

# **Town of Dallas Planning Board Meeting**

## **Agenda**

**Thursday, September 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- July 18, 2019
8. Old Business
  - a. Conditional Zoning- Presentation by Gaston County
9. New Business
  - a) Petition for Text Amendment: R-5 and R-4 zones
  - b) Text Amendment: Decriminalizing Zoning Ordinances
10. Other business
11. Adjournment

## MINUTES

### Town of Dallas

### PLANNING BOARD

#### Meeting of July 18, 2019

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

The following members were present: Glenn Bratton- Co-Chair, Tim Farris, John Beaty, David Jones, Alternate Reid Simms, and Alternate Gene Brown

Members absent: Curtis Wilson- Chairman, Eric Clemmer, John O' Daly

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

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

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

**Approval of Minutes:** A motion by Tim Farris was made and seconded by John Beaty to approve the minutes for June 2019, and the motion was adopted unanimously.

#### **New Business:**

##### 1) Rezoning: South Ridge Street

Staff introduced a rezoning application to the Planning Board as submitted by Wilson Family Builders, Inc., and then Mark Wilson of Wilson Family Builders gave a brief overview of the application and desire to rezone the parcel. Staff provided a proposed consistency statement for consideration by the Board. Tim Farris made a motion to recommend this rezoning with the following statement:

The proposed rezoning of Parcel ID# 132895 on S Ridge St from R-8 to R-6 consistent with the 2003 Future Land Use Plan's designation as traditional neighborhood-higher density, and the allowable uses and lot sizes in this proposed zone would ensure the preservation of neighborhood character of this area while protecting from encroachment of incompatible business and industrial uses. This rezoning request is therefore deemed reasonable and in the public's best interest in order to maximize the site for future single-family development, while protecting the overall character and appearance of the Town.

This motion was seconded by John Beaty, and approved by all.

##### 2) Annexation Request: Ollie Way

Staff asked the Planning Board for a recommendation of zoning for on a submitted petition for annexation for Parcel ID #170057, explaining that the applicant is looking for consideration as R-6 CDO (Cluster Development Overlay). This request would allow the developer, if successfully annexed, to reduce lot sizes in exchange for open space through a conditional use permit. Nicole Frambach, representing NVR, Inc. was present representing the application. Tim Farris made a motion to recommend this rezoning with the following statement:

The proposed annexation of Parcel ID# 170057 into Town limits as R-6 Cluster District Overlay is technically inconsistent with the 2003 Future Land Use Plan's map designation as neighborhood and community business, however, this petition is deemed reasonable and in the public's best interest as this lot abuts land designated for new residential development, supports an increased demand for housing in light of Dallas' current and anticipated growth, and aligns with the 2003 Land Use Plan's recommendation for new residential to be clustered so as to preserve open space and heighten pedestrian accessibility.

This motion was seconded by John Beaty, and approved by all.

**Other Business and Adjournment:**

David Jones made a motion to adjourn, seconded by John O'Daly, and approved unanimously.

Respectfully Submitted,

Approved:

\_\_\_\_\_  
Tiffany Faro, Development Services Director

\_\_\_\_\_  
Curtis Wilson, Chairman

# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: Conditional Zoning- Presentation by Gaston County

AGENDA ITEM NO. 8A

MEETING DATE: 9/19/2019

### BACKGROUND INFORMATION:

A discussion was held at the June Planning Board meeting regarding the interest of the Planning Board to consider adding or transitioning to Conditional Zoning.

After hearing interest expressed by the Planning Board, the Development Services Director began researching in preparation for a text amendment.

Before finalizing a proposed text amendment for the Planning Board's consideration, Gaston County's Planning Director, Mr. David Williams, offered to come speak on the current benefits of Conditional Zoning within the County, as well as their plans to transition away from Parallel Conditional Use Districts and Conditional Use Permits.

Included is an excerpt of the ordinance text from Gaston County, and Mr. Williams will also be providing some additional information as part of his presentation.

---

### BOARD ACTION TAKEN:



period for implementation, the applicant must secure a valid building permit (or certificate of compliance) within twenty-four (24) months from date of issuance of the parallel conditional use permit. If a building permit or certificate of compliance is not issued at the end of said time period, the parallel 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 (in accordance with Section 5.10) for a period of greater than two (2) years.

2. If the parallel conditional use permit is rescinded, the County shall immediately take steps to rezone the property to a general zoning district.

**K. Application Submission Period**

Any completed application submitted shall be heard by the appropriate Board for approval within one hundred-eighty (180) days from the date of submittal. After the expiration of an application, a new application may be submitted following the current regulations in place at the time of the new application submittal.

**5.16.5 ZONING MAP AMENDMENTS- CONDITIONAL USE DISTRICTS (CD)**

**A. Application**

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. Every application for the rezoning of property to a CD district shall be accompanied by a site plan, drawn to scale containing all of the information outlined in Section 5.11.2 (B) of this Ordinance. 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 and site plan to make sure that it meets, at a minimum, all minimum requirements of this Ordinance.
2. No application shall be considered complete unless it is accompanied by a fee, in accordance with a fee schedule approved by the governing board for the submittal of an



throughout the period. It is recommended (but not mandated) that this portion of the PIM take place at the proposed development site.

In addition, a second one (1) hour minimum PIM should be scheduled at a conveniently located meeting site agreed upon by the applicant and the Administrator.

A PIM may last for different amounts of time, depending on the nature of the development, its location, and the number of parties involved and/or attending the meeting.

c. Notice of the PIM shall at a minimum, be given as follows:

i. A public notice shall be sent by the applicant to a newspaper having general circulation in the County not less than ten (10) days nor more than twenty-five (25) days prior to the date of the PIM.

ii. A notice shall be sent by first class mail by the applicant to the owners of all properties that lie within two hundred (200) feet as measured from the exterior boundaries of the proposed development.

The applicant shall furnish the County with a list of the mailing labels that depict the names and addresses of the owners of all properties within the said two hundred (200) foot area. Such notice shall be sent not less than ten (10) days prior to the date of the PIM. The notification shall contain information regarding the PIM time and location(s) as well as a general description of the proposal.

iii. With respect to Subsection ii above, the applicant shall provide to the County proof of the paper notice and mailings.

iv. A PIM notification sign shall be posted by County in a conspicuous place at the property not less than ten (10) days prior to the PIM. The sign shall indicate date, time, and



review shall take place after the PIMs are completed and a joint Public Hearing has been held by the Planning Board and the Board of Commissioners. Notification of the Public Hearing shall be as follows:

- a. A notice shall be published in a newspaper having general circulation in Gaston County once a week, for two 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 joint public hearing.
  - b. A notice of the proposed zoning map change shall be sent by first class mail by the Administrator at least ten (10) days prior to the public hearing to the applicant and owners of all adjacent properties as indicated on the most up-to-date records of the Gaston County Tax Department.
  - 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 Planning Board/Board of Commissioners' public hearing. Where multiple parcels are included within a proposed zoning map amendment, a posting on each individual parcel is not required, but the County 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 the conditional use permit requested
2. 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 visit for more information.

#### **F. Planning Board Review**

The Planning Board shall have at least thirty (30) days to make a recommendation on the proposed change, said thirty (30) days being measured from the date of the closing of the joint Planning



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 Board of Commission. 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: (i) analyze whether the rezoning is consistent with an adopted comprehensive plan and any other officially adopted plan, and (ii) other matters that the Board of Commission deems appropriate and (iii) 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

I. Effect of Approval; Zoning Map Designation

If a petition for a CD district is approved, the development and use of the property shall be governed by the predetermined ordinance requirements applicable to the district's zoning classification, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and to the Zoning Map. 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 preceded by the letters CD (i.e., CD-R-1.) The Administrator may make minor changes (per Section 5.16.4(l)(2) to the approved site plan administratively without necessitating a need to rezone the property to a different conditional district classification.

J. Application Submission Period

Any completed application submitted shall be heard by the appropriate Board for approval within one hundred-eighty (180) days from the date of submittal. After the expiration of an application, a new application may be submitted following the current regulations in place at the time of the new application submittal.



# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

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

AGENDA ITEM NO. 9A

MEETING DATE: 9/19/2019

### BACKGROUND INFORMATION:

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

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

Development Services currently has 3 applicants requesting increased density over what our current ordinances allow for, so we are asking the Planning Board to consider this request as a starting point for a conversation on how Dallas wants to respond to this growth, and how we want our communities to be designed.

One option is to keep our ordinances as they read currently- which allows developers to request a cluster development overlay. This solution requires each development to go through a conditional use permit process, after being rezoned into a conditional use district.

The other option is exploring more dense development by-right through the creation of new zone(s), and requiring certain development standards within these zones that could address concerns that would be consistent for all more densely developed communities (public safety, on street vs. off parking, traffic, community features/amenities, connectivity, open space, community outreach, etc.) . Outlining our expectations upfront would allow us to ensure consistent expectations of developers, and allow them to know what would be required before requesting to be rezoned. If there are scenarios that should trigger conditional approval, we could also format the ordinance to require it.

Both options would still require both Boards to approve subdivision plats for all major subdivisions (50+ units).

---

### BOARD ACTION TAKEN:

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

Case# \_\_\_\_\_

### Petition for Text Amendment

Name of Applicant CH Land Company, LLC  
Address of Applicant 6412 Bannington Road, Charlotte, NC 28226  
Contract Information: Telephone (704) 562-2988 Email mark.carpenter@chlandcompany.com

Requested Change(s) to Zoning or Subdivision Ordinance Text \_\_\_\_\_  
Addition of new R-5 and R-4

Specific Section(s) # Requested Change 153.020, 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.

Mark E. Carpenter  
Signature of Applicant

9-6-19  
Date

Fee: \$ \_\_\_\_\_ plus advertising costs.

<b>OFFICE USE ONLY</b>	
Accepted as complete: _____	Date _____
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"/>

Exhibit A

- Section 153.020 shall be amended to add new subsections (E-1) and (E-2) after subsection (E) and before subsection (F), which new subsections shall read as follows:

“(E-1) R-5 Multi-family Residential;

(E-2) R-4 Multi-Family Residential;”

- Section 153.026 shall be amended to include references in the Section Title and text to zones R-5 and R-4 such that such Section Title and first sentence shall read as follows:

**“153.026 R-8, R-6, R-5 AND R-4 ZONES: MULTI-FAMILY RESIDENTIAL.**

Within the R-8, R-6, R-5 and R-4 zones as shown on the zoning map, incorporated by reference in Section 153.021, the following regulations shall apply.”

- Appendix A referenced in Section 153.026 shall be amended and restated in its entirety to read as follows:

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

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

NEW Lot widths for attached unit development may be reduced upon approval of a subdivision plat by the Board of Alderman. (ie. Townhomes, rowhomes, patio homes, etc.)

# Growth in Charlotte region exceeding all expectations

## Get ready Gaston

By Bill Poteat  
bpoteat@gastongazette.com

By almost any measure, growth in the Charlotte region is outdistancing growth across the nation.

And, by almost any measure, Gaston County is benefiting from that growth in new jobs created, in home-building starts, and in business investment.



That bright picture was painted last Wednesday by Janet LaBar, president and CEO of the Charlotte Regional Business Alliance, for attendees at the Get Ready Gaston forum.

