

**Town of Dallas**  
**Agenda**  
**August 20, 2019**  
**6:00 PM**  
**BOARD OF ALDERMEN**  
**Rick Coleman, Mayor**

**Allen Huggins**

**Darlene Morrow**

**Stacey Thomas**

**Jerry Cearley, Mayor Pro-Tem**

**E. Hoyle Withers**

**ITEM      SUBJECT** **Page**

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- 1. Invocation and Pledge of Allegiance to the Flag**
- 2. Approval of Agenda with Additions Or Deletions**
- 3. Approval of Minutes**
  - A. July 9<sup>th</sup> Regular Meeting and July 23<sup>rd</sup> Work Session 2
- 4. Recognition of Citizens: Time set by Mayor**
  - A.
- 5. Consent Agenda (to be acted on collectively, unless removed for further discussion)**
  - A. Submission of Written Off Accounts to NC Debt Setoff 8
- 6. Public Hearings**
  - A. Text Amendment - Permitted Uses Chart 9
  - B. Rezoning Request – S. Ridge St. 23
- 7. Old Business**
  - A.
- 8. New Business**
  - A. Cemetery Ordinance 29
  - B. Annexation Sufficiency Findings – Ollie Way 31
  - C. Cotton Ginning Days Parade Request 43
  - D. Budget Amendment – Small Trash Truck 46
- 9. Manager’s Report:**
- 10. Closed Session:**

**TOWN OF DALLAS**  
**MINUTES FOR BOARD OF ALDERMEN MEETING**  
**JULY 9, 2019**  
**6:00 PM**

The following elected officials were present: Mayor Coleman, Alderwoman Thomas, Alderman Huggins, Alderman Withers, Alderwoman Morrow, and Alderman Cearley.

The following staff members were present: Maria Stroupe, Town Manager; Da'Sha Leach, Town Clerk; Tom Hunn, Town Attorney; Allen Scott, Police Chief; Tiffany Faro, Development Services Director; Doug Huffman, Electric Director; Jonathan Newton, Finance Director; Garrett Lowery, Recreation Director; Robert Walls, Police Captain; Bill Trudnak, Public Works Director and Matthew Knuapp, Assistant Fire Chief. Earl Withers III, Fire Chief was absent.

Mayor Coleman called the meeting to order at 6:00 pm. He opened with the Invocation and the Pledge of Allegiance to the Flag followed. He welcomed everyone to the meeting.

Mayor Coleman read the meeting rules for the audience. He asked if there were any additions or deletions to amend the agenda. There were three additions: Proclamation of July as Parks and Recreation Month to the Consent Agenda, New Business Item 8E Special Events and Item 8F Special Events. Alderman Withers made a motion to approve the agenda with additions, seconded by Alderwoman Morrow, and carried unanimously.

Alderwoman Thomas made a motion to approve the minutes from June 11<sup>th</sup>, 2019 Regular Meeting, seconded by Alderman Withers, and carried unanimously.

**Recognition of Citizens:**

The Town Attorney Mr. Hunn recognized his friend Mr. Donald Grice. He is an elected member of the Cramerton's Board of Commissioners and he is also working as an Assistant District Attorney for Gaston County.

**Consent Agenda:**

Proclamation for July as Park and Recreation Month (Exhibit A)

Alderwoman Morrow made a motion to approve the Consent Agenda, seconded by Alderman Cearley, and carried unanimously.

**Public Hearings:**

**Item 6A** was a Public Hearing for EVM Signage Text Amendment. Alderwoman Thomas made a motion to go into the public hearing, seconded by Alderwoman Morrow, and carried unanimously. The Development Services Director Ms. Faro and Planning Board recommended an update of Sections 153.002 "Definitions" and 153.082 "Flashing, Moving, and Electronic Variable Message (EVM) Signs" to reflect the amendment as included in this packet. Ms. Faro read both text amendments proposals. The proposed change expands the ability for this type of signage within Town- something desired by businesses and churches, while regulating the brightness, size, location, message duration, etc. It distinguishes between 2 different types of EVM signage- Message Center Signs that contain alphanumeric text (gas prices, athletic boards, etc.), and Digital Display signs that have a fully customizable and periodically changing message and/or graphic- and outlines differing regulations for both. The luminance limits of 5,000 and 250 nits were chosen to help ensure that electronic signs are not significantly brighter than non-electronic signs. A luminance of 5,000 units will result in surface brightness like non-digital signs that are illuminated during daylight hours by the sun. It also requires EVM sign owners to coordinate with the Town to display emergency information important to the travelling public- whenever appropriate.

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The goal of amending the text is to clarify the text and extend the option of availability to other businesses in the Dallas city limits. The Board discussed the components of the text change with staff with concerns noting the “instant” part of the text recommendation may need to be changed. Mayor Coleman asked the audience if they have any questions, or comments. Audience Member Wade McClamb gave brief explanation of the signs and how he installs them in his business, so they are beneficial to the business and the town. He explained how he trains his staff to make sure the sign is a benefit to meet the needs of the customers. Audience member Mike Fields mentioned the brightness of the displays on how this should be considered, giving the Hickory Grove sign as an example. Alderman Withers made a motion to exit the public hearing, seconded by Alderwoman Thomas, and carried unanimously. Alderman Thomas made a motion to approve with the text change, seconded by Alderman Withers, and carried unanimously. (Exhibit B)

**Item 6B** was a Public Hearing on the Housing Code Enforcement Amendment. Alderman Withers made a motion to go into the public hearing, seconded by Alderman Cearley. The Town of Dallas’ current Minimum Housing Code Regulations are defined within Chapter 150 of our Code of Ordinances. Within that Chapter, section 150.20 currently designates Gaston County Building Inspections as the enforcement agency for these standards. The Development Services Director spoke with the Gaston County Building Inspections Department and it was determined that they are only truly authorized to enforce NC Building Code regulations within Dallas town limits- not the minimum housing standards. They are willing and able to assist as needed with inspections, hearings, court appearances, etc. The Development Services Director requested that the ordinance to be updated to authorize the Development Services Department to act as the Town’s Housing Inspector. The proposed amendment lists Gaston County to empower them to assist within their capabilities but would enable the Development Services Director to pursue enforcement for Dallas in cases where their assistance may not be required or available. Per 160A-426, municipalities have the authority to make declarations that a structure is unsafe if conditions exist that are especially dangerous to life because of its liability to fire or because of bad condition of walls, overloaded floors, defective construction, decay, unsafe wiring or heating system, inadequate means of egress, or other causes- a copy is included for your review. The Board discussed the components and gained clarity from staff. Mayor Coleman asked the audience if they have any questions, or comments. Audience member Mr. Robert Kendrick commented that there are a lot of minimum housing issues in Dallas. Alderman Cearley made a motion to exit the public hearing, seconded by Alderman Withers, and carried unanimously. Alderwoman Thomas made a motion to approve the text amendment, seconded by Alderman Cearley, and carried unanimously. (Exhibit C)

#### **Old Business:**

**Item 7A** was a discussion on the Payment to Diamond Engineering. This item was referred from the June 4<sup>th</sup> Work Session, where it was requested that an itemized invoice and scope of work be presented outlining the work done on this project. In February of 2014 there was a meeting at Camp Sertoma Road in regards to the NC DOT road widening project for Dallas Cherryville Highway. In the discussions, it was indicated that the widening would take place on the north side of the highway. Town Staff advised DOT that there was a water line on that side of the highway that would need to be moved. At that time Diamond Engineering was asked begin the design work associated with that move. It was the understanding of Town Staff that the costs incurred would be paid by DOT. In the Fall of 2016, DOT held a project construction meeting where it was discovered that the plans had changed and the widening was now planned for the south side of the highway. At that meeting, Diamond Engineering questioned Mr. Chad Drewery about the engineering that had been performed when the plan was to widen the north side of the highway. Mr. Drewery requested the plans and an invoice be sent to him and he would see about getting it paid. Mr. Trudnak subsequently received a phone call from Mr. Drewery informing him that he could not find anyone that admitted giving the Town permission to start the engineering process and therefore DOT would not be paying the invoice. Further inquiries and discussions have been held to no avail. Diamond Engineering has requested that the Town pay the outstanding invoice for the work that was performed at the Town’s request. The Board received a budget amendment information sheet to provide funds to pay Diamond Engineering for the work performed. Alderman Withers made a motion to approve the payment of the invoice and support the budget amendment recommended, seconded by Alderwoman Thomas, and carried unanimously. (Exhibit D)



**Old Business continued....:**

**Item 7A** was for Enforcement of State Fire Codes Agreement. This item was tabled from the June 11<sup>th</sup> meeting. At the June 11<sup>th</sup> meeting, the Town's Development Services Director and Contracted Town Engineer raised questions concerning the enforcement of Item #4 that could change the current method of approving development plans. The Board tabled the item and asked the Manager to obtain clarification on this item. On Monday, June 24<sup>th</sup>, the Town Manager and the Fire Chief met with the Gaston County Emergency Management Director, the Gaston County Fire Marshal, and the Gaston County Senior Planner. As a result of this meeting, nothing will change in the Town's current method of approving development plans and nothing with change in the Fire Marshal's historic execution of fire inspections. The language in the agreement is the same as it has been for several years and was not intended to bring about any changes or concerns. For a number of years, the Gaston County Fire Marshal's Office has provided fire prevention and life safety inspection services for the Town of Dallas. The written agreement outlines the services that are to be conducted by the Fire Marshal's Office for Dallas. The cost of this service is, and has been, an annually budgeted item. Under the agreement, the Fire Marshal's Office provides the following: (1) Plan reviews, (2) Issue required permits, (3) Conduct site inspections, and (4) Seek enforcement of codes and ordinances. Alderman Withers made a motion to approve the Interlocal Agreement for Enforcement of State Fire Code as presented, seconded by Alderman Cearley, and carried unanimously. (Exhibit E)

**New Business:**

**Item 8A** was for a Creek Naming. During the renewal process for the Town's MS4 Storm Water permit, it was determined that the tributary that runs along the southern side of the Dallas border should be named for ease of identifying and labeling the Town's storm drains that fall in that direction. Currently, for FEMA purposes the tributary is known as L4. It is proposed that the tributary be renamed Dallas Creek for more recognizable identification. Alderman Withers made a motion to rename the tributary known as L4 to Dallas Creek as proposed, seconded by Alderman Cearley, and carried unanimously.

