

**Town of Dallas**  
**Agenda**  
**JANUARY 24, 2023**  
**5:00 PM**  
**BOARD OF ALDERMEN – WORK SESSION MEETING**  
**Rick Coleman, Mayor**

**Sam Martin**

**Frank Milton**

**Darlene Morrow**

**Jerry Cearley, Mayor Pro-Tem**

**E. Hoyle Withers**

<u>ITEM</u>	<u>SUBJECT</u>	<u>Pages</u>
<b>1.</b>	<b>Pledge of Allegiance to the Flag</b>	
<b>2.</b>	<b>Approval of Agenda with Additions or Deletions</b>	
<b>3.</b>	<b>New Business</b>	
A.	Summary of Dallas History Found in Old Minutes	2
B.	Permit for Police Escorts Through Town	3
C.	Use of Public Property Ordinance	5
D.	Knox Box Ordinance	8
E.	R-6 Text Amendment Discussion	10

# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: Dallas History

AGENDA ITEM NO. 3A

MEETING DATE: 1/24/2023

### BACKGROUND INFORMATION:

Chief Steve Lambert began looking at old Board of Aldermen meeting minutes a number of months ago to locate information on the Fire Department to be included with the anniversary celebration last year.

Once he found that information, he embarked on looking into history associated with the Police Department, and then the Town in general.

Chief Lambert will give a summary of interesting facts he has uncovered in his search.

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MANAGER RECOMMENDATION:

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BOARD ACTION TAKEN:

# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: Police Escort Request

AGENDA ITEM NO. 3B

MEETING DATE: 1/24/2023

### BACKGROUND INFORMATION:

A discussion was held at the November 22, 2022 Board Work Session to potentially add process to accommodate a police escort through Town. Currently, these requests are handled through the Special Event Application process and must be brought before the Board for approval.

Police escorts do not require the use of Town property, nor require the level of Town resources that most Special Events require.

Attached is a proposed "In-Town Police Escort Request" Form that could be used in the event of a escort request. This process would be handled within the Police Department, including approval. There is no fee proposed to provide this service, but could be discussed if there is interest.

If a request is received by the Police Department that goes beyond the scope of a simple escort, the Police Chief could refer the request to follow the Special Event Application process.

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MANAGER RECOMMENDATION:

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BOARD ACTION TAKEN:



# Dallas Police Department

207 W. Church Street  
Dallas, N.C. 28034  
Telephone Number: (704) 922-3116  
Fax Number: (704) 922-4221



R.W.Walls  
Chief of Police

## IN-TOWN POLICE ESCORT REQUEST

Requestor's Name: \_\_\_\_\_

Requestor's Phone Number: \_\_\_\_\_

Date of Request: \_\_\_\_\_ Date of Event: \_\_\_\_\_

Type of Request:  Funeral  Parade  Other: \_\_\_\_\_

Describe Function of Escort: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Start Location / Address: \_\_\_\_\_

End Location / Address: \_\_\_\_\_

Start Time: \_\_\_\_\_ End Time: \_\_\_\_\_

Route of Travel: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Requestor's Signature: \_\_\_\_\_

Chief of Police: \_\_\_\_\_

**APPROVED**  **DENIED**

**REFERRED TO SPECIAL EVENT PROCESS**

# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: Use of Public Property Ordinance

AGENDA ITEM NO. 3C

MEETING DATE: 1/24/2023

### BACKGROUND INFORMATION:

At the November Work Session, Staff was directed to draft an ordinance regulating the use of public proerty. The proposed ordinance, 91.09 Camping, Storage, and Other Uses of Public Property has been drafted for review and is attached.

Any modification to the ordinance can be incorporated prior to a public hearing at the Regular February 14<sup>th</sup> Board Meeting, if there is a desire to proceed with the ordinance.

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MANAGER RECOMMENDATION:

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BOARD ACTION TAKEN:

CAMPING, STORAGE AND OTHER USES OF PUBLIC PROPERTY (probably § 91.09)

(A) *Purpose.* The streets and public areas within the town should be readily accessible and available to residents and the public at large. The use of these areas for camping purposes interferes with the rights of others to use the areas for which they were intended. Such activity can constitute a public health and safety hazard, which adversely affects neighborhoods and commercial spaces. Camping on private property without the owner's consent, without proper sanitary measures, and for other than a minimal duration adversely affects private property rights as well as public health, safety, and welfare of the town. The purpose of this section is to maintain streets, parks, and other public and private areas within the town in a clean, sanitary, and accessible condition and to protect the health, safety, and public welfare of the community while recognizing that subject to reasonable conditions, camping and camp facilities associated with special events can be beneficial to the cultural and educational climate in the town. Nothing in this section is intended to interfere with otherwise lawful and ordinary uses of public or private property

(B) *Definitions.* As used in this article, the terms listed below shall have the following definitions in addition to their ordinary dictionary definitions, unless a different meaning is required by context:

***Camp or Camping*** means sleeping, making preparations to sleep (including lying down or the laying down of bedding for the purpose of sleeping), and/or storing personal belongings; the placement of tents, huts, tarps; parking of a motor vehicle, motor home or trailer, or mooring of a vessel or any other type of structure for living accommodation purposes.