Some highlights of LaBar's presentation:

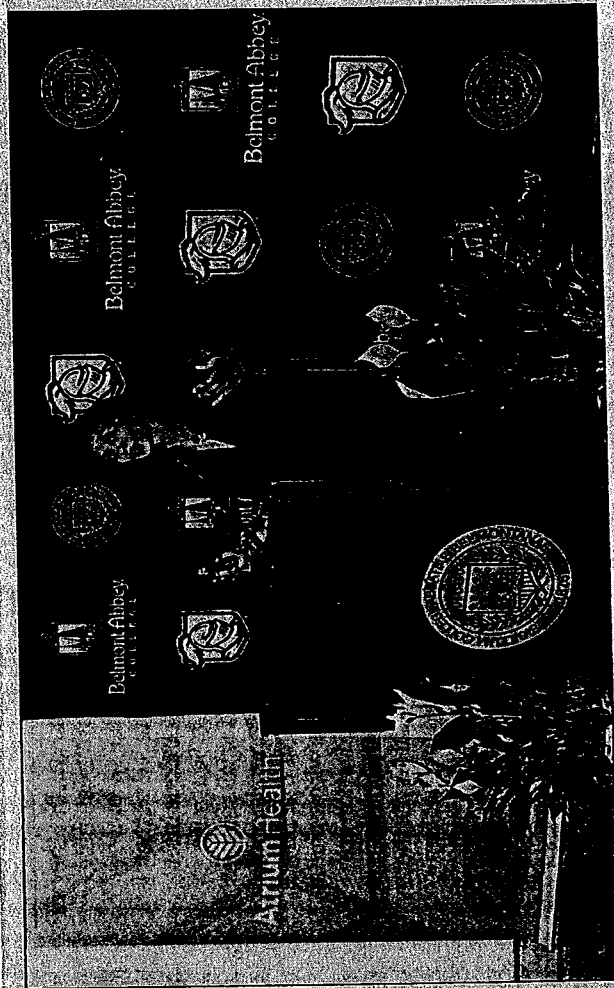
- The cost of living in the Charlotte region is listed at 97 percent of the national average. In contrast, the cost of living in New York City is nearly 250 percent of the national average.
- Some 53 percent of the U.S. population is within two hours by air from Charlotte-Douglas International Airport.
- The fastest growing segment of the Charlotte region population is in 32-to-36-year-olds.
- Forbes lists North Carolina as the No. 1 state in the nation for doing business.
- Growth rates for professions in the Charlotte region include:

- (1) Information Technology — 43 percent
- (2) Logistics and Distribution — 28 percent
- (3) Financial Services — 16 percent
- (4) Advanced Manual Labor — 13 percent
- (5) Health Care — 9 percent

In all of these areas, the Charlotte region is outpacing the rest of the country.

• Charlotte Douglas International Airport is the seventh busiest airport in the world. The facility is in the midst of a \$2.5 billion expansion. Proximity to this airport, LaBar said, "is one of the greatest advantages Gaston County has."

- The Charlotte region



Janet LaBar, president and CEO of the Charlotte Regional Business Alliance, speaks about how Charlotte growth benefits the region at the Get Ready Gaston forum. (HARRY CAPPS/SPECIAL TO THE GAZETTE)

SPECIAL TO THE GAZETTE

benefits from being relatively close to 24 nationally-recognized universities including UNC Chapel Hill and North Carolina State University. "Growth is happening here faster than we ever imagined it would," LaBar concluded. "We have to make sure it's managed

and we have to make sure it is growth that benefits all of our region."

Bill Poteat may be reached at 704-869-1855.

GET READY GASTON

# Growth along light rail corridor must be well planned

By Bill Poteat  
bpoteat@gastongazette.com

"If we get this right, the sky is the limit," said John Lewis, CEO of the Charlotte Area Transit System. "If we don't, we only have to look south to Atlanta to see what gridlock really looks like."

"This" is the continued expansion of light rail in the Charlotte region — expansion which could see a light rail line constructed from the city's downtown to the airport and across the river to Gaston County.

Whether that line ends somewhere in Belmont or continues west to downtown Gastonia, it will require careful planning and unprecedented levels of cooperation between local governments, Lewis emphasized.

Lewis and Jason Lawrence, the senior transportation planner for CATS, shared their optimistic yet cautious views with the Get Ready Gaston forum audience.

At least a decade will pass,

Lewis said, before trains are making daily runs between Gaston County and downtown Charlotte. Within a few years, Gaston will have to decide how much it is willing to pay to join the CATS system and how that money will be raised.

CATS currently operates roughly 20 miles of light rail, the Blue Line, running from I-485 south of the city to the campus of UNC Charlotte to the north.

Along that line, Lewis said, more than \$3 billion has been invested in new businesses, offices, restaurants, and condo and apartment complexes, including more than 13,000 new residential units.

"A light rail line is about much more than moving people from A to B," Lewis said. "It is about planning and managing growth along that rail corridor."

The city now plans to turn its attention of development of the Silver Line, which is planned to run from downtown Matthews to Belmont.

"We are looking at an incredibly complex effort that will involve four municipalities and three counties," Lewis said. "Will there be parking at some stations? With other stations being walk-up stations? How will this affect Wilkinson Boulevard?"

Jason Lawrence, the senior transportation planner for CATS, says light rail will be only part of the answer to traffic problems in the future.

Lewis and Lawrence listed these as questions Gaston County needs to answer.

- How do you want to grow?
- What do you want your towns and cities to look like?
- Mobility is the key issues, but what other issues are in play?
- How can transportation planners apply technology to what you want?

• What is your growth plan and how can we help you reach it?

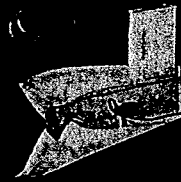
Both men also emphasized that a unified, regional mass transit system is about more than light rail.

Other key components may include buses and dedicated bus lanes, street cars, and commuter rail.

"Now is the time," Lewis said, "to be thinking about how you want those pieces to fit together."

Bill Poteat may be reached at 704-860-1855.

John Lewis, CEO of the Charlotte Area Transit System, talks to business and government leaders Wednesday at the "Get Ready Gaston" forum sponsored by Montcross Area Chamber of Commerce at Belmont Abbey College. He said Charlotte still has time to avoid traffic jams like Atlanta experiences. (PHOTOS BY LARRY CAPPS/SPECIAL TO THE GAZETTE.)



# Meeting the expectations of new workers

By Bill Poteat

bpoteat@gastongazette.com

Gaston County's economy is growing, but a lot of things connected to that economy

— houses, apartments, office buildings and retail outlets — will likely be shrinking as the millennial generation grows older and Generation Z becomes more important.



Rose

Generation Z becomes more important.

Kathleen Rose makes her living reading and predicting economic and housing trends as CEO of Rose and Associates, a real estate and economic development advisory firm in Charlotte. She shared her insights about the future at the Get Ready Gaston forum Wednesday morning.

Both millennials and Generation X'ers have different expectations of their homes.

See GET READY, A3

From Page A1

their workplaces, and their communities than do baby boomers, Rose said.

"This region is seeing a tremendous influx of talented and well educated new workers," she said, workers who first choose the area they want to live in and then set about to find a job there — a flip of the paradigm baby boomers used.

This shift in expectations was vividly illustrated for the Charlotte region recently when Amazon set out to choose a site for its second headquarters.

"Amazon was looking for a cultural community fit," Rose said. "They were looking at the quality of life offered by the community. They asked the question, 'Where will our employees enjoy living?'"

For millennials, Rose noted, the craft beer brewery has become the modern version of the old town tavern — the central gathering place for the community.

Meeting the expectations of these new generations of workers will be vital, Rose said, pointing out that together they make up more than 40 percent of Gaston County's workforce.

"Flexibility is the key," she said. "These young people want flexible space, flexible hours, and a flexible wardrobe."

They are far more open to co-working spaces and co-living spaces."

Co-working spaces, of which several have recently opened in Gaston County, "are booming," Rose said, a trend that will certainly grow.

As work expectations change, so too will shopping expectations, Rose argued.

"Malls and big box stores are the real estate of the old days," she said, "not the future."

Future stores will be more specialized, will be smaller, will often combine more than one store under a single roof and will ideally be located near food and beverage outlets, Rose predicted.

As to living space, Rose said the keys for young workers are smaller sizes and affordability.

"I think we'll be seeing more apartments that are the size of hotel rooms," she noted.

All of these trends, Rose concluded, will make Gaston County and its smaller towns more appealing to many younger workers than living in Charlotte.

"Millennials want to live in small towns. Millennials want that feeling of community if those small towns offer affordable housing and the amenities they are looking for," she concluded.

*Bill Poteat, a proud baby boomer who is disdainful of craft beer, sushi, and bat flips, may be reached at 704-869-1855.*

GET READY GASTON

# Affordable housing a critical need

By Bill Poteat

[bpoteat@gastongazette.com](mailto:bpoteat@gastongazette.com)

The solutions may be complex, but the causes for a lack of affordable housing in Gaston County are pretty simple.

The rate of new housing construction has not kept pace with the population growth rate, and wages have not kept up with the rising costs of new construction.

Put the two together, said Pamela Atwood, director of Housing

Policy for the North Carolina Housing Coalition, and many Gaston families are paying more than they can afford for both home ownership and for rental housing.

Both housing and lending experts agree, Atwood said, that a family should pay, at most, 30 percent to 35 percent of its income for housing. Across the state, however, 45 percent of all renters and 19 percent of all homeowners are paying more, sometimes much more, for a place to live.

In Gaston County, it is estimated that 27 percent of all households are paying more than they can afford for housing, including 41 percent of all renters.

"People are simply paying

## HOUSING

From Page A1

more than they can afford for housing," Atwood said, "and that expenditure is putting a strain on every other area of spending — clothing, food, transportation, and medical care."

The average rent for a two-bedroom apartment in Gaston County, Atwood noted, is \$1,078 per month, while a person working a minimum-wage job will have a salary of around \$15,000 per year.

"For many occupations, housing is simply not affordable," Atwood said. "Many young teachers cannot afford a decent place to live."

Unfortunately, Atwood said, "affordable housing" is a term often perceived in a negative light — conjuring up images of sprawling rent-subsidized apartments that are unsafe and



**Pamela Atwood, director of Housing Policy for the North Carolina Housing Coalition, said many Gaston families are paying more than they can afford for both home ownership and for rental housing. She spoke Wednesday in Belmont at the "Get Ready, Gaston" forum sponsored by Montcross Area Chamber of Commerce. (PHOTO BY LARRY CAPPS/SPECIAL**

TO THE GAZETTE)

poorly maintained.

Instead, she said, "affordable housing" should be seen as a vital component of a community's infrastructure — a way to build healthy and diverse neighborhoods that emphasize quality of life and a sense of well-being.

Looking to the future,

Atwood said providing more affordable housing is "a great challenge, but also an opportunity to get it right. Planning for housing has to be a large part of planning for the future."

Bill Poteat may be reached at 704-869-1855.

# Internet vital to business growth

By Bill Poteat  
bpoteat@gastongazette.com

Dr. John Robinson used a story to illustrate a point he was making better than charts or graphs or statistics ever could.

A few years ago, while his family was living in Greenville, South Carolina, a downed tree knocked out the electricity to the neighborhood.

His young daughter was distraught until he assured her the Wi-Fi was still working.



Fitzpatrick



Cox



Robinson

"She was OK with the power being off," Robinson said. "But she could not live without Wi-Fi."

As with his daughter, so with the world, Robinson

said. Internet service is no longer a bonus or an extra. It is an essential utility just like electricity, water, and sewer.

Robinson, CEO of Wellzesta, Terry Cox, executive director of TechWorks of Gaston County, and Alan Fitzpatrick, CEO of Open Broadband, spoke to Get Ready Gaston about how the internet and attendant technology is reshaping the workforce and the global economy.

## Highlights from Cox:

- TechWorks provides the only co-working space run by a nonprofit in the county.
- TechWorks can be a catalyst for job growth as it provides not only work space but also support and training for young entrepreneurs.
- Techworks can help existing companies grow and thrive.
- "Our goal is to incubate, grow, and retain talent in this

## GROWTH

From Page A1

county," Cox said.

## Highlights from Fitzpatrick

- Broadband is a critical part of any growing region's infrastructure.
- Increasingly, many municipalities are seeking to provide free Wi-Fi service in their downtowns, as Belmont has done.
- Free Wi-Fi service is also being included in new housing developments and apartment complexes.
- High speed internet service is important to start-up companies and to creating and maintaining jobs in Gaston County."