**Item 8B** was an Annexation Request-Ollie Way. The Development Services Director received a petition from NVR, Inc. and Katie Summey, owner of PID#170057 (no address assigned), for annexation into the Town of Dallas for the development of a single family residential subdivision. This parcel is considered contiguous. The parcel is currently located outside of Town of Dallas zoning, but is adjacent to R-10 single family residential. The 2003 Future Land Use Plan highlights this specific parcel for Neighborhood and Community Business, but adjacent parcels are marked for new residential development. The developer, if successful with this annexation, intends to pursue a phased development plan to extend beyond this parcel- some of which is already located within Town limits. In order to move forward with the request, the Board must direct Staff to investigate the sufficiency of the petition to determine if it meets the standards of G.S. §160A-58.1. After some discussion, the Board concensus was to move forward. Alderman Withers made a motion for staff to investigate the sufficiency of the annexation request, seconded by Alderman Cearley, and carried unanimously. (Exhibit F)

**Item 8C** was on the Ordinance to Demolish 406 Starr Street. The Town of Dallas received a complaint regarding the abandoned structure located at 406 Starr Street. After performing an on-site inspection with the Gaston County Building and Inspections Dept., it was confirmed that the dwelling has not been properly maintained or secured and had significant fire damage to the structural walls of the dwelling. The Development Services Director mailed a Complaint of Notice and Hearing on April 15, 2019 and held a hearing with the property owner on April 29, 2019. A Findings of Fact and Order was mailed on May 24, 2019 and received on May 31, 2019. The Order stated that the owner was required to bring the structure into compliance with the Housing Code or to demolish and remove the structure by July 1, 2019. It also noted that in the event that the owner entered into a contract to sell the property prior to that date, a new owner would be eligible for an extension of up to 30 days past the closing date. To date, the structure has not been removed or repaired, and the Town has received no notice of a pending sale of the property.

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The Development Services Director is recommending an Ordinance to Demolish to remove this structure, as it constitutes a hazard to the health, safety or welfare of the residents of the town. The Board member received pictures of the property with the damages and concerns displayed. The Board discussed this item with staff and proceeded to a vote. Alderwoman Thomas made a motion to approve the ordinance to demolish, seconded by Alderman Withers, and carried unanimously. (Exhibit G)

**Item 8D** was a discussion to Change the August Meeting Date. Due to anticipated scheduling conflicts, the Board of Aldermen meeting scheduled for Tuesday, August 13<sup>th</sup> may need to be rescheduled. If it is determined that the meeting needs to be rescheduled, it is suggested that the meeting be moved to Tuesday, August 20<sup>th</sup>. The Board discuss and decided to vote on the change. The date change will be posted for the public notification. Alderman Huggins made a motion to change the meeting date to August 20<sup>th</sup>, seconded by Alderwoman Morrow, and carried unanimously.

**Item 8E** was a Special Events Request for North Gaston Community Pep Rally. Mr. Mike Patton and Ms. Lisa Williams submitted a special event request to have a North Gaston Community Pep Rally on August 10<sup>th</sup>, 2019. This pep rally is for a community gathering to kick off the coming school year and fall athletics at North Gaston High School. Due to a scheduled event already booked on the date requested, another date was selected. Ms. Williams was in attendance to answer any questions or concerns from the Board and/or staff. The event was scheduled on August 15<sup>th</sup> on the Dallas Court Square. This date will be reserved on the Museum calendar events since they handle all the bookings for the Dallas Court Square and building. Alderman Withers made a motion to approve, seconded by Alderman Cearley, and carried unanimously. (Exhibit H)

**Item 8F** was a Special Events Request for Special Blendz. Mr. Alan Routhier submitted a special event request for his business Special Blendz Grand Opening on August 10<sup>th</sup>, 2019. Special Blendz will be a coffee and Ice Cream shop. The Board discussed this event and the date conflict. Mr. Routhier was not present for the discussion, so the Board requested staff to reach to Mr. Routhier for another date selection in respect to the event already planned on the date he requested. (Exhibit I)

**Manager's Report and General Notices:**

The Manager gave updates on items in Town.

**Closed Session:**

Alderwoman Morrows made a motion to go into a closed session to discuss an employment contract or proposed employment contract as provided for in G.S. §143.318.11 (7:17)

Alderwoman Thomas made a motion to exit the Closed Session, seconded by Alderman Cearley, and carried unanimously. (7:29) No Action Was Taken.

Alderman Cearley made a motion to accept the employment contract for the Town Manager Maria Stroupe, seconded by Alderwoman Thomas, and carried unanimously.

Alderman Cearley made a motion to adjourn, seconded by Alderwoman Morrow, and carried unanimously. **(7:33)**

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Rick Coleman, Mayor

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Da'Sha Leach, Town Clerk

**TOWN OF DALLAS**  
**MINUTES FOR BOARD OF ALDERMEN MEETING**  
**JULY 23, 2019**  
**5:00 PM**

The following elected officials were present: Mayor Coleman, Alderwoman Thomas, Alderman Huggins, Alderman Withers, and Alderwoman Morrow. Alderman Cearley was absent.

The following staff members were present: Maria Stroupe, Town Manager; Tom Hunn, Town Attorney; Allen Scott, Police Chief; Tiffany Faro, Development Services Director; Doug Huffman, Electric Director; Earl Withers III, Fire Chief; Garrett Lowery, Recreation Director; Robert Walls, Police Captain; Bill Trudnak, Public Works Director and Patrick McSwain, Cemetery Superintendent. Da'Sha Leach, Town Clerk, and Jonathan Newton, Finance Director were absent.

Mayor Coleman called the meeting to order at 5:00 pm. He opened the Pledge of Allegiance to the Flag. He asked if there were any additions or deletions to amend the agenda. Alderwoman Morrow made a motion to approve the agenda with Item 3G added, seconded by Alderman Withers, and carried unanimously.

**New Business:**

**Item 3A** was a discussion on the Cemetery Ordinance. The Town was contacted by a person that owns an 8-lot family plot that currently has two interments. The owner wants to sell the remaining 6 lots to another family. Currently, the Town's cemetery ordinance allows one central standing monument on a family plot (\$95.05(A)). The purchasing family would like to install an additional standing monument on the plot, which is not allowed under the Town ordinance. The Board consensus that the ordinance needs to change but more research is needed. They requested staff to research ordinances from surrounding municipalities and advice to move a monument since there may be a size reduction & placement change. This item will be discussed at the August 20<sup>th</sup>, 2019 Regular Board Meeting. (Exhibit A)

**Item 3B** was a discussion on Zoning Ordinance Update-Permitted Uses in All Zones. The Development Services Director is recommending an update to our zoning ordinance to provide additional clarity for our permitted uses in each zoning district. Currently the permitted uses are listed as text under each zone identified, making the ordinance very lengthy and challenging to navigate. By replacing the text list with a permitted use chart- adopted as Appendix C of our Zoning Code- the Town will be able to provide a quick reference for residents and businesses on our allowable uses in each zone. Along with this formatting change, an update to the permitted uses is reflected in the proposed chart. Key changes being proposed include: (1) New residential construction no longer allowed by right in Industrial and Business zones. (2) Smaller scale hospitality uses added into Residential zones with conditional approval. (3) Streamlined uses within B-3 Central Business to promote more restaurant/retail activity. The Planning Board also recommending update to our Non-Conforming Buildings and Uses ordinance within B-3 (included). (4) Expansion of allowable uses in Business zones to attract new businesses as we grow. (5) Some Industrial zone uses proposed as conditional only (relating to noise levels, odor, and impact on surroundings. (6) Added uses for additional clarity that were not listed before- adult businesses, solid waste/ septic facilities, bed & breakfasts, smoke shops, fitness centers, etc. (7) Elimination of zones not currently in use – uses incorporated into existing zones instead. Due to supplemental regulations that are currently within the text of the permitted uses, Staff and the Planning Board are also proposing to relocate those elements to their own section- instead of within the requirements of each specific zone. This chart, and accompanying text, are proposed to be reviewed and updated again after analysis of our current land use map, or as needed to accommodate the Town's anticipated growth. Staff is planning on partnering with CCOG to begin community engagement efforts regarding desired land use map updates in FY 19/20. The Board consensus was to move forward with the text amendments to include the chart. This item will be discussed at the August 20<sup>th</sup>, 2019 Regular Board Meeting. (Exhibit B)



**Item 3C** was on the Town of Dallas Vision Statement. In 2018, Dallas entered into an Economic Development Assessment Project with the NC Department of Commerce's Rural Planning Center. As part of that process, a draft Vision Statement was proposed, but has not been formally accepted. At the June 11, 2019 Board Meeting, a list of recommendations was presented in conjunction with a report from the Rural Planning Center. The Board of Aldermen unanimously approved this report and recommendation list. As the Town begins to work through the recommendations, a Vision Statement should be formally adopted to begin the process and provide a solid base for the future of Dallas. The draft vision statement was presented in the agenda package as follows: ***Dallas, a great place to live, work, and visit. A historic town square filled with a variety of retail and specialty shops, and other family friendly amenities; such as, places to eat and parks with opportunities for all ages. Located near major highways and cities, with its own vibrant and stable economy with a variety of innovative and technical small business opportunities.*** Upon review and possible revision of the draft Vision Statement has been completed, the statement can be formally adopted. Staff will review the Mayor's comment on the website for consideration when adjusting the proposed vision statement.

**Item 3D** was a discussion on the Dallas Women's Club Fountain. In recognition of their 100<sup>th</sup> anniversary, the Dallas Women's Club have asked to place a fountain on the Court Square in the vicinity of the other memorials. The anniversary will take place in 2020. Their request was approved by the Board approximately 18 months ago. As the anniversary approaches, plans have been drawn up for the fountain and included in the agenda packets disbursed to the Board, including a picture of the fountain that the Women's Club has chosen. Since the project has previously been approved, site preparation (location, water line, & electrical line) will begin within the next couple of months. The Town of Dallas will be responsible for the yearly maintenance and upkeep on the fountain. (Exhibit C)

**Item 3E** was a discussion on Town Events for 2020. A proposed calendar for Town events was reviewed by the Board. This was a preliminary list to view so the Board can agree upon the dates and the events that will be placed on the Courthouse calendar as reserved facility and grounds. The Board requested staff to research patriotic music performers like years past and this may be added to the list of events for 2020. (Exhibit D)

**Item 3F** was a discussion on Town-owned Electric Vehicles. The electric vehicles are no longer being used by the meter readers, but they can be used for other uses or disposed of. Staff proposed to declare one of them as disposable since the other one can be utilized by another department. The Board discussed all the Town vehicles. The Board recommended that the staff dispose of the Electric car, Dodge Charger, and the Ford Explorer. They recommend that the monies should be applied to a vehicle for Town Hall utilization.

**Item 3G** was a discussion on the Boys and Girls Club Selling Raffle Tickets at the Trick or Treat on the Square Event. Staff had some concerns about allowing raffle ticket selling due to all the groups that sell raffle tickets and that may detract from the actual event designed specifically for the children. The Board consensus was to allow the Boys and Girls Club to sell raffle tickets at September Cruise-In Event instead of what they requested.

**Manager's Report and General Notices:**

The Manager gave updates on items in Town.

Alderman Cearley made a motion to adjourn, seconded by Alderman Withers, and carried unanimously. **(6:40)**

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Rick Coleman, Mayor

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Da'Sha Leach, Town Clerk

# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: Uncollectable Accounts in the Amount of \$12,426.57 to be Submitted to NC Debt Setoff

AGENDA ITEM NO. 5A

MEETING DATE: 8/20/2019

### BACKGROUND INFORMATION:

For authorization are uncollectable accounts from the months of March 2019 – May 2019. These accounts have been notified of their outstanding status in writing that if not paid within the notified timeframe that they would be forwarded to the NC Debt Setoff Program and that this debt would be taken from any State Income Tax Refund they are due, until the debt is satisfied.

