

**Town of Dallas**  
**Agenda**  
**FEBRUARY 26, 2019**  
**5:00 PM**  
**BOARD OF ALDERMEN – WORK SESSION MEETING**  
**Rick Coleman, Mayor**

**Allen Huggins**

**Darlene Morrow**

**Stacey Thomas**

**Jerry Cearley, Mayor Pro-Tem**

**E. Hoyle Withers**

<b>ITEM</b>	<b>SUBJECT</b>	<b>Pages</b>
<b>1.</b>	<b>Pledge of Allegiance to the Flag</b>	
<b>2.</b>	<b>Approval of Agenda with Additions Or Deletions</b>	
<b>3.</b>	<b>New Business</b>	
A.	Purchasing Policy	2
B.	Recreation Facility Fees	25
C.	Recycling Program	29
D.	Courthouse Access	32
E.	Façade Grant Boundaries	34
F.	Permitted Uses in All Zones	41
G.	Conditional Use Permit Request	64
H.	Right of Way Encroachment Agreement	74

# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: Purchasing Policy

AGENDA ITEM NO. 3A

MEETING DATE: 2/26/2019

### BACKGROUND INFORMATION:

This item was discussed at the January 22<sup>nd</sup> Work Session, but further discussion has been requested.

Jonathan Newton, Finance Director, has compiled a comprehensive Purchasing Policy outlining purchasing guidelines for the Town. This policy reflects what has been in practice for many years, but has not been standardized into written form. The policy complies with State regulations and standard practices for local governments.

Some concerns have been voiced that this policy would jeopardize our local vendors and would hamper emergency repairs. This policy would not negatively impact either of these areas. The intention is not to overhaul our purchasing or stop using the vendors we currently use, but to put down into writing what we have already been doing. We currently get quick quotes and estimates from vendors, including local vendors (many times over the telephone as long as the expenditures are below the State's formal quote/bid thresholds). We do this to ensure that we are getting the best value and service for the citizens of Dallas. Usually, our local vendors give us very competitive prices, as well as good service. This policy basically outlines the practices we have already been utilizing, so our local vendors should see no change in our processes. As for emergencies, our focus has always been to get the situation addressed as quickly as possible, not to get bogged down in procedure...that will not change either. The first paragraph of Section 5.2 clarifies this.

Without a policy in place, we are leaving ourselves open to liability, and possibly could hinder our ability to qualify for grant funding.

---

MANAGER'S RECOMMENDATION: Review the proposed policy before final adoption.

---

BOARD ACTION TAKEN:

# PURCHASING POLICY



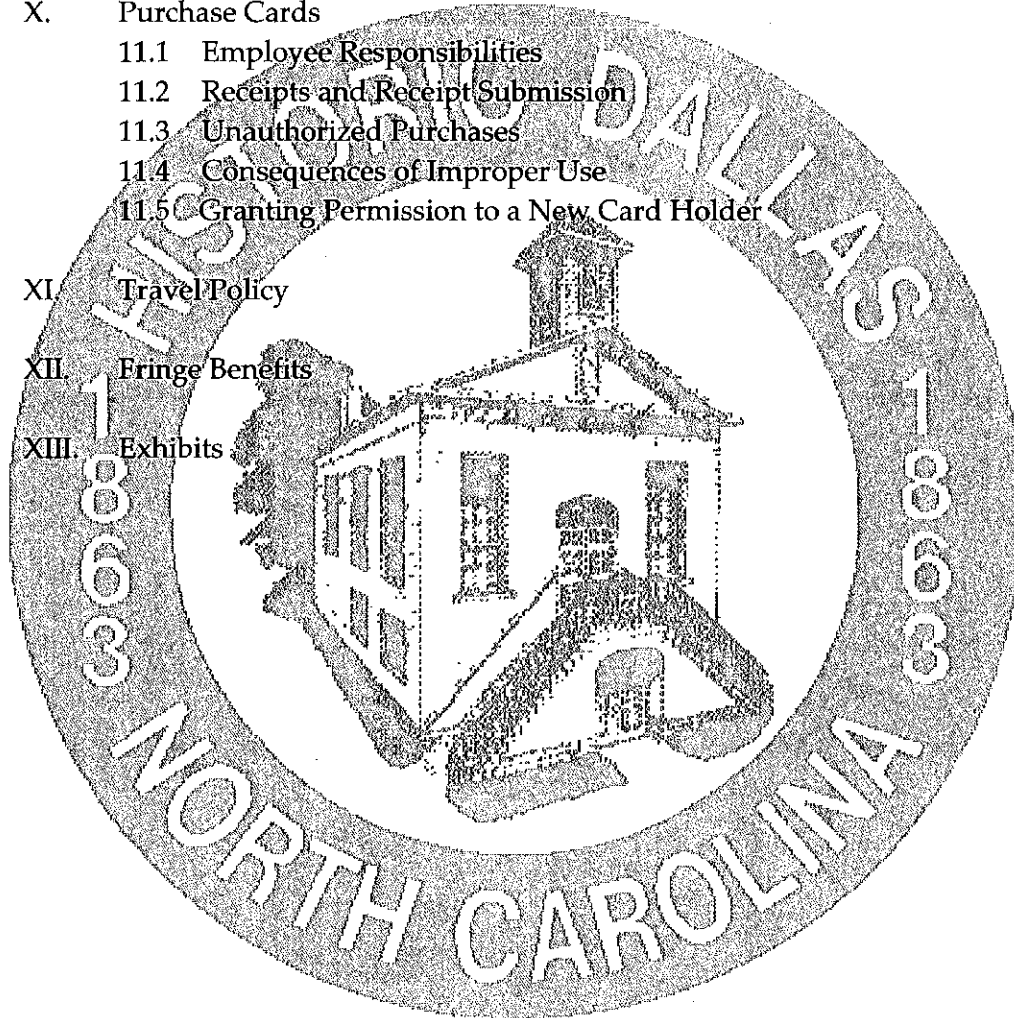
Adopted:

**Town of Dallas, North Carolina  
Purchasing Policy Manual**

**TABLE OF CONTENTS**

	Page(s)
I. Forward	1
II. General Guidelines	2
2.1 Local Buying	
2.2 Planning	
2.3 Buying Proper Quality	
2.4 Authorization	
III. Purchasing Procedure	3-5
3.1 Purchases less than \$250.00	
3.2 Purchases between \$250.00 and \$4,999.99	
3.3 Purchases between \$5,000.00 and \$29,999.99	
3.4 Purchases between \$30,000.00 and \$89,999.99	
3.5 Purchases \$90,000.00 and above/Services \$500,000.00 and above	
IV. Vendor Selection	5-6
4.1 Selection Policy	
4.2 Gifts and Gratuities	
V. Special Procurement Procedure	6-8
5.1 Blanket Purchase	
5.2 Emergency Purchase	
5.3 Sole Source of Supply	
5.4 Single Brand Convenience	
5.5 NC Purchase Contract and Cooperative Purchasing Agreements	
5.6 Piggybacking	
5.7 Professional Services	
5.8 Service Contracts (intentionally blank for now)	
5.9 Vendors with Town Accounts	
VI. Delivery and Performance	9
6.1 Partial Deliveries	
6.2 Non-Performance	

VII.	Inspection and Testing	9-10
	7.1 Rejection	
	7.2 Damaged Goods	
	7.3 Latent Defects	
VIII.	Vendor Relations	10
IX.	Sale of Town Property	10
X.	Purchase Cards	10-12
	11.1 Employee Responsibilities	
	11.2 Receipts and Receipt Submission	
	11.3 Unauthorized Purchases	
	11.4 Consequences of Improper Use	
	11.5 Granting Permission to a New Card Holder	
XI.	Travel Policy	12
XII.	Fringe Benefits	12
XIII.	Exhibits	13



## GLOSSARY

---

**Bid:** a multi-step process required of the Town by North Carolina General Statutes. Quotes from three separate vendors are required during any bid process unless the good or service to be supplied is produced by only one vendor.

**Informal Bid:** A bid on items \$30,000.00 and above. Request for quotes are not required to be advertised to the public. Purchases in this category do not need to be approved by the Board of Aldermen.

**Formal Bid:** A bid on items \$90,000.00 and above or on services \$500,000.00 and above. Public advertisement of the request for quote and bid process must be made, bids must be opened in public forum, and the Board of Aldermen must approve the winning bid.

**Quote:** a price provided by a vendor on a provided good or service.

**Informal Quote:** a quote received via verbal communication, email, website, catalog, or fax.

**Formal Quote:** A written price quote received via U.S. Mail, email, fax, or hand delivery.

**Requisition:** input into the financial system by a department to request the generation of a purchase order by the Finance Department prior to a purchase.

**Purchase Order (PO):** authorization for the purchase of goods sent by the Finance Department to a vendor prior to the purchase.

**Request for Written Quotation (RFQ):** A request sent to a vendor for a written quote on a certain good or service.

**Encumbering:** to commit a given amount of money to the payment of an order.

**Purchasing/ Procurement:** interchangeable, how the Town obtains needed goods and services.

**Department Head:** The individual authorized to make purchasing decisions on behalf of his/ her department.

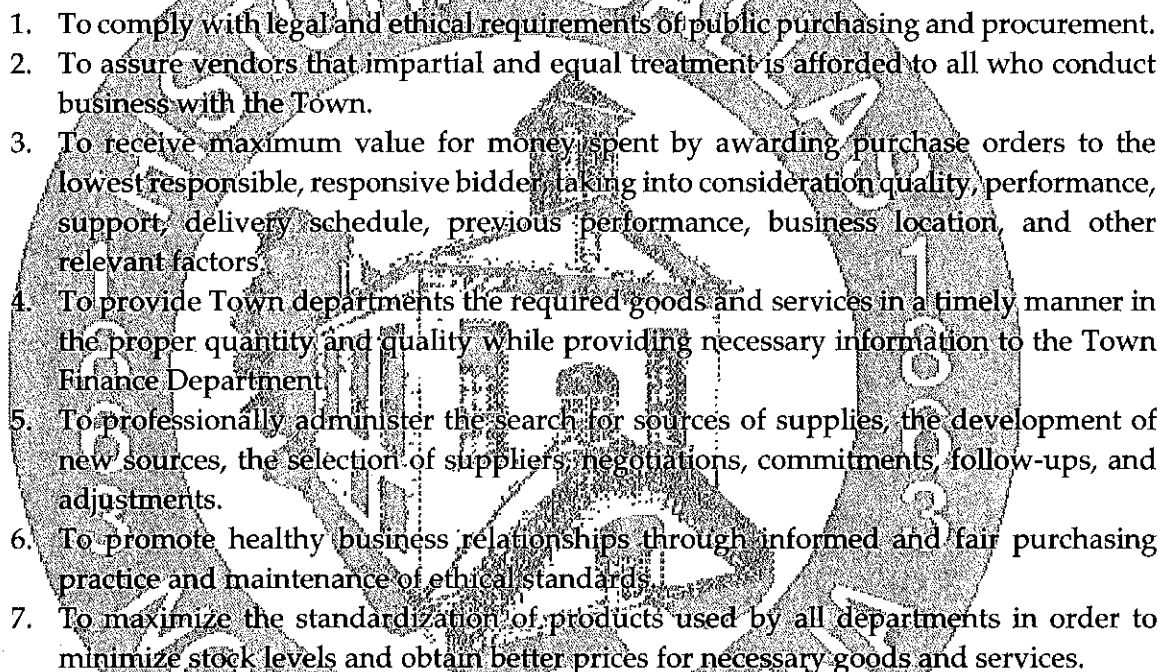
**Vendor:** provider of a good or service.

**I. FORWARD**

This purchasing policy is intended for use as a guide to the Town of Dallas's purchasing methods and practice. When used properly, the policies and procedures established herein will enable the Town to obtain needed goods and services efficiently and economically. The goal of this policy is to give structure to the Town of Dallas's procurement methods and to set guidelines for Town departments.

The understanding and cooperation of all employees is essential in order for the Town to maximize the value of each taxpayer dollar spent. While this manual does not answer all procurement related questions, it provides a sound foundation for Town procurement methods.

The goals of the Town's purchasing program are as follows:

- 
1. To comply with legal and ethical requirements of public purchasing and procurement.
  2. To assure vendors that impartial and equal treatment is afforded to all who conduct business with the Town.
  3. To receive maximum value for money spent by awarding purchase orders to the lowest responsible, responsive bidder, taking into consideration quality, performance, support, delivery schedule, previous performance, business location, and other relevant factors.
  4. To provide Town departments the required goods and services in a timely manner in the proper quantity and quality while providing necessary information to the Town Finance Department.
  5. To professionally administer the search for sources of supplies, the development of new sources, the selection of suppliers, negotiations, commitments, follow-ups, and adjustments.
  6. To promote healthy business relationships through informed and fair purchasing practice and maintenance of ethical standards.
  7. To maximize the standardization of products used by all departments in order to minimize stock levels and obtain better prices for necessary goods and services.

If the procedures and guidelines established in this manual are followed, each department will be capable of managing, controlling, and planning available resources to meet present and future needs in order to help the Town meet set goals. Any questions or concerns about this manual or the established procedures should be directed to the Town Finance Department.

This manual is effective immediately following the Board of Aldermen adoption and supersedes all previous purchasing or procurement instructions or directives.

## II. GENERAL GUIDELINES

---

### 2.1 Local Buying

It is the desire of the Town of Dallas to contract with vendors within the Town and Gaston County whenever possible. The Town has a responsibility to its citizens and local businesses; however, the Town must ensure taxpayer money is spent with prudence. The Town **does not** make purchasing decisions based exclusively on the location of the vendor; however, every effort will be made to encourage qualified local vendors and suppliers to compete for Town business.

### 2.2 Planning

It is imperative that all Town departments take time to properly plan purchases. Purchasing plans should be made for goods and services to be purchased in both the near and distant future; thereby minimizing small orders and last minute purchases. Planning is of highest importance to the Town because proper planning reduces unnecessary clerical and supervisory time costs associated with the procurement process.