***Camp Facilities*** include, but are not limited to, tents, huts, vehicles, vehicle camping outfits, or temporary shelter.

***Establish*** means setting up or moving equipment, supplies, or materials onto public or private property to "camp" or operate camp facilities.

***Maintain*** means keeping or permitting equipment, supplies, or materials to remain on public or private property to camp or operate camp facilities.

***Operate*** means participating or assisting in establishing or maintaining a camp or camp facility.

***Private Property*** means all privately-owned property including, but not limited to, streets, sidewalks, alleys, and improved or unimproved land.

***Public Property*** means all town-owned property including, but not limited to, streets, sidewalks, alleys, improved or unimproved land, and parks.

**Store** means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

**Trail Facility** means any Class 1 trail, bicycle or multi-use trail, or natural trail that is owned, maintained, or operated by the town, including any area or access point adjoining the trail which the town owns or maintains an easement.

**Unattended Property** means no person is present with the personal property that asserts or claims ownership over the personal property. Conversely, the property is considered "attended" if a person is present with the personal property and the person claims ownership over the personal property.

**Vehicle** for the purpose of this chapter shall be defined by N.C.G.S. § 20-4.01 as it now exists or may hereafter be amended

- (C) *Unlawful Camping on Public Property.* It is unlawful to camp upon any public property within town limits, including, without limitation, streets, sidewalks, parking lots, parking structures, easements, open spaces, parks, cemeteries, real property, or corporation yards. Any encampment on publicly-owned property within the town that is deemed a high risk to the public's health and safety will be posted "No Trespass", removed, and cleaned. Camping as defined in this section is deemed a public nuisance, and the town may summarily remove a temporary shelter, bedding, or personal belongings.
- (D) *Permitted Camping during Special Events.* Camping on public or private property permitted only as a temporary ancillary use during an approved and permitted special event approved by the Board of Aldermen.
- (E) *No Storage on Town Property.* It is prohibited to leave or allow to remain unattended any equipment, packages, bags, or other personal belongings on public property unless in direct relation to a permitted special event approved by the Board of Aldermen. Any such item is subject to removal by the town. This prohibition does not apply to bicycles, carts, strollers, or other means of personal transportation, secured in such a way as to not obstruct a street or sidewalk, or to interfere with the use of town property. This article shall not apply to offices or other non- public areas assigned to or under the control of town employees or agents.
- (F) *Enforcement.* Any sworn law enforcement officer shall have the authority to enforce this section.
  - (1) *Penalty.* Any person who violates any of the provisions of this section shall be guilty of a misdemeanor as provided in G.S. § 14-4 and, upon conviction, shall be subject to a maximum fine of \$500.00 per occurrence, imprisonment, or both pursuant with § 10.99 of this code.
  - (2) *Severability.* If any provision of this section is declared invalid or unconstitutional for any reason, the remaining provisions shall be severable and shall continue in full force and effect.

# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: Knox Box Ordinance

AGENDA ITEM NO. 3D

MEETING DATE: 1/24/2023

### BACKGROUND INFORMATION:

Fire Chief Withers has requested the Town consider adopting a Knox Box ordinance. This will require the installation of a Knox Box system on all new commercial and multi-tenant structures.

A Knox Box is a secure rapid entry system designed to be used by Fire Department personnel in the event of an emergency to gain entry into a structure by using an enclosed, owner-provided, key or keys.

Attached is a proposed ordinance for review.

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MANAGER RECOMMENDATION:

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BOARD ACTION TAKEN:



## § 35.11 KNOX BOXES

A Knox Box is a secure rapid entry system designed to be used by Fire Department personnel in the event of an emergency to gain entry into a structure by using the enclosed, owner provided, key(s).