(The individual account listing that generates the total uncollectable amount due are considered by State statute to be confidential information.)

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MANAGER RECOMMENDATION: To authorize uncollectable accounts totaling \$12,426.57 be submitted to the NC Debt Setoff Program.

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BOARD ACTION TAKEN:



# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: Permitted Uses Chart and Text Amendment Updates

AGENDA ITEM NO. 6A

MEETING DATE: 8/20/2019

### BACKGROUND INFORMATION:

This item was reviewed at the July 23<sup>rd</sup> Work Session and is ready to be adopted.

The Development Services Director is recommending an update to our zoning ordinance to provide additional clarity for our permitted uses in each zoning district.

Currently our permitted uses are listed as text under each zone identified, making the ordinance very lengthy and challenging to navigate. By replacing the text list with a permitted use chart- adopted as Appendix C of our Zoning Code- we will be able to provide a quick reference for residents and businesses on our allowable uses in each zone.

Along with this formatting change, an update to the permitted uses is reflected in the proposed chart. Key changes being proposed include, but are not limited to:

- Streamlined uses within B-3 Central Business to promote more restaurant/retail activity
- Expansion of allowable uses in Business zones to attract new businesses as we grow
- Elimination of zones not currently in use – uses incorporated into existing zones instead
- Industrial and Business zones primarily reserved for those uses- new residential in these zones to require conditional approval
- Some Industrial zone uses proposed as conditional only (relating to noise levels, odor, and impact on surroundings)
- Added uses for additional clarity that were not listed before- adult businesses, solid waste/ septic facilities, bed & breakfasts, smoke shops, fitness centers, etc.

Because supplemental regulations are currently within the text of the permitted uses, Staff and Planning Board are also proposing to relocate those elements to their own section- instead of within the requirements of each specific zone.

This chart, and accompanying text, are proposed to be reviewed and updated again after analysis of our current land use map, or as needed to accommodate the Town's anticipated growth. The Town will begin community engagement efforts regarding desired land use map updates in this fiscal year.

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MANAGER RECOMMENDATION: Approve the Chart and Text Amendment Update as previously discussed and presented.

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BOARD ACTION TAKEN:

**§ 153.020 TOWN DIVIDED INTO ENUMERATED ZONES.**

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

- (A) R-15 Single-Family Residential.
- (B) R-12 Single-Family Residential.
- (C) R-10 Single-Family Residential.
- (D) R-8 Multi-Family Residential.
- (E) R-6 Multi-Family Residential.
- (F) O and I-1 Office and Institutional.
- (G) BC-1 Shopping Center.
- (H) B-1 Neighborhood Business.
- (I) B-2 Highway Business.
- (J) B-3 Central Business.
- (K) B-3P Central Business District Perimeter.
- (L) I-2 General Industrial.
- (M) RMF Multi-Family District.
- (N) RMF-H High Density Multi-Family District

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

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

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

(B) *Lot area and width, yards and building height requirements.* The requirements set forth in the Appendix A: Yard and Height Requirements for Residential Districts and Appendix B: Yard and Height Requirements for Business Districts shall govern.

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

(D) *Signs.* The requirements set forth in the sign regulations, §§ 153.080 through 153.087, shall apply.

(E) *Site plan.* As an initial step in applying for the issuance of a building permit for the construction, alteration, or expansion of any structure housing a municipal, county, state, federal or other governmental use, a site plan shall be submitted which shall include the following grading, engineering design, construction size, height, shape and location of the building, location and design of parking areas, pedestrian and vehicular circulation on site, and plans for collecting and depositing storm water and natural or artificial watercourses. The site plan must be approved by the Town Clerk and by the Building Inspector before the building permit is issued; however, if the site plan is disapproved the applicant may appeal such decision to the town Planning Board and then to the Board of Aldermen. The structure housing such municipal, county, state or federal use must be constructed, altered or expanded in accordance with the site plan before a certificate of occupancy is issued by the Building Inspector.



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

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

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

(B) Lot areas and width, yards and building height requirements. The requirements set forth in Appendix A: Yard and Height Requirements in Residential Districts and Appendix B: Yard and Height Requirements in Business Districts shall govern.

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

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

**§ 153.027 M O AND I ZONES: MEDICAL AND OFFICE INSTITUTIONAL. (Remove)**

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

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

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

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

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

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

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

**§ 153.029 O AND I-2 ZONES: OFFICE AND INSTITUTIONAL. (Remove)**

**§ 153.030 A-1 ZONES: ADVERTISING SIGN DISTRICT. (Remove)**

**§ 153.031 BC-1 ZONE: SHOPPING CENTER.**

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

(A) **Permitted uses-** Refer to the Permitted Uses Chart (Appendix –)

(B) Required screening areas building coverage and yards.

(1) A screen containing a mixture of deciduous and evergreen trees spaced in a staggered triangular pattern not more than ten feet apart and containing not less than two rows of dense plant materials shall be planted in a fifteen-foot buffer strip along such rear or side lines, either or both. The same shall be planted at an initial height of at least three feet and shall be of such variety that an average height of six feet can be expected by normal growth within four years from the time of initial planting. No plant material which would be a host to insects, would affect the plants on adjoining property, or would spread disease, can be used; and all plant materials must be nursery grown and conform to the guidelines as published by the American Association of Nurserymen in their 1959 edition. All plant materials shall be planted at least three feet from the side or rear lot line of adjoining property and shall be planted in the required buffer strip prior to the issuance of a certificate of occupancy by the Inspections Superintendent..

(2) Not more than 30% of the zoned area shall be covered by buildings.

(3) No building shall be closer than 20 feet to any exterior lot line or closer than 100 feet to any street right-of-way in a BC-1 Shopping Center zone.

(4) The tract of land upon which the proposed shopping center is to be erected must contain at least five acres.

(5) A BC-1 Shopping Center zone shall abut an existing or a proposed major thoroughfare for minimum distance of 400 feet and shall have a minimum average depth of 550 feet.

(C) Height. Not to exceed 40 feet.

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

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

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

(G) Data to be submitted with petition. The applicant for this classification shall present to the town Planning Board the following items for consideration at the time the petition for rezoning is filed.

(1) A valid market analysis indicating the economic feasibility of the proposed development by outlining:

(a) The trade area of the proposed shopping center;

(b) An estimate of the trade area population, present and future;

(c) An estimate of the effective buying power of the trade area, both existing and proposed;

(d) An estimate of the net potential customer buying power for stores in the proposed development;

(e) An estimate of the amount of retail sales floor space in square feet currently lacking in the trade area.

(2) A statement indicating readiness to proceed with the proposed development by filing with the Zoning Officer an agreement signed by the owner or owners of the proposed development that actual construction shall begin within one year from the date final plans for the shopping center are approved and shall be prosecuted to completion within a reasonable period of time thereafter. In the event the town Planning Board and the Board of Aldermen find that the intent of this paragraph has been met or construction has not commenced within said one-year period, proceedings may be instituted for rezoning the area to its original classification. It is not the intent of this section, however, to prohibit a reasonable extension of the one-year limit by the Board of Aldermen.

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

(H) Preliminary plan.

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

(a) Dimensions of the property and adjacent lots and streets;

(b) Location and proposed use of all buildings with dimensions and approximate ground floor area thereof;

(c) Topography of existing ground and paved areas and elevation of street alleys, utilities sanitary and storm sewers, buildings and structure;

(d) Plans for collecting and disposing of storm water and treatment of natural and artificial water courses;



(e) General indication of proposed grading, surface drainage, terraces retaining wall heights, grades on paved areas and ground floor elevations shown by contours or spot elevations;

(f) Parking areas with all spaces shown and dimensions thereof;

(g) Service area, truck loading facilities, service drives and dimensions thereof;

(h) Pedestrian walks or walkways with dimensions thereof;

(i) Drives and access to parking spaces with dimensions thereof;

(j) Curb cuts and points of ingress and egress and all sidewalks with dimensions thereof;

(k) Distances between the buildings and the property lines;

(l) Locations of plantings, walls and screening;

(m) Name and address of the development, name and address of the developer, date and scale of the plan, and the name of the person or firm preparing the plans;

(n) Vicinity map at a scale of 1 inch to 1,000 feet.

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

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

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

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

(l) Final plans.

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

(a) Detailed perspective drawing of the shopping center showing the appearance of the buildings and grounds from the major access street;

(b) Detailed final construction plans for purposes of building inspection to include elevations of every building from all sides at a scale of not less than 1/8 inch to 1 foot.

(2) The final site plan shall be prepared on a 30" by 42" sheet of reproducible permanent base material using the largest scale possible and shall include the following:

(a) Dimensions of the property and adjacent lots and streets;

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

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

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

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

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

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

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

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

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

**§ 153.032 B-1 ZONES: NEIGHBORHOOD BUSINESS.**

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



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

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

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

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

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

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

**§ 153.033 B-2 ZONES: HIGHWAY BUSINESS.**

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

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

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

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

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

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

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

**§ 153.034 B-3 ZONE: CENTRAL BUSINESS.**

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

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

(B) Required lot area, lot widths and yards. Buildings or structures used wholly or in part for residential purposes shall comply with the requirements for R-6 zones. Buildings used for other permitted uses where the lot abuts on the side or the rear of a residential zone shall comply with the provisions of § 153.044(B).

(C) Height. No building or structure shall exceed 80 feet in height.

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

(E) Signs. For the purpose of advertising any use permitted in this zone the regulations of §§ 153.080(B), 153.081, 153.085(E) through (H) and 153.086 shall apply.

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

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

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

(B) Required lot area, lot widths and yards. Buildings or structures used wholly or in part for residential purposes shall comply with the requirements for R-6 zones. Buildings used for other permitted uses where the lot abuts on the side or the rear of a residential zone shall comply with the provisions of § 153.044(B).

(C) Height. No building or structure shall exceed 80 feet in height.

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

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

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

**§ 153.036 B-4 ZONES: GENERAL BUSINESS. (Remove)**

**§ 153.037 I-1 ZONES: LIGHT INDUSTRIAL. (Remove)**

**§ 153.038 I-2 ZONES: GENERAL INDUSTRIAL.**

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

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

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

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

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

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

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

**§ 153.039 I-2L ZONE: GENERAL INDUSTRIAL LIMITED. (Remove)**

**§ 153.040 EI-1 ZONES: EXCLUSIVE INDUSTRIAL. (Remove)**

**§ 153.041 EX-1 ZONES: EXTRACTIVE INDUSTRIAL. (Remove)**



§ 153.045 NON-CONFORMING USES, BUILDINGS AND STRUCTURES.

(A) Non-conforming uses.