## Highlights from Robinson:

- Skilled, highly educated workers are flowing into the Charlotte region thanks to the access provided by Charlotte Douglas International Airport.
- Belmont is likely to emerge as Gaston County's leading municipality as growth from Charlotte shifts westward and crosses the Catawba River.
- Looking to the future, leaders will be better served to organize along economic, not political, boundaries.
- Money, time, and energy need to be injected into high growth areas to make sure that growth is both planned and sustainable.

Bill Poteat may be reached at 704-869-1855.



**T Faro**

---

**From:** earlw@dallasnc.net  
**Sent:** Thursday, September 12, 2019 4:16 PM  
**To:** 'T Faro'  
**Cc:** dhaney@dallasnc.net; 'M Kanupp'  
**Subject:** RE: Feedback Request: Density Concerns

We have no concerns if the setback stays at 6'. If the setback were to change to 5' for new construction we would just have to deal with the new setback.

Thanks

---

**From:** T Faro <tfaro@dallasnc.net>  
**Sent:** Thursday, September 12, 2019 4:11 PM  
**To:** earlw@dallasnc.net  
**Cc:** dhaney@dallasnc.net; 'M Kanupp' <mkanupp@dallasnc.net>  
**Subject:** RE: Feedback Request: Density Concerns

Good afternoon All,

If the setback stays at 6', do you have any concerns on lots (and therefore buildings) that are less wide (50' or 40')?

---

**From:** [earlw@dallasnc.net](mailto:earlw@dallasnc.net) [<mailto:earlw@dallasnc.net>]  
**Sent:** Thursday, September 12, 2019 3:54 PM  
**To:** 'Tiffany Faro' <[tfaro@dallasnc.net](mailto:tfaro@dallasnc.net)>  
**Cc:** [dhaney@dallasnc.net](mailto:dhaney@dallasnc.net); 'M Kanupp' <[mkanupp@dallasnc.net](mailto:mkanupp@dallasnc.net)>  
**Subject:** FW: Feedback Request: Density Concerns

Tiffany,

Below are the combined responses from our Assistant Chiefs concerning the setback. I will include my thoughts:

I don't agree with changing the set back to 5'. I do agree that we need affordable housing in Dallas but changing the set back could cause issues in the event of a house fire.

If the setback is changed to 5' then there should be several options given to the contractor.

Option #1 is to have the house upfitted with a residential sprinkler system during construction. The sprinkler system would help control a fire in its' incipient phase and allow us enough time to arrive.

Option #2 is to have triple pane windows installed on both sides of the house that will be facing the exposure next to it and possibly adding additional sheeting such as rated sheetrock to the side walls to assist in slowing down the fire spread.

Just my input.

Thanks,

Earl H. Withers III, CFO  
Fire Chief  
Town of Dallas Fire Department

## 8.1.11 - PLANNED RESIDENTIAL DEVELOPMENT (PRD)

### A. Planned Residential Development Guidelines.

#### 1. Purpose and Intent.

Planned residential developments (PRDs) may consist of either single-family dwellings, duplexes/twin homes or multifamily dwellings, or a mixture of said housing types. A variety of dwelling types and physical arrangements may be permitted such as single-family detached houses, lot line houses, village houses, twin houses, duplexes, patio houses, atrium houses, townhouses, other cluster arrangements, or other multifamily arrangements. The purpose for having planned residential developments is to promote variety, innovation, and flexibility in development by allowing certain variations in lot sizes, dwelling unit types and/or design requirements, the intended purpose of which is to:

- a. Permit a creative approach to the development of residential land;
- b. Provide for an efficient use of land;
- c. Enhance the appearance of neighborhoods through preservation of natural features;
- d. Provide for recreational areas and open space; and
- e. Provide an opportunity for new approaches to living environment and provide an environment of stable character compatible with surrounding residential areas.

In keeping with the stated purpose of this section, PRDs are only allowed through conditional district zoning as part of a PD planned district.

Furthermore, planned developments are reviewed in terms of the overall density, quality of development, and building separation to ensure public safety. Therefore, the lot and setback requirements are waived for individual lots within the PRD except as provided in this Section (8.1.11). Minimum street frontage requirements are provided herein. All lots shall have access to a publicly maintained street or alley and all lots with a driveway shall have a minimum 20-foot width at the back of curb (measured by extending the property lines from the street or alley right-of-way to the back of curb).

#### 2. Public Service.

All PRDs must be served by a public water and sewer system.

3. Project Size and Maximum Residential Density.

<b>PROJECT TYPE</b>	<b>MINIMUM GROSS PROJECT AREA (Acres)</b>	<b>MAXIMUM DENSITY* (Units per Acre)</b>
Single family detached only	5	3
Project includes single family attached	10	5
Project includes multi-family	10	7

\*Section 8.1.11A13 provides for a schedule of density bonuses over and above these basic gross densities where projects meet certain other requirements.

4. Allowed/Required Housing Types.

<i>Dwelling Unit Type</i>	<b>PD</b>
<b>DETACHED</b>	
Single-family detached house (excluding manufactured homes)	YES
Lot line house	YES
Patio house	YES
Village house	YES

<i>Dwelling Unit Type</i> <b>ATTACHED</b>	
Single-family attached	YES
Atrium House	YES
Townhouse/Rowhouse	YES
Twin house	YES
Duplex	YES
Multifamily (in a building containing up to two (2) above-ground stories)	YES
Multifamily (in a building containing over two (2) aboveground stories)	YES

5. Project Lot Width and Project Boundary Setbacks.

- a. The minimum project lot width (as measured at required front yard setback) shall be one hundred (100) feet.
- b. The minimum setback of twenty-five (25) feet shall be provided along the entire, external planned residential district boundary. Provided, however, certain larger buildings shall be required to meet greater setbacks from the project boundary according to the following table:

Two stories	Three stories	Four or more stories
50 feet	50 feet, or 75 feet for buildings having more than two connected dwelling units	100 feet

The expanded project boundary setback provision shall not apply within a Traditional Neighborhood Development (TND) or an Infill Residential Development (IRD), or within the Urban Mixed Use, Transitional Mixed Use, or Central Business districts.

Said project setback shall be within a common area (not on an individual lot) and cannot count towards required open space (Exception: Where the project setback area is provided in conjunction with additional open space of at least one acre that lies outside the required project setback, and creates with the project setback a total open space area having not less than one hundred fifty (150) feet between any opposing boundaries, it (project setback area) may be counted as required open space provided it meets all other open space standards of this Chapter).

The external PRD setback may be reduced when the front, rear, and side yard setbacks of single-family residential buildings and accessory residential structures in a planned residential district within one hundred fifty (150) feet of the perimeter conform to the setbacks in the adjacent single-family residential zone. In this case, PRD project setbacks may be reduced to that required by the adjacent single-family residential zone

- c. When rear residential yards abut the front project boundary, the setback at the front project boundary shall be fifty (50) feet. Said setback may be reduced to a minimum of twenty-five (25) feet where a type 3 buffer (or equivalent as determined by the Zoning Administrator) is placed in the front yard. If the fence-landscaping option is used, the fence shall be semi-transparent and constructed of brick, stone, stucco or other decorative masonry finish in combination with iron or vinyl pickets (e.g. brick knee wall with vinyl or iron pickets or an iron fence with brick columns). Said landscaping buffer shall be within a common area (not on an individual lot) and cannot count towards required open space.

6. Common Open Space.

Common open space is only that land dedicated to the public or designated by the development plan for the use, benefit, and enjoyment of all residents of the planned development. Open space may be common area owned and maintained by a homeowners' association or open space dedicated to the public. The City of Gastonia will only accept open space when it is part of a larger public recreation system (such as land along a planned greenway route) and maintains sole discretion on property acceptance.

- a. At least sixteen (16) percent of the gross acreage of the PRD shall consist of common open space. Common open space shall be improved for recreation purposes, such as pedestrian trails, swimming pools, tennis courts, or playgrounds, provide usable natural areas, such as community greens or passive park space, or provide significant visual or aesthetic qualities, such as tree save areas or nature preserves.

Improved open space shall be at least one-fourth (¼) acre in size.

Common open space, as calculated per the requirements stated herein, shall not be occupied by or include streets, drives, parking areas, private lots, or structures (other than recreational structures).

The following indicates the percent of the gross acreage of the PRD that shall consist of common open space and the amount of common open space required to be improved based on the overall common open space provided (improved recreation areas or usable natural areas).

Improved Common Open Space Provided	Total Common Open Space Provided
0%	24%
3%	23%
6%	22%
9%	21%

12%	20%
13%	19%
14%	18%
15%	17%
16%	16%

- b. Reserved.
- c. All property owners in the PRD shall have access to the improved open space by means of a public or private street or a paved sidewalk, trail, or walkway in a publicly-dedicated easement.
- d. When improvements are made for recreational purposes, standard practices for long-term durability and minimal maintenance should be observed.
- e. Open space shall be provided within each phase of the PRD in sufficient amounts to serve a substantial portion of the expected population or occupancy of that phase.
- f. Wet detention ponds may be counted towards meeting the improved open space requirement if (1) the facility is designed to hold water throughout the year, and (2) if the facility is surrounded by a path or walkway and contains benches or similar improvements for enjoyment by residents or users of the development.
- g. If walking or nature trails are proposed, said trails shall be at least seven (7) feet wide and paved using asphalt, concrete, or other hard surface material as approved by the City of Gastonia. Trails designed as part of the publicly maintained trail system (current or future use), shall be a minimum of ten (10) feet wide and paved using materials noted above.

All trails shall be designed and constructed according to the North Carolina Bicycle Facilities Planning and Design Guidelines. Improved common open space shall be calculated as follows:

$$(\text{length of the trail}) \times (100) = \text{improved space.}$$

If any land within the calculated area is not unobstructed open space, said areas shall be subtracted from this calculation. In addition, any area may only be used once in determining the improved common open space calculation.

7. Accessory Structures.

- a. Accessory structures for single-family patio homes shall not be located in any front yard or required side yard; shall not cover more than thirty (30) percent of any required rear yard; and shall be set back twelve (12) feet on one side yard only. The zero lot line for the accessory structure shall be the same as the zero lot line for the principal structure. A five-foot setback shall be maintained between the accessory building and the rear property line and/or any other structure located on the property. The exterior finish of such accessory building shall be similar to the principal dwelling and no openings shall be located on the zero lot line side.
- b. Accessory structures including mailboxes, newspaper boxes, walls, fences, birdhouses, and flag poles may be located in any front, side or rear yard. Otherwise, accessory structures shall be in the rear yard only. Accessory structures greater than fifty (50) square feet in area and shall be comprised of materials similar as the principal structure. Otherwise, accessory structures shall be in compliance with Section 9.9 of this Ordinance.

8. Off-Street Parking Requirements.

- a. The requirements of Chapter 10 shall prevail except as herein provided.
- b. For attached housing within a PRD, one additional parking space shall be provided in a designated off-street parking facility for every ten (10) units.



- c. Where parking is provided by private drives for individual dwelling units, space shall be provided for parking at least two (2) cars at each dwelling unit.

9. Screening and Landscaping Requirements.

- a. A minimum Type B landscaping buffer shall be provided at the fringes of the PRD. Internally, screening shall be provided when such use, if it were not located in the PRD, would have been required to provide screening in accordance with Section 11.4.
- b. For any development within a PRD which provides parking spaces in a designated off-street parking facility, parking lot landscaping requirements Section 11.5 shall be observed.
- c. A Type C landscaping buffer shall be required where rear facing lots within the PRD abut a public street.
- d. A minimum of two (2) trees shall be installed on each individual lot, with at least one tree being a canopy tree. An existing tree with a caliper of at least five (5) inches may count towards this requirement (one five-inch caliper tree counts for one tree).

10. Sidewalk/Greenstrip Requirements.

Refer to Section 9.18.1(E) for sidewalk requirements and Section 9.18.2 for greenstrip requirements.

Sidewalks, constructed in accordance with all applicable city construction specifications, shall be placed on both sides of all internal subdivision streets. Sidewalks shall not be required on public alleys. Required sidewalks shall be separated from the back of curb by a landscaped greenstrip a minimum of six (6) feet in width. Street trees shall be installed within the greenstrip lawn per Section 11.4, however, canopy trees shall be required unless otherwise approved by the zoning administrator.