### 2.3 Buying Proper Quality

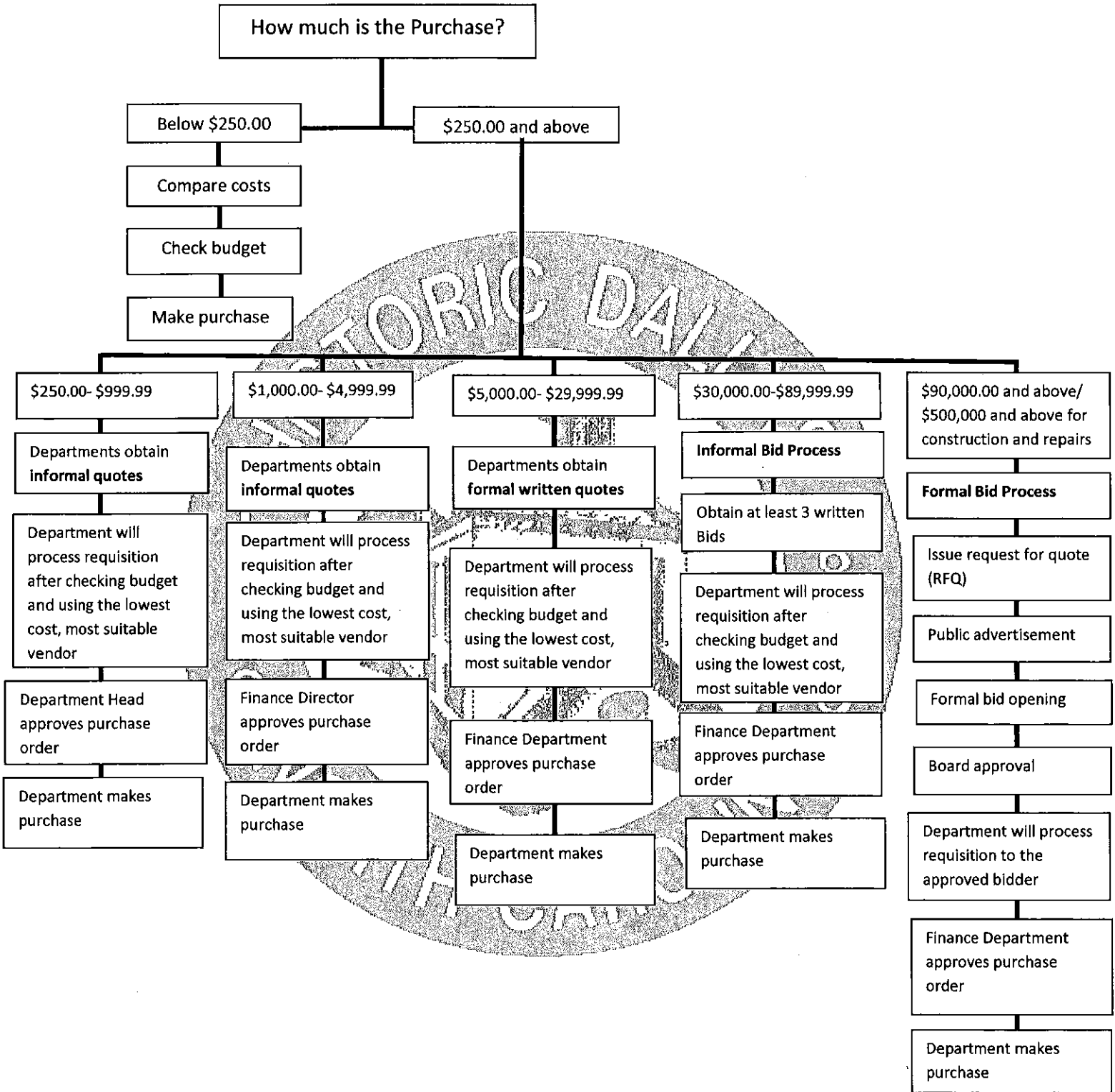
Quality and service are as important as price when considering goods for purchase; it is the duty of the requesting department to secure the most cost-effective good or service that will meet, but not exceed the requirements for which the goods or services are intended. In some instances the lowest price does not necessarily mean the lowest cost. A higher price, higher quality product may save the Town from excess expenses in the future. The requesting department should take this into consideration when making a purchase.

### 2.4 Authorization

Department Heads have been delegated the authority to approve purchases made under \$250.00 without a Purchase Order and can authorize a Purchase Order under \$1,000. Department Heads should only authorize purchases for necessary goods when proper documentation is provided and funds are available to make the purchase. The Department Head or his/her designee must authorize each invoice with signature, date and general ledger account number before forwarding to Finance for payment. This authorization verifies that the goods and/or services have been received, the budgeted funds are available and the invoice has been coded to the proper account number.



**PURCHASING FLOW CHART**



Further information on dollar thresholds can be found here:  
<http://www.sog.unc.edu/sites/www.sog.unc.edu/files/Dollar%20Thresholds%20Chart%202013.pdf>

### III. PURCHASING PROCEDURE

---

#### 3.1 Purchases less than \$250.00

Purchases less than \$250.00 do not require a Requisition or a Purchase Order (PO) and may be made upon the approval of the Department Head. These purchases may be made by utilizing the Town's Purchasing Card process, check requests, or vendor accounts. Please see the Town's specific policy for acceptable P-Card expenses. Every purchase should follow a cost comparison to ensure a competitive price and quality for each good and service purchased. Issues that may override the price comparison process may include delivery time and material specifications.

#### **ALL PURCHASES \$250.00 AND ABOVE REQUIRE A REQUISITION AND PURCHASE ORDER (PO).**

#### 3.2 Purchases between \$250.00 and \$999.99

Purchases in this price range may be obtained by the requesting department(s) through an informal quote process. No minimum number of quotes is required however, it is encouraged that every attempt is made to acquire at least three (3) quotes. The informal quotes may be received through verbal communications, email, or fax. Verbal quotes must be noted in typed or hand written form documenting price, date quoted, name of vendor, and name of the individual representative of the vendor. Quotes are to be scanned and submitted with the purchase requisition prior to purchase; after the purchase order is issued and approved by the Department Head, a purchase may be made.

#### 3.3 Purchases between \$1,000.00 and \$4,999.99

Purchases in this price range may be obtained by the requesting department(s) through an informal quote process. No minimum number of quotes is required **(with the exception of vehicle repairs over \$3000 - which will require at least two (2) quotes)** however, it is encouraged that every attempt is made to acquire at least three (3) quotes. The informal quotes may be received through verbal communications, email, or fax. Verbal quotes must be noted in typed or hand-written form documenting price, date quoted, name of vendor, and name of the individual representative of the vendor. Quotes are to be scanned and submitted with the purchase requisition prior to purchase; after the purchase order is issued and approved by the Finance Director/ Town Manager, a purchase may be made.

#### 3.4 Purchases between \$5,000.00 and \$29,999.99

Purchases in this price range are obtained through the formal quote process. In the formal quote process, the requesting department is required to receive at least three (3) quotes via U.S. Mail, email, fax, or hand delivery. The required three written quotes are to be scanned, submitted and/or attached to the purchase requisition prior to purchase; after the purchase order is issued and approved, a purchase may be made.

### 3.5 Purchases between \$30,000.00 and \$89,999.99

Purchases in this range must be obtained through informal bids. Departments are responsible for sending a request for quote (RFQ) and will allow vendors sufficient time to respond to the request based on the complexity of the request. RFQs in the informal bid range may or may not be advertised to the public. A minimum of three (3) vendors, if available, will receive the RFQ. Every effort will be made to obtain at least three (3) quotes. Quotes in the informal bid range may be submitted through U.S. Mail, email, fax, or hand delivery. No verbal quotes are acceptable in the informal bid price range. Purchases in the informal bid range do not require the Board of Aldermen's approval. In this range, a no bid may be accepted as a bid. In accordance with N.C.G.S. § 143-131, a Request for Written Quotation will be used for purchases of \$30,000 to formal limits (3.2a) with or without advertising. The required three written informal bids are to be scanned and submitted with/ attached to the purchase requisition prior to purchase; after the purchase order is issued and approved, a purchase may be made.

### 3.6 Purchases \$90,000.00 and above/Services \$500,000.00 and above

Purchases in this range must be obtained through formal bids. Departments are responsible for sending a request for quote (RFQ) and will allow vendors sufficient time to respond to the request based on the complexity of the request. Every effort will be made to obtain at least three (3) bids. A newspaper advertisement must run at least seven (7) days prior to the bid opening. Written bids in this range must be submitted in a sealed envelope and must be opened at a public bid opening. Purchases in the formal range require Board of Aldermen's approval. In accordance with N.C.G.S. § 143-129, invitation for formal bids will be used for purchases of \$90,000 and greater (\$500,000 and greater for construction and repairs). This will include advertising in the local newspaper and/ or other advertising media as deemed appropriate and receiving sealed bids. The supporting documentation and all bids received are to be scanned and submitted with/ attached to the purchase requisition prior to purchase; after the purchase order is issued and approved, a purchase may be made.

## IV. VENDOR SELECTION

---

### 4.1 Selection Policy

Vendors will be selected on a competitive basis. Formal bids and informal bids will be solicited by the requesting department. Bid awards, purchase orders and/or contracts will be issued to the lowest, responsive, responsible bidder. The Town of Dallas will not use vendors who have been debarred by Federal, State, or Local governments.

### 4.2 Gifts and Gratuities

Town employees are prohibited from soliciting or accepting any rebate, money, costly entertainment, gift, or gratuity (with the exception of mementos and novelties of nominal value) from any person, company, firm or corporation to which any purchase order or contract is, or might be awarded. The Town will not tolerate circumstances that produce, or reasonably appear to produce, conflicts between the personal interests of an employee and the interests of the Town. Accordingly, the Town may terminate, at no charge to the Town, any purchase order contract if it is found that substantial gifts or gratuities were offered to a Town employee. The Town may

also take disciplinary action, including dismissal, against a Town employee who solicits or accepts gifts or gratuities of any value whatsoever.

#### **IV. SPECIAL PROCUREMENT PROCEDURES**

---

##### **5.1 Blanket Purchase Order**

Blanket purchase orders will be issued to selected vendors for the procurement of certain items after competitive pricing has been completed and if budgeted funds are available. Blanket purchase orders are intended to expedite the procurement of frequently needed and repetitious supplies. Blanket purchase orders should be made for goods and services when the amount of clerical or administrative work otherwise involved is impractical. Examples of items procured through a blanket purchase order include: janitorial services, maintenance service contracts, chemicals, temporary personnel services, automotive parts, and others. Blanket purchase orders will encumber the requesting department's funds for any amounts remaining on the purchase order.

Requisition for blanket purchase orders must include all required information along with the following additional information:

1. Time period the purchase order is valid.
2. Items covered by the blanket purchase order.
3. The Not to Exceed (NTE) amount.
4. A listing of all personnel approved to purchase from the blanket purchase order.

All vendor delivery tickets must be signed by an authorized Town employee indicating receipt of the goods and/or services. All delivery tickets from blanket purchase orders must be scanned and forwarded to Accounts Payable as supporting documentation for invoice processing.

##### **5.2 Emergency Purchases**

In cases of emergencies, the Department Head or his/her designee may purchase directly from any vendor the supplies or services whose immediate procurement is essential to prevent delays in work which may affect the life, health, safety, or convenience of Town of Dallas employees or citizens.

The user department shall exercise good judgment and use established vendors if possible when making emergency purchases. Always obtain the best possible price and limit purchases to those items emergency related. Not anticipating needs does not constitute an emergency situation. First, determine if a true emergency does exist. Second, anticipate needs and avoid emergency situations whenever possible. Emergency orders are always costly. Vendors usually charge top prices if supplies or services must be obtained on an emergency basis.

During working hours, follow standard purchasing procedure as usual as soon as time and the situation permits.

After working hours, the following procedure should be used for emergency purchases: verify funds are available and if needed complete a Budget Transfer form and forward immediately to the Finance Director. The packing slip or invoice received should be coded with the account(s) to be charged and signed, scan/ attach a brief explanation of the nature of the emergency and forward to Accounts Payable with the invoice. Emergency purchases, although sometimes necessary, are costly both in time and money. The use of emergency procedures should be limited and will be monitored for abuse.

### 5.3 Sole Source of Supply

In the event there is only one vendor capable of providing a particular good or service, the competitive pricing procedures outlined in this manual may be waived by the Finance Department. Whenever a Department Head decides to purchase goods from a sole source, he/she shall document on the requisition why only one company or individual is capable of providing the goods required. The provisions of N.C.G.S. § 143-129 will be followed requiring Council approval for sole source exception for all purchases made at or above statute levels.

### 5.4 Single Brand Convenience

The Town recognizes in certain scenarios it is efficient to purchase items from a single provider rather than a variety of vendors. In such cases exceptions may be made to standard purchasing procedure; given proper documentation is provided. The purchaser should note reasons buying from a certain vendor will be more efficient in the long run and attach such documentation to each requisition.

Example: One brand of printer Town-wide would allow the same type of ink cartridge to be ordered and reduces time cost related to finding multiple brands. This also allows the Town to buy ink cartridges in bulk from a single provider, further reducing cost.

### 5.5 State of North Carolina Purchase Contract

All Departments may use the State of North Carolina Department of Administration Purchase and Contract Division whenever possible for procurement of capital and non-capital items. It shall be the responsibility of Department Heads to familiarize themselves with this purchasing method and to check for needed goods and services which are available through this resource at a lower cost than many other vendors offer. This system expedites the purchase of goods, offers pricing compatible with quotes received from formal and informal bids, and satisfies North Carolina General Statutes. Examples of goods on State Contract are: law enforcement vehicles, office furniture, copiers, janitorial supplies, copier paper, light bulbs, etc. Contact the Finance Department with questions regarding goods on State Contract.

The State of North Carolina Interactive Purchasing System can be found on the web at [www.ips.state.nc.us/ips/Default.aspx](http://www.ips.state.nc.us/ips/Default.aspx).

The North Carolina E-Procurement System can be found on the web at <http://eprocurement.nc.gov/>

### 5.6 Piggybacking

The Department Head may use the piggybacking process whenever necessary to purchase apparatus, supplies, materials, and equipment. Contracts in the informal range can be used as a tool to solicit additional bids, but no Board action is necessary. For purchases of \$90,000 and above, the provisions of N.C.G.S. § 143-129 will be followed.

### 5.7 Professional Services

Normal competitive procedures are difficult to use in securing professional services such as attorneys, planners, and other professionals who, in keeping with the standards of their discipline, will not enter into a competitive bidding process. When an agreement between a professional service company and the Town is established, a purchase order with the proposed amount shall be issued to satisfy accounting and statutory requirements. Purchases from professionals shall otherwise follow N.C.G.S. § 143-64.31 and 64.32.

### 5.8 Service Contracts

The Town is currently working on creating a contract for all vendors that provide a service to the Town. This includes vendors who may set up and/or be on Town property while performing their service. This is to cover the Town from any legality that may occur. Once the contract has been written following the general statutes and approved by the Town's attorney, it will be inserted into the Purchasing Policy.

### 5.9 Vendors with Town Accounts

The Town should have accounts with certain vendors, where possible, in order to expedite the purchasing process for frequently needed minor items. In the event the Town has an account with a certain vendor, Town employees should not use purchase cards to obtain goods or services from the vendor. Proper purchasing procedures should be followed and only authorized purchases should be charged to Town accounts.

## **VI. DELIVERY AND PERFORMANCE**

A completed and accepted purchase order by the parties concerned must produce the intended results or objectives before it can be considered a successful or completed purchase. The terms and conditions must clearly define the delivery and performance requirements of the services, supplies, or equipment.

The importance of the delivery schedule will be emphasized to the vendor. Delivery requirements will be clearly written and fully understood by all vendors. If several items are required by the purchase order, there may be a different delivery schedule for each item. It is necessary to clearly indicate the delivery location on the requisition.

### **6.1 Partial Deliveries**

Some purchase orders may list several items. It is possible the vendor may complete timely delivery on some items, which is referred to as "partial delivery". Upon receipt of a partial delivery, photocopy the purchase order; attach a copy of the signed delivery receipt and forward to the Finance Department along with the vendor invoice indicating which lines of the purchase order are to be paid.

### **6.2 Non-Performance**

If a vendor fails to meet any requirements(s) of the specifications or terms and conditions of the contract or purchase order, the vendor can be cited for non-performance. The seriousness of non-performance will be evaluated based upon the circumstances of each violation.

## **VII. INSPECTION AND TESTING**

Life and safety as well as successful operation of expensive equipment and supplies may depend upon how well a purchased item meets design and performance specifications. Goods and materials should be checked at the time of receipt for damage or defects. The inspection shall include assuring goods comply with the specifications. If damage is found, or the goods fail to comply with the specifications, the item(s) shall be rejected as outlined below.

### **7.1 Rejection**

In order to protect the Town's rights in the event of rejection, for whatever reason, the vendor shall be informed immediately. Reasons for the rejection must be documented in memo form, attached to a copy of the purchase order and forwarded to the Finance Department in a timely manner.