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

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

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

**Any non-conforming use in existence 5 years prior to August 20, 2019 that is located within the B-3 Central Business District may continue to operate as its current non-conforming use in the event that the building or structure housing the non-conforming use is damaged by fire, flood, explosion, earthquake, war, riots or Act of God, regardless of the extent of damages, as long as business operations are not discontinued for longer than 9 months.**

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

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

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

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

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

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

§ 153.051 SUPPLEMENTAL USE REGULATIONS

(A) *Auto Service Stations located within Shopping Centers* must meet the following criteria for approval:

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

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

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

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

- (d) Radiator cleaning and flushing.
- (e) Providing and repairing fuel pumps, oil pumps and lines.
- (f) Minor servicing and repair of carburetors.
- (g) Emergency wiring repairs.
- (h) Adjusting and repairing brakes.
- (i) Minor motor adjustments not involving removal of the head or crankcase or racing the motor.

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

2. The auto service station shall be designed as an integral part of the shopping center.

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

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

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

(C) *Mobile/ Manufactured Homes* - Must be Class A, and located in the R-6 zone only within approved mobile home parks or subdivisions.

(D) *Promotional Activities* must meet the following criteria for approval:

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

(E) *Public or private golf courses, non-commercial swimming or tennis clubs, and country clubs* subject to the following requirements: buildings, tennis courts and swimming pools shall be located at least 20 feet from any exterior lot line, on a site containing three acres or more.



(F) Temporary uses including a building or trailers, both residential and commercial, are only permitted in conjunction with authorized construction; and are subject to the following conditions:

(1) No living quarters are provided in such building or trailer;

(2) The construction shall commence prior to or simultaneously with the temporary use; and

(3) A permit for such use must be secured from the Building Inspector who may not issue a permit for a longer period than six months at any one location without an order from town Planning Board.

(4) Classroom trailers designed to be utilized by a public school provided a permit for such use is secured from the Building Inspector who may not issue such permit for a longer period than 12 months at any one location without an order from the town Planning Board.

APPENDIX C

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



# Appendix C - CONTINUED

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

X: Permitted by Right\*

C: Conditional\*

\*SUPPLEMENTAL REGULATIONS MAY APPLY- CHECK TOWN ORDINANCES

Appendix C- Continued:

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

X: Permitted by Right\*

C: Conditional\*

\*SUPPLEMENTAL REGULATIONS MAY APPLY- CHECK TOWN ORDINANCES



# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: Rezoning Request - S Ridge St

AGENDA ITEM NO. 6B

MEETING DATE: 8/20/2019

### BACKGROUND INFORMATION:

Wilson Family Builders has recently purchased a lot on South Ridge Street, further identified as parcel ID# 132895, and submitted a rezoning request to change the lot from R-8 to R-6.

The current zoning's minimum lot width allows the property to be subdivided into 2 lots. This rezoning would allow for up to 3 lots to be created.

5 abutting lots on Pine Street are already zoned R-6, and our 2003 Future Land Use Plan notes that this lot is intended for higher density residential development.

The applicant would like to build 3 new single family residences at this location.

All changes to our current land use map require the approval of a consistency statement. The Planning Board recommended this rezoning with the attached consistency statement on July 18, 2019.

---

MANAGER RECOMMENDATION: Approve the re-zoning request as presented, as this parcel abuts R-6 zoning and complies with our Land Use Plan.

---

BOARD ACTION TAKEN:

## TEXT AMENDMENT CONSISTENCY 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.

*Glenn L. Bratton*

Glenn Bratton, Planning Board Co-Chairman

*7/18/2019*

Date



TOWN OF DALLAS  
REZONING APPLICATION

(check one)

Traditional       Conditional Zoning (CZ)       Conditional Use District (CUD)

Location of Property: South Ridge St

Lot Size: .69 acre Current Zone/ Use: empty Parcel ID# 132895

Name of Owner: Wilson Family Builders Inc / Heritage Builders  
Address of Owner: P.O. Box 1422 Gastonia NC 28053  
Owner Phone #: 704 747-5031 Email: wilsonfamilybuilders@gmail.com

The undersigned hereby respectfully requests that the Dallas Planning Board, pursuant to the provisions of the Dallas Zoning Code, Article VII, and in compliance with NCGS 160A-387, recommend to the Dallas Board of Aldermen, a Zoning Classification change from

R-8 to R-6 On the following described property:

no assigned address, FURTHER IDENTIFIED AS PARCEL ID # 132895.

I certify that all the information provided in this application is accurate to the best of my knowledge, information and belief.

Mark Wilson  
Signature of applicant

6/16/19  
Date

[Signature]  
Development Services Director

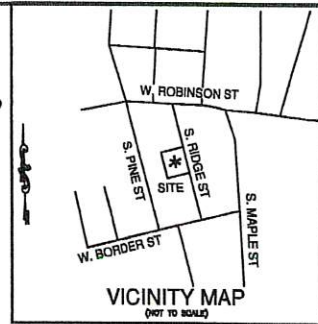
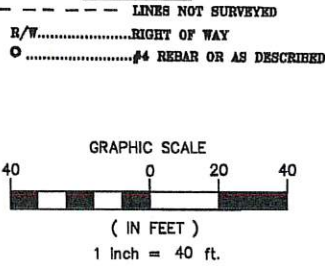
6/20/19  
Date

**Rezoning Application Fee is \$500.**  
Checks to be made payable to the Town of Dallas.

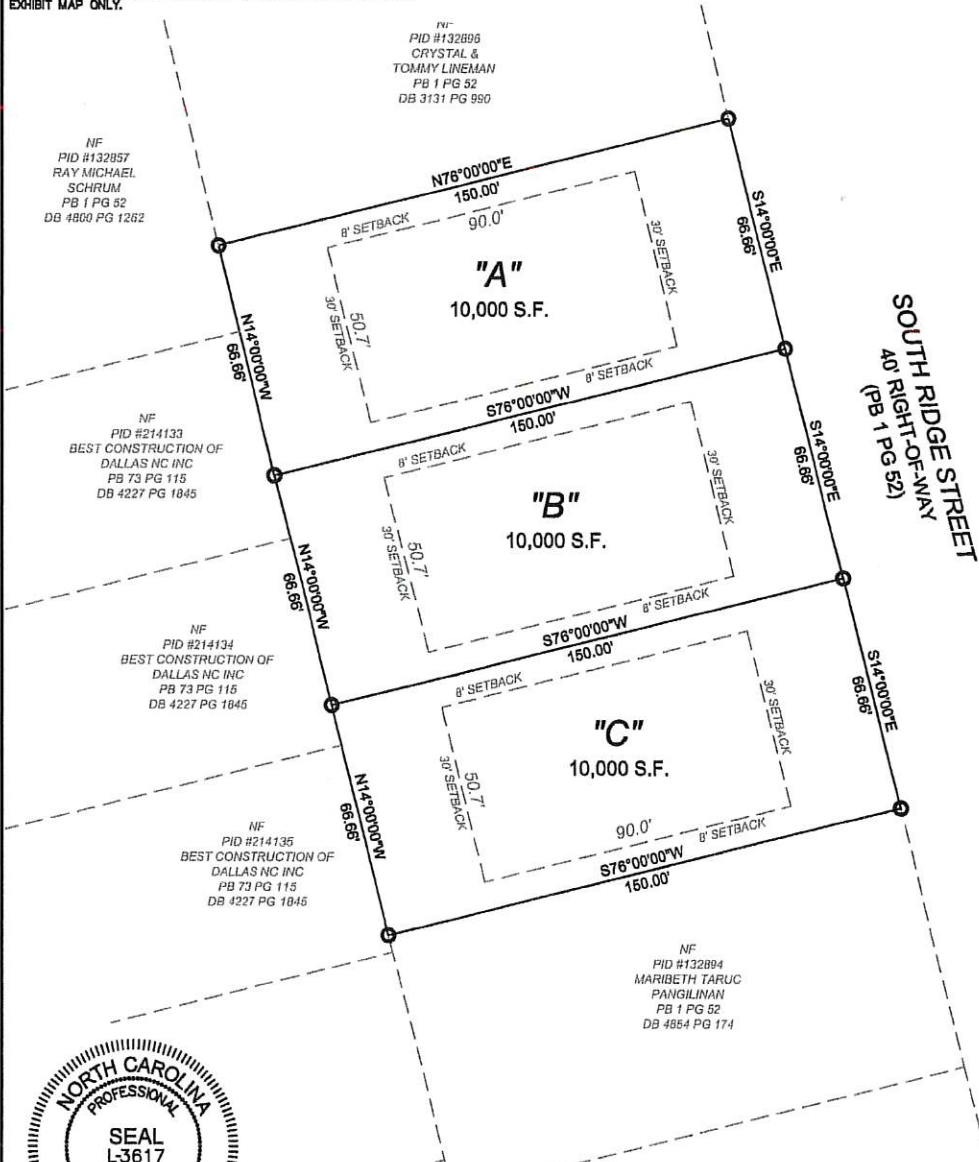
**NOTES:**

- APPARENT SOURCE OF TITLE:  
LOTS 16-23 (BLOCK "A") OF J.P. HOFFMAN PROPERTY RECORDED IN PLAT BOOK 1 PAGE 52. (GASTON COUNTY REGISTER OF DEEDS) PARCEL ID#132895 (TBD S. RIDGE STREET)
- AREA CALCULATED BY COORDINATE GEOMETRY METHOD.  
TOTAL LOT "A" AREA 10,000 sqft/0.229 acres  
TOTAL LOT "B" AREA 10,000 sqft/0.229 acres  
TOTAL LOT "C" AREA 10,000 sqft/0.229 acres
- SUBJECT TO DALLAS R-8 ZONING REGULATIONS.
- MINIMUM LOT AREA 8,000 SF  
MINIMUM LOT WIDTH 80'  
MINIMUM SETBACK 30'  
MINIMUM SIDE YARD 8'  
MINIMUM REAR YARD 30'
- THIS PARCEL MAY BE SUBJECT TO EASEMENTS AND/OR R/W'S EITHER RECORDED OR IMPLIED. A COMPLETE AND FULL TITLE SEARCH WAS NOT PERFORMED FOR THIS SURVEY.
- NO PORTION OF THIS PARCEL LIES WITHIN A COMMUNITY OR FEMA FLOOD ZONE PER FIRM #3710354700J DATED SEPTEMBER 28, 2007.
- UNLESS SIGNED AND SEALED, THIS MAP IS NOT FOR SALES AND/OR CONVEYANCES AND IS NOT INTENDED TO BE RECORDED. THIS IS AN EXHIBIT MAP ONLY.

**LEGEND**



\*\*\*\*SUPERINTENDANT TO VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION\*\*



THIS IS AN EXISTING PARCEL OF LAND WITHIN A MUNICIPALITY THAT REGULATES PARCELS OF LAND.

I CERTIFY THAT THIS MAP DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DESCRIPTION RECORDED IN DEED BOOK 4317 PAGE 2310); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION IN PLAT BOOK 1, PAGE 52; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS 1:10,000; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 58.1600). THIS 19th DAY OF JUNE, 2019.