### (A) *Applicability*

- (1) A Knox Box system shall be required on all new commercial structures and multi-tenant residential structures containing automatic sprinkler systems or fire alarm systems.
- (2) Existing properties and business are highly encouraged, but not required, to purchase a Knox Box system.
- (3) Knox Boxes shall be located on the address side of the building near the front door, mounted between five and six feet from ground level.
- (4) The owner and/or tenant of the building is responsible for ensuring that all required and current entry keys are in the Knox Box at all times.
- (5) Approved devices can be ordered online at [www.knoxbox.com](http://www.knoxbox.com).

DRAFT

# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: Text Amendment to Add Single-Family Attached Dwellings to the R-6 Zoning District

AGENDA ITEM NO. 3E

MEETING DATE: 1/24/2023

### BACKGROUND INFORMATION:

At the December 13, 2022 Board of Aldermen meeting, a public hearing was held in reference to a text amendment to add single-family attached dwellings to the R-6 zoning district. This public hearing followed prior discussions on the topic at the September 27, 2022 and November 22, 2022 Board of Aldermen Work Sessions.

A text amendment petition had been submitted by David Murray, on behalf of KovalXRobinson LLC. The amendment would permit, by-right, single-family attached housing in the R-6 zoning district with a minimum lot width of 20 ft., a minimum lot area of 1500 sq. ft., and a minimum side yard exemption.

Staff reviewed the petition, and are in support of the change, with modifications. The requested minimum lot width of 20 ft. and 1500 sq. ft. lot area should only apply to interior lots. Exterior lots, or end units, should be required to have a minimum side ayrd of 6 ft., a minimum lot width of 30 ft., and minimum lot area of 2100 sq. ft.

On August 8, 2022, the Planning Board unanimously voted to send their recommendation, along with statements of consistency and reasonableness, to approve the proposed text amendment as written.

The public hearing from December 13, 2022 was continued until the February 14, 2023 Board of Aldermen meeting.

Included with the supporting documentation is a rendering of a multifamily development including interior floor plans.

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MANAGER RECOMMENDATION:

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BOARD ACTION TAKEN:

Town of Dallas  
210 N. Holland Street  
Dallas, NC 28034  
704-922-3176

Case# T2022-02


## Petition for Text Amendment

Name of Applicant KovalXRobinson, LLC  
Address of Applicant c/o Murray Law Firm, PLLC, 1901 Roxborough Rd., Ste. 120, Charlotte, NC 28211  
Contract Information: Telephone 704-940-9095 Email david@murraylawfirm.com; val@kovalbuilders.net

Requested Change(s) to Zoning or Subdivision Ordinance Text Petitioner is seeking to amend the text in order to allow single-family attached dwellings (townhomes) within the R-6 district with a 20' minimum lot width, minimum lot area of 1500 sf, and minimum side yard exemption.

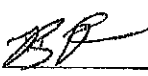
Specific Section(s) # Requested Change Section 153.026; Appendix A

We/I certify that all information provided in this application is accurate to the best of our/my knowledge, information, and belief. Furthermore, by signing this request, we/I agree to pay for advertising costs associated with this petition. We/I understand that this petition must be completed in full and the required fee paid for acceptance.

  
Signature of Applicant

6/21/22  
Date

Fee: \$ 500 plus advertising costs.

<b>OFFICE USE ONLY</b>	
Accepted as complete: <u></u>	Date <u>6/22/22</u>
Action:	
On _____ the Planning Board recommended that this petition be:	Approved <input type="checkbox"/>
	Denied <input type="checkbox"/>
On _____ the Board of Aldermen held a Public Hearing concerning this request. By vote of the Board they:	Approved <input type="checkbox"/> Denied <input type="checkbox"/>

## Staff Report

**Zoning Text Amendment Request:** T-2022-02

**Applicants:** KovalXRobinson, LLC

**Authorized Agent:** David Murray, Murray Law Firm

**Request:** The applicant is requesting to add single-family attached housing (townhomes) to the R-6 zoning district in the Table of Permitted Uses in Appendix C of Chapter 153 in the Town of Dallas Code of Ordinances. Additionally, the applicant is requesting the lot specifications be reduced for such housing with a minimum interior lot width of 20 feet and a minimum interior lot area of 1500 square feet in Appendix A of Chapter 153.

**Staff Analysis:** The proposed text amendment, if approved, will add single-family attached housing to the R-6 as a by right permitted use. As written, the text amendment will allow townhomes in the densest residential districts in the zoning ordinance with a feasible minimum width requirement for both interior lots and end units.