### **7.2 Damaged Goods**

One of the major reasons for immediately inspecting the goods or materials upon receipt is to detect any visible damage. It is necessary that all damage including evidence of concealed damage shall be documented by memo, attached to a copy of the purchase order, forwarded to the Finance Department, reported to the vendor as soon as possible, and inform the vendor of the damaged goods. When it is apparent that the extent of the damage causes the goods to be worthless, they will not be accepted.

7.3 Latent Defects

Latent defects may be the result of damage in transit or failure of the manufacturer to conform to specifications. Consequently, it is often difficult to fix responsibility for the defective material. If specific liability for the defect cannot be determined between the carrier, the vendor, or the manufacturer, the Town may file a claim against all parties. A memo attached to a copy of the purchase order must be forwarded to the Finance Department.

**VIII. VENDOR RELATIONS**

Good vendor relations are valuable business assets established through mutual confidence and satisfactory business communication between buyer and seller. An important contribution toward promoting and preserving these relations is a clear understanding of the method of contract between buyer and seller. Any conflicts which may arise should be reported to the Finance Department.

**IX. SALE OF TOWN PROPERTY**

The Town Manager has been authorized by the Dallas Board of Aldermen to declare as surplus a single asset or property or a group of items with a value of up to \$30,000.00, to set its fair market value, and to convey title to the property and to advertise electronically the sale of any personal property. The Town Manager shall sign the Sale of Property Authorization form prior to the sale or disposal of any Town property. The Finance Department shall keep all approved forms, which will record a description of the property sold or exchanged, and the amount of money or other considerations received for each sale or exchange. N.C.G.S. § 160A-265 through 280 should be referenced before the sale of any Town property in order to ensure statutes and procedure are followed properly.

For a Sale of property, a Sale of Property Authorization form must be signed and submitted, see Exhibit D.

**X. PURCHASE CARDS**

Purchase cards exist to provide departments a flexible and efficient way to make purchases. Purchase cards empower the cardholder to acquire necessary materials to conduct business and/or deliver services in a more convenient and expeditious manner. Purchase cards should not be used to procure items or services not directly related to Town business. Purchase cards cannot be used to purchase fuel for Town vehicles, unless the employee is out of town on work related business.

11.1 Employee Responsibilities

No purchase over \$250.00 shall be made using the purchase card system without a purchase order. Purchase cards assigned to employees may have approval limits set by Department Heads below the \$250.00 policy threshold. If an employee needs to make a purchase above the limit set by the Department Head, the employee should consult with the Department Head before making a transaction.



1. The purchase card that each cardholder receives shall only be used by the cardholder. No other person is authorized to use this card. The cardholder may make transactions on behalf of others in their department/ division; however, the cardholder is responsible for all purchases charged to their card.
2. The total value of a transaction shall not exceed a cardholder's single purchase limit. Payment for a purchase shall not be split into multiple transactions to stay within the single purchase limit.
3. The cardholder is responsible for maintaining receipts of all card transactions and attaching them in order to that cardholder's credit card statement. Once all receipts are attached to the statement, it should be turned into Finance. Receipts are required for all purchases. Failure to turn in receipts in a timely manner may result in the cardholder losing the privilege of using a Town purchasing card.
4. Purchase cards may be used by for lodging, fuel and meals when away from the Town on work related business, (please refer to the Town's travel policy). Cardholders should consult the Town's Travel Policy for more information. If an employee who is traveling does not have a Town issued purchasing card they will be reimbursed through Accounts Payable only if, all receipts are turned in and meet the Town's Travel Policy requirements.

#### 11.2 Receipts and Receipt Submission

Receipts should be collected and kept for all transactions. If a detailed receipt is not obtained from the vendor, a Lost/ Missing Receipt Form and a detailed list of what was purchased will be required with the receipt. Repeated lost or missing receipts may result in a cardholder losing the privilege associated with a Town purchasing card. A detailed receipt should be provided for all purchases.

#### 11.3 Unauthorized Purchases

Certain items should not be purchased by Town employees. Any of the following items listed below have been deemed inappropriate for purchase by Town employees:

1. Personal purchases or for personal identification
2. A single purchase that exceeds the cardholder's single purchase limit
3. Cash advances
4. Gift Cards (Without Town Manager Prior Approval)
5. Alcoholic beverages
6. Purchase of in-room movies during a hotel/ motel stay while on Town business

#### 11.4 Consequences of Improper Use

A cardholder who makes unauthorized purchases or carelessly uses a purchase card will be liable to the Town of Dallas for the total dollar amount of such purchases plus any administrative fees charged by the bank or card company in connection with the misuse. The cardholder's employment may also be terminated and will be subject to legal action.

Cardholders are expected to obtain the best prices available on purchases. Purchase of an item above market prices where the vendor gives the employee any form of gift, bonus, or premium

whether in the form of cash or merchandise is considered a kickback, is illegal, and can result in disciplinary action up to and including termination of employment and lawful prosecution. Town policy strictly forbids anything in exchange for making a purchase.

11.5 Granting Permission to a New Card Holder

Any individual employee whom a Department Head feels needs a Town issued Purchasing Card should fill out a Purchasing Card Authorization Form. (Exhibit B)

**XI. TRAVEL POLICY**

The Town of Dallas' Travel policy for meals will follow the General Services Administration (GSA) to account for monies received during travel. This includes meals when an employee is away from work for a 24-hour period or more. Ex., a three-day conference to UNC School of Government. This does not apply if you are not staying overnight away from work, ex., a day trip to Charlotte for a seminar. Following the federal meal rates, employees are allotted the below amount according to the primary destination. Town employees are able to spend up to the required amount. Anything over the stand amount, the employee will not be reimbursed. If total receipts are under the standard amount, the employee will only be reimbursed up to the total amount spent. After returning to work, paperwork must be turned into the Finance Director for reimbursement. The required paperwork to turn in will be Meal Reimbursement form, receipts from purchases of meals, and an agenda of the course/class/seminar. Exhibit E shows the current GSA table.

You may also find the information at the link below (please note the Town does not include the \$5.00 incidental expense)

<https://www.gsa.gov/travel/plan-book/per-diem-rates>

**XII. FRINGE BENEFITS**

Any item purchased for an employee must be a valid business expense and not considered wages to the individual. Clothing, non-monetary awards, meals, travel, and other items may be considered wages depending on circumstances. Awards of cash or cash equivalents are always considered wages regardless of the amount awarded. All awards and purchases considered wages to an employee must be processed through payroll and will be subject to all applicable taxes. Please contact the Finance Department with any questions.

Any award of cash or cash equivalents must be pre-approved by the Town Manager.

**XIII. EXHIBITS**

---

- Exhibit A. Items Not Requiring a Purchase Order
- Exhibit B. New Credit Card authorization for employee
- Exhibit C. Purchase Order/ Quote Form
- Exhibit D. Sale of Town Property Authorization
- Exhibit E. GSA Table for Travel



**EXHIBIT A**

**Items Not Requiring a Purchase Order**

---

1. Claim payments (Citizens filing for damages/ reimbursement)
2. Insurance
3. Medical examinations
4. Refunds
5. Utilities (electricity, water, sewer, cable, internet, natural gas, trash, etc.)



**BB&T Purchasing Card Authorization Form**

I \_\_\_\_\_ (department head) would like to authorize

\_\_\_\_\_ (employee) in the \_\_\_\_\_ department a Town of

Dallas Credit Card through Branch Banking & Trust. This employee agrees to follow all Purchasing rules

and policies listed in the Town of Dallas purchasing policy while using the Purchasing Card.

\*Credit Limit \$ \_\_\_\_\_ .00

\*Finance Director and Town Manager have the authority to set the credit limit at their discretion.

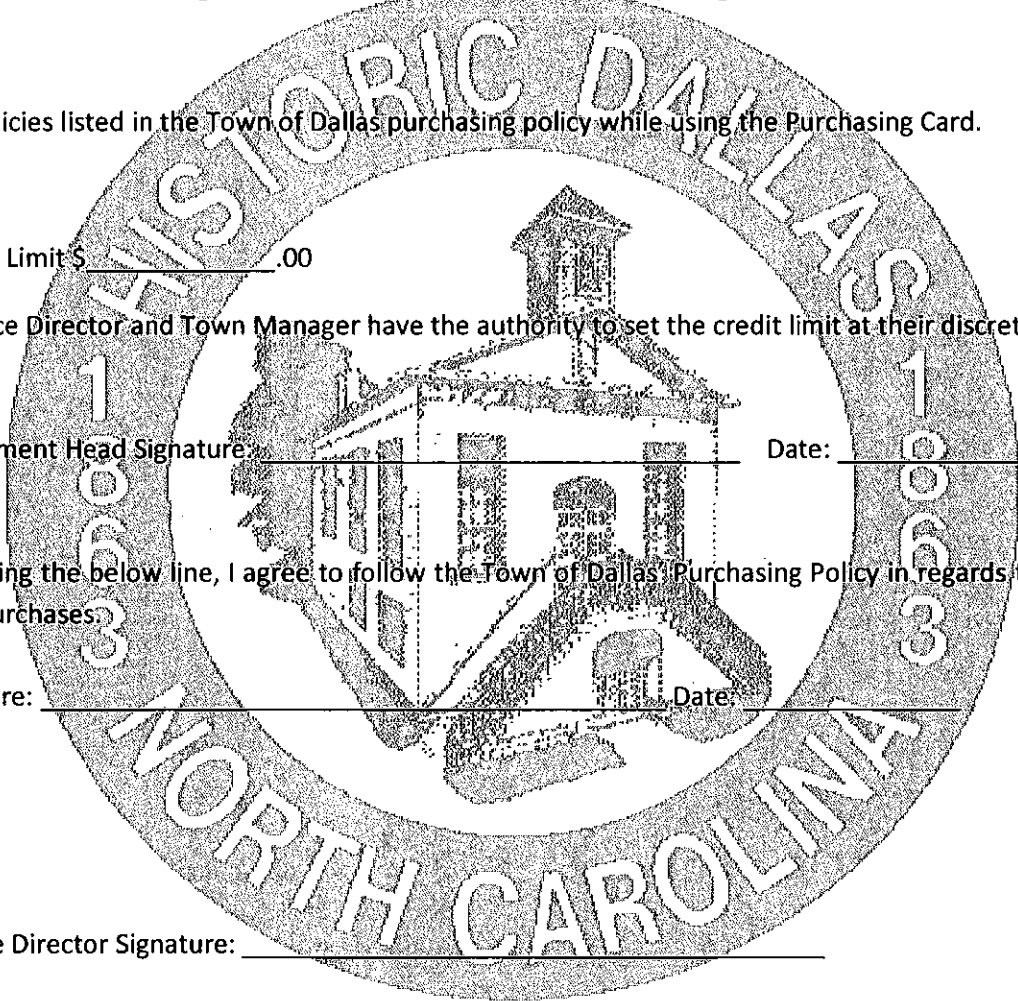
Department Head Signature: \_\_\_\_\_ Date: \_\_\_\_\_

By signing the below line, I agree to follow the Town of Dallas Purchasing Policy in regards to all Credit Card Purchases.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Finance Director Signature: \_\_\_\_\_

Date Completed: \_\_\_\_\_



Town of Dallas

# PURCHASE ORDER/QUOTE FORM

EXHIBIT C

Employee Name:	Department:
----------------	-------------

DATE QUOTES OBTAINED:	DATE GOODS ARE REQUIRED:	<input type="checkbox"/> DEPT WILL PICK UP
		<input type="checkbox"/> EMERGENCY ORDER

	VENDOR 1 NAME	VENDOR 2 NAME:	VENDOR 3 NAME:
VENDOR #:			
CONTACT:			
PHONE #:			
TOTAL QUOTE:			

ACCOUNT #	QTY	ITEM DESCRIPTION	UNIT	TOTAL

REASON(S) QUOTES NOT OBTAINED /EXPLANATION OF SOLE SOURCE OR EMERGENCY:

---

---

---

Town of Dallas

# SALE OF TOWN PROPERTY AUTHORIZATION

## EXHIBIT D

The Department Head is required to obtain authorization from the Town Manager **prior** to the sale or disposal of any Town Property, regardless of value. Include any additional relevant information necessary. Please attach a photo of the item sold if available.

**Complete the table below prior to the disposal of property:**

PROPERTY SOLD		SALE PROCEEDS ESTIMATE	
PROPERTY CONDITION		DEPT/BUDGET WHICH MADE THE ORIGINAL PURCHASE	
YEAR		VIN/ SERIAL #	
MILEAGE		LICENSE PLATE	
MAKE		MODEL	

Other description, notes: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Department Head Signature: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Town Manager Signature: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

**Complete the table below after the disposal of property:**

NAME OF INDIVIDUAL OR BUSINESS THAT PROPERTY WAS SOLD TO:		DATE PAYMENT RECEIVED BY TOWN	
ADDRESS OF PURCHASER		SALE PROCEEDS	\$
SIGNATURE OF EMPLOYEE			

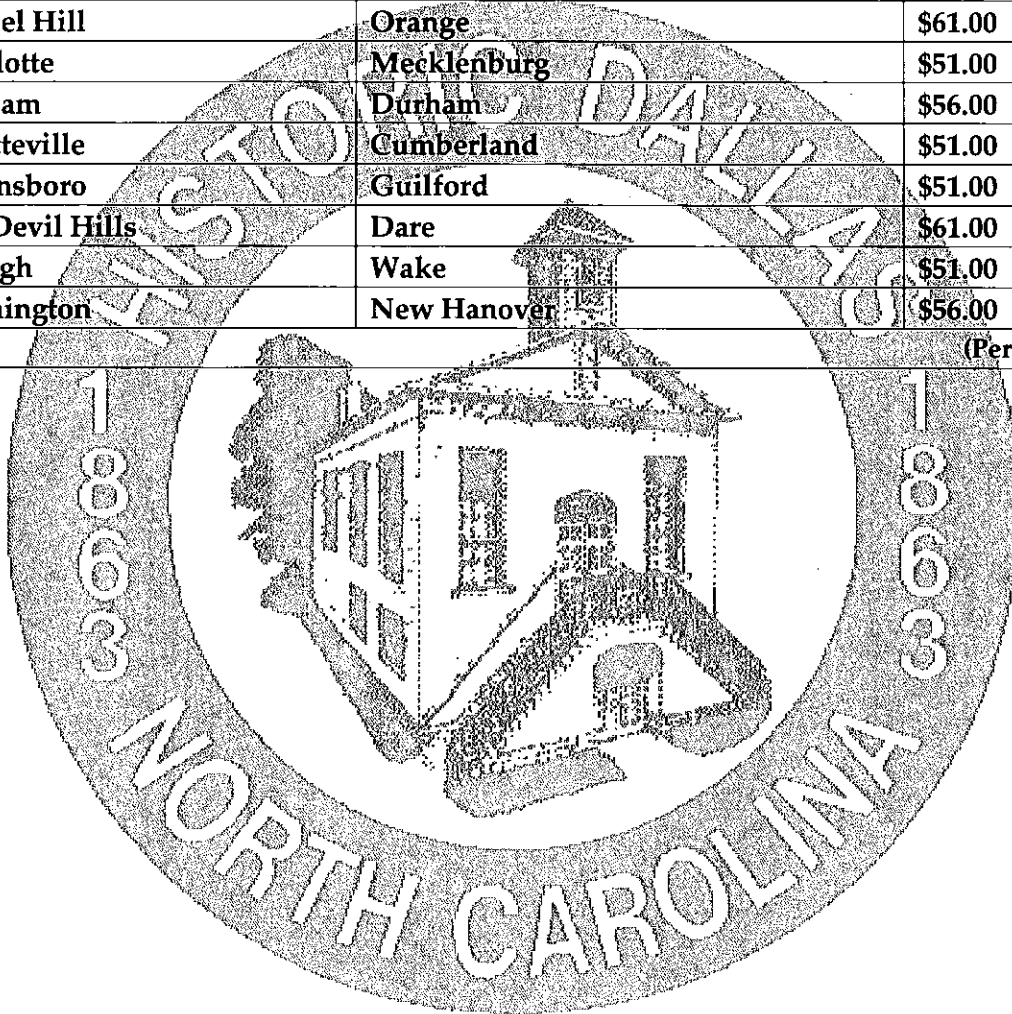
This completed/ signed and authorized form must be submitted to the Finance Department along with the proceeds of any sale of property. If an item is scrapped or disposed of with no proceeds this completed/ signed and authorized form must be submitted to the Finance Department within 5 days of the disposition of property.

**EXHIBIT E**

**GSA Meal Allowance Table for Travel**

Primary Destination	County	Meal Total \$
Standard Rate	Applies for all locations without specified rates	\$50.00
Asheville	Buncombe	\$51.00
Atlantic Beach/Morehead City	Carteret	\$56.00
Chapel Hill	Orange	\$61.00
Charlotte	Mecklenburg	\$51.00
Durham	Durham	\$56.00
Fayetteville	Cumberland	\$51.00
Greensboro	Guilford	\$51.00
Kill Devil Hills	Dare	\$61.00
Raleigh	Wake	\$51.00
Wilmington	New Hanover	\$56.00

(Per day)





# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: Picnic Shelter Rental Policy

AGENDA ITEM NO. 3B

MEETING DATE: 2/26/2019

### BACKGROUND INFORMATION:

The picnic shelters at both Jagers Park and Cloninger Park are being requested for use for parties and gatherings. At this point, there is no policy to rent these shelters and grant exclusive use to those asking for exclusive use.

Steve Aloisa, Recreation Director, has obtained policies from surrounding areas and has developed a proposal to enable interested parties to rent the picnic shelters for exclusive use for events. Such a policy would alleviate potential conflicts between users of the facilities and would help offset a small portion of the ongoing maintenance costs of these properties.

This item was discussed at the November 27<sup>th</sup> Work Session. At that time it was requested that modifications be made to the proposed policy to differentiate prices for the sizes of the picnic shelters available at each facility; to revise the rental hours for winter; and to allow personal grills on site, but not under the shelters. These changes have been made and are reflected in the attached proposed policy.

---

MANAGER'S RECOMMENDATION: Review the proposed policy before final adoption.

---

BOARD ACTION TAKEN:

**TOWN OF DALLAS  
PARKS AND RECREATION  
FEES & POLICIES**

It shall be the stated goal of the Town of Dallas to establish clear, consistent, fair, and equally-applied and enforced, policies and fees for the scheduling and use of its publicly-owned and maintained athletic and civic facilities and buildings. To further that goal, the following shall apply:

**Parks/Buildings/Fields/Facilities Owned or Operated by The Town of Dallas:**

1. Cloninger Park Picnic Shelter
2. Jagers Park Picnic Shelter

**Policies (General):**

Fees for participation in, or sponsorship of, Town-sanctioned and/or organized athletic teams/ leagues and recreational activities have been established (see Fee Schedule **B**) so as to attempt to recover much of the costs of operating and continuing such programs. For participants in these programs, the use of fields, buildings, or facilities are covered by the fee for team, league, program, or activity participation. For any and all other use of such facilities or buildings, potential users will be required to pay, in advance, the fee(s) established and to abide by all Town policies. Such users will be allowed equal access on a first-come/first serve basis.

To schedule the exclusive, reserved use of a field, building, park or facility, for recreation or activities not sanctioned or organized by the Town, individual or group users must fully complete a Town application form, including the remittance of any and all fees required, and return it to authorized Town recreation staff not less than 48 hours in advance of the time such activity/use is to occur. Users will be required to sign a standard Liability Waiver/Release Form if "Not-for-Profit"; and provide a Certificate of Liability Insurance, naming the Town of Dallas as additionally insured, in a minimum coverage amount of \$500,000, if "For-Profit".

Users shall be classified and designated as "For-Profit" if they represent, and are funded by a for-profit business or corporate entity; or, if they charge for admission; sell merchandise or concessions; operate tournaments for participant fees; gain advertising or business sponsorship; or engage in any other act or activity which is designed to generate revenues greater than the simple recouping of Town Use fees from individual participants equal to a pro-rata share of said fees. For determination of Fees hereunder, all other users shall be classified as and considered "Not-for-Profit".

Individual users must be Town of Dallas residents to be eligible for "Town Resident" Use fee designation; while for groups or teams of users, no greater than twenty percent (20%) of all covered participants may be "Non-Town Residents" in order to remain eligible for "Town Resident" Use fee designation.

**Jagers Park Picnic Shelter:**

At present, the Town of Dallas does not sanction or organize the use of Jagers Park Picnic Shelter for any town sponsored events. Any and all other use shall be subject to the following fees:

**Fees: (All Other)**

Shelter Use:	4 Hours	(M-F)	(Sat/ Sun)
		Weekday- per Day	Weekend- per Day
Town-Resident/Not-For-Profit	\$45	\$65	\$70
Non-Town/Not-For-Profit	\$55	\$85	\$90

The shelter may be rented for:

**AM Block** 10am – 2pm

**PM Block** 3pm – 7pm (winter hours: 3pm – dusk)

**Daily** 10am – 7pm (winter hours: 10am – dusk)

The following items are **not** permitted on park property:

- inflatables (bounce houses)
- alcoholic beverages

The following items are **not permitted under** the pavilion:

- grease deep fryers
- personal grills
- large smokers
- commercial grills

**Refund Policy:**

Cancellation of a reservation will result in the rental fee being non-refundable unless the cancellation notice is received 10 days prior to the reservation. In the event of inclement weather cancellation notice must be received 5 days prior to the reservation. If it rains the day of your event no refund will be issued but the user may choose another available date at the same location within one month of the original reservation date.

**Note: A shelter reservation does not close the entire park – it is still open to the public.**

**Cloninger Park Picnic Shelter:**

Town-sponsored use of the Picnic Shelter shall consist of: The Crop Walk, or pre-season organized Youth Soccer games and practices, and banquets involving all team members; the annual 4th of July Fireworks display; All other use shall be subject to the following Fees:

**Fees: (All Other)**

Shelter Use:	4 Hours	(M-F)	(Sat/ Sun)
		Weekday- per Day	Weekend- per Day
Town-Resident/Not-For-Profit	\$25	\$45	\$50
Non-Town/Not-For-Profit	\$35	\$65	\$70

The shelter may be rented for:

**AM Block** 10am – 2pm

**PM Block** 3pm – 7pm (winter hours: 3pm – dusk)

**Daily** 10am – 7pm (winter hours: 10am – dusk)

The following items are **not** permitted on park property:

- inflatables (bounce houses)
- alcoholic beverages

The following items are **not permitted under** the pavilion:

- grease deep fryers
- personal grills
- large smokers
- commercial grills

**Refund Policy:**

Cancellation of a reservation will result in the rental fee being non-refundable unless the cancellation notice is received 10 days prior to the reservation. In the event of inclement weather cancellation notice must be received 5 days prior to the reservation. If it rains the day of your event no refund will be issued but the user may choose another available date at the same location within one month of the original reservation date.

**Note: A shelter reservation does not close the entire park – it is still open to the public.**

**TOWN OF DALLAS**

**RELEASE OF LIABILITY**

**In exchange for the granting of access to, and use of, a Town of Dallas Building, Athletic Field, Park, or Facility, I/We \_\_\_\_\_, Representing \_\_\_\_\_, Agree as follows:**

- 1. To, observe and obey all posted and/or conveyed directions, policies, rules, or warnings regarding use of Town of Dallas property as issued by the Town of Dallas, its staff, employees, agents, or volunteers; and,
- 2. To, on behalf of the individual(s) and/or organization represented, **indemnify and hold harmless the Town of Dallas, its Park & Recreation Department staff, employees, agents, or volunteers, from any and all suits, claims of damages, or liability** for any and all personal injury to myself or other participants so represented, or for damages to personal property owned or controlled by me/us, occurring as a result of, or while engaged in activities conducted within the confines of Town of Dallas property permitted hereby; and,
- 3. To assume full responsibility for damages to Town of Dallas property caused by, or resulting from my/our negligent, willful or reckless acts that may or may not be in violation of Town directions, policies, rules, or warnings conveyed, posted, or issued.
- 4. **I/We further Agree** to leave the property used in a generally clean, orderly, and undamaged state, approximately similar in condition to that in existence immediately preceding my/our permitted use. (Failure to do so can result in additional fees for cleanup or restoration).

**I/WE HAVE READ THE ABOVE "RELEASE OF LIABILITY" DOCUMENT AND DECLARE THAT I/WE UNDERSTAND IT FULLY AND THAT BY SIGNING THIS RELEASE ARE VOLUNTARILY SURRENDERING CERTAIN LEGAL RIGHTS IN THE PROCESS.**

Date: \_\_\_\_\_

Signature of Applicant(s): \_\_\_\_\_

Participant(s): Printed Name(s): \_\_\_\_\_

Address: \_\_\_\_\_

Telephone#: \_\_\_\_\_

# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: Recycling Program

AGENDA ITEM NO. 3C

MEETING DATE: 2/26/2019

### BACKGROUND INFORMATION:

At the February 12<sup>th</sup> Board of Aldermen meeting, a letter of intent to participate with the other jurisdictions in the Gaston County in applying for a grant to be used toward addressing a county-wide initiative involving recycling. Recycling is becoming an ever-increasing issue due to contamination in recyclables. Below are several points to be considered in this discussion:

- The County is fined when they deliver contaminated waste to the Recycling Center.
- Dallas' recycling center is filled with contaminated waste that the Recycling Center will not accept. Therefore, the recyclables are being dumped in the landfill as regular waste.
- Plastics are not being accepted by other countries, so they are being dumped as regular waste.
- The County, along with the municipalities, is trying to come to common ground on what can be recycled.
- The majority of people that use the Dallas Recycling Center appear to not be residents of the Town.

Public Works Director Bill Trudnak recommends suspending recycling beginning May 1<sup>st</sup>, until a solution is found by Gaston County and the other municipalities to the recycling problem.

---

MANAGER'S RECOMMENDATION: Follow Mr. Trudnak's recommendation to suspend recycling beginning May 1<sup>st</sup> until a viable solution can be found to the recycling problem.

---

BOARD ACTION TAKEN:

Minutes from all Gaston Regional Recycling Meeting Tuesday January 22, 2019

Attending: Jamie Ramsey and James Inman, Bessemer City; Kevin Hyde, Sonoco Recycling; Dan Weekley, High Shoals; Tony Walker and David Clark, Mt. Holly; Jason Green, Ranlo; David Isenhour, Belmont; Matt James and Tara Nattress, NCDENR; Bill Trudnak, Dallas; Dale Denton, Robert Cloninger and DeeDee Gillis, Gastonia; Marcie Smith and Nan Kirlin, Gaston County.

Introductions were made. M. Smith opened the meeting to address the possible issues we are all facing in regards to recycling. Gaston County was told in July that glass would no longer be accepted by our vendor; we pursued Strategic Materials as the alternate vendor, and have never received a signed contract from them. D. Gillis reported that Gastonia is under contract with Republic until 7/21; Republic wanted to negotiate for zero glass and mixed papers and there has been no meeting set. They have had issues with contract wording between "contamination" and "residual"; felt as though the process of compacting recyclables and the wet materials created the residual waste and not the same as true contamination (hoses, plastic bags, etc.) They have adopted a "Waste Wise" phone app that is very helpful; their cardboard and white office paper still goes to Sonoco and the MRF they use is in Newton.

J. Inman, (BC), has been discussing the value vs impact of their program, and is fined now by Waste Pro for contamination. They plan to discontinue their recycling program by 7/1/19. They have a high level of poverty and they would have to choose to either raise fees to clean up recyclables or hire someone to check recycle bins, reinforcing the right way to recycle. They are in the first year of a seven year contract with Waste Pro. D. Weekley (High Shoals) reported that they offer curbside, but know there is nowhere to take or receive his single stream; education is a hopeless cause. T. Walker (Mt. Holly) reported that they also work with Republic with a single stream curbside program; had been shut out of Charlotte facility for a bit, but are now back with them. When ownership changed, their rates were increased. They are looking to outsource their program and by 7/1/19, Mt. Holly will not provide "in-house" recycling. J. Green (Ranlo) reported that they pick up their own trash (Mon and Tues) and recycling (Wed and Thurs). Were looking into developing their own separation facility as there is land available. Had been in contact with York County (SC) to take their stuff, but things fell through; they may be willing to build a facility to separate.

D. Isenhour (Belmont), indicated an 80% recycling rate in his city, but contamination rate was equally as high in his community as others. They have an iron-clad contract that will not permit any rate increases, (except CPI) also working with Waste Pro. B. Trudnak (Dallas) shares all concerns, has an unmanned drop off site that is a disaster; lots of illegal dumping; his citizens pay \$13/month for trash and recycling services although they only provide a drop off site. K. Hyde (Sonoco) indicated that they are happy to accept PET and detergent bottles; all corrugated cardboard, but mixed paper has no market. M. James reminded all that the state was offering 2 different grants; one \$30,000 with 20% match and another large project grant of \$80,000 which would be more suitable for a local MRF; Mel Gillis with NCDENR is available to customize print materials for individual municipalities. A good use for the smaller grant would be to rebrand all recycling efforts for the entire county to reflect the same message. It was discussed to only collect corrugated cardboard, newspapers, aluminum cans and plastic bottles, #1 and #2...bottles only. More discussion into possible contact to state legislatures to find money in budget towards a local MRF, possible on County land, and applying for the larger state grant if this was feasible. Attendees were to take this information back to city managers and/or council

for information and approval. Upon confirmation, Nan Kirlin will apply for state grants when all parties have responded in the affirmative. **Since there will not be time to wait for approval of the larger grant for the potential of the local MRF, we would ask for a letter of intent from managers towards this effort as grants are due by February 22, 2019. Letters of support are required for this regional grant.**

Respectfully submitted,

Nan Kirlin

# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: Courthouse Access

AGENDA ITEM NO. 3D

MEETING DATE: 2/26/2019

### BACKGROUND INFORMATION:

Jason Luker, Gaston County Museum Director, has asked that the Town consider an option for access to the Courthouse. Attached is an email from Mr. Luker outlining their proposed solution for granting access to the Courthouse when the Museum is closed.

Upon reading the request, several questions come to mind:

- \* The Museum has stated they will make sure the building is locked and unlocked whenever the Museum is open; therefore, does this leave a possibility of the Courthouse being unlocked from the time it is used by a renter until the next time the Museum staff is available to check the locks?
- \* How often would the lockpad code be changed? For the school art exhibit, would it remain the same for the entire run of the show?
- \* After installation, who would be responsible for the maintenance and upkeep of the keypads and camera?

The email from Mr. Luker is attached.

---

MANAGER'S RECOMMENDATION: Discuss proposal from Mr. Luker and determine interest in allowing this at the Courthouse.