**PRELIMINARY**

REGISTERED LAND SURVEYOR REGISTRATION # L-3617

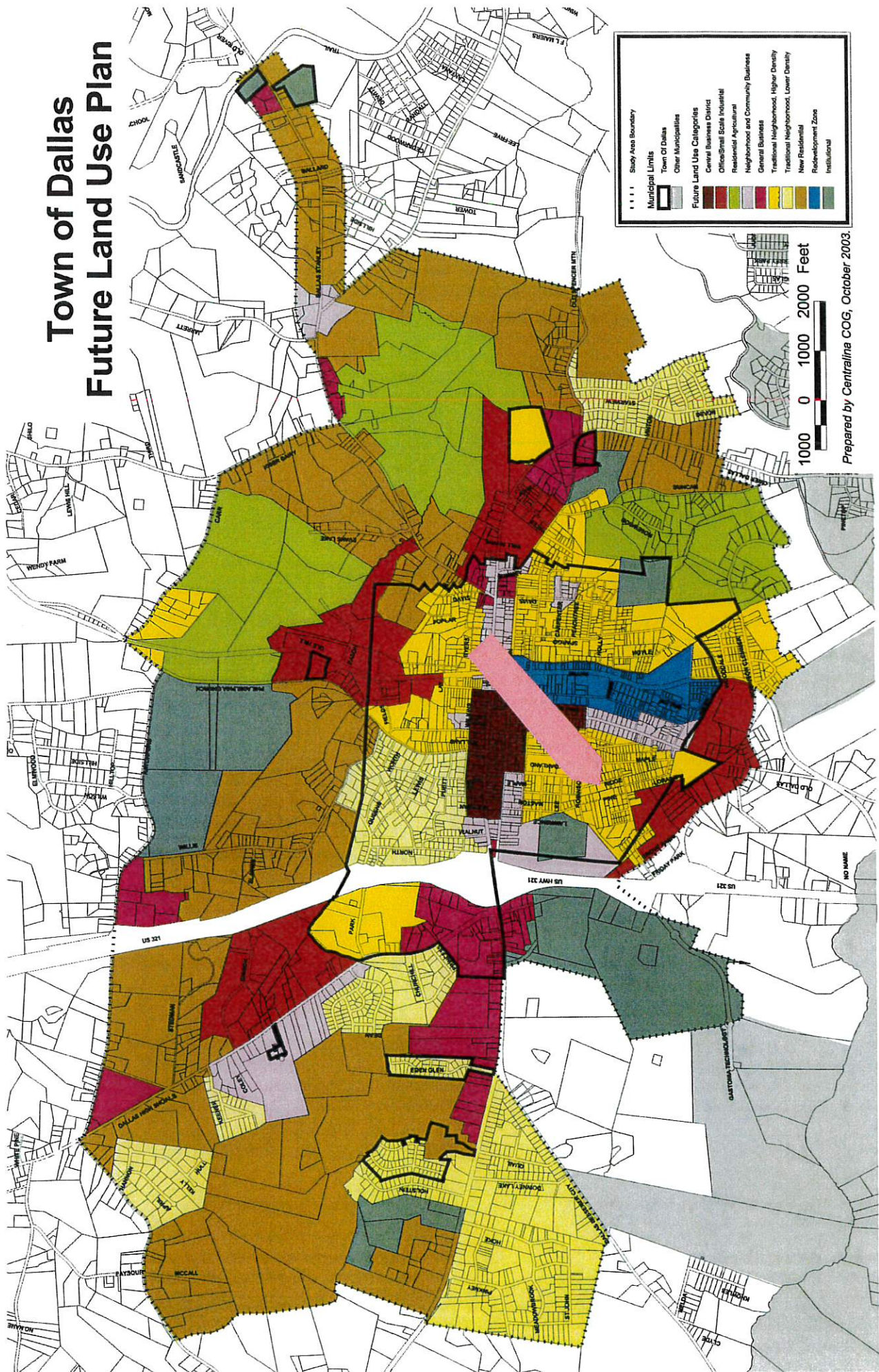
PRELIMINARY REZONING EXHIBIT  
OF  
**LOTS 16-23 BLOCK "A"**  
**SOUTH RIDGE STREET**  
DATE: 19 JUNE 2019 SCALE: 1"= 40'  
DALLAS, NORTH CAROLINA  
PROPERTY OWNER: HERITAGE BUILDERS & DEV. LLC  
P.O. BOX 566  
CHERRYVILLE, NC 28021-0566

SURVEY BY:  
3556A CENTRE CIRCLE  
FORT MILL, SC 29715  
(844) 865-5263





# Town of Dallas Future Land Use Plan



Prepared by Centralina COG, October 2003.







# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: Cemetery Ordinance

AGENDA ITEM NO. 8A

MEETING DATE: 8/20/2019

### BACKGROUND INFORMATION:

The Town has been contacted by a person that owns an 8-lot family plot that currently has two interments. The owner wants to sell the remaining 6 lots to another family. Currently, the Town's cemetery ordinance allows one central standing monument on a family plot (§95.05(A)). The purchasing family would like to install an additional standing monument on the plot, which is not allowed under the Town ordinance.

This item was discussed at the July 23<sup>rd</sup> Work Session. It was requested that cemetery ordinances from other Gaston County municipalities be collected and reviewed. Attached is a listing of ordinances from other municipal cemeteries.

Upon discussion, Staff will need direction whether to change the current ordinance, or to uphold it as it stands.

---

MANAGER RECOMMENDATION: To preserve the dignity and reverence of the cemetery for future generations, and to facilitate proper maintenance; the Cemetery Superintendent and Town Manager recommend upholding the current ordinance.

---

BOARD ACTION TAKEN:

## **Gaston County Cemetery Ordinances**

### **Dallas**

Monuments are only allowed on “family plots”, which shall comprise of more contiguous, family-related and owned individual lots. The, only one central monument is allowed on the family plot. Monuments shall be a minimum 24 inches in height, not including the base; 24 inches in width; and six inches thick. Monuments shall not exceed 24 sq. ft. in face area, nor exceed a width greater than 72 inches. Markers are allowed on any individual lot but are to be laid flush with the ground and shall not exceed two feet in length and one foot in width. If part of a family plot, markers shall be placed at the end of the lot farthest from the central monument.

### **Belmont**

One above-ground headstone or grave marker may be installed per plot. No other monumental work, tombstone, marker, vault, fence, memorial, mound or other objects of any kind protruding above the surface of the ground may be erected, nor may any hedge, plants, tree or flowers be planted on the property. One foot marker, which must be installed flush with the ground, may be installed per grave.

### **Bessemer City**

Only one upright monument will be permitted on a family burial lot, nor shall it be less than three feet height nor more than 2/3 width of the lot in height (but not exceeding eight feet in height), and shall be of granite or marble. No monument shall cover more than 7% of the ground space of the lot. All stone and marble work for monuments, headstones, and the like, must be accepted by the Director as being in conformity with these rules before being taken into the cemetery.

### **Cherryville**

No monument or marker guidelines.

### **Gastonia**

No more than one family monument on any lot. No person may erect or install any monument within a city cemetery except under the supervision and direction of the administrator, who shall ensure that all monuments are located, constructed, and properly placed on foundations to ensure and preserve the dignity of the cemetery and to minimize maintenance costs.

### **Mount Holly**

No monument or marker guidelines. No person shall erect any monument, headstone, tombstone, or other fixture, requiring a base to rest on, without first building a solid foundation of crushed rock or bricks and good cement. The depth and size of such foundation shall be determined by the director.



# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: Annexation Request- Ollie Way

AGENDA ITEM NO. 8B

MEETING DATE: 8/20/2019

### BACKGROUND INFORMATION:

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

The parcel is currently located outside of Town of Dallas zoning, but is adjacent to R-10 single family residential. The 2003 Future Land Use Plan highlights this specific parcel for Neighborhood and Community Business, but adjacent parcels are marked for new residential development. The Planning Board is recommending the requested zone of R-6 CDO (Cluster Development Overlay).

The developer, if successful with this annexation, intends to pursue a phased development plan to extend beyond this parcel- some of which is already located within Town limits.

In order to move forward with the request, the Board must schedule a public hearing.

---

MANAGER RECOMMENDATION: Set a Public Hearing for September 10, 2019 to consider the annexation request.

---

BOARD ACTION TAKEN:

**CERTIFICATE OF SUFFICIENCY**

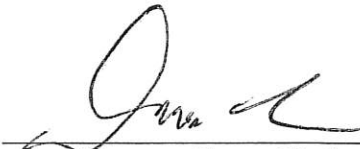
To the Board of Aldermen of the Town of Dallas, North Carolina:

I, Da'Sha Leach, Town Clerk do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G.S. 160A-31.

In witness whereof, I have hereunto set my hand and affixed the seal of the Town of Dallas, this 13<sup>th</sup> Day of August 2019.

SEAL



  
\_\_\_\_\_  
Town Clerk

Re: Summey Annexation- PID 170057

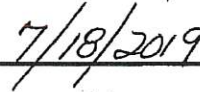


## TEXT AMENDMENT CONSISTENCY STATEMENT

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.



Glenn Bratton, Planning Board Co-Chairman



Date

TOWN OF DALLAS, NORTH CAROLINA

**PETITION FOR ANNEXATION**

PETITION NUMBER: \_\_\_\_\_  Contiguous  Non-Contiguous

DATE: 6/24/19 FEE: \$100.00 \*

\* Petitioner understands there will be additional costs associated with this petition such as advertising, postage, etc. and agrees to pay these fees upon receipt of invoice(s).

Current Property Use: R-1 Planned Property Use: Single Family

Requested Zoning: Single Family R-6 CDD

**To the Board of Aldermen of the Town of Dallas:**

We, the undersigned owners of real property, respectfully request that the area described as

Legal Description	Subdivision Name	Block	Lot	Deed Book	Deed Page
		13 080 005 00 000			

DALLAS, NC 28034, further identified as

parcel ID # 170057, be annexed to the Town of Dallas.

Petitioner: Nicole Frambach, NVR, INC.  
Name of petitioner/property owner: Frances Summey Kirby and Samuel Thomas Summey

Frances: 212 Whiteoaks Circle, Bluffton, SC 29910  
Mailing Address of property owner: Samuel: 103 Gordon Drive, Flat Rock, NC 28731

Email Address: Nframbac@nvrinc.com Phone Number: 704-887-3075

**Attachments included with Petition:**

1. Legal description (as noted in property deed)
2. Letter outlining reasons for annexation request
3. \$100 Fee

Applicant Signature: Frances Summey Samuel Summey Date: 6/24/2019 6/24/2019

DocuSigned by: Frances Summey 3595A7CC7A884E1... DocuSigned by: Samuel Summey 684A568BE351492...

Received By: [Signature] Date: 6/26/2019



TOWN OF DALLAS, NORTH CAROLINA

**PETITION FOR ANNEXATION**

PETITION NUMBER: \_\_\_\_\_  Contiguous  Non-Contiguous

DATE: 6/24/19 FEE: \$100.00 \*

\* Petitioner understands there will be additional costs associated with this petition such as advertising, postage, etc. and agrees to pay these fees upon receipt of invoice(s).

