

Town of Dallas

Agenda

JULY 23, 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

ITEM SUBJECT

Pages

-
- 1. Pledge of Allegiance to the Flag**
 - 2. Approval of Agenda with Additions Or Deletions**
 - 3. New Business**
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 - 4. Closed Session**

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Cemetery Ordinance

AGENDA ITEM NO. 3A

MEETING DATE: 7/23/2019

BACKGROUND INFORMATION:

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

Attached is a copy of the Town's Cemetery Ordinance, as well as pictures of the current plot to be discussed.

MANAGER'S RECOMMENDATION:

BOARD ACTION TAKEN:

Print

Dallas, NC Code of Ordinances

CHAPTER 95: TOWN CEMETERY

Section

- 95.01 Cemetery Superintendent
- 95.02 Lots
- 95.03 Cemetery use
- 95.04 Trees, shrubbery, plantings, landscaping and maintenance
- 95.05 Monuments, markers and memorial ornamentation
- 95.06 Structures
- 95.07 Conduct
- 95.08 General regulations

§ 95.01 CEMETERY SUPERINTENDENT.

(A) The Town Manager shall appoint a town employee to serve as Cemetery Superintendent. The Cemetery Superintendent shall be charged with and perform all those duties specifically prescribed herein as well as such other duties as may be assigned to him or her by the Town Manager.

(B) The Town Manager, through the Superintendent, shall have charge of the town cemetery with authority to enforce all ordinances, policies and regulations relating to the cemetery, and shall be responsible to identify, verify or confirm lot locations and/or ownership boundaries.

(C) The Superintendent shall further be responsible to supervise the digging of all graves; the carrying out of all interments, disinterments or placing of cremains; and the installation of all monuments and markers.

(Ord. passed 2-12-2013)

§ 95.02 LOTS.

(A) To the extent that the town shall own undeveloped cemetery lots and make same available for sale to the general public for use as grave-sites, such lots shall, in keeping with then-current fee schedules, be sold and transferred to purchasers on a first-come, first-served basis, with preference given to town residents or family members of town

residents or former residents; and a deed shall be provided the purchaser and recorded by the Superintendent within the office of the County Register of Deeds.

(B) It shall be a violation of this chapter for any person to sell or transfer any lot in the town cemetery without first obtaining the consent and approval from the town, which shall be evidenced by action of the Board of Aldermen and recorded with the County Register of Deeds. A copy of the new deed shall be provided to the Superintendent and maintained in the town's permanent cemetery records.

(Ord. passed 2-12-2013) Penalty, see § 10.99

§ 95.03 CEMETERY USE.

(A) The town cemetery shall be used exclusively for the interment of human remains within identified lots designated for same. No interments or disinterments shall occur without authorization of the Superintendent.

(B) All graves shall be dug under the supervision of the Superintendent and to a minimum depth of 58 inches.

(C) All burials shall occur in accordance with the state statutes governing the minimum requirements for the interment of human remains, including cremains. In addition, all casket burials shall be within a grave liner or burial vault. All cremains interments shall be contained within a waterproof, tightly-sealed container designed for such purpose and disposition.

(D) Each individual burial lot shall contain not more than one casket/vault interment of human remains, or more than four properly-contained cremains interments of related human remains. Cremains shall not be allowed to be interred with or above existing casket burials, nor shall they share an individual burial lot with casket interments.

(Ord. passed 2-12-2013) Penalty, see § 10.99

§ 95.04 TREES, SHRUBBERY, PLANTINGS, LANDSCAPING AND MAINTENANCE.

(A) No person shall plant or set any tree, shrub, flower, grass or plant of any kind in the cemetery except with the express approval of the Superintendent.

(B) The trimming, cutting, pruning or removal of any tree, shrub or planting within the cemetery is expressly prohibited except as conducted by town personnel and/or authorized by the Superintendent or his or her designee.