11. Garage Requirements.

- a. To allow adequate space for vehicles to park between the garage and the public street, the front face of a front loaded garage shall be set back a minimum of twenty (20) feet from the public street right-of-way or back of sidewalk, whichever measurement creates the greatest setback. Garages that have access via a rear alley shall have:

1. A minimum of eighteen (18) feet between the garage door and the alley right-of-way (twenty (20) feet from asphalt) to allow for parking outside the garage; or
  2. When the Director of Planning and the Subdivision Administrator determine that adequate marked, on-street parking is available on the public street, the setback between the garage door and the alley right-of-way may be reduced to three (3) feet. No parking shall be allowed between the alley and the garage.
- b. Single-family residential detached lots with an attached, front loaded, two-car garage shall be at least sixty (60) feet wide at the front building line.
  - c. Single-family residential detached lots with an attached, front loaded, one-car garage shall be at least fifty (50) feet wide at the front building line.
  - d. Single-family detached lots that are less than fifty (50) feet wide at the front building line shall have:
    1. Vehicle access via an alley that runs adjacent to the rear yard, with no driveway access along the front lot line;
    2. Vehicle access via the public street (along the front lot line) as long as the entire garage, whether attached or detached, or the entire parking area (other than the driveway) is fully within the rear yard; or
    3. For corner lots, vehicle access may be provided via the public street along the side lot line, as long as the garage is fully within the rear yard.

12. Street and Ingress/Egress Requirements.

- a. Streets within the PRD should have a design speed of thirty (30) miles per hour and a posted speed of twenty-five (25) miles per hour. Higher design and posted speeds may be allowed on major boulevards that provide through access to the PRD and adjoining developments.
- b.

All streets (including alleys) within the PRD shall be publicly maintained. All streets (but not including alleys) shall be designed to have on-street parking on at least one side of the road. The street network within the PRD and with adjacent streets outside the PRD shall be interconnected to the greatest degree feasible and practical.

- c. Alleys in the PRD shall have a minimum paved surface of sixteen (16) feet and a minimum right-of-way width of twenty (20) feet. Private alleys shall be prohibited.
- d. Use of culs-de-sac shall be minimized within the PRD and shall not be used to avoid street connections. Culs-de-sac shall be no greater than two hundred fifty (250) feet in length.
- e. Block lengths shall be no greater than eight hundred (800) feet in length.
- f. Any PRD containing eighty (80) or more dwelling units shall have at least one point of ingress and egress onto a major or minor thoroughfare as depicted on the most up-to-date version of the thoroughfare plan of the Gaston Urban Area.
- g. Off-street parking areas and all internal streets shall provide safe and convenient access for emergency service and refuse collection vehicles and other service and delivery vehicles.
- h. Street trees shall be provided per Section 11.4 in all PRDs.

13. Density Bonus.

A density bonus over the basic density normally allowed may be approved by the Planning Commission or City Council with project approval. Such density bonus must be based upon the amount of common open space greater than that required by this section. The common open space calculation is derived from the gross project acreage and the acreage of common open space provided which meets the requirements of this section. For each one percent increase in the amount of common open space and improved common open space provided, the number of dwelling units allowed increases by .15.

Application for the density bonus must accompany the preliminary site plan when the plan is submitted for approval.

**B. PRD BUILDING AND LOT STANDARDS**

The following design standards shall apply within a PRD:

1. Multi-Family Buildings.

See Section 8.1.10 B.

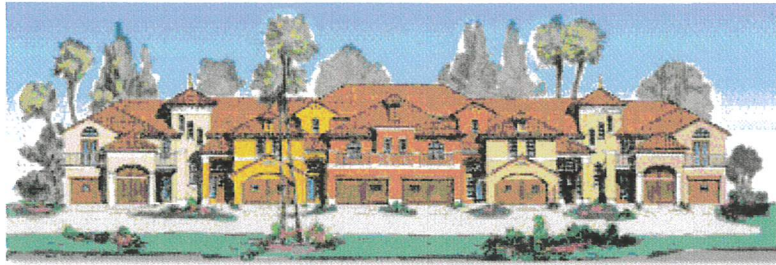
2. Single-Family Detached Residences.

- a. A common front build-to line on both sides of the same block shall be maintained. Variations in front yard setbacks may vary by no greater than five (5) feet on any block. Areas between the building and the adjacent sidewalk shall be landscaped per Section 11.4.
- b. Pedestrian access to the residence shall be from the adjoining front yard sidewalk.
- c. Building facades shall be generally parallel to front property line.

3. Single-Family Attached Residences.

Single-family attached residences shall comply with the building standards for single-family detached (Section 8.1.11B2). In addition, the following standards shall be met:

- a. Front build-to lines shall be a minimum of ten (10) feet behind the sidewalk, except in the CBD, TMU, and UMU.
- b. A minimum of twenty (20) feet shall be maintained between one story buildings, however, the rear of a building shall be a minimum of fifty (50) feet from another building. An additional five (5) feet of separation shall be added for each additional story. A multiple-story building with lower end units shall be considered a multiple-story building.
- c. All single-family attached buildings (atrium house, townhouse, twin house, and other applicable units) shall front on a public street and have direct access to a public street or an alley. For single-family attached developments, designated off-street parking areas shall not be located between the building and the public street.
- d. The ground level finished floor elevation of single-family attached units shall be located a minimum of two (2) feet above grade as measured from the back of the street right-of-way, when the front setback is less than twenty (20) feet.



- e. There shall be a landscaped area at least four (4) feet in width along the entire length of the front facade of each building. There shall be at least one shrub per six (6) linear feet of building. (NOTE: This is not applicable in the TMU, UMU and CBDs.)



- f. In lieu of the street tree requirements contained in Section 11.4, trees shall be planted between the building and the adjoining public street (at the periphery of the development) as follows:
- Two (2) canopy trees and two (2) understory trees shall be planted for every one hundred (100) linear feet of public street frontage.

- When the backs of dwelling units face a street right-of-way, the number of plantings required above shall be increased by fifty (50) percent.

(Ord. No. 10-585, § 4, 8-17-10; Ord. No. 14-631, § 2, 3-18-14; Ord. No. 16-646, § 2, 5-17-16)

## MEMORANDUM

Date: August 9, 2019

To: Michael Peoples  
City Manager

From: Jason Thompson, AICP  
Planning Director

Subject: An ordinance amending the Unified Development Ordinance by amending *Section 6.2.6.A Other Districts* from *Chapter 6 Zoning Districts, Table of Uses 7.1-1 from Chapter 7 Use and Building Lot Standards, Chapter 13 Subdivisions* and deleting *Section 8.1.11 Planned Residential Development (PRD) and Section 8.1.12 Infill Residential Development* from *Chapter 8 Supplemental Use Regulations* and replacing with a new *Section 8.1.11 Revised Residential Development District* to provide new standards for revised single-family residential options. (File #9283)

---

### BACKGROUND

The Gastonia Unified Development Ordinance (UDO) became effective November 2009 after approval by the Gastonia City Council. Staff has been administering the provisions since. In working with developers, other agencies, and the general public, issues are sometimes identified that necessitate re-evaluation of certain provisions of the Ordinance in order to improve their design functionality.

As currently written the single family residential district provisions have resulted in developments that are not in keeping with the intent of the City's land use plans, generally those encouraging usable open space, greater housing variety, and better street connectivity. Specifically, the City seeks to increase the opportunities available to developers and home buyers for infill residential units and to encourage greater creativity in the design of Greenfield and infill properties.

At the City Council's Strategic Planning Workshop held in January there was consensus directing staff to continue working on amendments and revisions to the Residential District Standards of the UDO to address the Staff's concerns. The ability to regulate housing design is limited by State Legislation, but there is adequate authority provided to the City to impact the designs of neighborhoods.

### PROPOSED REVISED RESIDENTIAL DEVELOPMENT DISTRICT (R2D2) REVISIONS

- Provide for smaller lot sizes for single family detached housing
- Create provisions for attached single family housing
- Establish street sections appropriate to the density of housing being accessed including rear lanes for high density attached single family
- Provide open space designs to promote passive and active neighborhood use
- Provide block and intersection spacing to encourage walkable neighborhood plans.

### CONCLUSION

If approved, these revisions would be incorporated into the provisions of the Planned Development Zoning District of the UDO, replacing the Planned Residential District (PRD) and Infill Residential District sections. Staff recommends approval of these revisions as presented.

**On July 22, 2019, the Gastonia Planning Commission voted 6-0 (Goode, Cinq-Mars, Fleeman, Stewart, Armstrong, and Ferguson) to forward a favorable recommendation on the request as presented.**

**AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF GASTONIA**

An ordinance amending the Unified Development Ordinance by amending *Section 6.2.6.A Other Districts* from *Chapter 6 Zoning Districts, Table of Uses 7.1-1 from Chapter 7 Use and Building Lot Standards, Chapter 13 Subdivisions* and deleting *Section 8.1.11 Planned Residential Development (PRD) and Section 8.1.12 Infill Residential Development* from *Chapter 8 Supplemental Use Regulations* and replacing with a new *Section 8.1.11 Revised Residential Development District* to provide new standards for revised single-family residential options.

**WHEREAS**, the City of Gastonia deems it necessary to update the Unified Development Ordinance in order to facilitate the use of land; and

**WHEREAS**, the City of Gastonia deems it necessary to and in the public interest to have clear, concise and consistent standards for the management of growth and development throughout the city; and

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GASTONIA as follows:**

**Section 1.** Section 6.2.6.A Other Districts of the Unified Development Ordinance shall be amended as follows:

**6.2.6 - OTHER DISTRICTS**

A. The PD planned district is established to allow various types of planned developments, including ~~Infill Residential Developments (IRD), Planned Residential Developments (PRD),~~ Revised Residential Development District, Planned Unit Developments (PUD), and Traditional Neighborhood Developments (TND). The planned district is a shell in which the planned developments are housed. In some districts, the PD has no setback or lot arrangements associated with the zone, however, each planned development type dictates the particulars of the development. A PD planned district shall be established only for the planned developments noted above.

**Section 2.** Table 7.1-1 of the Unified Development Ordinance shall be amended as follows:

**Table 7.1-1 – Table of Uses**

Use Category				Other
	Defined	Sup. Reg.	Pkg. Reg.	PD
Dwelling, Single Family	Y		1.2	<u>XS</u>
Dwelling, Single Family Attached	Y	8.1.17 <u>8.1.11</u>	1.2	<u>XS</u>
Dwelling, Two-Family	Y	8.1.5 <u>8.1.11</u>	1.2	<u>C</u>
Home Occupation, Customary	Y	<u>8.1.11</u> <u>9.1</u>	1.3	<u>XS</u>



Infill Residential Development (IRD)	Y	8.1.12	1.67	CS
Planned Residential Development (PRD)	Y	8.1.11	1.67	CS

**Section 3.** Existing Section 8.1.11 Planned Residential Development (PRD) shall be deleted in its entirety and replaced with the following new Section 8.1.11 Revised Residential Development District of the Unified Development Ordinance shall be created as follows:

**8.1.11 REVISED RESIDENTIAL DEVELOPMENT DISTRICT**

**Purpose**

In order to provide for the orderly development of Gastonia, encourage residential development patterns that contribute to the character and sense of place of the community, and to allow for creativity in the planning of future residential development, the City hereby establishes districts and their associated standards and specifications to amend the City's existing UDO.

**Districts Created**

The following residential Use Districts are created. This listing is in order of intensity of development listed within the district, from least intense to most intense:

- Residential (R-1)
- Residential (R-2)
- Residential (R-3)
- Residential (R-4) Townhome
- Residential (R-5) Duplex

**Description of Districts**

Single Family Residential Districts (R-1, R-2, R-3, R-4 and R-5) provide for the completion of existing residential neighborhoods and the development of new residential neighborhoods. Allowed building/lot types in the Single Family Districts

are: Detached House and Attached House. Listed uses are restricted to single-family homes and their accessory uses.