---

BOARD ACTION TAKEN:



## Maria Stroupe

---

**From:** Jason E. Luker <Jason.Luker@gastongov.com>  
**Sent:** Tuesday, January 22, 2019 11:50 AM  
**To:** mstroupe@dallasnc.net  
**Subject:** Question about the Courthouse

I have a strange question for you. With the school art show going in the courthouse this year (along with the growing request to see the inside for possible rental opportunities), we have been discussing how to allow access to the main floor without employee's present at all times. The solution we came up with was putting in a lock keypad on the front doors (both first and second floor) and installing a video camera on the second floor. The museum would pay for material and installation of the locks and the camera. The museum would also make sure the building is locked and unlocked whenever the Museum is open.

Would this work for the town? The set up would mirror what we have in the depot. Let me know if this is even a possibility and what questions you have about this idea.

Thanks so much,

Jason Luker

Director  
Gaston County Museum of Art & History  
131 West Main Street  
Dallas, NC 28034  
704-922-7681 ex.101  
Jason.Luker@gastongov.com<mailto:Jason.Luker@gastongov.com>

[cid:image001.png@01D4B248.8BFAB5C0]

---

This message may contain confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this email. Please notify the sender immediately by email if you have received this email by mistake and delete it from your system. Emails that do not contain confidential medical information are subject to North Carolina General Statute, Chapter 132 and may be considered a matter of public record.

---  
This email has been checked for viruses by AVG.  
<https://www.avg.com>

# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: Façade Grant Program Boundaries

AGENDA ITEM NO. 3E

MEETING DATE: 2/26/2019

### BACKGROUND INFORMATION:

In November , the Board of Aldermen approved a Façade Grant Program for the Central Business District as defined by the the Town's Future Land Use Plan. During the approval process, it was discussed to review the boundaries of the plan. In order to encourage more businesses in Dallas main thoroughfare to improve their façades, I would like to propose extending the boundaries on Trade Street from the intersection of Dallas Stanley Highway to the Highway 321 overpass. This extension would include many more businesses that are visible to the motorists traveling through Dallas.

A copy of the current Façade Grant Program is attached.

---

MANAGER'S RECOMMENDATION: Determine the interest in extending the boundaries of the Façade Grant Program.

---

BOARD ACTION TAKEN:



## Town of Dallas Façade Improvement Grant Program

### Objective and Purpose

The Town of Dallas has a primary goal of improving the appearance of the Central Business District (as defined by the Town's Future Land Use Plan) and promoting economic development. To aid in achieving that goal, the Façade Improvement Grant Program will assist new or existing businesses in maintaining and improving the appearance of building façades in the Central Business District.

The rehabilitation of structures in the Central Business District of Dallas should respect and reflect the architectural integrity and history of the entire building and retain those elements that enhance the building. Façades should be in harmony with the character of the downtown area and in coordination with the color and design of adjacent structures.

As a means of encouraging the maintenance and improvement of business building façades, the Town of Dallas has appropriated funds to a structured grant program to provide financial assistance to owners of businesses in the Central Business District. Awards through the Town-funded grant program shall comply with the following provisions, requirements, and guidelines.

The purpose of the program is to:

- ◆ Promote storefront rehabilitation in the Central Business District
- ◆ Preserve the unique character of the downtown's historic buildings
- ◆ Encourage aesthetic compatibility for improvements to façades of non-historic structures
- ◆ Encourage the use of quality materials, good design, and workmanship in the rehabilitation of downtown properties
- ◆ Make improvements that make a highly visible contribution to Dallas

### Guidelines

1. All rehabilitation funded through grant awards under this program must be performed in accordance with *The Secretary of the Interior's Standards for Rehabilitation* (Exhibit A); Town of Dallas Ordinances and Code Requirements, such as building codes, zoning regulations, etc.; and the following guidelines in making façade improvements under this program.
2. Approval for funds must be made prior to the beginning of the project. No awards will be given to a project begun or completed prior to application.
3. A brief summary of the business plan and the proposed renovation/rehabilitation project must be submitted with the application. Summary should be limited to no more than two pages. **The applicant must secure a two-year lease, if leasing.**
4. Funds are for fixed items only and not for inventory, furnishings, or non-fixed items. Grants are provided to help with correction of building code violations, building renovations, building rehabilitations, façade improvement, signage, etc.
5. The Business Incentive Grant program is not intended to provide financial assistance to fiscally unsound businesses.
6. Since each application will be different, and reviewed on a case-by-case basis, the applicant may be required to submit additional information. The intent of the Façade Grant Program application process is not to burden the applicant business with extensive research, but to provide the Review Committee with information to make appropriate recommendations and decisions.

7. Façade Grant Program applications will be reviewed by the Review Committee, and will depend on the availability of funds.
8. Ineligible properties and businesses:
  - ◆ Tax delinquent property or property not in good standing with the Town of Dallas Utility Billing
  - ◆ National franchises
  - ◆ Retail chain stores
  - ◆ Primarily residential properties or uses
  - ◆ Tax exempt organizations or properties

#### **Eligibility**

1. A façade is defined as an individual storefront or commercial building side which faces a public right-of-way or is otherwise visible to the general public.
2. Commercial buildings must be located within the Central Business District
3. Owner or tenants of buildings are eligible to apply; however, the owner must sign the application.
4. If there is a building with multiple public-facing façades (corner building), both public-facing sides must be rehabilitated and grant eligibility will be twice the amount as for a building with only one public-facing façade.
5. While in some situations rear façades can be seen from public streets, at this time only front and corner façades will be considered for funding.
6. Only established businesses (those that have been in operation for more than two years) are eligible for a grant that includes new signage.

#### **Grant Award**

1. Grant awards and amounts are at the discretion of the Grant Review Committee.
2. Decisions may be based upon such factors to size and scope of project, potential positive impact on the appearance of the district area, project costs, and availability of funds.
3. Qualifying projects are eligible for a grant at a minimum of \$500 and a maximum of \$20,000 per façade, on a 50/50 matching, reimbursement basis.
4. At least two project cost estimates must be submitted with the application. If both estimates are deemed equal in regards to quality of materials used, tec., only fifty percent of the lowest estimate will be considered in the amount of the award, regardless of which bid is accepted by the building owner.
5. The grant amount shall be determined at the time of application approval and paid when the project is completed.
6. The work must be completed within four months of application approval, but the owner may request one extension for two additional months based upon compelling reasons for the delay.
7. The façade improvements must remain in place for three full years from the date of completion. If not, the grant amount for that project must be repaid in full.

## Town of Dallas Façade Grant Program Fact Sheet

### **What is the Façade Grant Program?**

An incentive program to taxpayers who improve the appearance of their commercial property by retaining and preserving the historic character of the property.

Provides 50% of the total cost of approved projects up to \$20,000 maximum grant amount. Side façades are eligible on corner buildings. NOTE: If a building has more than one eligible façade, each façade is considered separately.

Encourages further private reinvestment in existing infrastructure and promotes appropriate and attractive design projects that preserve the architectural character found only in older buildings.

### **Who may apply for the Grant?**

Building owners or tenants with building owner's consent.

### **What buildings are eligible?**

Any commercial building greater than 50 years old located in the Central Business District (as defined by the Town's Future Land Use Plan) with priority given to improvements that will make the greatest impact on the surrounding built environment.

#### **Ineligible properties or businesses:**

- \* Tax delinquent properties
- \* Properties not in good standing with Town Utilities
- \* National franchises
- \* Retail chain stores
- \* Properties used primarily for residential purposes

### **What storefront rehabilitation expenditures qualify?**

Eligible expenditures include: exterior painting of previously painted surfaced and/or paint removal; appropriate exterior cleaning; masonry repair and tuck-pointing; repair of architectural details or materials; repair of windows or window framing; removal of siding, false façades and in-fill brick; removal of inappropriate/out of date signs; rehabilitation of compatible reconstruction of storefront; new canvas awnings/frame; replacements of transom glass and business signage with full compliance of the design standards.

Signs and awnings may be included as eligible expenses providing they represent good design, meet the design ordinance and standards of the Town of Dallas Code of Ordinances.

Ineligible expenditures include: general maintenance; construction of false fronts; painting of previously unpainted surfaces; blocking up of windows or installing storm/vinyl windows or doors; interior rehabilitation; electrical work; roof and chimney repairs; installation of aluminum, vinyl, stone, stucco, brick veneer; or other inappropriate building materials; demolition of historic features; sandblasting; improvements made prior to grant approval.

Rehabilitations must meet the Secretary of the Interior's "Standards for Rehabilitation" program standards that are attached.

Colors used on exterior surfaces, signage, awnings and related items must relate to natural material colors found on neighboring historic buildings and nearby buildings.

### **Who makes the decision to approve or reject a request?**

A Review Committee comprised of the Town Manager, Electric Utility Director, Public Works Director, Development Services Director, a member from the Board of Aldermen Community Development Committee; as well as a representative from the Small Business Center at Gaston College.

**What is the process for applying for a grant?**

1. Meet with the Town of Dallas Development Services Staff.
2. Complete an application, including the required support materials.
3. A review will be completed by the Review Committee.
4. Applicant will be notified by mail of acceptance, acceptance with conditions, or rejection of application.
5. Any changes to approved work during construction must be approved by the Development Services Staff in writing.
6. Upon completion of project, applicant sends copies of paid receipts/statements to Development Services Staff.
7. Development Services Staff will inspect completed funds and authorize disbursement of grant funds, provided work was completed in accordance with the application.

**What other conditions apply?**

1. Grants are based on the entire scope of the project. All work must be eligible and approved expenditures; or the total grant award is void.
2. All applications must be approved prior to commencement of work.
3. Each building façade is considered separately to meet the 50% matching rule.
4. Submission of a project does not ensure the project will be approved to receive funds. Grant awards are determined by recommendation of the Review Committee and the availability of funds.
5. Grant approval or changes to the scope of work in an approved project will be conveyed in writing.
6. Only one façade grant will be awarded per building façade per calendar year.

**Examples**

1. A property owner applies for a façade grant for an improvement to a commercial building storefront. The planned improvement costs \$1700. The applicant receives a matching grant of 50%, which equals \$850.
2. A property owner applies for a façade grant for an improvement to a commercial building storefront and the planned improvement costs \$900. The applicant receives a grant of \$500, as the minimum grant amount for a qualified improvement is \$500.
3. A property owner applies for a façade grant for an improvement to a commercial building storefront. The planned improvement costs \$50,000. The applicant receives a grant of \$20,000; as the maximum grant amount for a qualified improvement is \$20,000.
4. A property owner renovates a commercial building storefront. The owner may apply for another façade grant for a different side of the same building (the building is a corner building with two visible sides) during the same calendar year. However, the owner will need to wait until the next calendar year to apply for another façade grant for the same storefront side.

## Exhibit A

# Secretary of the Interior's Standards for Rehabilitation

The Secretary of the Interior's Standards and Guidelines for the treatment of historic properties were written by the National Park Service and revised in 1990. The guidelines recommend responsible methods and approaches and list treatments that should be avoided.

## The Standards

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

# TOWN OF DALLAS

## Façade Grant Agreement

THIS AGREEMENT is entered into this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and between the TOWN OF DALLAS (Town) and \_\_\_\_\_ (Grantee), whose address is \_\_\_\_\_.

**WHEREAS**, the Town has approved a façade improvement grant to Grantee subject to the execution of this Agreement, and Grantee desires to accept the grant and to abide by the terms of this Agreement; and

**WHEREAS**, the Town has approved a grant in an amount not to exceed Twenty Thousand Dollars (\$20,000.00) for façade improvements at \_\_\_\_\_, Dallas, NC.

**NOW THEREFORE**, the parties agree as follows:

1. Grantee reaffirms that all information provided to the Town in its Façade Grant Application is correct and accurate.
2. Grantee has read and agrees to abide by the provisions and requirements of the Town of Dallas Façade Grant Program.
3. All work performed by Grantee will be consistent with the approval by the Town. If Grantee desires to make any changes in the project, Grantee will obtain written approval from the Town before implementing such changes. Grantee understands that the Town is not required to approve any changes.
4. Grantee agrees to complete the improvements within four (4) months from the date of this agreements and understands that failure to complete the improvements within such period will result in forfeiture of the grant.
5. Grantee understands that the grant will be paid to Grantee only upon completion of the work, submission of all dated statements or invoices to the Town, and approval by the Town of the completed work.
6. Grantee will notify the Town immediately if Grantee's interest in the subject property changes in any way. This Agreement is not assignable by Grantee without prior written approval of the Town, which will not be unreasonably withheld.
7. Grantee hereby grants to the Town the right to use pictures, renderings, or descriptions of the work any and all promotional purposes desired by the Town.

**IN WITNESS WHEREOF**, the parties have signed this Agreement on the day and year first written above.

WITNESSES FOR THE TOWN

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

WITNESSES FOR THE OWNER

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

WITNESSES FOR GRANTEE

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

TOWN OF DALLAS

\_\_\_\_\_  
Town Manager

OWNER

\_\_\_\_\_  
Owner

GRANTEE (if other than Owner)

\_\_\_\_\_  
Grantee



# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: Zoning Ordinance Update- Permitted Uses in All Zones

AGENDA ITEM NO. 3F

MEETING DATE: 2/26/2019

### BACKGROUND INFORMATION:

The Development Services Director is recommending an update to our zoning ordinance to provide additional clarity for our permitted uses in each zoning district, update what is allowed in each zone, and remove excessive zones from our text.

Currently our permitted uses are listed as text under each zone identified, with some zones including all allowable uses in other zones. What is being proposed is replacing the list of permitted uses with a permitted use chart- adopted as its own subchapter within the "Zones Established" Section of the Town Zoning Code- in order to make it easier to read and increase flexibility and control over the allowable uses specified for each zone.

#### Key changes being proposed:

- Residential removed from Industrial and Business (some conditional uses allowed)
- Travel stay options expanded into Residential zones as conditional uses
- Limitation of allowable uses in our B-3 zone to promote small business/restaurant/retail
- Expansion of allowable uses in Business zones to allow greater flexibility
- Changes to allowable areas for automotive-related sales and services
- Some Industrial zone uses proposed as conditional (relating to noise levels, odor, and impact on surroundings)
- Added uses for additional clarity- adult businesses, solid waste/ septic facilities, bed & breakfasts, smoke shops, fitness centers, etc.
- Updates to animal/agricultural uses

Because supplemental regulations are currently within the text of the permitted uses, Staff is also proposing to relocate those elements to their own chapter and/or to within existing related chapters.

This chart and accompanying text is proposed to be reviewed and updated again after analysis of our current land use map, or as needed. Staff is considering a map update in FY 19-20.

---

### MANAGER RECOMMENDATION:

---

### BOARD ACTION TAKEN:

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

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

**RESIDENTIAL**

Single-family dwellings.	X	X	X	X	X								
Manufactured/ Mobile Homes					X								
Trailer Camps/ Mobile Home Parks					X								
Multi-family Residential				X	X	X			C	C	C	C	
Fraternities				C	C					C			
Homes for the aged and infirm	X	X	X										
Mixed Use Residential						X	X		C	C		C	
Nursing homes for chronic or convalescent patients	X	X	X										

**TRAVEL AND TOURISM**

Boarding and rooming houses										X			
Motel / Hotel										X		X	
Bed and Breakfast inn				C	C						X		
Tourist Homes	C	C	C	C	C					X			

**MUNICIPAL/PUBLIC**

Assembly Hall													
Cemeteries	X	X	X	X	X			C	C	C		C	
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
Public libraries, public museums and art galleries.	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

**PROFESSIONAL SERVICES**

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

X: Permitted by Right\*

C: Conditional\*

\*SUPPLEMENTAL REGULATIONS MAY APPLY- CHECK TOWN ORDINANCES

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

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

**BUSINESS AND RETAIL**

**Automotive**

Auto parts and supplies (new)										X							X
Auto parts and supplies (used)																	X
Auto sales											X						X
Auto Service/Repair stations										X	X	X					X
Automobile Garages												X					X
Car Wash												X					X
Gas Stations											X	X					C
Parking lots not for public use (principal use)																	C
Trailer Sales and Service																	X

**Services**

Banks and financial institutions										X							X
Barber shops or beauty shops										X	X	X					X
Dry cleaning establishments (drop-off only)										X	X	X					X
Exterminator Office										X	X	X					X
Funeral Homes										X	X		C				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
Tailor shops										X	X	X					X
Upholstery shops										X	X	X					X

**Food & Drink**

Alcoholic beverage package stores										X	X	X					X
Bake shops and dairy bars										X	X	X					X
confectioneries										X	X	X					X
delicatessens										X	X	X					X
Eating and drinking establishments										X	X	X					X
Grocery stores										X	X	X					X
Microbreweries												X					X

X: Permitted by Right\*

C: Conditional\*

\*SUPPLEMENTAL REGULATIONS MAY APPLY- CHECK TOWN ORDINANCES

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

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

**Retail**

Adult Use/ Sexually Explicit Retail										X	X	X		
Antique shops										X			X	
Apparel Shops										X			X	
Art/Music Supply and Retail										X	X	X	X	
Auction house (indoor)										X	X	X	X	X
Auction house (outdoor)										C				C
Bookstores										X	X	X	X	
camera shops										X				
Convenience Stores										X	X			C
Department stores										X				
Drugstores										X	X	X	X	
Dry goods stores										X	X	X	X	X
Florist shop										X	X	X	X	X
Furniture stores										X	X	X	C	X
Hardware stores										X	X	X	X	X
Household appliance stores										X	X	X	X	X
Jewelry stores										X	X	X	X	X
Newsstands										X	X	X	X	X
Pet shops										X				
Retail Stores within Mixed Use														
Retail Stores- other									X	X	C		C	
Second Hand Precious Metal Business										X	X	X	C	X
Shoe Stores										X	X	X	X	
Sporting goods stores										X	X	X	X	
Tobacco/ Smoke Shops										X	X	X	X	
Toy stores										X				
Variety stores										X	X	X	X	
Wholesale Departments										X	X	X		

**ANIMAL/AGRICULTURAL** (Must comply with Chapter 90:Animals)

Abattoirs and slaughterhouses															C
Animal feeds- Manufacturing, servicing, processing, assembling, and fabricating .															X
Beekeeping	X	X	X												
Farming (crops)	C	C	C	C											X
Greenhouses	C	C	C	C											X
Hatcheries															C
Plant Nurseries	C	C	C	C											

X: Permitted by Right\*

C: Conditional\*

\*SUPPLEMENTAL REGULATIONS MAY APPLY- CHECK TOWN ORDINANCES

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

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

Veterinary hospitals and commercial kennels															X
---	--	--	--	--	--	--	--	--	--	--	--	--	--	--	---

**EDUCATIONAL**

Classroom trailers designed to be utilized by a public school	X	X	X	X	X			X		X	X	X	X	X	X
Schools and colleges kindergartens and day nurseries	X	X	X	X	X			X		X	X	X	X	X	X

**RELIGIOUS AND CHARITABLE ORGANIZATIONS**

Churches and other places of worship.	X	X	X	X	X			X		X	X	X	X	X	X
Philanthropic and eleemosynary institutions.	X	X	X	X	X			X		X	X	X	X	X	X
Promo for Trade Associations or Civic, Religious groups									X	X	X	X	X	X	X

**RECREATIONAL**

Electronic gaming operation(s)									X		X				
Adult Entertainment								X		X					
Fairs, carnivals and similar transient amusement enterprises															C
Fitness Center / Gymnasium									X	X	X		X	X	
Indoor recreation									X	X	X	X	X	X	X
Movie theaters									X		X				
Outdoor recreation (not racetracks)															
Public or private golf courses, non-commercial swimming or tennis clubs, and country clubs	X	X	X	X	X					X	X				X

**MEDICAL**

Dental offices and clinics									X	X	X	X	X	X	
Medical offices and clinics									X	X	X	X	X	X	
Clinical laboratories									X	X	X	X	X	X	
Hospitals for human care															X

**INDUSTRIAL/MANUFACTURING**

Auto wrecking or junk yards															C
Automobile accessories- Manufacturing, servicing, processing, assembling, and fabricating															X
Bedding Fabrication															X
Bedding, pillows and carpets- Manufacturing, servicing, processing, assembling, and fabricating															X
Bottling Plants															X
Building materials- Manufacturing, servicing, processing, assembling, and fabricating															X
Chemicals- Manufacturing, servicing, processing, assembling, and fabricating															X
Clothing and cloths Fabrication															X

X: Permitted by Right\*

C: Conditional\*

\*SUPPLEMENTAL REGULATIONS MAY APPLY- CHECK TOWN ORDINANCES

	Residential							Office	Business			Industrial		
	R-15	R-12	R-10	R-8	R-6	RMF	RMF-H		BC-1	B-1	B-2		B-3	B-3P
<b>PERMITTED USES</b> (any use not specified below is eligible to apply for conditional zoning approval)														
Clothing including hosiery- Manufacturing, servicing, processing, assembling, and fabricating														X
Cold Storage Plants														X
Dry cleaning and pressing plants													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

X: Permitted by Right\*  
 C: Conditional\*  
 \*SUPPLEMENTAL REGULATIONS MAY APPLY- CHECK TOWN ORDINANCES

	Residential							Office				Business			Industrial
	R-15	R-12	R-10	R-8	R-6	RMF	RMF-H	O&I-1	BC-1	B-1	B-2	B-3	B-3P	I-2	
<b>PERMITTED USES</b> (any use not specified below is eligible to apply for conditional zoning approval)															
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															X
Wood and wood products, including furniture- Manufacturing, servicing, processing, assembling, and fabricating															C
															X

X: Permitted by Right\*

C: Conditional\*

\*SUPPLEMENTAL REGULATIONS MAY APPLY- CHECK TOWN ORDINANCES

## Supplemental Regulation of Permitted Uses

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

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

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

### **Promotional Activities** must meet the following criteria for approval:

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



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

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



Dallas, NC Code of Ordinances

# TOWN OF DALLAS, NORTH CAROLINA CODE OF ORDINANCES

2017 S-4 Supplement contains:  
Local legislation current through an ordinance passed 6-13-2017; and  
State legislation current through North Carolina Legislative Service, 2016 Regular Session, Pamphlet No. 5

Published by:  
**American Legal Publishing Corporation**  
One West Fourth Street, Third Floor  
Cincinnati, Ohio 45202  
Tel: (800) 445-5588  
Fax: (513) 763-3562  
Internet: <http://www.amlegal.com>

## ZONES ESTABLISHED; REGULATIONS

### § 153.020 TOWN DIVIDED INTO ENUMERATED ZONES.

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

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

- (M) B-3 Central Business.
- (N) B-3P Central Business District Perimeter.
- ~~(O) B-4 Central Business.~~
- ~~(P) I-1 Eight Industrial.~~
- (Q) I-2 General Industrial.
- ~~(R) I-2L General Industrial Limited.~~
- ~~(S) E-1 Exclusive Industrial.~~
- ~~(T) EX-1 Extractive Industrial.~~
- (U) RMF Multi-Family District.
- (V) RMF-H High Density Multi-Family District.  
(Ord. passed 11-3-1970; Am. Ord. 7-3-1972)

### Cross reference:

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

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

- (A) The boundaries of the zones are shown upon the map accompanying this chapter and made a part hereof by reference, entitled "Zoning Map, the Town of Dallas, North Carolina", dated November 3, 1970. The zoning map, including all notations, references, amendments thereto, and other information shown thereon, is hereby made a part of this chapter the same as if such information set forth on the map were all fully described and set out herein. The zoning map, properly attested, is on file in the office of the Building Inspector and is available for inspection by the public.
- (B) In the creation by this chapter of the respective zones, the Board of Aldermen has given due and careful consideration to the peculiar suitability of each and every such zone for the particular regulations applied thereto and the necessary, proper and comprehensive groupings and arrangements of the various uses and densities of population in accordance with a well considered plan for the development of the town.
- (C) The provisions of this chapter governing the use of land and buildings, the height of buildings, building site areas, the sizes of yards about buildings and other matters as hereinafter set forth, are hereby established and declared to be in effect upon all land included within the boundaries of each and every zone shown upon said map.
- (D) Where uncertainty exists as to boundaries of any zone shown on said map, the following rules SHALL apply:
  - (1) Where such zone boundaries are indicated as approximately following street lines, alley lines and lot lines, such lines shall be construed to be such zone boundaries.
  - (2) In unsubdivided property or where a zone boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions shall be determined by use of the scale appearing on the map.
  - (3) In case any further uncertainty exists the Board of Adjustment shall interpret the intent of the map as to location of such boundaries.

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

(Ord. passed 11-3-1970; Am. Ord. passed 1-11-1972; Am. Ord. passed 4-11-1977; Am. Ord. passed 7-3-1972; Am. Ord. passed 12-5-1972)

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

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

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

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

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

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

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

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

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

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

#### § 153.023 RMF: MULTI-FAMILY DISTRICT

Note: Recommending Edits to this section at a later date

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

- (A) *Permitted uses.* Multi-family dwellings and customary accessory structures and uses.
- (B) *Off-street parking.* Off-street parking shall be provided for all uses as required by § 153.042.
- (C) *Off-street loading and unloading.* Off-street loading and unloading space shall be provided by all uses as required § 153.044.
- (D) Signs. For the purpose of advertising any use permitted in this zone, the regulations of §§ 153.080 through 153.087 shall apply.

(E) *Advisory opinion.* Prior to submitting an application for rezoning, the applicant may submit a simple sketch plan of the proposed development to the town Planning Board in order to obtain an advisory opinion from such Board as to the feasibility of the proposed rezoning prior to the preparation and submission by the required preliminary plan and preliminary construction plan.

(F) *Preliminary site plan.* An application for rezoning to a RMF Multi-family District shall be accompanied by a preliminary site plan prepared on a 28" x 42" sheet of reproducible material using the largest scale possible and shall contain:

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

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

(6) The height of any portion of any structure shall not be greater than one-half of the horizontal distance from such structure to the nearest lot line or to any other structure within the complex.

(7) Every building shall be separated on every side from any other building within the complex by a distance of at least 25 feet.

(8) No parking of motor vehicles shall be permitted within the required setbacks. The space within the required setback shall not be used as maneuvering space for the parking or un-parking of vehicles, except that driveways providing ingress and egress to the parking area may be installed across the setback area.

(L) *Effective approved site plan.* All approved site plans for RMF Multi-Family Districts shall be binding upon the applicants thereof, their successors and assigns, shall limit and control the issuance and validity of all building permits and certificate of occupancy and shall restrict and limit the construction location use and operation of all land and structures included within such plans, provided however, that upon a showing of necessity therefore, minor changes in the location and size of structures may be permitted if such minor changes will not cause any of the following circumstances to occur.

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

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

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

Note: Recommending Edits to this section at a later date

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

Within the RMF-H Zone as shown upon the zoning map of the town, incorporated by reference in § 153.21, the following regulations shall apply.

(A) *Permitted uses.* High density multi-family dwellings and customary accessory structures and uses which must be located within the primary structure.

(B) *Required lot area, lot width and yards.*

- (1) Minimum lot size - none.
- (2) Minimum lot area for first dwelling unit - 5,000 square feet.
- (3) Minimum additional lot area for next eight units - 500 square feet.
- (4) Minimum lot area per dwelling unit for nine units or more - 1,000 square feet.
- (5) Minimum lot width - none.
- (6) Minimum front yard - 20 feet.
- (7) Minimum rear yard - 20 feet.
- (8) Minimum side yard - 8 feet.
- (9) Minimum combined width of both sides yards - 20 feet.

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

(D) *Screening.* Screening shall be provided in accordance with §§ 153.060 through 153.064.

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

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

**§ 153.025 CLUSTER DEVELOPMENT OVERLAY DISTRICT**

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

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

(A) Cluster developments are by conditional use permit only.

(B) A cluster development may be developed in any residential, business or commercial zone in the town.

(C) A minimum of five lots is required.

(D) A lot size exemption of 75% of the minimum lot size for the zone the cluster development is to be utilized is allotted; all other requirements for that zone will apply.

(E) Uses shall be limited to single- family detached dwellings, and related accessory uses, as described by the zoning district the development is in.

(F) The maximum number of potential lots that may be created shall be computed by subtracting 20% of the gross area (an allowance for street right-of-ways) and by dividing the remainder by the minimum lot area requirements for the zoning district in which the development is located. This section shall apply regardless of the amount of land actually required for streets.

(G) An amount of land at a minimum equal to the amount of reduction in lot size as determined by division (D) above shall be placed as open space within the development and each lot shall have direct access by right-of-way or easement to such open space. Such open spaces shall be held in nonprofit, corporate ownership by the owners of the lots within the development. In consideration of the purposes served by a cluster development, the title to such open space shall be preserved to the perpetual benefit of the private properties in the development and shall be restricted against private ownership for any other purposes. Twenty percent of the open space must have improvements. As an option, where the Board of Aldermen agrees, such open space may be dedicated to the town for public benefit.

(Ord. passed 8-14-2007)

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

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

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

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

(6) Manufactured homes, Class A, in R-6 zones only.

(7) Adaptive reuse of historic building (this is subject to the issuance of a conditional use permit by the Board of Alderman in accordance with § 153.015).

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

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

(D) *Signs.* The requirements set forth in the sign regulations, §§ 153.080 through 153.087, shall apply. (Ord. passed 11-3-1970; Am. Ord. passed 7-3-1972; Am. Ord. passed 11-13-2001)

**Cross reference:**

*Sign regulations schedule, see Appendix D*

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

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

(A) *Permitted uses.*

(1) Any use permitted in R-6 residential zones.

(2) Medical and dental offices and clinics.

(3) Clinical laboratories.

(4) Nurses' dormitories.

(5) Drugstores.

(6) Hospitals for human care.

(7) Homes for the aged and infirm.

(8) Nursing homes for chronic or convalescent patients.

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

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

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

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

**Cross reference:**

*Sign regulations schedule, see Appendix D*

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

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

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

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

(1) Any use permitted in residential zones.

(2) Medical clinics.

(3) Offices rendering professional services, such as legal medical, dental, engineering, architectural and similar services.

(4) Agencies rendering specialized services such as real estate, telephone answering service, insurance, advertising, brokerage, stenographic and similar services not involving retail trade with the general public nor maintenance of a stock of goods for sale.

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

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

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

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

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

**Cross reference:**

*Sign regulations schedule, see Appendix D*

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

**~~§ 153.029 O AND I-2 ZONES- OFFICE AND INSTITUTIONAL.~~**

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

(A) *Permitted uses.*

(1) Any use permitted in O and I-1 zones.

(2) Boarding and rooming houses.

(3) Homes for the aged and infirm.

(4) Cemeteries.

(5) Funeral homes.

(6) Greenhouses.

(7) Nursing homes for chronic or convalescent patients.