(C) All grading, landscaping and general maintenance, including raking, mowing and trimming shall be performed exclusively by town personnel or contractors to the town, under the supervision of the Superintendent or his or her designee.

(Ord. passed 2-12-2013) Penalty, see § 10.99

§ 95.05 MONUMENTS, MARKERS AND MEMORIAL ORNAMENTATION.

(A) Above-ground, vertical-face-etched headstones shall be referred to as "monuments". Flush-to-ground, horizontal-top-face-etched headstones shall be referred to as "markers". Monuments are only allowed on "family plots", which shall comprise or more contiguous, family-related and owned individual lots. Then, only one central monument is allowed on the family plot.

(B) Monuments shall be a minimum 24 inches in height, not including the base; 24 inches in width; and six inches thick. Monuments shall not exceed 24 square feet in face area, nor exceed a width greater than 72 inches.

(C) Markers are allowed on any individual lot but are to be laid flush with the ground and shall not exceed two feet in length and one foot in width. If part of a family plot, markers shall be placed at the end of the lot farthest from the central monument.

(D) All monuments and markers shall be constructed of first-quality granite or marble only.

(E) No coping, curbs, fencing or borders of any kind shall hereafter be erected on or around any individual lot or family plot.

(F) Memorial ornamentation displayed or left at grave sites shall be limited to synthetic flowers/plants and small flags, and same shall be removed and/or replaced upon visible wear or degradation.

(Ord. passed 2-12-2013) Penalty, see § 10.99

§ 95.06 STRUCTURES.

No mausoleum, tomb, building, columbarium or other structure of any type shall be erected within the cemetery unless or except if owned and controlled by the town.

(Ord. passed 2-12-2013) Penalty, see § 10.99

§ 95.07 CONDUCT.

(A) No person shall exhibit or engage in willfully boisterous, unruly or disorderly behavior within the cemetery such as to disturb or disrupt the quiet reflection of others.

(B) No person shall willfully and without authority defile, deface, desecrate or place any mark upon or otherwise injure, any monument or marker contained within the cemetery.

(C) No person shall deposit any trash, rubbish, garbage or waste product in the cemetery except in receptacles designated for such. All materials carried or brought into the cemetery and not otherwise used in the erection of monuments or markers, or in the authorized interment of human remains, shall be promptly removed by the owner(s) of the lot(s) upon which such material(s) is/are located.

(D) Vehicles shall be driven only upon the roadways within the cemetery, and at a rate of speed not to exceed 15 miles per hour. No vehicles shall enter the cemetery

except for the purpose of attending funerals, preparing grave sites, visiting and/or maintaining grave sites, or other lawful purpose and mission.

(Ord. passed 2-12-2013) Penalty, see § 10.99

§ 95.08 GENERAL REGULATIONS.

All lots within the town cemetery shall be subject to, and regulated and controlled by, the provisions of this chapter and/or by order of the Superintendent as same shall be authorized hereby.

(Ord. passed 2-12-2013)