Neighborhoods in these districts are the dominant land use in Gastonia and are a major element in defining the character of the community. Standards for the Single Family Residential Districts promote that new development enhance the resiliency and character of the community by balancing the future costs of providing services with an impactful increase in the valuation of property through better design.

### **District Development Standards & Permitted Uses**

Development standards are established for each of the following Residential General-Use Districts to promote the orderly development of the City of Gastonia. The permitted uses listed for each district, are as specified in Section 7.1-1 Table of Uses.

(A.) Listed Building and Lot Types: Detached House and Attached House

(B.) Net Residential Density Limit, excluding Accessory Dwelling Units meeting the limitations of and in accordance with this section; and maximum size of a subdivision:

(1.) R-1:	1.5 unit/acre	Subdivision: unlimited
(2.) R-2:	2.5 units/acre	Subdivision: 350 acres
(3.) R-3:	4.0 units/acre	Subdivision: 80 acres
(4.) R-4:	9.0 units/acre	Subdivision: 10 acres

(C.) General Requirements:

(1.) Building placement, parking placement, building type, access, and lot arrangement shall be controlled by the lot and building type standards set forth herein for the lot and building types listed in the Single Family

Residential Districts.

(2.) In addition to the requirements established by the lot type standards and building type standards, the following minimum dimensional standards shall apply in the Single Family Residential Districts for the *Principle Structure*.

R-1 10,001 - 20,000	R-1 91' - 120'	R-1 25' - 40'	R-1 20'	R-1 12'	R-1 22'	R-1 50%	Front or Rear
R-2 8,001 - 10,000	R-2 71' - 90'	R-2 10 - 30'	R-2 15'	R-2 10'	R-2 15'	R-2 50%	Front or Rear
R-3 5,501 - 8,000	R-3 55' - 70'	R-3 5 - 15'	R-3 10'	R-3 5'	R-3 10'	R-3 60%	Front or Rear
R-4 2,400 - 5,500	R-4 24' - 54'	R-4 0' - 5'	R-4 5'	R-4 0' - 5'	R-4 0' - 5'	R-4 70%	Rear

Similar to

R-12, R-15

R-10

R-6, R-8

PROPOSED  
R-4 & R-5

(E.) Open Space. The provision and design of open space shall comply with the requirements set forth herein.

(F.) Parking and Landscaping. Parking shall comply with the requirements set forth herein. Landscaping shall comply with the requirements set forth in Chapter 11 Screening and Landscaping.

**Design Requirements:**

Streets, Alleys and Blocks:

- (a.) Public streets shall provide access to all tracts and lots.
- (b.) Streets and alleys shall, wherever practicable, terminate at other streets within the neighborhood and connect to existing and projected streets outside the development.
- (c.) Cul-de-sacs shall not exceed 250 feet in length, must be accessed from a street providing internal or external connectivity, shall be permanently terminated by a vehicular turnaround, and are permitted only where topography makes a street connection impracticable. In most instances, a "close" or "eyebrow" is preferred to a cul-de-sac.
- (d.) Vehicular turnarounds of various configurations are acceptable so long as emergency access is adequately provided.
- (e.) Pedestrian connections shall be provided as extensions of terminating streets where not precluded by topography or other physical constraints.
- (f.) The average perimeter of all blocks shall not exceed 1,350 feet. No block face shall have a length greater than 500 feet without a dedicated alley or pathway providing through access.
- (g.) A continuous network of rear alleys shall be provided for all lots less than 55 ft. in width.

(h.) Utilities may run along alleys provided that a permanent access and utility easement is recorded for the full length of alley being used for utilities or public services such as garbage collection.

(i.) Streets shall be organized according to a hierarchy based on function, size, capacity, and design speed; streets and rights-of-way are therefore expected to differ in dimension. The proposed hierarchy of streets shall be indicated on the submitted site plan. Each street type shall be separately detailed.

(j.) To prevent the buildup of vehicular speed, disperse traffic flow, and create a sense of visual enclosure, long uninterrupted segments of straight streets shall be avoided. Methods to achieve this interruption include:

(i.) A street can be interrupted by intersections designed to calm the speed and disperse the flow of traffic and terminate vistas with a significant feature (building, park, natural feature);

(ii.) a street can be terminated with a public monument, specifically designed building facade, or a gateway to the ensuing space;

(iii.) perceived street length can be reduced by a noticeable street curve where the outside edge of the curve is bounded by a building or other vertical elements that hug the curve and deflect the view; and

(iv.) other traffic calming configurations are acceptable so long as emergency access is adequately provided.

#### Buildings and Lots:

(a.) All lots shall share a frontage line with a street or square; lots fronting a square shall be provided rear alley access.

(b.) Consistent build-to lines shall be established along all streets and public space frontages; build-to lines determine the width and ratio of enclosure for each public street or space. A minimum percentage build-out at the build-to line shall be established on the plan along all streets and public square frontages.

(c.) Building and lot types shall comply with the descriptions provided herein.

Open Space:

The provision and design of open space shall comply with the requirements set forth herein.

## **BUILDING AND LOT TYPE STANDARDS & SPECIFICATIONS**

### **Purpose**

The purpose of this section is to establish standards and specifications for the buildings and lots permitted in each of the zoning districts established herein. The standards and specifications set forth below are established to ensure that new development and construction is enduring and compatible with the character of the City of Gastonia, that it accomplishes the purposes of this Ordinance, and that it achieves the goals identified in the adopted Comprehensive Land Use Plan and other adopted and or approved plans.

### **Detached House Lot and Building Type**

The detached house is the most prevalent building type in Gastonia. The detached house building type is generally found in residential neighborhoods, although it may coexist with other, similarly scaled buildings in commercial or mixed-use areas. Where possible, structures should be designed to maintain a harmonious image of the neighborhood when viewed from a distance. Where appropriate and possible, structures shall be designed to

terminate vistas. For detached homes on large lots, building placement and site planning shall be dictated by landscape features and landscape preservation. Within the limits described below, these regulations shall apply to all houses built utilizing these revised residential development standards.

(A.) Building Placement, Parking, and Vehicle Access.

(1.) Along new streets:

(a.) setbacks shall be measured as defined in Chapter 2.

(2.) Parking standards defined herein.

(3.) Accessory structures, including detached garages, shall be located at least 5' behind the primary structure.

(4.) Grading shall provide for smooth grade transitions, no more than 10%, in accordance with the most recent version of the "Subdivision Grading Minimum Design Standards" to avoid abrupt "v" ditches, swales and other disruptions to the landscape, particularly between buildings where open space enhancements for use by persons actively utilizing the landscape and/or yard area.

(5.) The maximum building coverage for the primary structure shall be 30% of the lot area.

(B.) Encroachment, Pedestrian Access, and Commercial Use Standards & Specifications.

(1.) Primary pedestrian access into the building shall be from the street frontage line. Secondary access may be from parking areas.

(2.) Balconies, stoops, stairs, open porches, bay windows, and awnings are permitted to encroach into the front setback area up to 8'. Encroachments into the 5' GDUE shall be by conditional permit only.

(3.) Mechanical equipment exceeding 16 square feet shall not encroach into any required setback.

(C.) Permitted Height, Uses, Encroachments, and Resiliency.

(1.) Building heights shall be measured as the vertical distance from the mean elevation of the finished grade to a point representing the midpoint of the peak and eave heights.

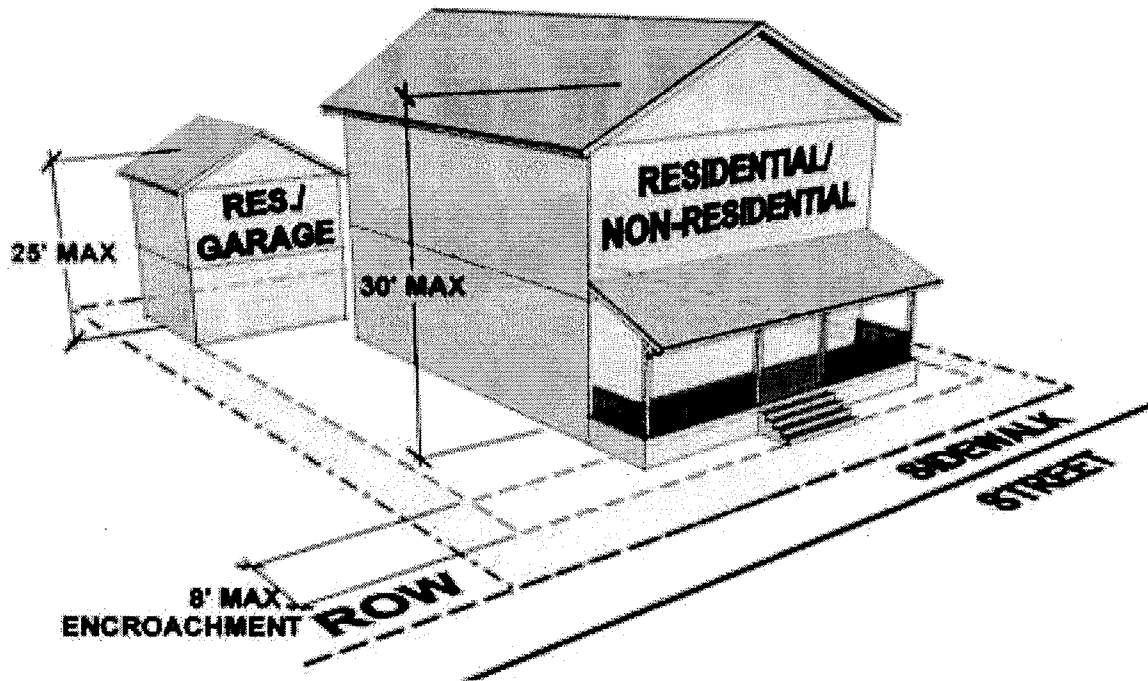
(2.) Building height to the ridge may vary depending on roof pitch.

(3.) Permitted uses are controlled by zoning district standards.

(4.) Balconies, stoops, stairs, open porches, bay windows, and, and awnings are permitted to encroach into the front setback area up to 8'. Encroachments into the 5' GDUE shall be by conditional permit only.

(5.) Mechanical equipment exceeding 16 square feet shall not encroach into any required setback.





### **Attached House Lot Type and Building Type Standards**

The attached house is a row-house, a City house, or a duplex. Traditional southern homes in Savannah and Charleston provide a model. The Southside neighborhood in Greensboro provides a good contemporary example. Generally, building plans will have narrow frontages with the plan depth being greater than its width. Within the limits described below and unless the zoning district standards require greater measures, these regulations shall apply to all attached houses built on public streets.

#### Attached House Lot Type Standards & Specifications.

##### (A.) Building Placement, Parking and Vehicle Access.

- (1.) There shall be at least 12' of separation between units that are not attached.
- (2.) Building facades shall be generally parallel to front street right-of-way lines.
- (3.) All buildings shall front onto a public street and/or open space.

(4.) Grading shall provide for smooth grade transitions, no more than 10%, in accordance with the most recent version of the "Subdivision Grading Minimum Design Standards" to avoid abrupt "v" ditches, swales and other disruptions to the landscape, particularly between buildings where open space enhancements for use by persons actively utilizing the landscape and/or yard area. The use of crawl-space, skim walls, and raised slab construction techniques in attached residential structures and professional landscape design are required to meet this characteristic of site development to establish a Finished Floor Elevation (FFE) a minimum of two (2.0) vertical feet above adjacent sidewalk.

(5.) Parking standards herein shall apply.

(6.) Accessory structures shall be located at least 5' behind the primary structure and shall have the same side and rear setbacks as the main structure.

(B.) Encroachment and Pedestrian Access.

(1.) For buildings set up to the sidewalk, balconies and bay windows at an upper level and their supports are permitted and encouraged within the sidewalk area. Encroachments affixed to the building and horizontally protruding more than 6" from the face of the building must have a minimum 7'6" clearance from the finished grade. Encroaching canopies should cover the entire sidewalk within the permitted distance shown by the shaded area.

(2.) For buildings set back from sidewalk, balconies, stoops, stairs, unenclosed porches and bay windows are permitted to encroach into the front setback area up to 8'. Encroachments into the 5' GDUE shall be by conditional permit only.

(3.) Main pedestrian access to the building is from the street. Secondary access may be from parking areas.

- (4.) Decks shall be constructed only in an established rear yard and are not permitted to encroach into the rear setback.

Attached House Building Type.

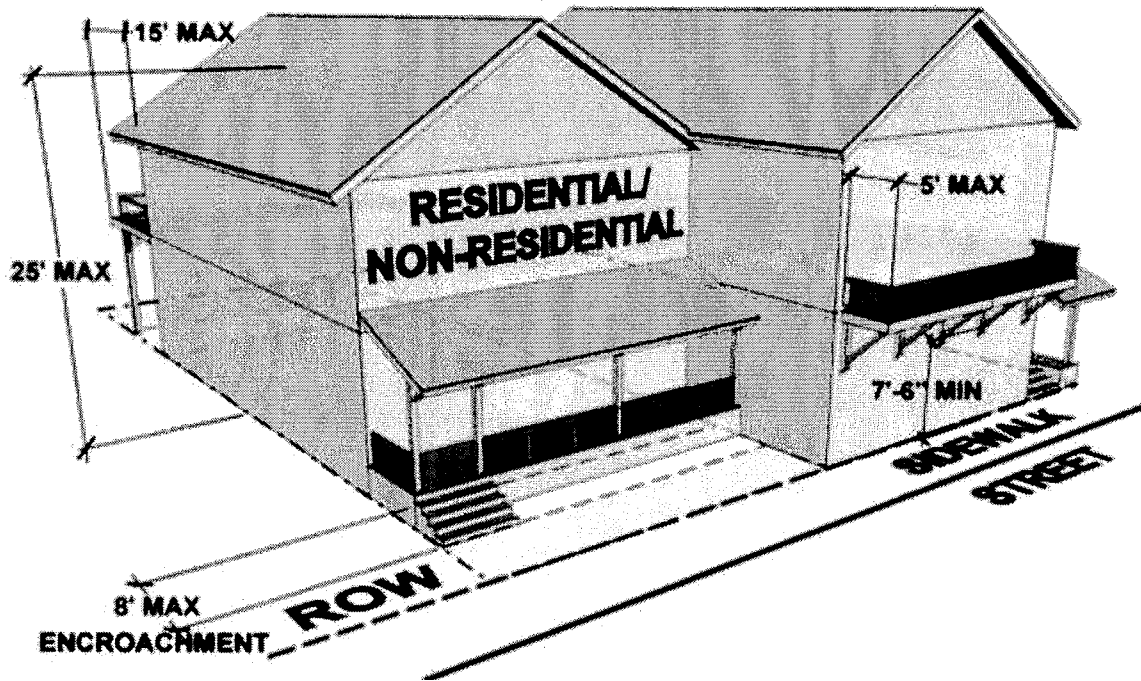
(A.) Permitted Height and Encroachments.

- (1.) Building heights shall be measured as the vertical distance from the mean elevation of the finished grade to a point representing the midpoint of the peak and eave heights.
- (2.) Building height to the ridge may vary depending on the roof pitch.
- (3.) Permitted uses are controlled by zoning district standards.
- (4.) For buildings set back from sidewalk, balconies, stoops, stairs, unenclosed porches and bay windows are permitted to encroach into the front setback area up to 8'.
- (5.) Mechanical equipment exceeding 16 square feet shall not encroach into any required setback.

(B.) Architectural Standards.

- (1.) Principles for maintaining the character of the City:
  - (a.) To perpetuate the unique building character of the City and its environs, and to re-establish its local identity, development shall generally employ building styles that are compatible with the architectural vocabulary of the area in their external treatment. Manufactured homes

shall not be permitted as part of any attached residential development under this ordinance.



(b.) The front elevations facing the street, and the overall massing shall communicate an emphasis on the human scale and the pedestrian environment. The intention of buildings in all locations must be to relate the principal facade to the sidewalk and public space of the street to maintain compatibility with structures within the City. Setbacks should be used in a manner that encourages pedestrian activity.

(c.) Each building should be designed to form part of a larger composition of the area in which it is situated to maintain compatibility with structures within the City.

(d.) Building silhouettes should be generally consistent. The scale and pitch of roof lines should thus be similar across groups of buildings to

maintain compatibility with structures within the City.

(e.) Porches shall form a predominant motif of house designs, and be located on the front or to the side of the dwelling. When attached to the front, they shall extend over at least 40% of the front facade. All porches shall be constructed of materials in keeping with those of the main building to maintain compatibility with structures within the City.

(2.) Configurations:

(a.) Main roofs on residential buildings shall be symmetrical gables or hips with a pitch of between 4:12 and 12:12 to maintain compatibility with structures within the City. Mono-pitch (shed) roofs are allowed only if they are attached to the wall of the main building. No mono-pitch shall be less than 4:12. All accessory buildings shall have roof pitches that conform to those of the main buildings to maintain compatibility with structures within the City.

(b.) Balconies should generally be simply supported by posts and beams to maintain compatibility with structures within the City. For balconies overhanging the sidewalk, supports should be from visible brackets, as supports cannot be located in the sidewalk. The support of cantilevered balconies should be assisted by visible brackets.

(c.) Two wall materials may be combined horizontally on one facade. The "heavier" material shall be below to maintain compatibility with structures within the City.

(d.) Exterior chimneys shall be finished in brick, stone or stucco to

maintain compatibility with structures within the City.

(3.) Techniques:

(a.) Overhanging eaves may expose rafters to maintain compatibility with structures within the City.

(b.) The gable end-rake and minimum 8" overhanging vented eaves shall be finished by profiled molding or gutters to maintain compatibility with structures within the City.

**OFF-STREET & ON STREET PARKING**

R-1, R-2 and R-3

To enable emergency access to occupant area on Lots of Record equal to or greater than sixty (60) feet in width, but less than 120 feet in width, minimum required off-street parking space(s), whether enclosed or not, shall be recessed at least 3.5 feet behind the primary front plane of the Conditioned Space of a residential structure.

R-3 and R-4

To enable emergency access to occupant area on Lots of Record less than sixty (60) feet in width, rear lane access, by a "privately maintained public access and utility easement" is required if on-site parking is provided.


Front or Side Entry Parking on R-4

To enable emergency access to occupant area on Lots of Record less than sixty (60) feet in width, attached and detached single family homes may be permitted to have front or side entry parking access if the following conditions are met:



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

#### Parking on Residential Streets

 Parking shall be allowed along all residential streets except along rear lanes, designated bike lanes, within eight (8) feet of a driveway apron, within fifteen (15) linear feet of a fire hydrant, and areas specifically signed for no parking. In no case shall minimum off-street parking space(s), whether enclosed or not, extend into the public right of way, or into an easement or a public sidewalk on private property.

#### On Street Parking Requirements

On street parking at the lot front may be counted toward all or part of the parking requirement of a dwelling unit provided the standards in the above paragraph are satisfied.

#### Location of Detached Garages

Detached garages may only be placed in the established rear or side yard within the defined Building Envelope.

### **USES WITH ADDITIONAL STANDARDS**

#### **Uses with Additional Development Standards**

# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: Ordinance Enforcement: Criminal vs. Civil

AGENDA ITEM NO. 9B

MEETING DATE: 9/19/2019

### BACKGROUND INFORMATION:

The Development Services Director is requesting a transition from criminal enforcement of the Town's zoning ordinances to civil enforcement, which requires the approval of several text amendments.

Currently, most of our ordinances read that violators shall, upon conviction, be guilty of a misdemeanor and subject to a fine not to exceed \$50 or imprisonment not to exceed 30 days, and each day that any of the provisions violated shall constitute a separate offense.

This enforcement method requires a significant amount of staff time and resources with no guaranteed abatement action.

A transition to civil penalties would allow Development Services to handle both the notice and penalty of these violations. Since civil penalties can accrue daily until cleanup occurs, and are collectable in a variety of methods including court action, NC Debt Setoff, and/or property liens, staff anticipates increased compliance with the necessary abatement of violations.

While it is legal to retain criminal enforcement while adding civil penalties, the North Carolina Supreme Court has held that if a local ordinance is criminally enforceable under G.S. 14-4, then the clear proceeds of any civil penalty or fine assessed for a violation of the local ordinance must be remitted to the local school administrative unit(s) in the county in which the penalty or fine was assessed.

---

BOARD ACTION TAKEN:



**§ 150.22 ENFORCEMENT OF ZONING REGULATIONS.**

(A) Zoning permit required. No use, alteration, remodeling, repair, enclosure, or construction of any building or structure (including fences) shall take place until an application and plans are submitted for review and approval in the form of a zoning permit by the town's Administrator

(1) Any and all persons so designated to enforce this Ordinance shall be referred to as the "Administrator."

(B) If the work does not fall under the requirements of a zoning permit, the town's Development Services Director shall issue a letter exempting the applicant from a zoning permit, although the applicant may still be subject to obtaining a building permit from Gaston County, according to §§ 150.08 and 150.21.

**(C) Failure to comply with any provision of this Ordinance is hereby declared unlawful. The following remedies and enforcement powers may be used to administer and enforce this Ordinance:**

**1. The Administrator may withhold all permits or approvals if there is:**

**a. A repeat violation of this Ordinance; or**

**b. There is a condition or qualification of approval granted by a permit issuing body that has not been met.**

**2. The Administrator may deny or withhold all permits, certificates, or other forms of authorization on any land or structure or improvements owned or being developed by a person who owns, developed or otherwise caused an uncorrected repeat violation of this Ordinance. This provision shall apply whether or not the property for which the permit or other approval is sought is the property in violation.**

**3. Any zoning permit or other form of authorization stipulated under this Ordinance may be revoked for any reason set forth in G.S. 160A-422.**

**4. With or without revoking permits, the Administrator may order that work be stopped on any land or structure on any land on which there is an uncorrected violation of a provision of this Ordinance or of a permit or other form of authorization issued hereunder, in accordance with the power to stop work pursuant to G.S. 160A-421. The stop work order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons thereof, and the conditions under which the work may be resumed.**

**5. Where a violation of this Ordinance involves a failure to comply with approved plans or conditions to which the approval of such plans was made subject, the Administrator may, upon notice to the applicant and other known parties in interest (including any holders of building permits affected), revoke the plan approval pursuant to G.S. 160A-422. Any permit mistakenly issued in violation of an applicable State or local law may also be revoked.**

**6. All violations of this section shall subject the offender to a civil penalty to be recovered by the city in a civil action in the nature of debt if the offender does not pay the penalty within 30 days after he has been cited for violation of the ordinance, and may be enforced by an appropriate equitable remedy including but not limited to injunctions issued from a court of competent jurisdiction as outlined in 153.999.**

**6. The Administrator may impose penalties as called for in Section 153.999, and each day's continuing violation shall be a separate and distinct offense.**

# minimum Housing

## § 150.36 EXERCISE OF POLICE POWER; FINDING; PURPOSE.

(A) Pursuant to G.S. § 160A-441, it is hereby found and declared by the Board of Aldermen of the town that there exist in the town dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fire, accidents and other calamities, lack of ventilation, light and sanitary facilities, and due to other conditions rendering the dwellings unsafe or unsanitary, and dangerous and detrimental to the health, safety and morals, and otherwise inimical to the welfare of the residents of the town.

(B) In order to protect the health, safety and welfare of the residents of the town as authorized by G.S. § 160A-19-6, it is the purpose of this subchapter to establish minimum standards of occupancy of all buildings used for human habitation as expressly authorized by G.S. § 160A-444, and to provide procedures for the repair, closing and demolition of buildings not conforming to the minimum standards of fitness, as expressly authorized by G.S. § 160A 441.