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

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

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

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

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

**Cross reference:**

*Sign regulations schedule, see Appendix D*

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

**~~§ 153.030 A-1 ZONES- ADVERTISING-SIGN-DISTRICT~~**

REMOVE SECTION  
(NOT IN USE)

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

(A) *Permitted uses:*

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

(2) Advertising signs.

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

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

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

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

**Cross reference:**

*Sign regulations schedule, see Appendix D*

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

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

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

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

(2) Banks and financial institutions.

(3) Barber shops or beauty shops.

(4) Dry cleaning establishments.

(5) Laundry pickup stations, laundrettes and laundromats.

(6) Florist shop.

(7) Drugstores.

(8) Grocery stores, delicatessens and confectioneries.

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

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

(11) Furniture and household appliance stores.

(12) Hardware stores.

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

(14) Shoe repair shops.

(15) Tailor shops.

(16) Radio and television repair shops.

(17) Jewelry stores.

(18) Alcoholic beverage package stores.

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

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

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

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

(d) Radiator cleaning and flushing.

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

(f) Minor servicing and repair of carburetors.

(g) Emergency wiring repairs.

(h) Adjusting and repairing brakes.

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

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

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

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

(20) Automobile parking lots.

(21) Bookstores and newsstands.

(22) Pet shops.

(23) Toy stores.

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

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



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

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

(H) *Preliminary plan.*

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

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

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

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

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

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

(f) *Final plans.*

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

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

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

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

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

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

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

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

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

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

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

**Cross reference:**

*Sign regulations schedule, see Appendix D*

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

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

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

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

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

(15) Furniture and household appliance stores.

(16) Shoe shops.

(17) Tailor shops.

(18) Newsstands.

(19) Funeral homes.

(20) Alcoholic beverage package stores.

(21) Dry cleaning establishments.

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

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

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

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

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

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

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

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

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

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

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

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

**Cross reference:**

*Sign regulations schedule, see Appendix D*

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

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

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

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

- (1) Any use permitted in the R-6 zones.
- (2) Auto service stations.
- (3) Restaurants and other eating establishments.
- (4) Drugstores.
- (5) Barbershops and beauty shops.
- (6) Places of indoor recreation and entertainment.
- (7) Places of outdoor recreation and entertainment not to include auto racetracks.
- (8) Motels, hotels, tourist homes, and boardinghouses.
- (9) Dry cleaning establishments.
- (10) Grocery stores and other retail business or service establishments not otherwise referred to in this section that are consistent with the purposes of this section and specifically cater to the needs of the traveling public.
- (11) Alcoholic beverage package stores.
- (12) Bank and financial institutions.
- (13) Any use which may be construed to be a promotional activity sponsored by or for either of the following:
  - (a) Trade or professional associations;
  - (b) Civic, religious, charitable or eleemosynary groups:
    1. Provided that no gaming, gambling, or similar (related) activities are permitted to be conducted as a part of or accessory to the temporary use;
    2. Provided that no temporary permitted use shall be permitted for a period of time exceeding ten days;
    3. Provided that no temporary use shall begin until 9:00 a.m. and shall not extend beyond 12:00 midnight;
    4. Provided that no permit for a temporary permitted use shall be granted by the Zoning Officer until permission therefore has first been granted by the Board of Aldermen;
    5. Provided further that no temporary permitted use shall be located within 400 feet of a residential use.
- (14) Coin operated laundries.
- (15) Professional photography studios.
- (16) Electronic gaming operation(s), provided the following provisions are met:
  - (a) That such uses provide, at minimum, off-street parking consistent with § 153.042(J). Other Business or Service Uses, and requiring one parking space for each 200 square feet of gross floor area;
  - (b) That no electronic gaming operation be located within 500 linear feet of the property line of any church/house of worship or any public or private elementary, middle, or high school, library, public park or playground, day care center, or residential-zoned district;

- (c) That no two electronic gaming operations be located within 1,000 linear feet of each other;
  - (d) That no electronic gaming operation have more than 25 total electronic gaming machines or terminals;
  - (e) That electronic gaming operations shall apply for and obtain a license from the Board of Aldermen to operate, and have fully paid, up-to-date, all required license fees as proscribed within the "Privilege and Business License Fee Schedule" for the Town of Dallas. No such license shall be transferable.
  - (f) That electronic gaming operations shall be further regulated by Chapter 113: Game Rooms of the Dallas Code of Ordinances;
  - (g) That during hours of operations, electronic gaming operations shall be open for direct, unobstructed access by all safety and enforcement personnel, and that all exit doors shall remain unlocked while patrons are on the premises;
  - (h) That no one under the age of 18 be allowed within the premises of an electronic gaming operation.
- (B) *Required lot area, lot widths and yards.* Buildings or structures used wholly or in part for residential purposes shall comply with the requirements for R-6 zones. Buildings used for other permitted uses where the lot abuts on the side or the rear of a residential zone shall have minimum side yard of eight feet on the abutting side, and a minimum rear yard of 20 feet on the abutting rear. For the purpose of this provision, where properties are separated by a street or alleyway, such properties are deemed abutting.
- (C) *Height.* All buildings shall comply with the height requirements for residential zones.
- (D) *Off-street parking.* Off-street parking shall be provided by all uses as required by § 153.042.
- (E) *Off-street loading and unloading.* Off-street loading and unloading space shall be provided by all uses as required by § 153.044.
- (F) *Signs.* For the purpose of advertising any use permitted in this zone the regulations of §§ 153.080 through 153.087 shall apply.  
(Ord. passed 11-3-1970; Am. Ord. passed 1-11-1972; Am. Ord. passed 7-3-1972; Am. Ord. passed 9-20-1994; Am. Ord. passed 6-8-2010; Am. Ord. passed 6-12-2012)
- Cross reference:**  
*Sign regulations schedule, see Appendix D*  
*Yard and height requirements in business and residential districts, see Appendix A and Appendix B*
- § 153.034 B-3 ZONE: CENTRAL BUSINESS.**
- Within the B-3 zones as shown on the zoning map of the town, incorporated by reference in § 153.021, the following regulations shall apply.
- (A) Permitted uses. Refer to Permitted Use Table (remove list below)**
- (1) Any use permitted in B-1 zones.
  - (2) Retail stores, offices, garages, greenhouses and retail stores conducting incidental and secondary wholesale departments.
  - (3) Public utility storage or service yards.

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

**Cross reference:**

*Sign regulations schedule, see Appendix D*

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

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

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

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

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

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

**Cross reference:**

*Sign regulations schedule, see Appendix D*

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

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

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

**(A) Permitted uses:**

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

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

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

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

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

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

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

**Cross reference:**

Sign regulations schedule, see Appendix D

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

**§ 153.037 I-1 ZONES: LIGHT INDUSTRIAL.**

REMOVE SECTION  
(NOT IN USE)

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

(A) Permitted uses.

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

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

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

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

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

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

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

**Cross reference:**

Sign regulations schedule, see Appendix D

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

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

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

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

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

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

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

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

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

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

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

**Cross reference:**

*Sign regulations schedule, see Appendix D*

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

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

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

(A) *Permitted uses.*

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

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

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

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

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

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

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

**Cross reference:**

*Sign regulations schedule, see Appendix D*

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

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

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

(A) *Permitted uses.*

(1) The manufacturing servicing, processing, assembling, and fabricating of the following products:

- (a) Wood and wood products including furniture.
- (b) Textiles.
- (c) Metals and metal products.
- (d) Household appliances.
- (e) Clothing, including hosiery.
- (f) Glass.
- (g) Electric and electronics products.
- (h) Foods and food products not to include abattoirs and slaughterhouses.
- (i) Bedding, carpets and pillows.
- (j) Leather goods, not to include the curing or tanning of raw hides and skins.
- (k) Machine tools.
- (l) Paints.
- (m) Pottery porcelain and vitreous china.
- (n) Soap, detergents and washing compounds.
- (o) Rubber products.
- (p) Paper products.
- (q) Automobile accessories.

(2) Wholesale warehouses and distribution centers.

(3) Data processing and computer centers.

(B) *Required yards.*

Front yards: 50 feet;

Side yards: 25 feet;

Rear yards: 20 feet

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

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

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

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

(G) *Sales.*

(1) All sales, whether retail or wholesale, shall be conducted indoors and shall be limited to the sale of those products which are manufactured, serviced, assembled or fabricated on the premises.

(2) Ownership of any retail sales outlet shall be the same as that of the manufacturing, servicing assembling or fabricating use.

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

*Cross reference:*

*Sign regulations schedule, see Appendix D*

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

REMOVE SECTION  
(NOT IN USE)

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

(A) *Permitted uses.*

(1) Farming, truck gardening, raising of livestock and nurseries.

(2) Public or private utilities, buildings and appurtenances.

(B) *Required yards.*

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

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

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

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

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

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

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

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

(I) *Operative requirement.*

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

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

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

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

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

*Cross reference:*

*Sign regulations schedule, see Appendix D*

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

§ 153.042 OFF-STREET PARKING REQUIREMENTS.

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

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

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

# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: Solid Waste Management Facility Conditional Use Permit Request

AGENDA ITEM NO. 3G

MEETING DATE: 2/26/2019

### BACKGROUND INFORMATION:

MorrowWebb Mill, LLC is interested in selling PID#226172, located off of East Robinson St (where the cell tower is located), to a company interested in parking/storing solid waste management vehicles at the site.

Because our ordinance does not currently list this use, and GS 130A-293 requires municipalities to accommodate the establishment and operation of hazardous waste facilities, staff is proposing a text amendment (if the proposed permitted uses chart is not adopted) that includes this use as conditional within the I-2 zone.

The owner has submitted a conditional use district rezoning application and a conditional use permit application contingent on a text amendment being adopted for consideration and approval as well.

Conditions are not included currently in the request, however, the Planning Board may recommend conditions be placed to ensure that the development addresses any public health and safety concerns, traffic, and potential adverse effects on surrounding development at their meeting on Feb. 21st.

Staff has included a copy of conditions imposed by Gaston County on this use as a starting point for this discussion.

Note: The text amendment and conditional rezoning decisions are legislative. The conditional use permit decision will be quasi-judicial. All decisions should be based on the ordinance standards, and any evidence presented shall be trustworthy and reliable, and based on facts-including data, existing plan documents, studies, or other technical data- to support a conclusion.

No site plan has been provided, however, applicant may present one at the time of the meeting for consideration. The potential new owner plans to solely park trucks at the property, and later build a structure on the lot where he can service the vehicles.

---

### MANAGER RECOMMENDATION:

---

### BOARD ACTION TAKEN:



**§ 130A-293. Local ordinances prohibiting hazardous waste facilities invalid; petition to preempt local ordinance.**

(a) It is the intent of the General Assembly to maintain a uniform system for the management of hazardous waste and to place limitations upon the exercise by all units of local government in North Carolina of the power to regulate the management of hazardous waste by means of special, local, or private acts or resolutions, ordinances, property restrictions, zoning regulations, or otherwise. Notwithstanding any authority granted to counties, municipalities, or other local authorities to adopt local ordinances, including but not limited to those imposing taxes, fees, or charges or regulating health, environment, or land use, any local ordinance that prohibits or has the effect of prohibiting the establishment or operation of a hazardous waste facility that the Secretary has preempted pursuant to subsections (b) through (f) of this section, shall be invalid to the extent necessary to effectuate the purposes of this Chapter. To this end, all provisions of special, local, or private acts or resolutions are repealed that:

- (1) Prohibit the transportation, treatment, storage, or disposal of hazardous waste within any county, city, or other political subdivision.
- (2) Prohibit the siting of a hazardous waste facility within any county, city, or other political subdivision.
- (3) Place any restriction or condition not placed by this Article upon the transportation, treatment, storage, or disposal of hazardous waste, or upon the siting of a hazardous waste facility within any county, city, or other political subdivision.
- (4) In any manner are in conflict or inconsistent with the provisions of this Article.

(a1) No special, local, or private act or resolution enacted or taking effect hereafter may be construed to modify, amend, or repeal any portion of this Article unless it expressly provides for such by specific references to the appropriate section of this Article. Further to this end, all provisions of local ordinances, including those regulating land use, adopted by counties, municipalities, or other local authorities that prohibit or have the effect of prohibiting the establishment or operation of a hazardous waste facility are invalidated to the extent preempted by the Secretary pursuant to this section.

(b) When a hazardous waste facility would be prevented from construction or operation by a county, municipal, or other local ordinance, the operator of the proposed facility may petition the Secretary to review the matter. After receipt of a petition, the Secretary shall hold a hearing in accordance with the procedures in subsection (c) of this section and shall determine whether or to what extent to preempt the local ordinance to allow for the establishment and operation of the facility.

(c) When a petition described in subsection (b) of this section has been filed with the Secretary, the Secretary shall hold a public hearing to consider the petition. The public hearing shall be held in the affected locality within 60 days after receipt of the petition by the Secretary. The Secretary shall give notice of the public hearing by:

- (1) Publication in a newspaper or newspapers having general circulation in the county or counties where the facility is or is to be located or operated, once a week for three consecutive weeks, the first notice appearing at least 30 days prior to the scheduled date of the hearing; and
- (2) First class mail to persons who have requested notice. The Secretary shall maintain a mailing list of persons who request notice in advance of the hearing pursuant to this section. Notice by mail shall be complete upon deposit of a copy of the notice in a post-paid wrapper addressed to the person to be notified at the address that appears on the mailing list maintained by the Board, in a post office or official depository under the exclusive care and custody of the United States Postal Service.

(c1) Any interested person may appear before the Secretary at the hearing to offer testimony. In addition to testimony before the Secretary, any interested person may submit written evidence to the Secretary for the Secretary's consideration. At least 20 days shall be allowed for receipt of written comment following the hearing.

(d) A local zoning or land-use ordinance is presumed to be valid and enforceable to the extent the zoning or land-use ordinance imposes requirements, restrictions, or conditions that are generally applicable to development, including, but not limited to, setback, buffer, and stormwater requirements, unless the Secretary makes a finding of fact to the contrary. The Secretary shall determine whether or to what extent to preempt local ordinances so as to allow for the establishment and operation of the facility no later than 60 days after conclusion of the hearing. The Secretary shall preempt a local ordinance only if the Secretary makes all of the following findings:

- (1) That there is a local ordinance that would prohibit or have the effect of prohibiting the establishment or operation of a hazardous waste facility.
- (2) That the proposed facility is needed in order to establish adequate capability to meet the current or projected hazardous waste management needs of this State or to comply with the terms of any interstate agreement for the management of hazardous waste to which the State is a party and therefore serves the interests of the citizens of the State as a whole.
- (3) That all legally required State and federal permits or approvals have been issued by the appropriate State and federal agencies or that all State and federal permit requirements have been satisfied and that the permits or approvals have been denied or withheld only because of the local ordinance.
- (4) That local citizens and elected officials have had adequate opportunity to participate in the siting process.
- (5) That the construction and operation of the facility will not pose an unreasonable health or environmental risk to the surrounding locality and that the facility operator has taken or consented to take reasonable measures to avoid or manage foreseeable risks and to comply to the maximum feasible extent with applicable local ordinances.

(d1) If the Secretary does not make all of the findings under subsection (d) of this section, the Secretary shall not preempt the challenged local ordinance. The Secretary's decision shall be in writing and shall identify the evidence submitted to the Secretary plus any additional evidence used in arriving at the decision.

