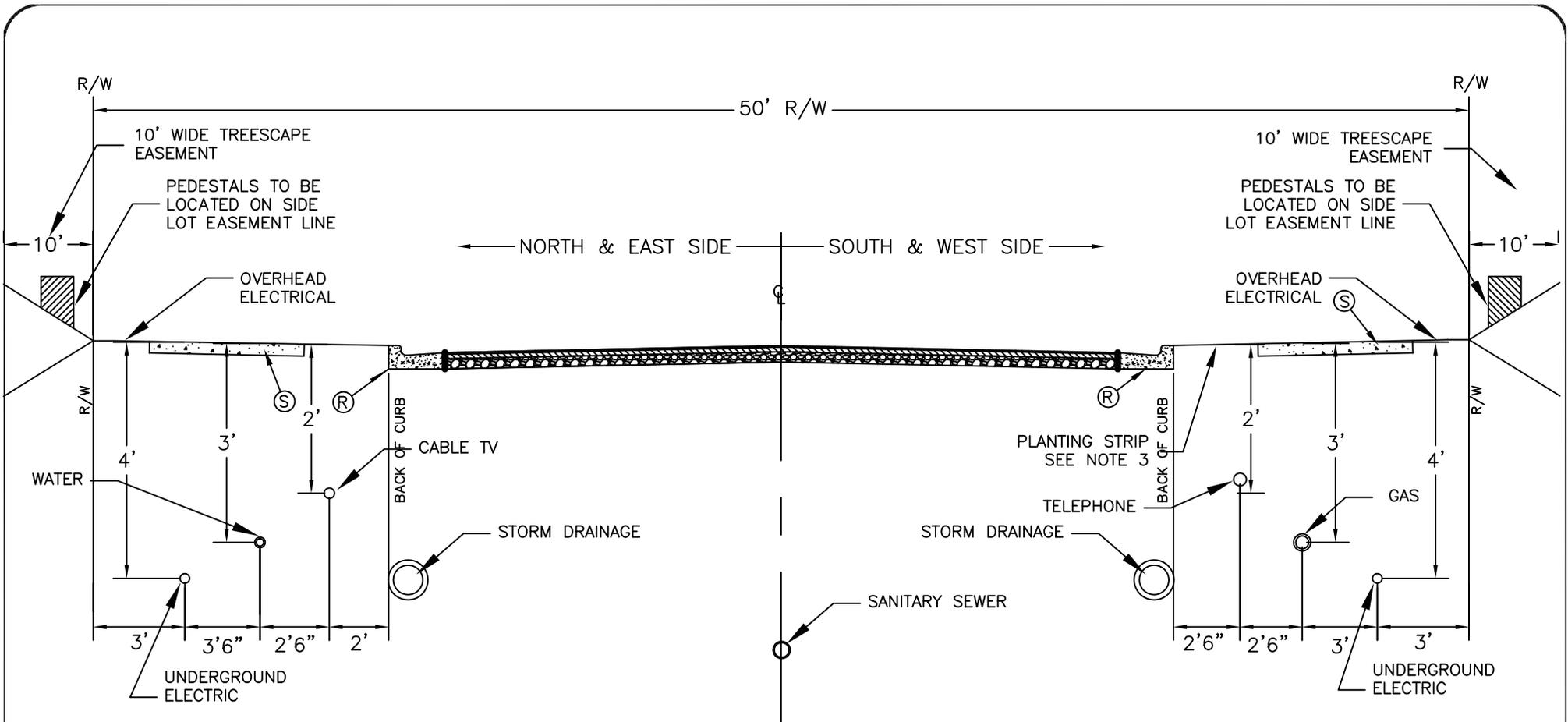
NOT TO SCALE

\*NO ON STREET PARKING ALLOWED  
\*SERVING NO MORE THEN 50 LOTS

**TOWN OF DALLAS**  
**LAND DEVELOPMENT STANDARDS**  
INCLUDES TOWN ETJ

LOCAL RESIDENTIAL STREET  
TYPICAL SECTION

STD. NO.	REV.
S-100	19



KEY

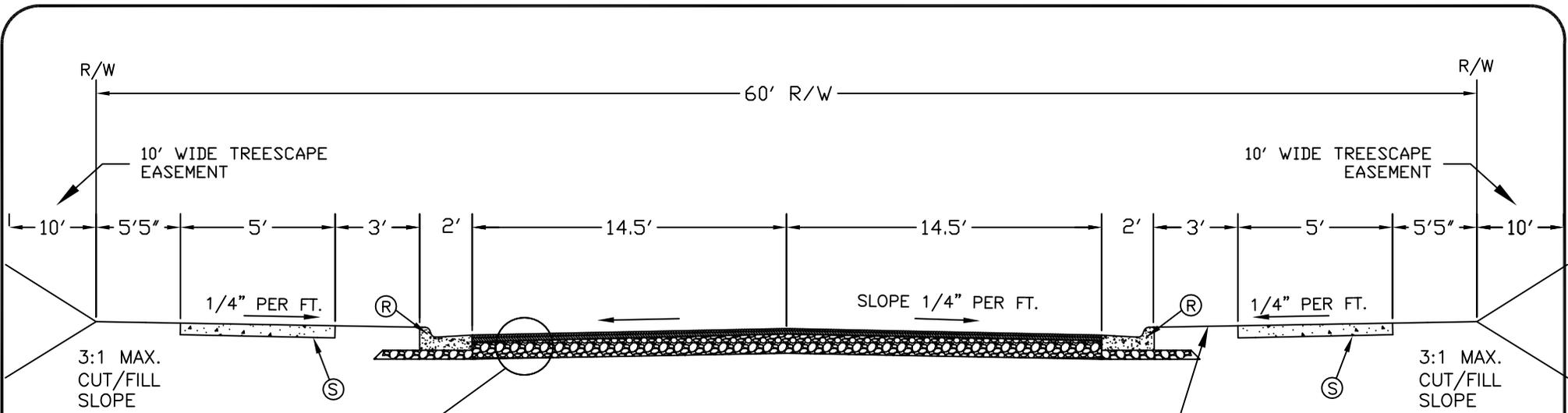
- (R) 2' STANDARD CURB AND GUTTER OR 2'-0" VALLEY GUTTER WITH APPROVAL
- (S) 4" CONCRETE SIDEWALK