**(C) All violations of this section that are not remedied by the deadline given through an order of repair, alteration and improvement, or vacancy, closing and removal or demolition shall subject the offender to a civil penalty to be recovered by the Town in a civil action in the nature of debt if the offender does not pay the penalty within 30 days following the given deadline.**

**(D) Each day that the occupancy of the same after the time prescribed in the order of its repair, alteration and improvement, or its vacancy, closing and removal or demolition continues after the prescribed time shall constitute a separate and distinct offense as outlined in 150.99.**

**(E) Violations of this chapter may also be enforced by an appropriate equitable remedy including but not limited to injunctions and orders of abatement issued from a court of competent jurisdiction issued from a court of competent jurisdiction as outlined in 150.99.**

**(F) Each day's continuing violation shall be a separate and distinct offense, and subject to penalties as outlined in 150.99.**

# min. Housing

## § 150.99 PENALTY.

~~—(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.~~

~~—(B) It shall be unlawful for the owner of any unsafe building to fail, neglect or refuse to repair, alter and improve the same; or to fail to vacate, close and remove or demolish the same, upon order of the Housing Inspector duly made and served as herein provided, within the time specified in the order, and each day that the failure, neglect or refusal to comply with the order continues shall constitute a separate and distinct offense. It shall be unlawful for the owner of any unsafe building with respect to which an order has been issued pursuant to § 150.46 to occupy or permit the occupancy of the same after the time prescribed in the order of its repair, alteration and improvement, or its vacancy, closing and removal or demolition, and each day that the occupancy of the same after the time prescribed in the order of its repair, alteration and improvement, or its vacancy, closing and removal or demolition continues after the prescribed time shall constitute a separate and distinct offense.~~

~~—(C) The violation of any provision of this Code shall constitute a misdemeanor, as provided by G.S. § 14-4.~~

## § 150.99 PENALTY. NEW

(A) It shall be unlawful for the owner of any unsafe building to fail, neglect or refuse to repair, alter and improve the same; or to fail to vacate, close and remove or demolish the same, upon order of the Housing Inspector duly made and served as herein provided, within the time specified in the order, and each day that the failure, neglect or refusal to comply with the order continues shall constitute a separate and distinct offense.

(B) It shall be unlawful for the owner of any unsafe building with respect to which an order has been issued pursuant to § 150.46 to occupy or permit the occupancy of the same after the time prescribed in the order of its repair, alteration and improvement, or its vacancy, closing and removal or demolition, and each day that the occupancy of the same after the time prescribed in the order of its repair, alteration and improvement, or its vacancy, closing and removal or demolition continues after the prescribed time shall constitute a separate and distinct offense.

(C) Any person, firm or corporation violating any of the provisions of this chapter for which no other penalty is provided, or failing or neglecting or refusing to comply with same, shall be subject to a **civil penalty in the amount of \$100** after the given time to correct expires.

(D) Each day that a violation continues after a person has been notified that such a violation exists, and that he or she is subject to the penalty specified in subsection (C), shall constitute a separate offense once the time to correct has expired.

(E) The violator shall contact Town Hall for a re-inspection once the violation is remedied in order to stop the accrual of civil penalties. This penalty may be recovered by the Town in a civil action in the nature of debt if the violation persists 30 days after the violator(s) have been cited for violation of the ordinance, or if a balance remains unpaid after a final invoice is mailed.

(F) This chapter may also be enforced by any appropriate equitable action, including but not limited to injunctions or orders of abatement.

(G) The Town may enforce this chapter by any one or any combination of the foregoing remedies.

(H) Violations of the provisions of this chapter shall not be considered a misdemeanor pursuant to G.S. § 14-4.

# Floodplain

## § 151.23 CORRECTIVE PROCEDURES.

(A) *Violations to be corrected.* When the Floodplain Administrator finds violations of applicable state and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall immediately remedy each of the violations of law cited in the notification.

(B) *Actions in event of failure to take corrective action.* If the owner of a building or property shall fail to take prompt corrective action, the Floodplain Administrator shall give the owner written notice, by certified or registered mail to the owner's last known address or by personal service, stating:

(1) The building or property is in violation of the floodplain management regulations;

(2) A hearing will be held before the Floodplain Administrator at a designated place and time, not later than ten days after the date of the notice, at which time the owner shall be entitled to be heard in person or by counsel and to present arguments and evidence pertaining to the matter; and

(3) Following the hearing, the Floodplain Administrator may issue an order to alter, vacate or demolish the building; or to remove fill as applicable.

(C) *Order to take corrective action.* If, upon a hearing held pursuant to the notice prescribed above, the Floodplain Administrator shall find that the building or development is in violation of this chapter, they shall issue an order in writing to the owner, requiring the owner to remedy the violation within a specified time period, not less than 60 calendar days, nor more than 180 calendar days. Where the Floodplain Administrator finds that there is imminent danger to life or other property, they may order that corrective action be taken in a lesser period as may be feasible.

(D) *Appeal.*

(1) Any owner who has received an order to take corrective action may appeal the order to the local elected governing body by giving notice of appeal in writing to the Floodplain Administrator and the Clerk within ten days following issuance of the final order.

(2) In the absence of an appeal, the order of the Floodplain Administrator shall be final.

(3) The local governing body shall hear an appeal within a reasonable time and may affirm, modify and affirm, or revoke the order.

(E) *Failure to comply with order.* If the owner of a building or property fails to comply with an order to take corrective action for which no appeal has been made or fails to comply with an order of the governing body following an appeal, the owner shall be ~~guilty of a misdemeanor and shall be punished at the discretion of the court.~~ **subject to a civil penalty. This civil penalty may be recovered by the city in a civil action in the nature of debt if the offender does not pay the penalty within 30 days after he has been cited for violation of the ordinance, and may be enforced by an appropriate equitable remedy including but not limited to injunctions and orders of abatement issued from a court of competent jurisdiction as outlined in 151.99.**

(E) Each day's continuing violation shall be a separate and distinct offense, and is subject to penalties as outlined in 151.99.

**§ 151.99 PENALTY.**

(A) Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor.

(B) Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$50 or imprisoned for not more than 30 days, or both.

(C) Each day the violation continues shall be considered a separate offense.

(D) Nothing herein contained shall prevent the town from taking other lawful action as is necessary to prevent or remedy any violation.

**§ 151.99 PENALTY (NEW)**

(A) Any failure to comply with an applicable requirement, prohibition, standard, or limitation imposed by this chapter, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, is unlawful and shall constitute a violation of this chapter.

(1) Any person, firm or corporation violating any of the provisions of this chapter, for which no other penalty is provided, or failing or neglecting or refusing to comply with same, shall be subject to a **civil penalty as follows** after the given time to correct expires, or after the first 10 calendar days following the Notice of Violation where not otherwise specified.

a. Any violation occurring once within a 12-month period shall be considered a first offense, and the violator shall be subject to a **civil penalty** of one hundred dollars (\$100.00) for each day that the violation remains on the property.

b. Any violation reoccurring on the same property by the same violator more than once within a 24-month period shall be considered a repeat offense provided the reoccurrence is a violation of the same Section of this Ordinance. A notice of violation shall be issued by the Administrator and shall have an immediate **civil penalty** of three hundred dollars (\$300.00).

(2) Each day that a violation continues after a person has been notified that such a violation exists, and that he or she is subject to the penalty specified in subsection (a), shall constitute a separate offense once the time to correct has expired.

(3) The violator shall contact Town Hall for a re-inspection once the violation is remedied in order to stop the accrual of civil penalties. This penalty may be recovered by the Town in a civil action in the nature of debt if the violation persists 30 days after the violator(s) have been cited for violation of the ordinance, or if a balance remains unpaid after a final invoice is mailed.

(B) This chapter may also be enforced by any appropriate equitable action, including but not limited to injunctions or orders of abatement.

(C) The Town may enforce this chapter by any one or any combination of the foregoing remedies.

(D) Violations of the provisions of this chapter shall not be considered a misdemeanor pursuant to G.S. § 14-4.

# Subdivision

## § 152.005 COMPLIANCE WITH CHAPTER REQUIRED.

(A) All plats for the subdivision of land shall conform to the requirements of this chapter, and shall be submitted in accordance with the procedures and specifications established herein.

**(B) All violations of this section shall subject the offender to a civil penalty to be recovered by the city in a civil action in the nature of debt if the offender does not pay the penalty within 72 hours after he has been cited for violation of the ordinance, and may be enforced by an appropriate equitable remedy including but not limited to injunctions issued from a court of competent jurisdiction as outlined in 152.999.**

**(C) Each day's continuing violation shall be a separate and distinct offense, and is subject to penalties as outlined in 152.999.**

# Subdivision

## § 152.999 PENALTY.

~~(A) (1) After the effective date of this chapter, any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of this chapter, thereafter subdivides his or her land in violation of this chapter or transfers or sells land by reference to, exhibition of or any other use of a plat showing a subdivision of land before the plat has been properly approved under the terms of this chapter and recorded in the County Deeds office, shall be guilty of a misdemeanor.~~

~~(2) The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from this penalty.~~

~~(3) The town, through its attorney or other official designated by the Town Board of Aldermen, may enjoin an illegal subdivision, transfer or sale of land by action for injunction.~~

~~(4) Further, violators of this chapter shall be subject, upon conviction, to fine and/or imprisonment as provided by G.S. § 14-4.~~

~~(B) In addition to the other remedies cited in this chapter for the enforcement of the provisions of this chapter, the regulations and standards contained in this chapter may be enforced through the issuance of citations by the Subdivision Administrator.~~

~~(1) These citations shall be in the form of a civil penalty.~~

~~(2) The county may recover this penalty in a civil action in the nature of a debt if the offender does not pay the penalty within 72 hours after being cited for a violation. In addition, failure to pay the civil penalty within 72 hours may subject the violator to criminal charges.~~

~~(3) The following civil penalties are established for violations under this section.~~

<del>Warning citation</del>	<del>Correct violation within ten days</del>
<del>First citation</del>	<del>\$10</del>
<del>Second citation for same offense</del>	<del>\$25</del>
<del>Third and subsequent citation for same offense</del>	<del>\$50</del>

~~(4) These civil penalties are in addition to any other penalties, which may be imposed by a court for violation of the provisions of this chapter.~~

~~(5) Violations of the provisions of this chapter shall not be considered a misdemeanor pursuant to G.S. § 14-4.~~

(Ord. passed 1-16-2001)



# subdivision

## § 152.999 PENALTY. (NEW)

(A) (1) After the effective date of this chapter, any person who, being the owner or agent of the owner of any land located within the territorial jurisdiction of this chapter, thereafter subdivides his or her land in violation of this chapter or transfers or sells land by reference to, exhibition of or any other use of a plat showing a subdivision of land before the plat has been properly approved under the terms of this chapter and recorded in the County Deeds office, shall be found in violation of this chapter.

(2) The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt the transaction from violation of this Chapter. The Town, through its attorney or other official designated by the Board of Alderman, may enjoin an illegal subdivision, or transfer or sale of land by action for injunction. Building permits required by G.S. 160A-417 may be denied for any lot that has been illegally subdivided.

(B) (1) In addition to the other remedies cited in this Ordinance, for the enforcement of the provisions of the Ordinance, the regulations and standards contained in this Ordinance may be enforced through the issuance of citations by the Town. These citations shall be in the form of a civil penalty. The Town may recover this penalty in a civil action in the nature of a debt if the offender does not pay the penalty within seventy-two (72) hours after being cited for a violation. The following civil penalties are established for violations under this section:

Warning Citation	Correct violation within ten (10) days
First Citation	\$50.00 fine plus correct violation within ten (10) days
Second Citation	\$100.00 fine plus correct violation within ten (10) days
Third and Subsequent Citations	\$250.00 fine plus correct violation within ten (10) days
Each continuing day in violation after 3 <sup>rd</sup> citation	\$50 per day

(2) These civil penalties are in addition to any other penalties, which may be imposed by a court for violation of the provisions of this chapter.