(e) The decision of the Secretary shall be final unless a party to the action files a written appeal under Article 4 of Chapter 150B of the General Statutes, as modified by G.S. 7A-29 and this section, within 30 days of the date of the decision. The record on appeal shall consist of all materials and information submitted to or considered by the Secretary, the Secretary's written decision, a complete transcript of the hearing, all written material presented to the Secretary regarding the location of the facility, the specific findings required by subsection (d) of this section, and any minority positions on the specific findings required by subsection (d) of this section. The scope of judicial review shall be that the court may affirm the decision of the Secretary, or may remand the matter for further proceedings, or may reverse or modify the decision if the substantial rights of the parties may have been prejudiced because the agency findings, inferences, conclusions, or decisions are:

- (1) In violation of constitutional provisions;
- (2) In excess of the statutory authority or jurisdiction of the agency;
- (3) Made upon unlawful procedure;
- (4) Affected by other error of law;

TOWN OF DALLAS  
REZONING APPLICATION

(check one)

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

Location of Property: East Robinson Street  
Lot Size: 5.46      Current Zone/Use: I-2      Parcel ID# 226172

Name of Owner: Morrow Webb Mill, LLC  
Address of Owner: 6412 Bannington Rd., Charlotte, NC 28226  
Owner Phone #: (704) 562-2988      Email: mark.carpenter@chlandcompany.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

I-2 to I-2-CUD On the following described property:

Plat Book 4, Page 138      Also,  
Plat Book 86, Page 33 , FURTHER IDENTIFIED AS PARCEL ID # 226172

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

Morrow Webb Mill, LLC  
Frank E. Cayman  
Signature of applicant      Manager

2-14-19  
Date

[Signature]  
Development Services Director

2-14-19  
Date

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

Case No. CUP-2019-01  
Meeting Date 2-21-19 @ 6:30  
3-12-19 @ 6pm

## TOWN OF DALLAS – CONDITIONAL/SPECIAL USE PERMIT APPLICATION

### IMPORTANT INSTRUCTIONS FOR FILING FOR A CONDITIONAL/SPECIAL USE PERMIT

**\* APPLICATION MUST BE ACCOMPANIED BY AN ENGINEERED SITE PLAN APPROVED BY STAFF**

This application must be filed at least thirty (30) days prior to the next scheduled Planning Board meeting. The application may be submitted in person or by mail to the Town of Dallas at 210 N. Holland Street, Dallas, NC 28034. Upon review by the Planning Board, the application is then sent to the Dallas Board of Aldermen which will hold an advertised Public Hearing. Applications are placed on the agenda according to the acceptance date. You will be notified by mail or email of the date, time and location of the Public Hearing. A permit fee is required to be paid when the application is submitted.

If approved by the Town of Dallas Board of Aldermen, the applicant MUST have the Conditional/Special Use Permit recorded at the Gaston County Register of Deeds office in Gastonia, North Carolina within (30) thirty days. A copy of the recorded document must also be filed with the Town of Dallas Development Services Department.

The following information is required:

1. An approved preliminary Site Plan MUST accompany the application.
2. If title to the property is not in the name of the applicant, include a notarized letter from the owner signifying approval of the request.
3. Application must be completed, dated, signed by the appropriate parties and notarized. All fees must be paid.

### FOR YOUR INFORMATION

Upon filing a Conditional/Special Use Permit application with the Town of Dallas, the following rules and procedures shall apply until the Board of Alderman has ruled on the request:

- No site clearing, no building demolition or construction may commence without approved zoning, subdivision, erosion, and building permits are issued.
- All written or physical evidence (plans, maps, pictures, letters, etc.) presented before the Board of Adjustment becomes part of the physical record and property of the Town of Dallas.
- All testimony given before the Board of Adjustment shall be true.
- You have the right to appear and present your case before the Board, or provide representation at your own expense.
- Because this is a quasi-judicial proceeding, you should not have contact regarding the application with any Board of Aldermen members prior to the hearing. Questions may be addressed to Town Staff.
- Conditions may be placed on the parcel. Conditions might include but are not limited to limits on hours of operation; buffer, landscape and/or fencing requirements; building design and material specifications; lighting; traffic, street, or utility improvements; storm water; or open space requirements.
- The entire process may take three (3) to six (6) months.

- (5) Unsupported by substantial evidence admissible under G.S. 150B-29(a) or G.S. 150B-30 in view of the entire record as submitted; or
- (6) Arbitrary or capricious.

(e1) If the court reverses or modifies the decision of the agency, the judge shall set out in writing, which writing shall become part of the record, the reasons for the reversal or modification.

(f) In computing any period of time prescribed or allowed by this procedure, the provisions of Rule 6(a) of the Rules of Civil Procedure, G.S. 1A-1, shall apply.

(g) Repealed by Session Laws 1989, c. 168, s. 13. (1981, c. 704, s. 5; 1983, s. 891, s. 2; 1983 (Reg. Sess., 1984), c. 973, ss. 3-5; 1987, c. 827, s. 249; 1987 (Reg. Sess., 1988), c. 993, s. 28; c. 1082, s. 13; 1989, c. 168, s. 13; 1993, c. 501, s. 13; 2001-474, s. 17; 2007-107, s. 1.10(a).)



TOWN OF DALLAS – CONDITIONAL/SPECIAL USE PERMIT APPLICATION

IMPORTANT INSTRUCTIONS FOR FILING FOR A CONDITIONAL/SPECIAL USE PERMIT

\* APPLICATION MUST BE ACCOMPANIED BY AN SCALED CONCEPT PLAN APPROVED BY STAFF WITH PAID FEE.

Application Information: Is the applicant the owner of the property? Yes If not, provide a notarized letter from the property owner(s) granting permission to seek a Conditional/Special Use Permit.

Applicant Name(s)	<u>Morrow Webb Mill, LLC</u>
Applicant Address	<u>6412 Bannington Rd.</u> <u>Charlotte, NC 28226</u>
Applicant Phone No.	<u>(704) 562-2988</u>
Applicant email:	<u>mark.carpenter@chlandcompany.com</u>

Parcel Information pertinent to the Conditional/Special Use Permit request

Parcel Owner	<u>Morrow Webb Mill, LLC</u>		
Parcel Address	<u>- same as above</u>		
Tax Parcel No.	<u>226172</u>	Acreage	<u>5.46</u>
Existing Zoning	<u>I-2</u>	Proposed Zoning	<u>I-2 CUD</u>

What are the current uses of the property, as well as the adjacent uses?

Vacant land & cell tower  
Commercial, industrial, church & residential.

Describe the Conditional/Special Use Permit request

I-2 CUD for parking & related activities for  
solid waste management vehicles

Explain briefly the expected effect on the neighborhood if the proposed Conditional/Special Use Permit is approved

None expected.

Explain any other circumstances which tend to justify the Conditional/Special Use Permit request in terms of public interest

Zoning currently allows truck terminal for common  
carrier. This is merely for a different truck type.

List any conditions proposed with this request

I (we) certify that all of the information presented is accurate to the best of my knowledge, information and belief.

Memor Webb Mill, LLC  
Mark E. Carpenter  
Signature of Applicant(s) \_\_\_\_\_ Date \_\_\_\_\_

Name of Applicant(s) 6412 Bannington Rd. \_\_\_\_\_ Date \_\_\_\_\_

Address Charlotte, NC 28226 \_\_\_\_\_

Email mark.carpenter@chlandcompany.com Phone no.(s) (704) 562-2988

Notary Approval

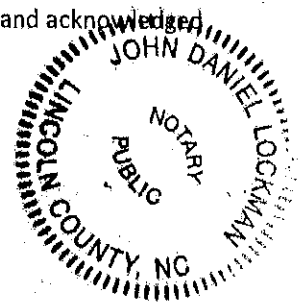
MARK E CARPENTER personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness by my hand and official seal this 14 day of February, 2019.

My Commission expires 9-7-22

[Signature]  
Notary Public

SEAL



If the applicant is not the owner of the property, indicate the owner's name and contact information along with a notarized letter signifying approval to request a Conditional/Special Use Permit for his/her property.

Property Owner Name \_\_\_\_\_

Property Owner Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

Email and phone \_\_\_\_\_

STAFF USE ONLY:

Staff Review	Receipt of Application:	Recommendation:
Planning Board Review	Publication Dates:	Mailing Dates:
	Date of Meeting:	Recommendation:
Board of Alderman Review	Publication Dates:	Mailing Dates:
	Date of Hearing:	Decision:



Possible Conditions for Consideration (based on those used by Gaston County)

All vehicles and equipment associated with the operation must be located in the rear yard and be materially screened in accordance with chapter 11.

When abutting non-industrial uses, a minimum of a 50-foot setback from all property lines must be maintained for all vehicles and equipment associated with the operation.

Major repairs to vehicles and equipment associated with the operation shall not be allowed.

When abutting existing residential uses or residential zones, hours of operation shall be between 7:00 a.m. to 7:00 p.m., Eastern Standard Time, Monday through Saturday.

No solid waste or septic waste shall be allowed on site for more than 24 hours.

Owner to coordinate with Public Works to ensure any wastewater generated complies with Town standards/requirements for proper disposal.

# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: Right of Way Encroachment Agreement

AGENDA ITEM NO. 3H

MEETING DATE: 2/26/2019

### BACKGROUND INFORMATION:

Based on a citizen request at the February 12<sup>th</sup> Board of Alderment meeting, the Board requested that a proposed encroachment agreement be presented at the February 26<sup>th</sup> Work Session for review. This agreement would provide an avenue for citizens to request the ability to place items in the Town's right of ways, but with the understanding that if those items had to be disturbed by the Town to access infrastructure located in the right of way the owner would be liable to replace said items at their own expense and would hold the Town harmless. Approval of such agreements would be delegated to the Staff and would not have to be heard by the Board of Aldermen as they arise.

A copy of the proposed agreement is attached.

---

MANAGER'S RECOMMENDATION:

---

BOARD ACTION TAKEN:



# TOWN OF DALLAS

## RIGHT OF WAY ENCROACHMENT AGREEMENT

Please complete and submit this application for all proposed encroachments along public right-of-ways within the Town of Dallas limits. This application is not for use when access is being requested along a state-owned right-of-way- instead, NCDOT's Form R/W 16.1B should be used for proper approvals.

PROPERTY ADDRESS: \_\_\_\_\_ PID#: \_\_\_\_\_

This Agreement, made and entered into this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the Town of Dallas, party of the first part; and \_\_\_\_\_ party of the second part; in reference to the property indicated above

### WITNESSETH

**THAT WHEREAS**, the party of the second part desires to encroach on the right of way of the public road designated as \_\_\_\_\_, located \_\_\_\_\_ with the construction and/or erection of: \_\_\_\_\_

**WHEREAS**, it is to the material advantage of the party of the second part to effect this encroachment, and the party of the first part in the exercise of authority conferred upon it by statute, is willing to permit the encroachment within the limits of the right of way as indicated, subject to the conditions of this agreement;

**NOW, THEREFORE, IT IS AGREED** that the party of the first part hereby grants to the party of the second part the right and privilege to make this encroachment as shown on attached plan sheet(s), specifications and special provisions which are made a part hereof upon the following conditions, to wit:

- That the said party of the second part binds and obligates himself to install the encroaching facility in such safe and proper condition that it will not interfere with or endanger travel upon said roadway.
- That the party of the second part agrees to provide during construction proper signs, signal lights, flagmen and other warning devices for the protection of traffic in conformance with the latest Manual on Uniform Traffic Control Devices for Streets and Highways and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained from the Engineer of the party of the first part.
- That the party of the second part hereby agrees to indemnify and save harmless the party of the first part from all damages and claims for damage that may arise by reason of the installation and maintenance of this encroachment; including but not limited to maintenance of Town utilities, road improvement/expansion, or any other Town-related activities. The party of the second part assumes all risk associated with construction on Town right-of-way.
- It is clearly understood by the party of the second part that the party of the first part will assume no responsibility for any damage that may be caused to such facilities, within the rights of way limits, in carrying out its construction.
- That the party of the second part agrees to restore all areas disturbed during construction to the satisfaction of the Engineer of the party of the first part. The party of the second part agrees to exercise every reasonable precaution during construction and maintenance to prevent eroding of soil; silting or pollution of rivers, streams, lakes, reservoirs, other water impoundments, ground

surfaces or other property; or pollution of the air. There shall be compliance with applicable rules and regulations of the North Carolina Division of Environmental Management, North Carolina Sedimentation Control Commission, and with ordinances and regulations of various counties, municipalities and other official agencies relating to pollution prevention and control. When any construction operation disturbs the ground surface and existing ground cover, the party of the second part agrees to remove and replace the sod or otherwise reestablish the grass cover to meet the satisfaction of the Engineer of the party of the first part.

- That the party of the second part agrees to assume the actual cost of any inspection of the work considered to be necessary by the Engineer of the party of the first part.
- That the party of the second part agrees to have available at the encroaching site, at all times during construction, a copy of this agreement showing evidence of approval by the party of the first part. The party of the first part reserves the right to stop all work unless evidence of approval can be shown.
- Provided the work contained in this agreement is being performed on a completed highway open to traffic; the party of the second part agrees to give written notice to the Engineer of the party of the first part when all work contained herein has been completed.
- The party of the first part is responsible for the maintenance of all installations on Town right-of-way, as well as the landscaping of all areas that may be enclosed by fencing.
- That in the case of noncompliance with the terms of this agreement by the party of the second part, the party of the first part reserves the right to stop all work until the facility has been brought into compliance or removed from the right of way at no cost to the party of the first part.
- That it is agreed by both parties that this agreement shall become void if actual construction of the work contemplated herein is not begun within 6 months from the date of authorization by the party of the first part unless written waiver is secured by the party of the second part from the party of the first part.

**IN WITNESS WHEREOF**, each of the parties to this agreement has caused the same to be executed the day and year first above written.

\_\_\_\_\_  
Town Manager, Town of Dallas

\_\_\_\_\_  
Requestor/ Property Owner

WITNESS:  
  
\_\_\_\_\_

WITNESS:  
  
\_\_\_\_\_

**PRELIMINARY APPROVALS:**

\_\_\_\_\_  
Town of Dallas Electric Dept.

\_\_\_\_\_  
Town of Dallas Public Works Dept.

\_\_\_\_\_  
Town of Dallas Engineer

\_\_\_\_\_  
Town of Dallas Development Services Director

## INSTRUCTIONS

This agreement must be accompanied, in the form of an attachment, by plans or drawings prepared by a professional surveyor, engineer, and/or architect showing the following applicable information:

1. All roadways and ramps.
2. Right of way lines and where applicable, the control of access lines.
3. Location of the proposed encroachment.
4. Length and type of encroachment.
5. Location shown by distance from some identifiable point, such as a bridge, road, intersection, etc.
6. Drainage structures or bridges if affected by encroachment.
7. Typical section indicating the pavement design and width, and the slopes, widths and details for either a curb and gutter or a shoulder and ditch section, whichever is applicable.
8. Horizontal alignment indicating general curve data, where applicable.
9. Vertical alignment indicated by percent grade, P.I. station and vertical curve length, where applicable.
10. Amount of material to be removed and/or placed on Town of Dallas right of way, if applicable.
11. Cross-sections of all grading operations, indicating slope ratio and reference by station where applicable.
12. All pertinent drainage structures proposed. Include all hydraulic data, pipe sizes, structure details and other related information.
13. Erosion and sediment control.
14. Any special provisions or specifications as to the performance of the work or the method of construction that may be required by the Department must be shown on a separate sheet attached to encroachment agreement provided that such information cannot be shown on plans or drawings.
15. The Town's Engineer should be given notice by the applicant prior to actual starting of installation included in this agreement.
16. Method of handling traffic during construction where applicable.
17. Scale of plans, north arrow, etc.