PAYSOUR

SHELTON
KING

MCCARTER

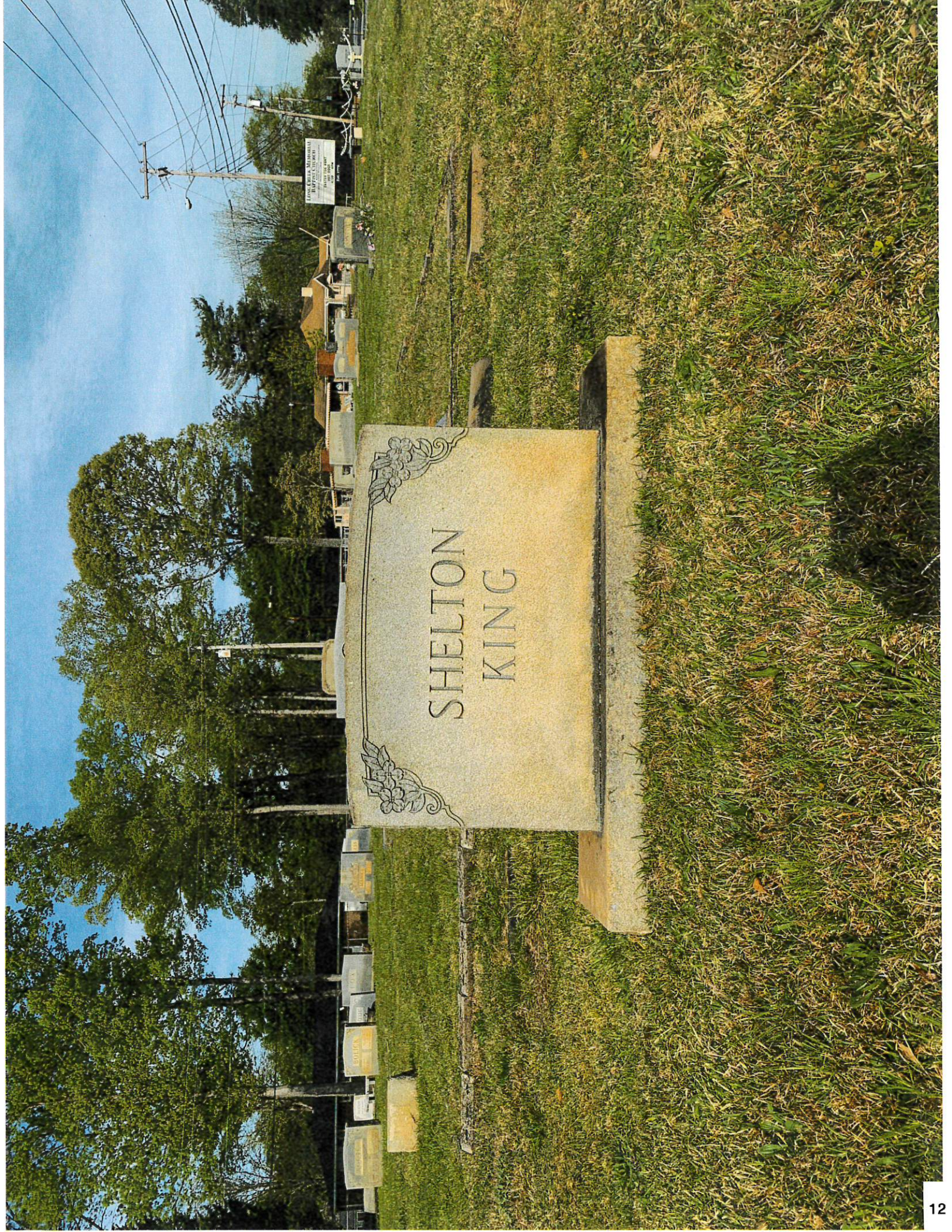
JOY











LEWIS, JEROME, M.D. 1894-1971
BAPTIST CHURCH
FARMINGTON, CT
FALL 1971

SHELTON
KING



RHODES
HELTON

MITCHELL

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Zoning Ordinance Update- Permitted Uses in All Zones

AGENDA ITEM NO. 3B

MEETING DATE: 7/23/2019

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.

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

Along with this formatting change, an update to the permitted uses is reflected in the proposed chart. Key changes being proposed include:

- New residential construction no longer allowed by right in Industrial and Business zones
- Smaller scale hospitality uses added into Residential zones with conditional approval
- Streamlined uses within B-3 Central Business to promote more restaurant/retail activity
 - PB also recommending update to our Non-Conforming Buildings and Uses ordinance within B-3 (included)
- Expansion of allowable uses in Business zones to attract new businesses as we grow
- Some Industrial zone uses proposed as conditional only (relating to noise levels, odor, and impact on surroundings)
- Added uses for additional clarity that were not listed before- adult businesses, solid waste/ septic facilities, bed & breakfasts, smoke shops, fitness centers, etc.
- Elimination of zones not currently in use – uses incorporated into existing zones instead

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

This chart, and accompanying text, are proposed to be reviewed and updated again after analysis of our current land use map, or as needed to accommodate the Town's anticipated growth. Staff is planning on partnering with CCOG to begin community engagement efforts regarding desired land use map updates in FY 19/20.