(C) Violations of the provisions of this chapter shall not subject the violator to a criminal penalty or be considered a misdemeanor pursuant to G.S. § 14-4.

# Zoning

## § 153.003 ZONING AFFECTS EVERY BUILDING AND USE.

Except as hereinafter provided:

~~—(A) No building or land shall be used or occupied and no building or part thereof shall be erected, moved or altered except in conformity with the regulations herein for the zone in which it is located.~~

~~—(B) No building shall be erected or altered so as to exceed the height limits, to accommodate or house a greater number of families, to occupy a greater percentage of the lot area, or to have narrower or smaller rear yards, front yards, or side yards than are required or specified in the regulations herein for the zone in which it is located.~~

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

## § 153.003 ZONING AFFECTS EVERY BUILDING AND USE. (NEW)

Except as hereinafter provided:

(A) It shall be deemed unlawful to erect, construct, reconstruct, alter, maintain, expand, move or use any building, structure or sign or engage in development or subdivision of land contrary to the provisions of this Ordinance and in conformity with the regulations herein for the zone in which it is located. Any of the following shall be a violation of this Ordinance and shall be subject to the remedies and penalties provided for in this Ordinance:

- (1) To place any use, structure, or sign upon land that is subject to this Ordinance without all of the approvals required by this Ordinance.
- (2) To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building, structure or sign, or to engage in development or subdivision of any land contrary to any zoning, subdivision, sign or other regulation contained in this Ordinance.
- (3) To engage in any subdividing, development, construction, remodeling or other activity of any nature upon land that is subject to this Ordinance without all of the approvals required by this Ordinance.
- (4) To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate or other form of authorization required in order to engage in such activity.
- (5) To violate, by act or omission or otherwise, any term, condition, or qualification placed by a decision-making body upon any permit or other form of authorization.
- (6) To reduce or diminish any lot area so that the setbacks or open spaces shall be smaller than prescribed by this Ordinance.
- (7) To increase the intensity of use of any land or structure, except in accordance with the procedural requirements and substantive standards of this Ordinance.
- (8) To accommodate or house a greater number of families than is allowable in the prescribed zoning district.

- (9) To fail to perform any act as required, or the performance of any act is prohibited, or a failure to comply whenever any regulation or limitation is imposed on the use of land and water, or on the erection of a structure
- (10) To remove, deface, obscure or otherwise interfere with any notice required by this Ordinance.
- (11) To otherwise undertake any development or to establish any use in a manner which does not comply with this Ordinance.

(B) Enforcement of this section shall be in compliance with 150.22 "Enforcement of Zoning Regulations".

(1) All violations of this section shall subject the offender to a civil penalty to be recovered by the city in a civil action in the nature of debt if the offender does not pay the penalty within 30 days after he has been cited for violation of the ordinance, and may be enforced by an appropriate equitable remedy including but not limited to injunctions and orders of abatement issued from a court of competent jurisdiction as outlined in 153.999.

(2) Each day's continuing violation shall be a separate and distinct offense, and is subject to penalties as outlined in 153.999.

# Zoning

## § 153.999 PENALTY.

~~—Any person, firm or corporation who violates the provisions of this chapter shall, upon conviction, be guilty of a misdemeanor and shall be fined not exceeding \$50 or imprisoned not exceeding 30 days. Each day that violation continues to exist shall be considered a separate offense.~~

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

## § 153.999 PENALTY. (NEW)

(A) This Ordinance may be enforced by any means or any remedy provided for in G.S. 160A-175 and 160A-389 unless otherwise expressly prohibited in this section. In addition, the Town may seek a mandatory or prohibitory injunction and an order of abatement commanding the responsible person(s) to correct the unlawful condition or cease the unlawful use of the subject premises. Penalties are cumulative, and the Town may pursue any or all of the same either individually or simultaneously at its discretion.

(B) For the purposes of this chapter, responsible person(s) shall include but not be limited to:

(1) An architect, engineer, builder, contractor, developer, agency, or any other person who participates in, assists, directs, creates, causes, or maintains a condition that constitutes a violation of this chapter, or fails to take appropriate action, so that a violation of this chapter results or persists.

(2) The owner of the land on which the violation occurs, any tenant or occupant of the property, any person, entity, agency, or association who is responsible for stormwater controls or practices pursuant to a private agreement or public document, or any person, who has control over, or responsibility for, the use, development of the property.

(C) Any failure to comply with an applicable requirement, prohibition, standard, or limitation imposed by this chapter, or the terms or conditions of any permit or other development approval or authorization granted pursuant to this chapter, is unlawful and shall constitute a violation of this division.

(a) Any person, firm or corporation violating any of the provisions of this section, including both property owner and/or tenant, for which no other penalty is provided, or failing or neglecting or refusing to comply with same, shall be subject to a **civil penalty as follows** after the given time to correct expires, or after the first 10 calendar days following the Notice of Violation where not otherwise specified.

(B) Any violation occurring once within a 12-month period shall be considered a first offense, and the violator shall be subject to a **civil penalty** of one hundred dollars (\$100.00) for each day that the violation remains on the property.

(C) Any violation reoccurring on the same property by the same violator more than once within a 24-month period shall be considered a repeat offense provided the reoccurrence is a violation of the same Section of this Ordinance. A notice of violation shall be issued by the Administrator and shall have an immediate **civil penalty** of three hundred dollars (\$300.00).

(b) Each day that a violation continues after a person has been notified that such a violation exists, and that he or she is subject to the penalty specified in subsection (a), shall constitute a separate offense once the time to correct has expired.

(b) The violator shall contact Town Hall for a re-inspection once the violation is remedied in order to stop the accrual of civil penalties. This penalty may be recovered by the Town in a civil action in the nature of debt if the violation persists 30 days after the violator(s) have been cited for violation of the ordinance, or if a balance remains unpaid after a final invoice is mailed.

(c) This chapter may also be enforced by any appropriate equitable action, including but not limited to injunctions or orders of abatement.

(d) The Town may enforce this chapter by any one or any combination of the foregoing remedies.

(D) *Stormwater*: Any person who erects, constructs, reconstructs, alters (whether actively or passively), or fails to erect, construct, reconstruct, alter, repair or maintain any structure, BMP, practice, or condition in violation of this division shall be subject to the remedies, penalties, and/or enforcement actions outlined below.

(1) The stormwater administrator or other authorized agent may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site and served by the stormwater practices in question until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

(2) As long as a violation of this division continues and remains uncorrected, the Town may deny any request for permit or development approval or authorization provided for by this division or the zoning ordinance for the land on which the violation occurs.

(3) The stormwater administrator, with the written authorization of the Town manager, may institute an action in a court of competent jurisdiction for a mandatory or prohibitory injunction and order of abatement to correct a violation of this division. Any person violating this division shall be subject to the full range of equitable remedies provided in the General Statutes or at common law.

(4) If the violation is deemed dangerous or prejudicial to the public health or public safety and is within the geographic limits prescribed by G.S. 160A-193, the stormwater administrator, with the written authorization of the city manager, may cause the violation to be corrected and the costs to be assessed as a lien against the property.

(5) The stormwater administrator may issue a stop work order to the person(s) violating this division. The stop work order shall remain in effect until the person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein. The stop work order may be withdrawn or modified to enable the person to take the necessary remedial measures to cure such violation or violations.

(6) *Civil penalties*. Violation of this division may subject the violator to a civil penalty to be recovered in a civil action in the nature of a debt if the violator does not pay the penalty within 30 days after notice of the violation is issued by the stormwater administrator. Civil penalties may be assessed up to the full amount of penalty to which the city is subject for violations of its Phase II stormwater permit, in addition to the penalties as outlined in 153.999 (C).

(7) *Revocation of credits*. For any site, development, or other property that receives a credit against the stormwater fee as a benefit of ownership, possession, or maintenance

of any structural BMP, violation of this division may be enforced by revocation of that credit. Such revocation shall be effective as of the date of the violation. The violator shall be eligible for all applicable credits upon the abatement of the violation.

(8) The remedies and penalties provided for violations of this division shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

(E) *Fire Protection and Fire Prevention:* A violation of the fire prevention code which is deemed by the fire official to pose an immediate threat to public life, health or safety shall subject the violator to a civil penalty of \$100.00. Any other violation of the fire prevention code shall subject the violator to a civil penalty of \$50.00.

(1) Upon discovery of a violation posing an immediate and serious threat to public life, health or safety, the fire official may issue a citation to the violator with no prior warning or notice to the violator.

(2) If a violation is not deemed to pose an immediate threat to public life, health or safety, a written notice of violation shall be personally delivered or sent by United States certified mail to the violator. Such notice shall set forth the nature of the violation, direct that such violation be corrected within a specified period of time, not to exceed ten days, and inform the violator of the consequences of the failure to comply. The penalties and remedies provided herein may not be invoked until after the compliance period has expired.

(3) Each day's continuing violation after the compliance period has expired shall constitute a separate and distinct offense.

(4) Upon expiration of the compliance period, the fire official may issue a civil citation to the violator. If the violator fails to pay the penalty within ten calendar days after being cited for a violation, the penalty may be recovered by the city in a civil action in the nature of a debt.

(5) Notwithstanding subsection (a) above, the provisions of this chapter may be enforced by appropriate equitable remedies issuing from a court of competent jurisdiction.

(F) **Enforcement:**

(1) Whenever the Administrator has reason to believe that a person is violating any of the provisions of this Ordinance or any plan, order, or condition that has been approved, issued, or imposed pursuant to this Ordinance, the Administrator shall notify that person of this violation.

(2) Except as provided above, no penalty shall be assessed pursuant to this Ordinance unless and until the person alleged to be in violation has been notified of the violation in accordance with this chapter, with the exception of violation of a stop work order or illegal placement of a sign in a public street right-of-way. In the case of stop work orders, violations shall be subject the violator to immediate imposition of a penalty. In the case of a sign illegally placed in a public street right-of-way, the Administrator shall be authorized to remove such sign immediately without notice.

(3) The notice of violation shall describe the violation, shall identify the provision(s) of this Ordinance that are alleged as having been violated, shall specify what actions must be taken to correct the violation, shall direct the person to correct the violation within a specified period of time, and shall warn that more severe measures may be brought

against the person if he fails to take appropriate and timely actions to cure or correct the violation. The notice shall also state that the alleged violator or property owner shall have a period of up to fifteen (15) days from the date the notice was received to either correct the situation or appeal the Administrator's decision to the Board of Adjustment. Depending on the nature of the violation, the Administrator may grant one or more extension of time to cure or correct said violation. Such extension of time shall not be granted unless the alleged violator or property owner can demonstrate to the Administrator that the violation cannot be cured or corrected within the time period specified in the notice of violation due to extraordinary circumstances or to circumstances beyond the control of the alleged violator or property owner.

(4) If the violation is corrected or cured within the time period specified by the Administrator, the City shall take no further action against the alleged violator.

(5) The Administrator may deny or withhold all permits, certificates, or other form of authorization to use or develop any land, structure, or improvement until an alleged violation and, where applicable, associated civil penalty associated with that violation are properly corrected and/or addressed. This provision shall apply whether or not the current owner applicant for the permit or other approval is responsible for the violation.

(6) Any development permit, certificate or other form of authorization required under this Ordinance may be revoked by the Administrator if it is determined that:

- a. There is a departure from the approved plans, specifications, or conditions as required under such permit.
- b. The development permits was procured by false representation.
- c. The development permit was issued in error.
- d. There is a violation of any provision of this Ordinance as it relates to such permit.

(7) The Administrator shall serve written notice of such revocation upon the alleged violator or property owner.

(G) Violations of the provisions of this chapter shall not be considered a misdemeanor pursuant to G.S. § 14-4.

Consistency Statement: Permitted Uses Revisions

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

Applies to: 150.22, 150.36, 150.99, 151.23, 151.99, 152.005, 152.999, 153.003, 153.999

---

Curtis Wilson, Chairman

---

Date