NOT TO SCALE

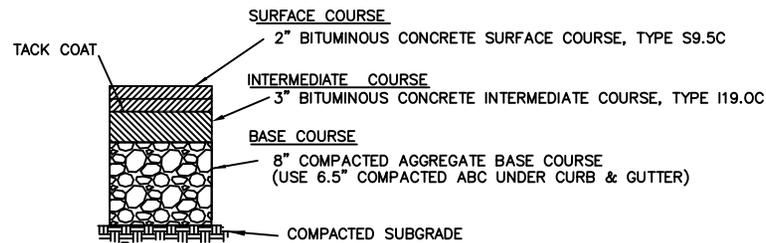
**TOWN OF DALLAS**  
**LAND DEVELOPMENT STANDARDS**  
 INCLUDES TOWN ETJ

**LOCAL RESIDENTIAL STREET**  
**TYPICAL UTILITY LAYOUT**

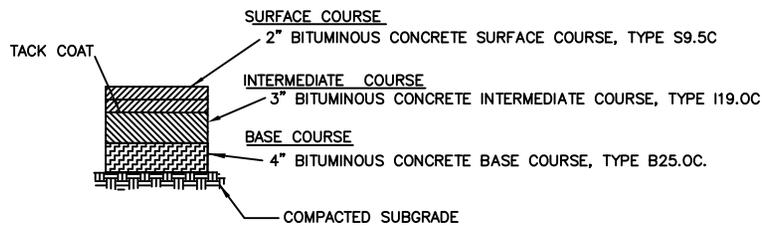
STD. NO.	REV.
S-100U	19



EITHER OF THESE PAVEMENT SECTIONS MAY BE USED:



TYPICAL PAVEMENT SECTION WITH STONE BASE



TYPICAL FULL-DEPTH ASPHALT PAVEMENT SECTION

**NOTES:**

1. USE OF VALLEY GUTTER IS PROHIBITED.
2. WIDER SIDEWALKS MAY BE REQUIRED UNDER CERTIAN CIRCUMSTANCES.
3. DEVELOPER MAY SUBMIT AN ALTERNATIVE PAVEMENT DESIGN TO THE TOWN.
4. AN ALTERNATIVE PAVEMENT DESIGN MAY BE REQUIRED BY THE TOWN BASED ON SPECIFIC TRAFFIC PARAMETERS.
5. AMENITY ZONE (HARDSCAPE) ALLOWED IN LIEU OF PLANTING STRIP WITH PRIOR APPROVAL FROM THE TOWN.
6. ZONING SETBACKS MEASURED FROM TOTAL R/W.
8. PLANTING STRIP ADJACENT TO SIDEWALK SHALL BE GRADED TO 1/4" PER FOOT (MIN.) UP TO 1 1/4" PER FOOT (MAX.), EXCEPT WHERE EXCESSIVE NATURAL GRADES MAKE THIS REQUIREMENT IMPRACTICAL. IN SUCH CASES, THE TOWN MAY AUTHORIZE A SUITABLE GRADE.

**KEY**

- (R) 2' STANDARD CURB AND GUTTER ONLY
- (S) 4" CONCRETE SIDEWALK

\*ON STREET PARKING ONE SIDE ALLOWED

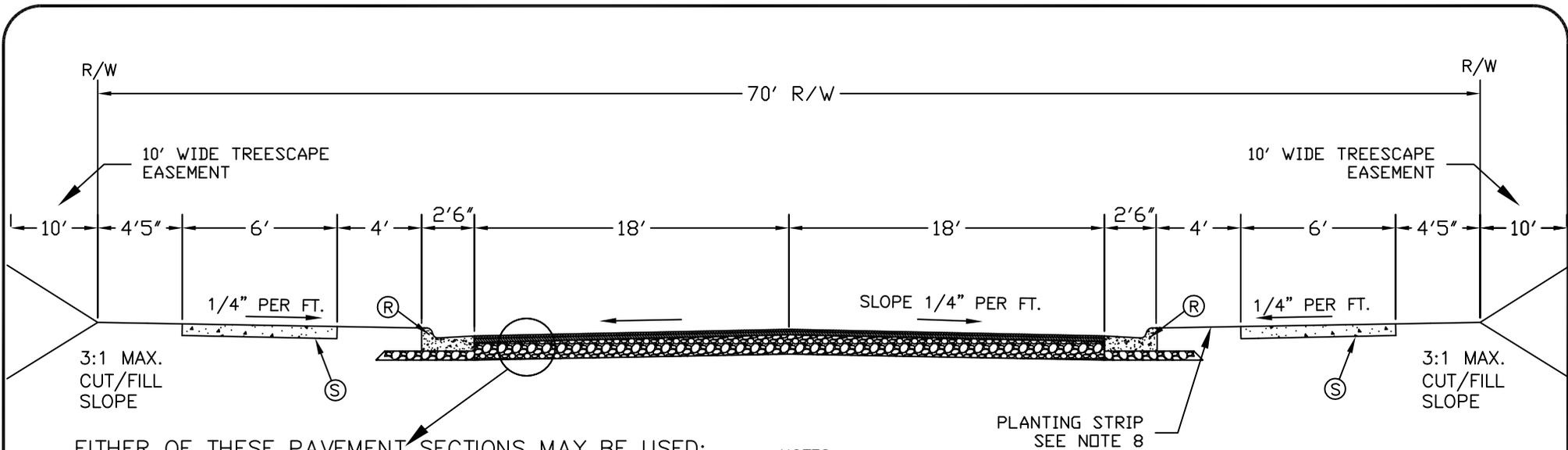
\*SERVING <50 LOTS OR SERVING +4 INTERSECTIONS

NOT TO SCALE

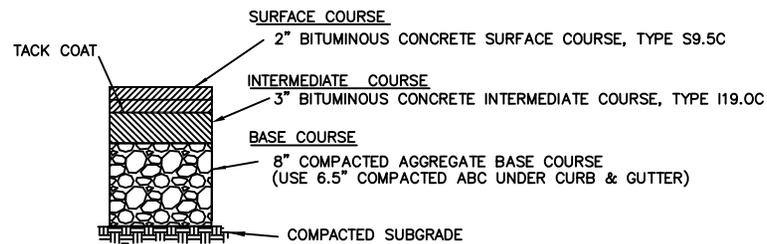
TOWN OF DALLAS  
LAND DEVELOPMENT STANDARDS  
INCLUDES TOWN ETJ

LOCAL COLLECTOR  
TYPICAL SECTION

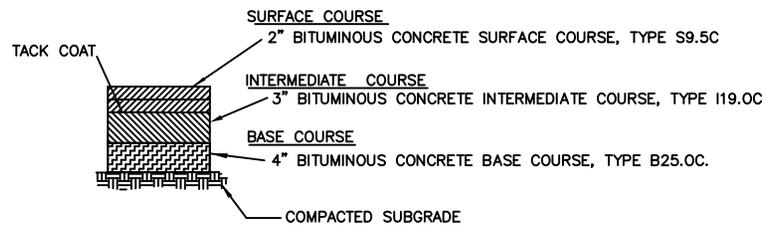
STD. NO.	REV.
S-101	19



EITHER OF THESE PAVEMENT SECTIONS MAY BE USED:



TYPICAL PAVEMENT SECTION WITH STONE BASE



TYPICAL FULL-DEPTH ASPHALT PAVEMENT SECTION

NOTES:

1. USE OF VALLEY GUTTER IS PROHIBITED.
2. WIDER SIDEWALKS MAY BE REQUIRED UNDER CERTIAN CIRCUMSTANCES.
3. DEVELOPER MAY SUBMIT AN ALTERNATIVE PAVEMENT DESIGN TO THE TOWN.
4. AN ALTERNATIVE PAVEMENT DESIGN MAY BE REQUIRED BY THE TOWN BASED ON SPECIFIC TRAFFIC PARAMETERS.
5. AMENITY ZONE (HARDSCAPE) ALLOWED IN LIEU OF PLANTING STRIP WITH PRIOR APPROVAL FROM THE TOWN.
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8. PLANTING STRIP ADJACENT TO SIDEWALK SHALL BE GRADED TO 1/4" PER FOOT (MIN.) UP TO 1 1/4" PER FOOT (MAX.), EXCEPT WHERE EXCESSIVE NATURAL GRADES MAKE THIS REQUIREMENT IMPRACTICAL. IN SUCH CASES, THE TOWN MAY AUTHORIZE A SUITABLE GRADE.

KEY

- (R) 2'-6" STANDARD CURB AND GUTTER ONLY
- (S) 4" CONCRETE SIDEWALK

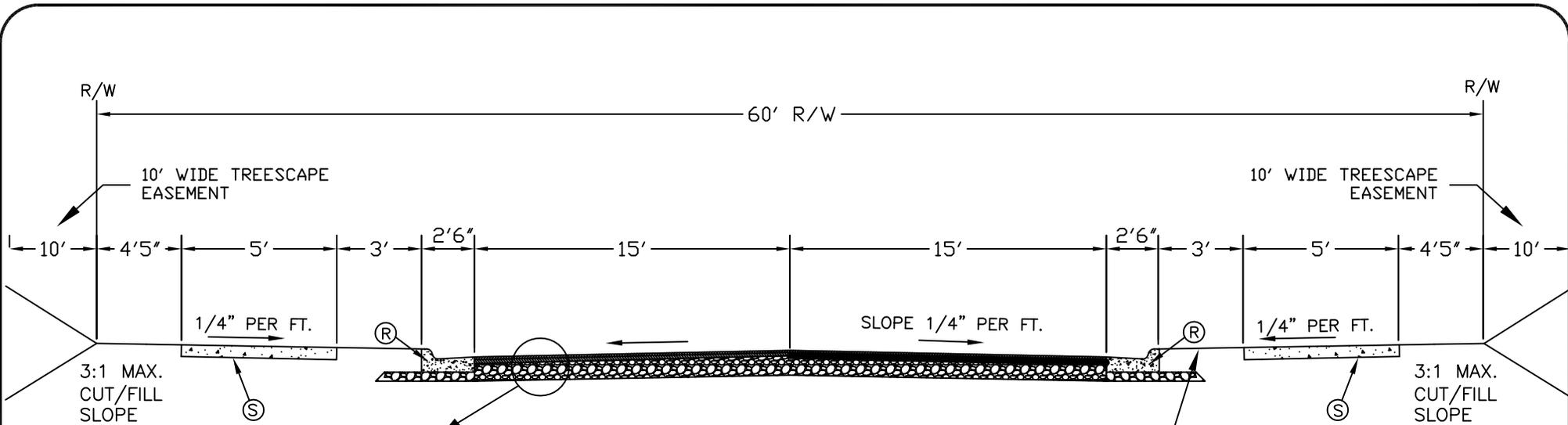
\*ON STREET PARKING ONE SIDE ALLOWED

NOT TO SCALE

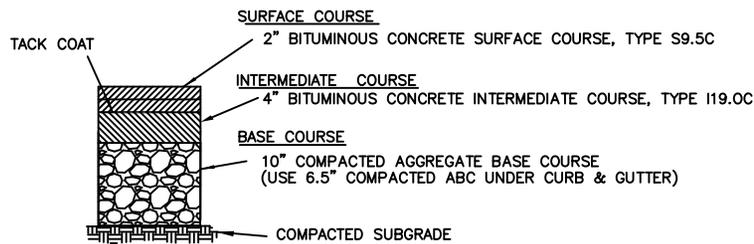
TOWN OF DALLAS  
LAND DEVELOPMENT STANDARDS  
INCLUDES TOWN ETJ

COMMERCIAL STREET  
TYPICAL SECTION

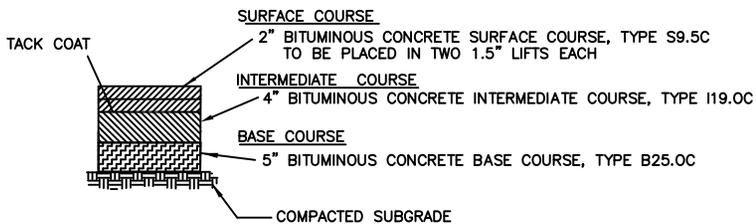
STD. NO.	REV.
S-102	19



EITHER OF THESE PAVEMENT SECTIONS MAY BE USED:



TYPICAL PAVEMENT SECTION WITH STONE BASE



TYPICAL FULL-DEPTH ASPHALT PAVEMENT SECTION

PLANTING STRIP  
SEE NOTE 8

NOTES:

1. USE OF VALLEY GUTTER IS PROHIBITED.
2. DEVELOPER MAY SUBMIT AN ALTERNATIVE PAVEMENT DESIGN TO THE TOWN.
3. AN ALTERNATIVE PAVEMENT DESIGN MAY BE REQUIRED BY THE TOWN BASED ON SPECIFIC TRAFFIC PARAMETERS.
4. ZONING SETBACKS MEASURED FROM TOTAL R/W
6. PLANTING STRIP ADJACENT TO SIDEWALK SHALL BE GRADED TO 1/4" PER FOOT (MIN.) UP TO 1 1/4" PER FOOT (MAX.), EXCEPT WHERE EXCESSIVE NATURAL GRADES MAKE THIS REQUIREMENT IMPRACTICAL. IN SUCH CASES, THE TOWN MAY AUTHORIZE A SUITABLE GRADE.

KEY

- (R) 2'-6" STANDARD CURB AND GUTTER
- (S) 4" CONCRETE SIDEWALK

NOT TO SCALE

TOWN OF DALLAS  
LAND DEVELOPMENT STANDARDS  
INCLUDES TOWN ETJ

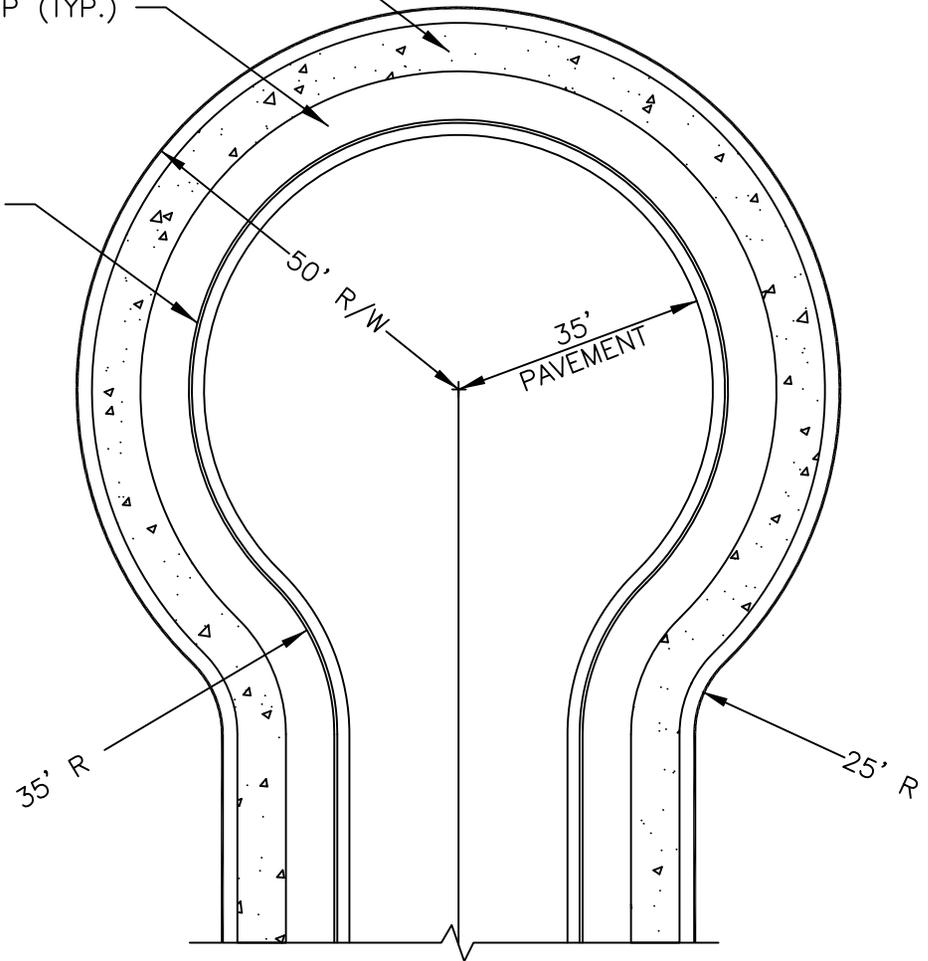
LOCAL INDUSTRIAL STREET  
TYPICAL SECTION

STD. NO.	REV.
S-103	19

SIDEWALK (TYP.)

PLANTING STRIP (TYP.)

CURB AND GUTTER (TYP.)



NOTES:

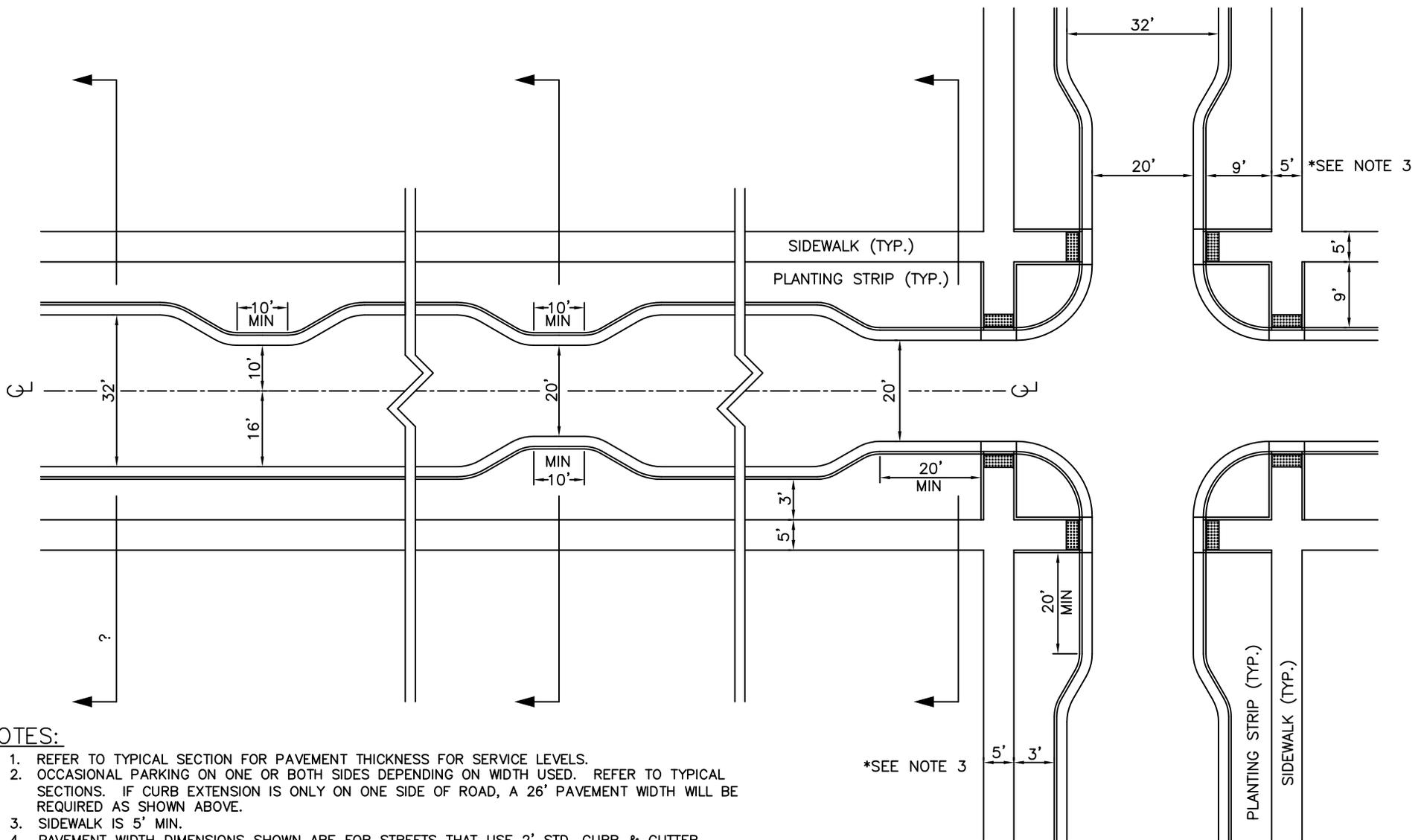
1. ALTERNATIVE CUL-DE-SAC DESIGNS, INCLUDING ISLANDS SHALL BE SUBMITTED TO THE TOWN FOR REVIEW AND APPROVAL.
2. PAVEMENT SECTION SHALL CONFORM WITH THE DESIGN REQUIREMENTS FOR ADJACENT STREETS.
3. THE CROWN FOR PAVEMENT SHALL HAVE A MINIMUM 1/4" PER FT FROM THE CENTER OF THE CUL-DE-SAC.

NOT TO SCALE

TOWN OF DALLAS  
 LAND DEVELOPMENT STANDARDS  
 INCLUDES TOWN ETJ

LOCAL RESIDENTIAL CUL-DE-SAC  
 TYPICAL DETAIL

STD. NO.	REV.
S-104	19



**NOTES:**

1. REFER TO TYPICAL SECTION FOR PAVEMENT THICKNESS FOR SERVICE LEVELS.
2. OCCASIONAL PARKING ON ONE OR BOTH SIDES DEPENDING ON WIDTH USED. REFER TO TYPICAL SECTIONS. IF CURB EXTENSION IS ONLY ON ONE SIDE OF ROAD, A 26' PAVEMENT WIDTH WILL BE REQUIRED AS SHOWN ABOVE.
3. SIDEWALK IS 5' MIN.
4. PAVEMENT WIDTH DIMENSIONS SHOWN ARE FOR STREETS THAT USE 2' STD. CURB & GUTTER. ADJUST WIDTHS ACCORDINGLY IF VALLEY GUTTER ARE USED.
5. TAPERS TO BE DONE AS A 2:1 TAPER WITH APPROPREATE RADIUS SO AS TO MAKE SMOTH TRANSITIONS IN AND OUT.

\*SEE NOTE 3

NOT TO SCALE

**TOWN OF DALLAS  
LAND DEVELOPMENT STANDARDS  
INCLUDES TOWN ETJ**

**LOCAL RESIDENTIAL STREET  
VARIABLE WIDTH OPTION**

STD. NO.	REV.
S-105	19

## **TOWN OF DALLAS TRAFFIC IMPACT ANALYSIS REQUIREMENTS**

Transportation impacts, and how to mitigate them, are an important consideration for our community when a significant development is proposed. Public policy makers, citizens and developers all have a stake in understanding and responding to additional demands on the transportation system. A Transportation Impact Analysis (TIA) is a tool used to evaluate the incremental impacts on the surrounding transportation infrastructure and how to mitigate them to maintain safe traffic and transportation operations.

- 1) TIA Determination - The Town shall determine the need for a TIA upon receipt of any development application (by-right or rezoning) accompanied by a sketch or schematic plan. The development applications could include, but are not limited to, multi-family developments, single family developments, commercial developments, or annexation requests. If warranted, the transportation consultant hired by the developer and approved by the Town shall prepare the TIA. At the discretion of the North Carolina Department of Transportation (NCDOT) and the Town, a transportation technical memorandum, in lieu of a full TIA report, may be allowed for some developments. If proposed street connections are not consistent with adopted plans, then an explanation or proposed transportation mitigation alternative that is equal or better shall be discussed in the study. NCDOT and the Town will be responsible for determining whether the alternative mitigation plan meets and/or exceeds the performance standards of the proposed street connections in the adopted plans.
  
- 2) Minimum Thresholds for TIAs - A TIA will be required to accompany the development plan when expected gross trip generation is 1000 total trips or more both entering and exiting the site in a 24-hour period, and/or 100 total trips both entering and exiting the site during either the AM or PM peak hours. The gross trip generation will be calculated by the Town and NCDOT based on information (proposed project summary and development plan) provided by the applicant and the final determination for requiring the TIA will be made by the Town. The Town may also determine the need for a TIA or Transportation Technical Memorandum based on special circumstances associated with the development, even if the gross trips falls below this threshold. This may be due to location, an intersection or thoroughfare nearby that is at or above capacity, the nature of the use, or one of the following:
  - a) Traffic generated from a non-residential development that could potentially significantly impact adjacent residential neighborhoods.
  - b) Traffic operation issues for current and/or future years on nearby streets are expected to be significantly worsened by traffic generated from the proposed new development.
  - c) Major and minor thoroughfares near the site are experiencing significant/unacceptable delays.
  - d) Traffic safety issues exist at the intersection or street that would serve the proposed new development.
  - e) The proposed land use differs significantly from the adopted Comprehensive Land Use Plan for the Town.

- f) The internal street or access system is not anticipated to accommodate the expected traffic generation.
  - g) The proposed development project includes a drive-through facility, or other uses such as schools that require significant on-site circulation that may have an off-site impact to adjoining roads and/or intersections.
  - h) The amount, behavior and/or assignment of traffic is significantly different from a previously approved TIA, or more than 24 months have passed since completion of previous TIA.
- 3) Scoping Meeting – A mandatory scoping meeting is required prior to beginning the TIA to discuss the requirements and strategies for a TIA specific to the site and the proposed development. Background information shall be submitted by the applicant five or more business days prior to the scoping meeting and shall include a conceptual site plan showing proposed access points, proposed land use and densities, structure and parking envelopes. The Town, the applicant’s consultant, and the applicant(s) are required to attend the mandatory scoping meeting, and representatives from the NCDOT District office and Gaston-Cleveland-Lincoln Metropolitan Planning Organization (GCLMPO) will be invited and encouraged to attend as needed. The applicant may invite members of his/her development team as needed.
- 4) Scoping Document – A Scoping Document, documenting the understood scope and parameters of the TIA, shall be prepared by the transportation consultant. The Scoping Document shall be signed by the applicant, the Town, and the NCDOT District Engineer (if access to a state road is involved) before the consultant can begin work on the TIA. Failure by the applicant to provide accurate information or failure by the transportation consultant to follow the Scoping Document shall result in disapproval of the TIA. If significant changes are made to the parameters outlined in the Scoping Document, a revised Scoping Document will be required.
- 5) Fees – All fees associated with the development of the TIA shall be the sole responsibility of the applicant. This includes all fee from the consultant, review fees from the Town, review fees from NCDOT, or any fees related to permit or gathering of information. If in the process of the study, the Town request additional information outside the scope of the project, the Town may enter into an agreement with the consultant to provide that additional information at the Town cost.
- 6) Transportation Mitigation Agreement (TMA) – Upon completion of the TIA, certain on- or off-site transportation mitigation measures may be required as recommended by the TIA. If so, the transportation consultant shall prepare a Transportation Mitigation Agreement (TMA) which will summarize the following:
- a) Development plan
  - b) Phasing and timing of development (if applicable)
  - c) Site access and points of ingress/egress
  - d) On and off-site improvements required to adequately mitigate the project impacts to the Town’s transportation system, including vehicular, pedestrian, and bicycle improvements
  - e) Trigger points and deadlines for construction of any improvements

The TMA must be signed by the applicant, Town and NCDOT (if the mitigation involves a state roadway). All required mitigation measures must be implemented prior to final Certificate of Occupancy (CO) or prior to the issuance of the first Zoning Permit for residential developments. If the development program is planned to be phased, the TIA shall address the phasing of improvements for each phase of development and the applicant shall provide a financial guarantee as outlined in the Town's Land Development Code in the amount of 120% of all phased transportation improvements prior to issuance of the CO or Zoning Permit for the first phase. The cost estimate will be performed by the developer's consultant, reviewed and approved by the Town and submitted to the applicant to provide payment. The cost estimate will include costs for planning/design, permitting, construction and right-of-way. CO's may be issued prior to completion of the Mitigation as long as a development agreement is in place prior to beginning development.

- 7) TIA Outline and Contents – The outline and contents of what is required to be included in the TIA will be discussed at the scoping meeting and included in the Scoping Document. A detailed summary of the expected content and methodologies to be used in the TIA is discussed below.
  - a) Cover/Signature page – Includes the project name, location, name of the applicant, contact information for the applicant, and date of the study. The name, contact information, registration number, signature, and seal of a duly qualified and registered professional engineer in the State of North Carolina are also required to appear on this page.
  - b) Table of Contents – Includes a list of all section headings, figures, tables, and appendices included in the TIA report. Page numbers shall denote the location of all information, excluding appendices, in the TIA report.
  - c) Executive Summary – Includes a description of the study findings, a general description of the project scope, study horizon years, expected transportation impacts of the project, and mitigation measure recommendations. Technical publications, calculations, documentation, data reporting, and detailed design shall not be included in this section.
  - d) Project Description – Includes a detailed description of the development, including the size of the parcel, development size, existing and proposed uses for the site, anticipated completion dates (including phasing). It shall also include the square footage of each use and/or the number and size of dwelling units proposed, and a map and copy of the site plan provided by the applicant.
  - e) Site Description – Includes a description of the project location within the Town and region, existing zoning and use (and proposed use if applicable), and key physical characteristics of the site, including general terrain and environmentally sensitive or protected areas.
  - f) Site Access – A complete description of the ingress/egress of the site shall be explained and depicted. It shall include number of driveways, their locations,

distances between driveways and intersections, access control (full-movement, leftover, right-in/right-out, etc.) types of driveways (two-way, one-way, etc.), traffic controls, etc. Internal streets (lanes, flow, and queuing), parking lots, sidewalks, bicycle lanes, and designated loading/unloading areas shall also be described. Similar information for adjacent properties, including topographic grade relationship, shall be provided to evaluate opportunities for internal connections. The design, number, and location of access points to collector and arterial roadways immediately adjacent to the site must be fully analyzed. The number of access points shall be kept to a minimum and designed to be consistent with the type of roadway facility. Driveways serving the site from state roads shall be designed in accordance with the NCDOT's Policy on Street and Driveway Access and/or the Town standards, as applicable.

- g) Study Area – The limits of the study area shall be based on the location, size and extent of the proposed project, and an understanding of existing and future land uses and traffic conditions surrounding the site. The limits of the study area for the TIA shall be reviewed and approved by the Town and NCDOT staff at the mandatory scoping meeting. At a minimum, the study area shall include all streets and signalized intersections within a 1-mile radius of the proposed site and/or where site traffic estimated for build-out of the project will constitute 10% or more of any signalized intersection approach during the peak hour. During the scoping meeting, staff may reduce the radius due to conditions specific to the site based on request by applicant and supported with valid reasoning. Unsignalized intersections between the required signalized intersections will be added to the scope as directed by the Town. To initially determine the impacts, the developer's consultant shall develop a database of recent peak-hour intersection turning movement counts. The applicable intersection counts will be equated to current year baseline volumes. Based on the proposed development program submitted by the applicant, a preliminary trip generation analysis, distribution and assignment will be performed within the area surrounding the site and compared to the current year base volumes. Related impacts or current operational problems, may dictate that other intersections be included in the study area as determined by Town staff and/or NCDOT staff. A narrative describing the study area shall identify the location of the proposed project in relation to the existing transportation system and list the specific study intersections and/or segments. Any unique transportation plans or policies applicable to the area (e.g., bus service and future plans) shall be mentioned. A site location map shall be provided and shall identify natural features, major and minor roadways within the study area, study intersections, and a boundary of the site under consideration.
- h) Existing Conditions – Shall include a narrative and map that represents AM and PM peak-hour turning-movement volumes for all intersections within the study area. Traffic volumes shall represent 15-minute interval weekday turning-movement counts (Tuesday through Thursday), include heavy-vehicle, pedestrian and bicycle counts, no more than twelve months old and shall be collected during periods of the year when local schools are in session and during weeks that have no observed federal, state, or local holidays and periods. The required count timeframes are from 6:30-8:30AM and 2:00-7:00PM. The PM count timeframe is expected to cover peaking characteristics caused by shift changes for local industrial plants, local area school

dismissal times, as well as typical employment PM peaking characteristics; however, site-specific conditions may necessitate additional or different traffic counting hours and/or days depending on the development program and location within the Town. These unique circumstances will be determined and directed by the Town. The Town will determine if modified peak hours or weekend analyses shall be included in the TIA at the mandatory scoping meeting. For example, 12- or 16-hour turning movement counts shall be required to complete the analysis if a traffic signal warrant analysis is required as part of the TIA. The source of existing traffic volume information shall be explicitly stated (e.g., existing counts, new counts collected by the applicant, NCDOT counts, etc.). If previous counts were obtained, only counts collected within the one year of the scoping meeting will be deemed acceptable. Summary sheets for existing turning movement counts shall be included in the appendix of the TIA report. A separate narrative and map shall be prepared to describe the characteristics of surrounding major roadways, including functional classification, number of lanes, posted speed limit, existing average daily traffic volumes, typical cross section, intersection control, and lineal distance between major roadways. Field notes for the existing conditions investigation may be included in the appendix of the TIA report.

- i) Future Year Conditions – Unless otherwise approved by the Town, future year conditions for a single-phase development shall be analyzed for the year the development is expected to be at full occupancy (build-out year) and five years after the build-out year (build-out + 5). For multiple-phased developments, the scenarios shall be completed in order, with any improvements specified by development included in the subsequent build scenarios, including five years after the full build-out year (build-out + 5). Specific analysis periods to include in the study shall depend greatly upon the development program, proposed project phasing plan, and significant improvements programmed for the surrounding transportation system. The approved offsite developments and transportation projects to be included in the base future-year background conditions for the transportation system within the study area shall be determined during the scoping meeting. Transportation improvements assumed in the future-year background conditions analysis may include those with an expected completion date concurrent with that of the development and funded either by the Town, NCDOT, or indicated as a required condition of approval from another nearby development application. Only projects approved by the Town at the scoping meeting may be included in the analysis as future existing infrastructure. Those improvements committed by other projects must be clearly identified in the report as approved offsite development road improvements. Adjacent development traffic information used in the development of the future year background traffic volumes shall be included in the appendix of the TIA report. Unfunded, planned infrastructure projects may be mentioned in the TIA, but the description shall specifically identify that these projects are not included in the background condition. Future year background traffic volumes shall be forecasted using historical growth rate information, regional models, and/or TIA reports for development approved by the Town but not yet built. A narrative and map shall be prepared that presents turning movement volumes for each peak hour for all intersections identified within the study area. Future year base traffic volumes, other development volumes, and site traffic

volumes shall be clearly separated and combined in the map.

- j) Trip Generation – Base trip generation for the proposed land use(s) shall be calculated using data published in the latest version of the Institute of Transportation Engineers' (ITE) Trip Generation Manual. Data limitations, data age, choice of peak hour of adjacent street traffic, choice of independent variable, and choice of average rate versus equation shall be discussed at the mandatory scoping meeting. Local trip generation rates may be acceptable if appropriate validation is provided by the applicant to support them. Any deviation from ITE trip generation rates shall be discussed in the mandatory scoping meeting and documented in the Scoping Document if approved by the Town and NCDOT. The NCDOT Municipal School Transportation Assistance (MSTA) calculator shall be used to calculate projected trip generations for school sites.
- i) Internal Capture – Base trip generation may be reduced by rate of internal capture when two or more land uses are proposed using methodology recommended in the most current Trip Generation Handbook published by the ITE, or research published by the National Cooperative Highway Research Program (NCHRP) Transportation Research Board. Reductions for internal capture shall be applied to multi- or mixed-use sites only. The internal capture reduction shall be applied before pass-by trips are calculated.
- ii) Pass-by Trips – Pass-by trips are those made as intermediate trips between an origin and primary destination (i.e., home to work, home to shopping, etc.). However, pass-by trips are not diverted from another roadway. Base trip generation may be reduced by rate of pass-by capture using methodology recommended in the most current Trip Generation Handbook published by the ITE. Pass-by trips associated with the development program may not exceed 10% of the peak-hour volume reported for the adjacent public street network. This network shall include the streets that provide primary access to/from the site. For example, if a site access drive that connects to a low-volume local street, which its primary access is to a major collector road, the traffic on the major collector shall be used as the adjacent street for pass-by calculation purposes. Evaluation of diverted trips may apply depending on the specifics of each site. A trip generation table shall summarize all trip generation calculations for the project
- k) Trip Distribution – External trip distribution shall be determined on a project-by-project basis using one of several sources of information available to transportation and land planning professionals. Potential sources for determining project trip distribution may include the regional travel demand model, market analysis, existing traffic patterns, or professional judgment. At the Town's direction, multiple trip distributions may be required for differing land use types. Regardless of methodology, the procedures followed and logic for estimating trip distribution percentages must be well-documented in the TIA. Trip distribution percentages proposed for the surrounding transportation network shall be discussed during the scoping meeting and shall be approved by the Town and NCDOT before proceeding with the TIA. A map showing the percentage of site traffic on each street included in

the study area shall be included in the TIA.

- l) Trip Assignment – Project traffic shall be distributed to the surrounding transportation system based on the site’s trip generation estimates and trip distribution percentages. Future year build-out traffic forecasts (i.e., future year background traffic plus project traffic) shall be represented in graphic formats for AM and PM peak-hour conditions at all intersections included in the study area. If the project will be built in phases, traffic assignments shall be reported for each phase. Pass-by traffic shall be included at the driveways and access points for evaluating driveway volumes. Multiple assignment analyses may be required if the traffic control at the access drives varies (i.e., right-in/right-out vs. stop controlled vs. signalized).
  
- m) Operations Analysis – The TIA shall include multi-modal operations analyses including vehicular, pedestrian and bicycle, to allow for the safe and convenient travel for all modes. Level-of-Service (LOS) and delay is the primary measures of effectiveness for impacts to the transportation system, and is defined by the most current edition of the Highway Capacity Manual (HCM). Operations analyses shall be performed for the existing and all future year scenarios. Impacts from the proposed project shall be measured by comparing the future year background conditions to the future year build-out conditions. Requirements for mitigation are described here in.
  - i) Vehicular Capacity Analysis - Unless otherwise noted, Synchro LOS and delay shall be reported for all signalized intersections and approaches identified in the study area. Based on HCM, LOS for unsignalized intersections is not defined as a whole; instead, only the individual stop-controlled or yield approaches shall be reported based on the HCM reports determined through the Synchro analysis. Existing signalized intersections shall be modeled based on existing signal timing plans provided by either the Town or NCDOT. Existing signal timing plans shall be included in the appendix of the TIA report. If a traffic signal is part of a coordinated system it must be analyzed as such under all conditions. Other standard practices and default input values for evaluating signalized intersections shall be consistent with the most recent guidelines published by the NCDOT, Traffic Engineering and Safety Systems Branch, Congestion Management Unit (“Capacity Analysis Guidelines”). The Town may also require safety, traffic simulation, gap and/or other analyses appropriate for evaluating a development application. Additional analyses and/or traffic capacity or simulation tools (such as VISSIM or Transmodeler) required for the TIA shall be identified during the scoping meeting. All TIA reports submitted to the Town shall use Synchro, SimTraffic, VISSIM and/or Transmodeler analysis software for signalized and unsignalized intersections, or Sidra Software for roundabouts, consistent with policies released by the NCDOT. A narrative, table, and map shall be prepared that summarizes the methodology and measured conditions at the intersections reported in LOS (LOS A – F), the intersection and approach signal delay for signalized intersections, the approach delay for unsignalized intersections, and 95th percentile queue lengths for all movements. Capacity analysis worksheets and auxiliary turn-lane warrants for unsignalized intersections shall be included in the appendix of the TIA report.

- ii) Pedestrian Operations Analysis - Unless otherwise noted, methodology provided in the latest edition of the Highway Capacity Manual shall be used to evaluate pedestrian LOS for the intersections identified in the study area. The current methodology is based on geometric data, demand data, and signal control data including, but not limited to:
- Number of lanes on the major street
  - Crossing distance
  - Traffic volumes
  - Motorist yielding rates to pedestrians
  - Cycle Length
  - Walk Time
  - Presence of pedestrian phase
- iii) Bicycle Operations Analysis – The bicycle LOS at intersections identified in the study area shall be evaluated using locally accepted methodology. This current methodology assesses bicyclists’ comfort based on geometric and traffic signal features including, but not limited to:
- Number of lanes crossed
  - Presence of conflicting turning movements
  - Presence of bike lanes

Under this methodology, intersection features are assigned points, where the LOS for each approach is calculated based on the accumulation of points for each geometric and traffic signal feature identified in the worksheet. Currently, this methodology does not take into account demand volumes; therefore, the bicycle LOS would not differ between AM and PM peak hours, and thus would not need to be reported for both under this methodology.

- n) Queuing Analysis – 95th percentile and simulation analysis of future year queues shall be consistent with NCDOT’s Traffic Engineering and Safety Systems Branch, Congestion Management Unit current practices and published Capacity Analysis Guidelines. Turn lanes and storage lengths for the major street (uncontrolled) approaches at unsignalized intersections shall be identified using volume thresholds published in the NCDOT’s Policy on Street and Driveway Access to North Carolina Highways (see Warrant for Left- and Right-Turn Lanes Nomograph, pg. 80). Recommendations for left and right-turn lanes serving the site shall be designed to account for both the NCDOT warrants described above and to meet future year capacity needs identified through the capacity analyses. For projects that include drive-through facilities, pick-up/drop-off areas, or entrance gates, a queuing analysis may be required by the Town to ensure that vehicle stacking will not adversely impact the public transportation system. The queuing analysis must be performed using accepted transportation engineering procedures approved by the Town. If a TIA is required for a new school site, the internal circulation and ingress/egress of the site shall be modeled using a “dummy signal” in the Synchro software as prescribed by NCDOT Municipal School Transportation Assistance (MSTA) department.

- o) Crash Analysis – A summary of crash data (type, number, and severity) for the most recent 3-year period at each study location is required. Traffic Engineering Accident Analysis System reports will be provided by the Town and/or NCDOT and shall be included in the appendix of the TIA report. For locations with prevalent crash types and/or frequency, a discussion shall be included describing factors that may be contributing to the incidents. At a minimum, the proposed development features shall not contribute to factors potentially involved in the existing crash rates. If contributing factors are identified, recommendations to eliminate or mitigate these features shall be included.
- p) Traffic Signal Warrants – Town staff and/or NCDOT may consider potential signal locations at the scoping meeting. However, traffic flow progression is of paramount importance when considering a new traffic signal location. A new traffic signal shall not cause an undesirable delay to the surrounding transportation system. Installation of a traffic signal at a new location shall be based on the application of warrants criteria contained in the most current edition of the Manual on Uniform Traffic Control Devices (MUTCD) and engineering judgment. Traffic signal warrants shall be included in the appendix of the TIA report. Additionally, spacing of traffic signals within the Town must adhere to NCDOT requirements. Pedestrian movements must be considered in the evaluation and adequate pedestrian clearance provided in the signal cycle split assumptions. If a signal warrant analysis is recommended in the TIA, the Town and/or NCDOT may decide to defer a signal warrant analysis until after the development has opened to allow use of actual turning movement counts at an intersection. The TIA recommendations must clearly state that this analysis shall occur at a specified date following the opening of the development. The applicant must issue a bond or letter of credit in the name of the Town for the estimated cost of the signal warrant analysis and resulting signal prior to final approval of the TIA. The cost shall be established based on an engineer's estimate provided by the engineer of record for the applicant or by the consultant identified by the Town; however, final approval of the dollar amount rests with the Town.
- q) Mitigation Measure Recommendations – This section of the TIA report shall provide a description of the study's findings regarding impacts of the proposed project on the existing and future transportation system and describe the location, nature, and extent of all mitigation measures recommended to the applicant to improve and/or maintain the future year background level-of-service (LOS) conditions through phasing and ultimate build-out of the project. This mitigation will be identified by measuring the impact between the future year background conditions and the future year build-out conditions. The applicant is required to mitigate transportation deficiencies caused solely by the projected impact of their proposed development, and not unacceptable background conditions or other deficiencies caused by offsite development within the defined study area. The applicant shall be required to identify mitigation improvements to the transportation network if at least one of the following conditions exists when comparing the multimodal operations analyses of future year background conditions to future year build-out conditions:

- i) the total average delay at an intersection or individual approach increases by 25% or greater, while maintaining the same LOS,
- ii) the LOS degrades by at least one level,
- iii) or the LOS is "D" or worse in background conditions and the proposed project shows a negative impact on the intersection or approach

If the background LOS (intersection or approach) is inadequate (i.e., "D," "E," or "F"), the applicant will be expected to mitigate only the impact caused by the proposed project. For example, if the background LOS of an approach is LOS F with 85 seconds of delay, and the project traffic increases the delay to 95 seconds at LOS F, the applicant will be required to mitigate the added 10 seconds of delay on the approach, not required to mitigate the inadequate background delay. Town staff and NCDOT will review the recommendations in the final version of the TIA and will have the ultimate determination in the scope of the required mitigation measures.

A Transportation Mitigation Agreement (TMA) may apply if mitigation requirements are needed.

For multi-phase developments, the capacity analyses scenarios shall address the phasing of improvements for each phase of development. The build-out + 5 scenarios will require the analysis of only five years beyond the full build-out year. The build-out + 5 scenario analysis is not used for mitigation purposes. A narrative and table shall be prepared that summarizes the methodology and measured conditions at the intersections reported in LOS (LOS A–F) and average control delay for each intersection and approach.

A narrative and map shall also be prepared that describes and illustrates recommended improvements, by development phase if necessary, for mitigating the projected impact of the proposed development.

- r) Compliance with Adopted Transportation Plans – All TIA reports must include a statement of compliance with plans, programs, and policies adopted by the Town of Dallas for maintaining a safe and efficient multi-modal transportation system.

## 153.013 DEVELOPMENT STANDARDS

### (D) *Development Standards*

(7) *Streets, curb and gutter, street lights.* The proposed location and design of streets, curbs and gutters, and street lights, as required by this Code, shall be included on the site plan(s). **All streets shall adhere to the most recently adopted version of the Town Street and Traffic Standards Policy.**

### (12) *Access and circulation.*

(a) The type and arrangement of streets and driveways within the development shall be in compliance with the town Thoroughfare Plan.

(b) Principal vehicular access points to the development shall be designed to encourage smooth traffic flow with minimum hazards to pedestrians, bicycles, and vehicular traffic. Accommodations for controlled turning movements into and out of the development and improvement of the approach street shall be provided where existing or anticipated heavy traffic flows indicate need.

(c) Clear vision areas. To insure safe sight distances where streets intersect and where driveways intersect streets, a minimum clear-vision area shall be provided at the corners of such intersections. No structure or planting that would impede visibility shall be established in the clear vision area. Grading of land may be required where topography impedes the required clear vision area.

**(d) Access and circulation for all development shall comply with the most recently adopted version of the Town Street and Traffic Standards Policy. This includes expansions or additions of existing structures, changes in use, as well as all new construction.**

## TEXT AMENDMENT CONSISTENCY STATEMENT

The proposed text amendment to adopt a Street and Traffic Standards Policy is consistent with the 2003 Land Use Plan's goal to provide safe and convenient mobility for Dallas residents of all ages, and is therefore deemed reasonable and in the public's best interest.

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Curtis Wilson, Planning Board Chairman

Date