MANAGER RECOMMENDATION:

BOARD ACTION TAKEN:

APPENDIX C

	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	B-2	B-3	
PERMITTED USES (any use not specified below is eligible to apply for conditional zoning approval)													
RESIDENTIAL													
Single-family dwellings.	X	X	X	X	X	X							
Manufactured/ Mobile Homes					X								
Trailer Camps/ Mobile Home Parks					X								
Multi-family Residential				X	X	X	X		C	C	C	C	
Fraternities				C	C	C				C			
Homes for the aged and infirm	X	X	X	X									
Mixed Use Residential							X	X	C	C		C	
Nursing homes for chronic or convalescent patients	X	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	X	X	X	X	X	X			C	C	C	C	
Cemeteries								X		X			X
Municipal, county, state and federal uses not involving the outdoor storage of equipment or materials	X	X	X	X	X			X		X	X	X	X
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	X
Agencies offering specialized Services not involving retail trade or inventory business offices								X	X	X		X	X
Data processing and computer centers											C		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)

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
Automobile Garages																		X
Car Wash																		X
Gas Stations										X	X							C
Parking lots not for public use (principal use)																		C
Trailer Sales and Service																		C

Services

Banks and financial institutions																		X
Barber shops or beauty shops										X	X	X	X	X	X	X	X	X
Dry cleaning establishments (drop-off only)																		X
Exterminator Office																		X
Funeral Homes																		X
Laundry pickup stations, laundrettes and laundromats																		X
Radio and television repair shops.																		X
Shoe repair shops																		X
Tailor shops																		X
Upholstery shops																		X

Food & Drink

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

X: Permitted by Right*

C: Conditional*

*SUPPLEMENTAL REGULATIONS MAY APPLY- CHECK TOWN ORDINANCES

	Residential								Office O&I-1	Business				Industrial I-2	
	R-15	R-12	R-10	R-8	R-6	RMF	RMF-H	Business							
								BC-1		B-1	B-2	B-3	B-3P		
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	X	
Auction house (indoor)										X	X	X	X	X	X
Auction house (outdoor)										C					C
Bookstores									X	X	X	X	X		
camera shops									X						
Convenience Stores									X	X	X				
Department stores									X					C	
Drugstores									X	X	X	X			
Dry goods stores									X	X	X	X	X	X	X
Florist shop									X	X	X	X	X	X	X
Furniture stores									X	X	X	C	X	X	X
Hardware stores									X	X	X	X	X	X	X
Household appliance stores									X	X	X	X	X	X	X
Jewelry stores									X	X	X	X	X	X	X
Newsstands									X	X	X	X	X	X	X
Pet shops									X						
Retail Stores within Mixed Use								X		X					
Retail Stores- other									X	X	X	C	C	C	X
Second Hand Precious Metal Business									X	X	X	X	X	X	
Shoe Stores									X	X	X	X	X	X	
Sporting goods stores									X	X	X	X	X	X	
Tobacco/ Smoke Shops									X						
Toy stores									X	X	X	X	X	X	
Variety stores									X	X	X	X	X	X	
Wholesale Departments									X	X	X	X	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		B-3	B-3P	I-2		
PERMITTED USES (any use not specified below is eligible to apply for conditional zoning approval)																	
Veterinary hospitals and commercial kennels																	
EDUCATIONAL																	
Classroom trailers designed to be utilized by a public school	X	X	X	X	X			X			X	X	X	X	X		
Schools and colleges kindergartens and day nurseries	X	X	X	X	X			X			X	X	X	X	X		
RELIGIOUS AND CHARITABLE ORGANIZATIONS																	
Churches and other places of worship.	X	X	X	X	X			X			X	X	X	X	X		
Philanthropic and eleemosynary institutions.	X	X	X	X	X			X			X	X	X	X	X		
Promo for Trade Associations or Civic, Religious groups										X	X	X	X	X	X		
RECREATIONAL																	
Electronic gaming operation(s)										X							
Adult Entertainment									X								
Fairs, carnivals and similar transient amusement enterprises															C		
Fitness Center / Gymnasium									X	X	X			X			
Indoor recreation									X	X	X			X			
Movie theaters									X	X	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		
Medical offices and clinics									X	X	X				X		
Clinical laboratories										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	O&I-1		BC-1	B-1	B-2		B-3	B-3P
PERMITTED USES (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
PERMITTED USES (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														C
Wood and wood products, including furniture- Manufacturing, servicing, processing, assembling, and fabricating														X