The request of a 20ft interior lot seems to be within the current industry standards for single-family attached housing. "Missing Middle Housing" lists townhomes ranging from 18-25 feet wide. Looking at current development in the area, there are several townhome neighborhoods that fall in this range. Ryan Homes at Tupelo Townhomes in Gastonia shows interior lots at 22' widths on the recorded plat at bk94 pg100. Villages at Cramerton Mills Townhomes in Cramerton shows a similar width, recorded at bk91 pg100, and the Eagle Park Subdivision in Belmont has a recorded interior lot width of 16.29' at bk83 pg9. The recently approved conditional zoning for Robinson Glenn proposed by DR Horton also showed 20ft interior units on the CD site plan. Current development in the area is building in the average range for townhomes mentioned above. The request of the applicant to build an interior lot at a 20ft width is consistent with the current standards of the area.

Staff set the exterior lot width to a minimum of 30ft. This is 4ft wider than the setback requirements for R-5 & R-6, and 2ft wider than R-8. Given the allowance for narrower lots there is the potential to have taller buildings to compensate. The additional requirement on the side yard would increase the offset from existing neighboring structures as well as intersecting side streets for corner lots to balance the aesthetic of the community. The existing R-6 zone would allow this product to be built in established neighborhoods with older homes that were generally smaller structures with minimal setbacks, so to accommodate for the larger structures in these areas an additional side setback requirement is suggested. Front and rear setback increases would

potentially contribute to this balance, but doesn't seem feasible and isn't suggested at this time. This would be the minimum required side yard, and the end lots would still be subject to the additional ten feet required for all corner lots.

**Comprehensive Land Use Plan:** The proposed text amendment is consistent with the 2030 Comprehensive Land Use Plan. Existing R-6 zones on the zoning map fall into the Urban Neighborhood, Mixed-Use Neighborhood, and Single Family Residential categories as shown on the Future Land Use Map. All three categories reference single family attached housing (townhomes) as appropriate land use. The Urban Neighborhood and Mixed-Use Neighborhood categories describe blended housing. Allowing townhomes in this district will offer a mix of higher density rental and ownership housing.

**Staff Recommendation:** The proposed text amendment offers an expansion and increased accessibility to develop housing that is not readily available in Dallas. The proposed language modifies the current restrictions on townhomes to allow for lot standards that meet the design for standard townhome development. Staff is in favor of the petition and recommends the Planning Board recommend approval to the Board of Aldermen.

**APPENDIX A: YARD AND HEIGHT REQUIREMENTS FOR RESIDENTIAL DISTRICTS**

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

RMF		15,000 1st unit 3.500 additional unit each		45	45	45	35 feet
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\* An additional ten feet shall be required to the requirements listed above on all side yards which abut a public or private street (corner lots)

\*\* **For R-5 Districts:** Attached housing shall be exempt from side yard setback requirements, and may reduce lot width by 5 feet for each attached side. Further reduction may be permitted through conditional zoning. Attached buildings to include 3 or more units are only allowed with conditional approval regardless of zoning designation. **For R-6 Districts: Single Family Attached Housing (Townhomes) only—interior single lots shall have a minimum required width of 20 feet with no required side setback and a minimum required lot area of 1500 square feet. Exterior units shall have a minimum lot width of 30 feet and a minimum required lot area of 2100 square feet.**

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

\*\*\*\* Buildings may exceed 35 feet in height. But for each five feet or fraction thereof of additional height above 35 feet, each yard shall be increased five feet over the minimum requirements. Any height above 45 feet may only be approved through conditional zoning.

## APPENDIX C: PERMITTED USES CHART

	<i>Residential</i>								<i>Office</i>	<i>Business</i>					<i>Industrial</i>
	<i>R-15</i>	<i>R-12</i>	<i>R-10</i>	<i>R-8</i>	<i>R-6</i>	<i>R-5</i>	<i>RMF</i>	<i>RMF-H</i>	<i>O&amp;I-1</i>	<i>BC-1</i>	<i>B-1</i>	<i>B-2</i>	<i>B-3</i>	<i>B-3P</i>	<i>I-2</i>
<i>X: Permitted by right (Supplemental regulations may apply - check town ordinances)</i>															
<i>S: Special Use Permit (Supplemental regulations may apply - check town ordinances)</i>															
<b>Permitted Uses</b> (any use not specified below is eligible to apply for conditional zoning approval)															
<b>RESIDENTIAL</b>															
Single-family dwellings (attached)					X	X									
Single-family dwellings (detached)	X	X	X	X	X	X									
Manufactured/mobile homes					X	X									
Trailer camps/mobile home parks					X										
Multi-family residential				X	X		X	X			S	S	S	S	
Fraternities		S	S	S	S							S			
Homes for the aged and infirm	X	X	X												
Mixed use residential							X	X			S	S		S	
Nursing homes for chronic or convalescent patients	X	X	X												