Current Property Use: R-1 Planned Property Use: Single Family

Requested Zoning: Single Family R-6 CDO

**To the Board of Aldermen of the Town of Dallas:**

We, the undersigned owners of real property, respectfully request that the area described as

Legal Description	Subdivision Name	Block	Lot	Deed Book	Deed Page
		13 080 005 00 000			

, DALLAS, NC 28034, further identified as

parcel ID # 170057, be annexed to the Town of Dallas.

Name of petitioner/property owner: Petitioner: Nicole Frambach, NVR, INC.  
Frances Summey Kirby and Samuel Thomas Summey

Mailing Address of property owner: Frances: 212 Whiteoaks Circle, Bluffton, SC 29910  
Samuel: 103 Gordon Drive, Flat Rock, NC 28731

Email Address: Nframbac@nvrinc.com Phone Number: 704-887-3075

**Attachments included with Petition:**

- ✓ 1. Legal description (as noted in property deed)
- ✓ 2. Letter outlining reasons for annexation request
- ✓ 3. \$100 Fee

Applicant Signature: [Signature] Date: 6/26/19

Received By: [Signature] Date: 6/26/19

**FILED**

STATE OF NORTH CAROLINA  
 \_\_\_\_\_ County \_\_\_\_\_  
 GASTON County JUN 11 2018

File No. 18-E-872  
 In The General Court Of Justice  
 Superior Court Division  
 Before The Clerk

**IN THE MATTER OF THE ESTATE OF:**

Name, Street Address, City, State, And Zip Code Of Decedent AT \_\_\_\_\_ M  
 KATIE CHRONIS SMITH SUMMEY CLERK OF SUPERIOR COURT

**APPLICATION FOR PROBATE**  
 (WITHOUT QUALIFICATION OF A  
 PERSONAL REPRESENTATIVE)  
 AND ADDENDUM (AOC-E-309)

Social Security No. (last four digits) 9492	County Of Domicile At Time Of Death Greenville, SC	G.S. 28A-2A-1, -2, -5
Date Of Death 02/11/2016	Date Of Will And Codicil(s), If Any 1/29/1995	Place Of Death (If Different From County Of Domicile)
Name, Street Address, P.O. Box, City, State, And Zip Code Of Applicant Angela M. Kirby <del>1631 Laurel Street</del> 828 Woodrow Street Columbia, SC <del>29201</del> 29205		Name, Street Address, P.O. Box, City, State, And Zip Code Of Co-Applicant
Telephone No. 803.256.6401	Telephone No.	
Legal Residence (County, State) Richland, SC	Legal Residence (County, State)	
Name, Street Address, P.O. Box, City, State, And Zip Code Of Attorney R. Anthony Orsbon Orsbon & Fenninger LLP		Attorney Bar No. 3284
		Telephone No. 704.556.9600

I, the undersigned, applying for probate of the decedent's last will and testament in the above estate, being first duly sworn, say that:

1. The decedent was domiciled in this county at the time of the decedent's death or left property or assets in this county.
2.  a. I am the executor named in the will.
  - b. I am a devisee named in the will, no executor has applied to have the will proved within sixty (60) days after the death of the testator, and the named executor(s) has/each have at least ten (10) days' notice of my intent to have the will proved.
  - c. The decedent died on or after January 1, 2012, I am a devisee named in the will, less than sixty (60) days have passed since the death of the testator, no executor has yet applied to have the will proved, the named executor(s) has/each have at least ten (10) days' notice of my intent to have the will proved, and good cause exists to now probate the will in that \_\_\_\_\_
  - d. I am a person interested in this estate, my interest is that \_\_\_\_\_, no executor has applied to have the will proved within sixty (60) days after the death of the testator, and the named executor(s) has/each have at least ten (10) days' notice of my intent to have the will proved.
  - e. The decedent died on or after January 1, 2012, I am a person interested in this estate, my interest is that \_\_\_\_\_, less than sixty (60) days have passed since the death of the testator, no executor has yet applied to have the will proved, the named executor(s) has/each have at least ten (10) days' notice of my intent to have the will proved, and good cause exists to now probate the will in that \_\_\_\_\_
3. Following the execution of the will, there were no children born to or adopted by the decedent, and the decedent did not thereafter marry or obtain a divorce. (If the facts are otherwise, state them on an attachment.)
4. After diligent inquiry, I have determined that the persons listed below are all the persons entitled to share in the decedent's estate. (If there is a court-appointed guardian for any such person(s), list the guardian's name and address on an attachment.)

NAME	AGE	RELATIONSHIP	MAILING ADDRESS
Frances S. Kirby	18+	Daughter	212 Whiteoaks Circle, Bluffton, SC 29910
Samuel T. Summey	18+	Son	103 Gordon Drive, Flat Rock, NC 28271

Original - File Copy - Applicant  
 (Preliminary Inventory On Reverse)

AOC-E-199, Rev. 4/16, © 2016 Administrative Office of the Courts





**Welcoming families home  
for over 65 years.**

June 26, 2019

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

RE: Summey Property – Dallas, NC

Dear Tiffany,

Please find attached the Annexation Application signed by the Sellers of parcel 170057, a copy of the \$100 check for the application fee, a preliminary master plan, preliminary phasing and an estimation of renderings based on our current product assumptions for the community.

Based on current yield calculations by Bohler Engineering, we are estimating that Phase 1 will entail roughly 100 lots. We estimate that upon delivery of our model lot, this should take approximately two years to sell through at 50 lots per year. Upon the completion of Phase 1, we would anticipate already having Phase 2 developed and ready for construction to continue seamlessly from one Phase to the next and continue as such as we move into the additional phases per the attached plan with a rough estimation of 2 years between the site development of each phase.

To achieve the yield and absorption that we estimate for this community, we anticipate building our Simply Ryan single family detached product on Phase 1 and bringing in our Lifestyle age targeted single family detached product into Phase 2. As we develop these two product lines, internally our objective is to do so in a way in which these two products generally act as their own separate communities while coming together to share the benefits of any amenity and any fire access requirements. To achieve this, we will continue to work closely with all interested departments from the Town of Dallas and Gaston County where applicable to determine the community needs during the site planning process.

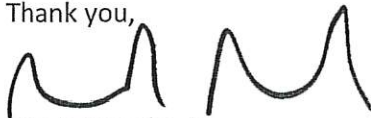
If approved, we see this community as a basis for growth in tandem with the Apple Creek Business Park to allow for safe and affordable housing in close proximity for this growing employment base. With the forthcoming growth over those planned 318 acres, companies will find comfort in knowing that their investment in this Town is not the only one. This community will allow a coming together across age ranges to allow families with differing needs to be in the same area. This community will allow workers to come home to the Town of Dallas and reinvest in the economic growth of the area.

It is our plan to focus on these first 30 acres and 100 units with the intention of obtaining consent and creating a development plan for an additional 180 acres that will eventually be annexed and rezoned to become additional phasing of this community. As I obtain those approvals, I will be able to share more

information on the exact parcels, phasing and timing as it relates to this Phase 1 opportunity. In the meantime, I seek your consideration for the annexation and rezoning of parcel 170057 for the construction of single family detached residential units.

I appreciate your time for review and consideration of this request and am glad to share what I have available in regard to more information on this proposed development.

Thank you,

A handwritten signature in black ink, consisting of a series of connected loops and peaks, resembling a stylized 'N' or 'M'.

Nicole Frambach

Land Manger, NVR, Inc.

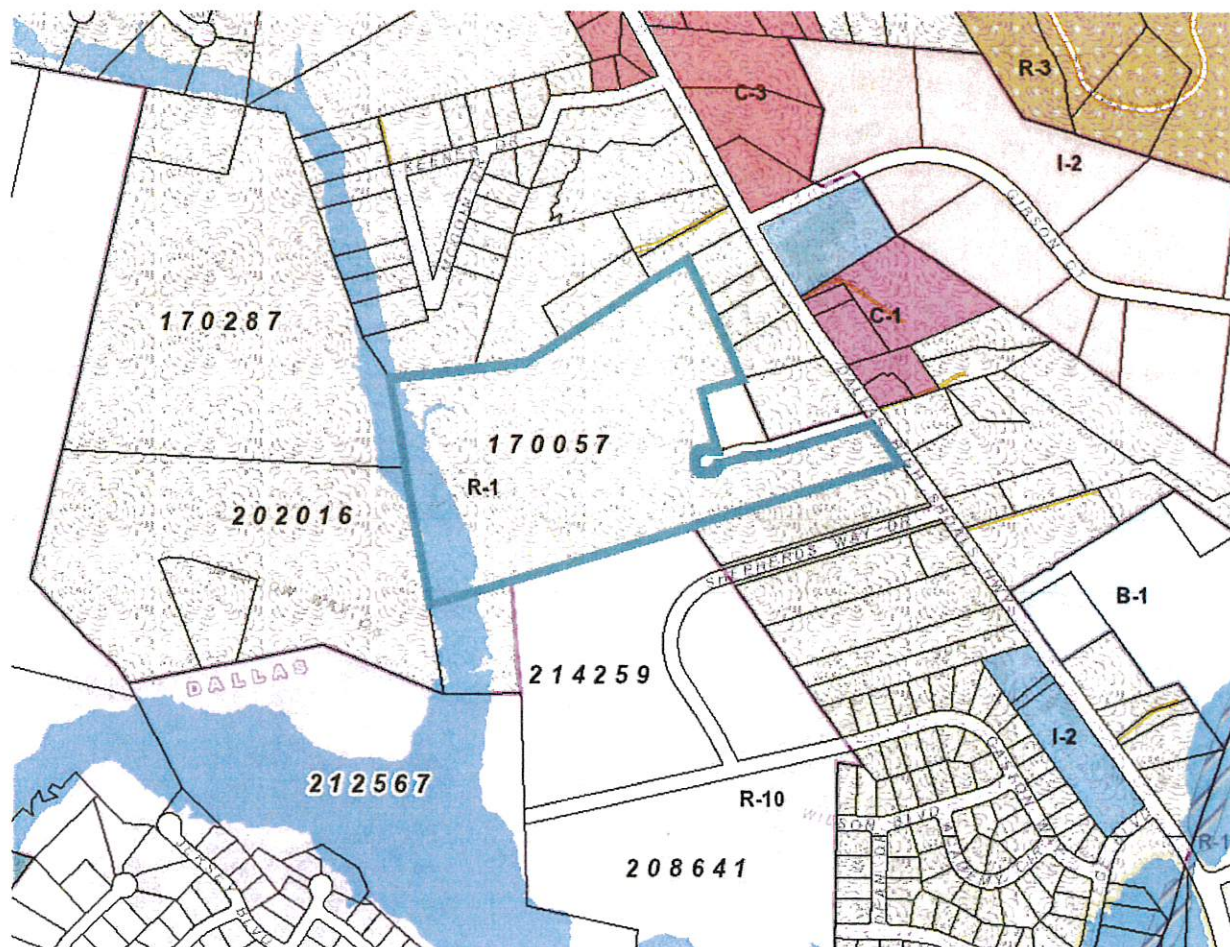


LEGAL DESCRIPTION

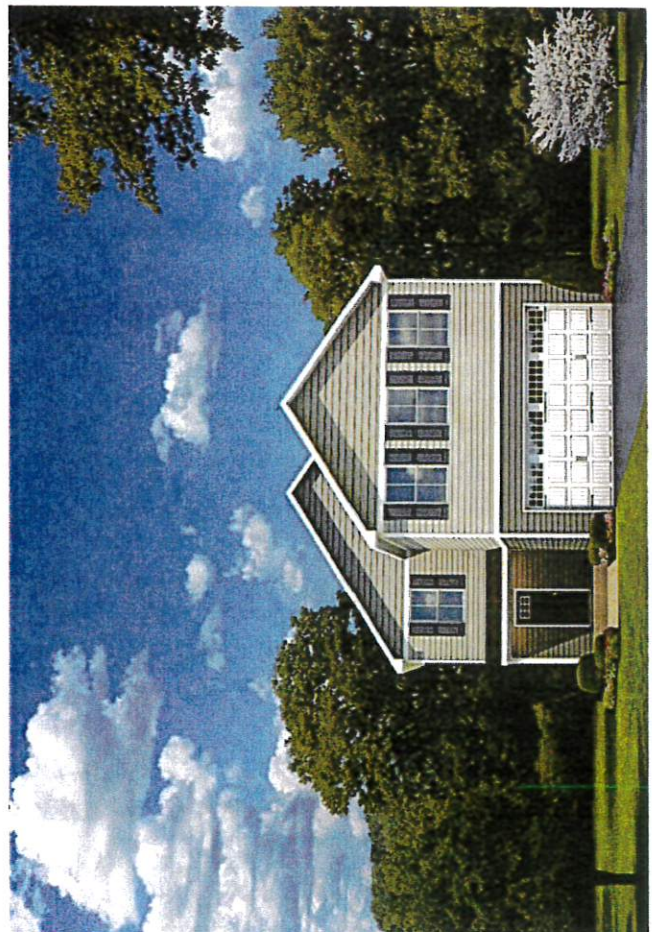
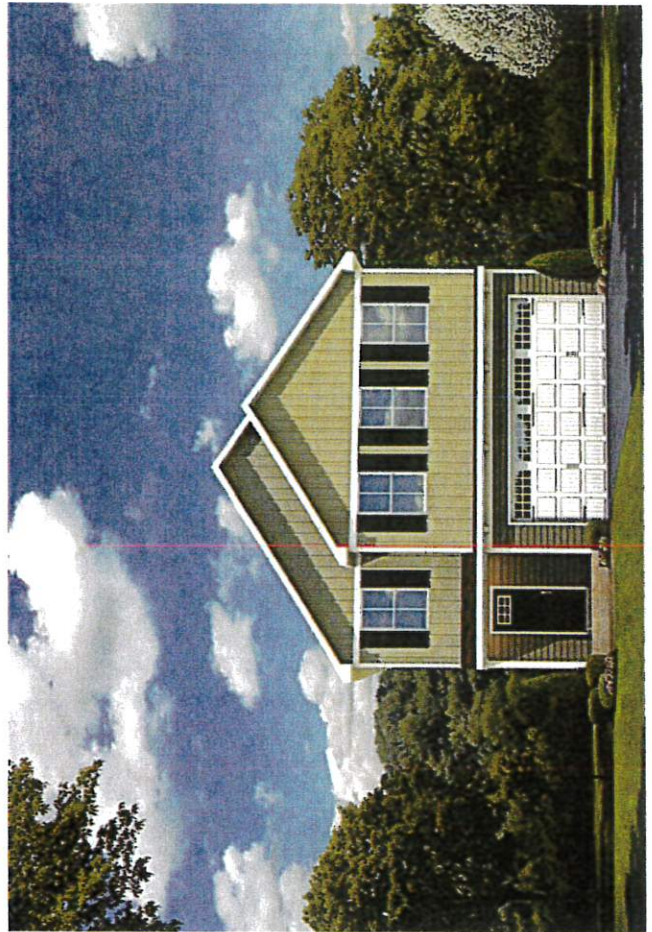
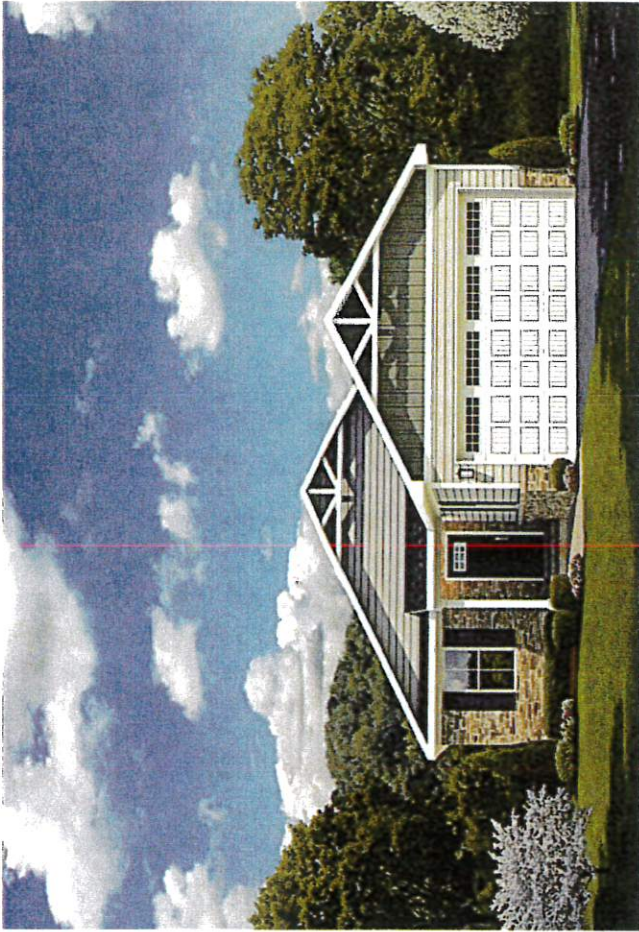
BEING that entire tract of real property owned by Grover F. Summey, which entire tract contains approximately 29.08 acres located on Dallas High Shoals Highway in Dallas Township, Gaston County, North Carolina, bearing Gaston County tax parcel identification number 3548-31-4558, all as more particularly described in the instruments recorded in Estate File No. 96-E-149 in the Office of the Clerk of Court of Gaston County and in Book 358 at Page 215 in the Gaston County Public Registry.

\*Grover Francis Summey died a resident of Greenville County, South Carolina, on March 27, 2009. See Greenville County, South Carolina Estate File # 2009ES2300749 (exemplified copies of probate proceedings on file with Gaston County Clerk of Court).

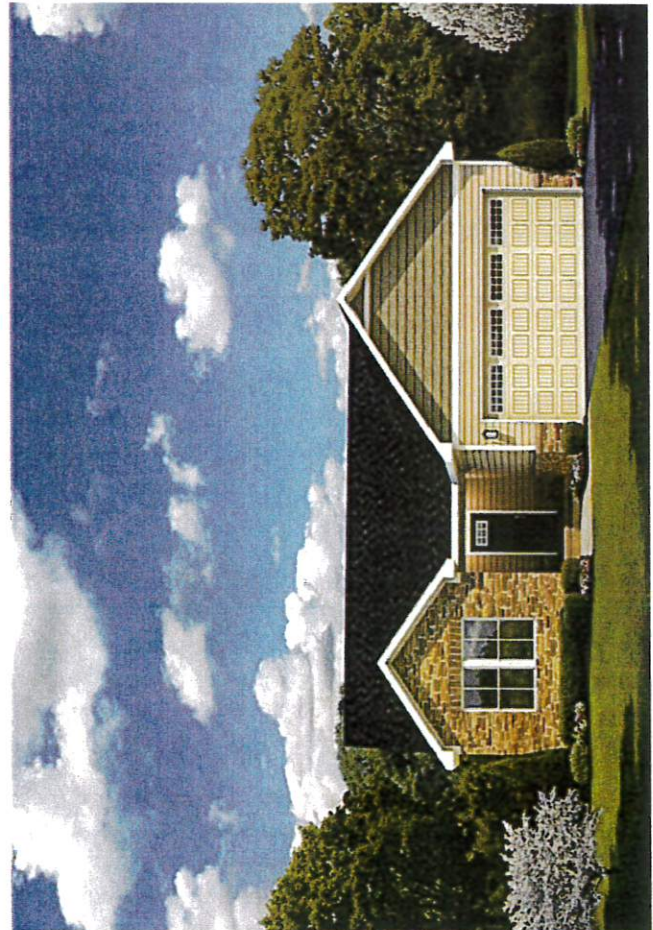
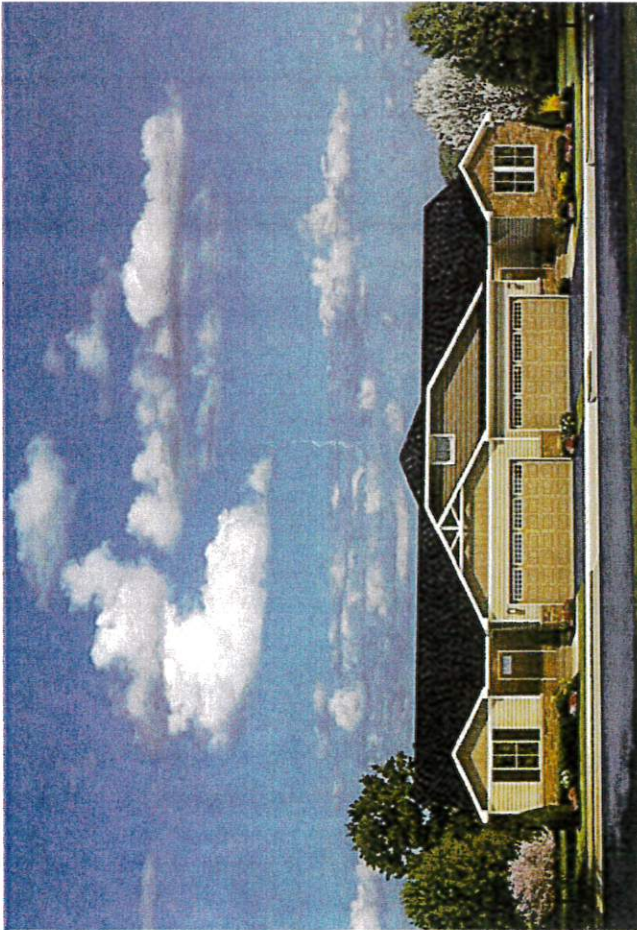
The property herein above described was acquired by Grantor by instrument recorded in Deed Book 358, Page 215 in the Gaston County Public Registry and in Estate File No. 96-E-149.



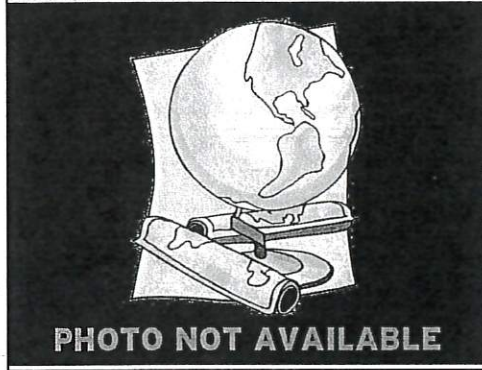
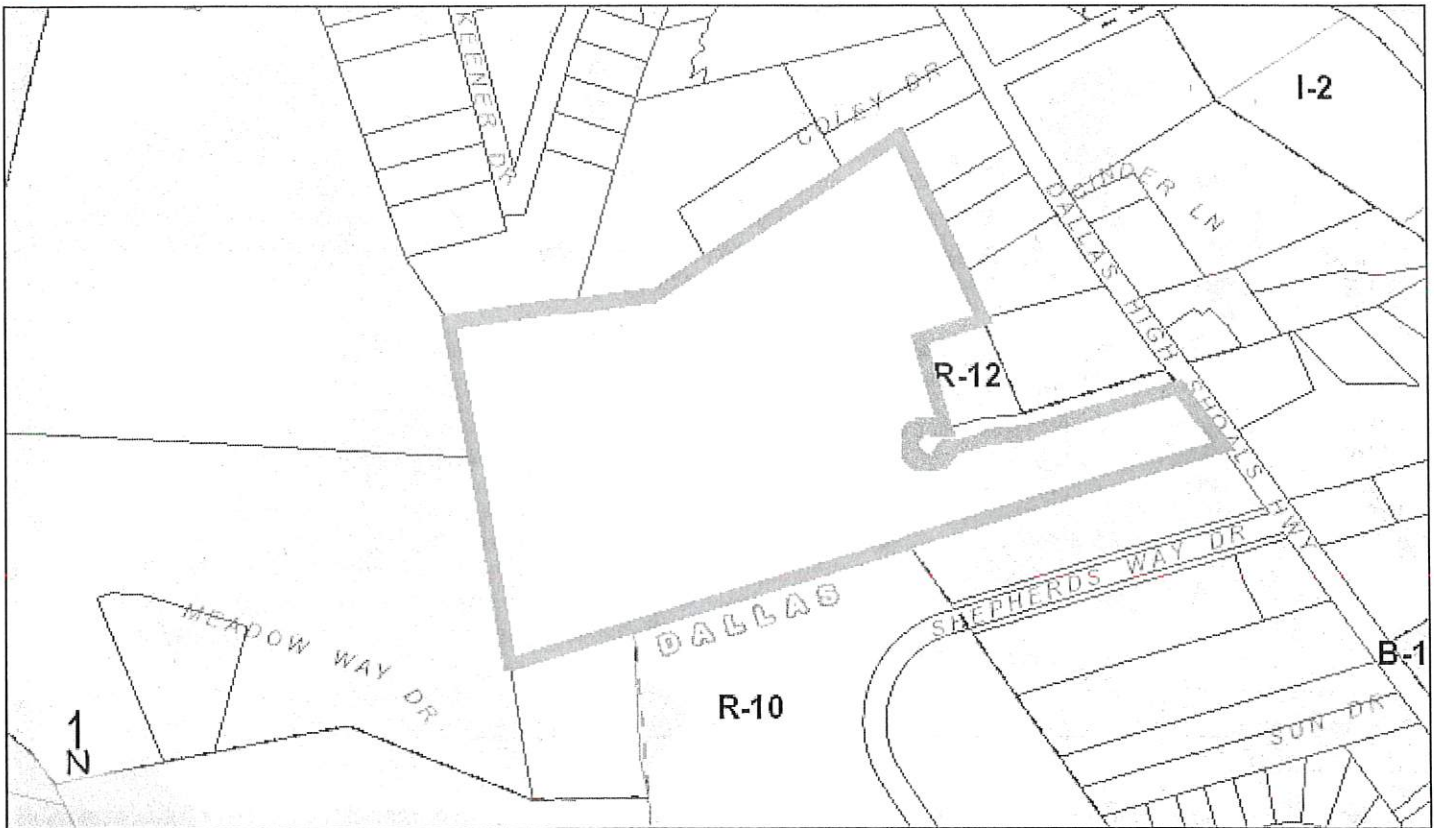












**Tax Information**

DEED BOOK: 4574 PAGE: 1753  
 DEED RECORDING DATE: 8/29/2011  
 SALES AMOUNT: \$0  
 PLAT BOOK: PAGE:  
 STRUCTURE TYPE:  
 YEAR BUILT: 0  
 SQUARE FOOTAGE: 0  
 BASEMENT: NO  
 BED: 0 BATH: 0 HALF-BATH:  
 MULTI-STRUCTURES: NO  
 ACREAGE: 29.81  
 TAX DISTRICT: AG. CENTER FD  
 VOLUNTARY AG DISTRICT: NO  
 PROPERTY USE: RESIDENTIAL

**Election Information**

PRECINCT NAME: DALLAS I  
 POLLING PLACE: TOWN OF DALLAS FIRE DEPARTMENT  
 POLLING ADDRESS: 209 W. MAIN STREET  
 WARD #:  
 CONGRESS REPRESENTATIVE: MEMBER PATRICK MCHENRY  
 CONGRESSIONAL DISTRICT: 10  
 HOUSE REPRESENTATIVE: REPRESENTATIVE KELLY E. HASTINGS (REP)  
 HOUSE DISTRICT: 110  
 SENATOR: SENATOR KATHY HARRINGTON (REP)  
 SENATE DISTRICT: 43

**Tax Information**

ADDRESS: NO ASSIGNED ADDRESS  
 PARCEL #: 170057  
 PIN #: 3548314566  
 CURRENT OWNERS: SUMMEY KATIE CHRONIS  
 MAILING ADDRESS: 212 WHITEOAKS CIR , BLUFFTON, SC 29910-5723  
 JANUARY 1ST OWNERS: SUMMEY KATIE CHRONIS  
 NBHD #: 2D012  
 NBHD NAME: SOUTH CENTRAL DALLAS 2D  
 TOWNSHIP: DALLAS TOWNSHIP  
 LEGAL DESC: . 13 080 005 00 000

**Tax Values**

MARKET LAND VALUE: \$125,400  
 MARKET IMPR. VALUE: \$0  
 MARKET VALUE: \$125,400  
 FARM DISCOUNT: NO  
 EXEMPTION: NO  
 TAXABLE VALUE: \$125,400

**Parcel Information**

POLICE DISTRICT: GASTON COUNTY  
 FIRE DISTRICT: AG CENTER  
 FLOOD: AE  
 LOCAL WATERSHED: LONG CREEK  
 CENSUS TRACT: 304.02

**Disclaimer:** The information provided is not to be considered as a legal document or description. The map & parcel data is believed to be accurate, but Gaston County does not guarantee its accuracy. Values shown are as of January 1, 2019. - Document created for printing on 10/8/2018



# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: Cotton Ginning Days Parade

AGENDA ITEM NO. 8C

MEETING DATE: 8/20/2019

### BACKGROUND INFORMATION:

Jeff Hovis, of the Gaston Agriculture, Mechanical, and Textile Restoration Association (GAMTRA) is requesting permission for the Annual Cotton Ginning Days Tractor Parade through Town on Friday, October 11<sup>th</sup>. The parade would follow the same route as in previous years, beginning at 9:00 am at Dallas Park and ending at approximately 10:00 am back at Dallas Park. They are anticipating approximately 30 tractors in the parade.

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MANAGER RECOMMENDATION: Approve the request as presented.

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BOARD ACTION TAKEN:



## Special Events/ Activities Application

Town of Dallas  
 210 North Holland Street  
 Dallas, NC 28034-1625  
 (704) 922-3176  
 Fax: (704) 922-4701

The purpose of this application is to provide information about your event or activity in order for the Town of Dallas to best assist you. Depending on the specific event, a permit application and/or fee(s) from other departments may be required. The applicant is responsible for providing complete and accurate information on the application, The applicant is responsible for notifying the Town of Dallas of any changes. A complete application must be submitted by no later than 5:00 p.m. on the Tuesday preceeding the date of the Board meeting at which the event is to be approved, for an event which is to occur no sooner than 14 days following its date of approval.

### APPLICATION INFORMATION

Name of Event:	Cotton Ginning Days Parade		
Facility Requested:			
Applicant Name:	Jeff Houss		
Organization:	GAMTRA/Gaston Agriculture Mechanical Textile Restoration Assoc.		
Mailing Address:	308 Oakwood Dr.		
City / State / Zip:	Mt. Holly NC 28120		
Daytime Phone:	704-913-4672	Cell:	Same
E-Mail:			
Description of the Event:	Esufd3000@Carolina-rr.com Parade From Citizens Resource Center around Court House and Back to Park.		
Does the event have a Facebook, Twitter, or other social networking page:			
If yes, please list URL(s):			
Date (s) Requested for Event:	October 11 2019		
Event Start Time:	0900	Event End Time:	10:00
Road Closure Time Begins (if applicable):		Road Closure Time Ends:	
Set Up Begins:		Set Up Ends:	
Preferred Date & Time of Inspection (if required):			
Estimated Attendance:			
The Event is:	<input type="checkbox"/> Private (by invitation only)	or	<input checked="" type="checkbox"/> Open to General Public
Describe the procedures to be used for selecting vendors and exhibitors for this event:			

Applicant's Signature: Jeff Houss Date: 7-29-19

A pre-event meeting may be required and will be scheduled to include appropriate staff. The event applicant must attend the meeting.





# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: Budget Amendment – Small Trash Truck

AGENDA ITEM NO. 8D

MEETING DATE: 8/20/2019

### BACKGROUND INFORMATION:

The approved FY2019-20 budget provided for the purchase of a small trash truck to be financed at a projected cost of \$110,000. Upon further review of the quote by the Public Works Director, the previously quoted truck would not meet the Town's needs.

After obtaining a revised quote, the cost of the truck will be \$146,597. In order to proceed with an RFP for financing, a budget amendment must be approved for the increased cost of the truck.

Attached is a budget amendment to revise the cost of a small trash truck to be purchased through financing.

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MANAGER RECOMMENDATION: Approve the budget amendment as presented.

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BOARD ACTION TAKEN:



**Town of Dallas**  
**Budget Amendment**

Date: August 20, 2019

Action: Solid Waste Amendment

Purpose: To Appropriate Funds for Revised Quote on Small Trash Truck

Number: SW-001

Fund	Dept	Line Item	Item Description	Original Amount	Amended Amount	Difference
10	3850	0000	Proceeds From Cap. Financing	\$110,000	\$146,597	\$36,597
10	5800	7400	Capital Outlay: Equipment	\$110,000	\$146,597	\$36,597

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Approval Signature  
(Town Manager)