X: Permitted by Right*

C: Conditional*

*SUPPLEMENTAL REGULATIONS MAY APPLY- CHECK TOWN ORDINANCES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 153.031 BC-1 ZONE: SHOPPING CENTER.

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

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

(B) Required screening areas building coverage and yards.

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

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

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

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

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

(C) Height. Not to exceed 40 feet.

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

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

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

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

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

- (a) The trade area of the proposed shopping center;
- (b) An estimate of the trade area population, present and future;
- (c) An estimate of the effective buying power of the trade area, both existing and proposed;
- (d) An estimate of the net potential customer buying power for stores in the proposed development;
- (e) An estimate of the amount of retail sales floor space in square feet currently lacking in the trade area.

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

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

(H) Preliminary plan.

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

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

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

(3) Recommendations and suggestions concerning the preliminary plans for the proposed shopping center by the town Planning Board shall be upon the findings that the plans for the development are such that traffic hazards and congestion will not be created within the development and upon the public streets at the point of ingress and egress to the development and that the plans of a shopping center. Dedication of additional right-of-way for public street purposes may be required to resolve potential traffic hazards and congestion. The lack of minimum yard dimensions does not imply the lack of need for such minimum dimensions. The absence of minimum yard dimensions is to provide for

flexibility and imagination in design of the development. The purpose of a preliminary site plan, preliminary construction plan and perspective drawing of the shopping center is to enable the town Planning Board to review the same in order that it may recommend and approve said plans prior to presentation of the written recommendation and report to the Board of Aldermen. In each case consideration shall be given to the location of the various facilities and buildings on the premises and minimum yard dimensions.

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

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

(I) Final plans.

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

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

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

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

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

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

(c) Parking area with all spaces shown and dimensions thereof;

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

(e) Pedestrian walks or walkways with dimensions thereof;

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

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

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

(i) Location of plantings, walls and screening;

(j) Name and address of the development, names and addresses of the developers, date, scale of plan and person or firm preparing the plan.

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

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

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

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

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

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

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

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

§ 153.032 B-1 ZONES: NEIGHBORHOOD BUSINESS.

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

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

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

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

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

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

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

§ 153.033 B-2 ZONES: HIGHWAY BUSINESS.

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

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

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

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

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

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

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

§ 153.034 B-3 ZONE: CENTRAL BUSINESS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 153.038 I-2 ZONES: GENERAL INDUSTRIAL.

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

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

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

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

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

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

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

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

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

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

§ 153.045 NON-CONFORMING USES, BUILDINGS AND STRUCTURES.

(A) Non-conforming uses.

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

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

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

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

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

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

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

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

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

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

§ 153.051 SUPPLEMENTAL USE REGULATIONS

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

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

- (a) Servicing of spark plugs, batteries and distributors and distributor parts.
- (b) Tire servicing and repair, but not recapping or regrooving.

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

(d) Radiator cleaning and flushing.

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

(f) Minor servicing and repair of carburetors.

(g) Emergency wiring repairs.

(h) Adjusting and repairing brakes.

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

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

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

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

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

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

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

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

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

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Vision Statement

AGENDA ITEM NO. 3C

MEETING DATE: 7/23/2019

BACKGROUND INFORMATION:

In 2018, Dallas entered into an Economic Development Assessment Project with the NC Department of Commerce's Rural Planning Center. As part of that process, a draft Vision Statement was proposed, but has not been formally accepted.

At the June 11, 2019 Board Meeting, a list of recommendations was presented in conjunction with a report from the Rural Planning Center. The Board of Aldermen unanimously approved this report and recommendation list. As we begin to work through the recommendations, a Vision Statement should be formally adopted to begin the process and provide a solid base for the future of Dallas.

Below is the draft Vision Statement previously discussed:

Dallas, a great place to live, work, and visit. A historic town square filled with a variety of retail and specialty shops, and other family friendly amenities; such as, places to eat and parks with opportunities for all ages. Located near major highways and cities, with its own vibrant and stable economy with a variety of innovative and technical small business opportunities.

Upon review and possible revision of the draft Vision Statement has been completed, the statement can be formally adopted.

MANAGER'S RECOMMENDATION:

BOARD ACTION TAKEN:

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Dallas Women's Club Fountain

AGENDA ITEM NO. 3D

MEETING DATE: 7/23/2019

BACKGROUND INFORMATION:

In recognition of their 100th anniversary, the Dallas Women's Club have asked to place a fountain on the Court Square in the vicinity of the other memorials. The anniversary will take place in 2020. This request was approved by the Board approximately 18 months ago.

As the anniversary approaches, plans have been drawn up for the fountain and included in this packet. Also attached is a picture of the fountain that the Women's Club has chosen.

Since the project has previously been approved, this discussion is for informational purposes only as site preparation will begin within the next couple of months.

MANAGER'S RECOMMENDATION:

BOARD ACTION TAKEN:



TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Town Events for 2020

AGENDA ITEM NO. 3E

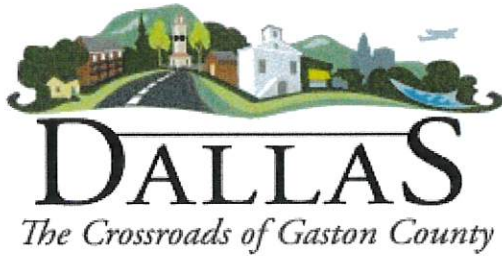
MEETING DATE: 7/23/2019

BACKGROUND INFORMATION:

In order to avoid scheduling conflicts, a proposed calendar for Town events is attached. Once the dates have been agreed upon, these events will be placed on the Courthouse calendar to reserve the facility and grounds.

MANAGER'S RECOMMENDATION:

BOARD ACTION TAKEN:



2020 Town Events Calendar

TENTATIVE

February

Monday, February 17th –Board of Aldermen Strategic Planning Meeting (12:00 pm)

May

Saturday, May 9th –Dallas Ambassadors Car Show and Summer Concert (7:00 pm)

June

Saturday, June 13th - Summer Concert Series and Cruise-In (7:00 pm)

July

Saturday, July 4th – Summer Concert Series and Fireworks (6:00 pm)

August

Saturday, August 8th – Summer Concert Series and Cruise-In (7:00 pm)

September

Saturday, September 12th – Summer Concert Series and Cruise-In (7:00 pm)

October

Saturday, October 31st – Trick or Treat on the Square (5:00 pm)

November

Thursday, November 12th – Veteran’s Day Event

December

Friday, December 4th – Carols on the Square (6:30 pm)

Friday, December 11th – Christmas Parade (4:00 pm)

TOWN OF DALLAS, NORTH CAROLINA

REQUEST FOR BOARD ACTION

DESCRIPTION: Electric Vehicles

AGENDA ITEM NO. 3F

MEETING DATE: 7/23/2019

BACKGROUND INFORMATION:

This discussion will center around the possible uses or disposal of the electric vehicles, now that they are not being used for meter reading.

MANAGER'S RECOMMENDATION:

BOARD ACTION TAKEN: