



March 25, 2024
 Stallings Government Center
 321 Stallings Road
 Stallings, NC 28104
 704-821-8557
www.stallingsnc.org

Town Council Agenda

	Time	Item	Presenter	Action Requested/Next Step
	7:00 p.m.	Invocation Pledge of Allegiance Call the Meeting to Order	Wyatt Dunn, Mayor	NA
	7:05 p.m.	Public Comment	Wyatt Dunn, Mayor	NA
1.	7:13 p.m.	Consent Agenda A. Amended Budget Ordinance 14 - Resurfacing Program B. MS4 Permit Support Contract Approval		
2.	7:15 p.m.	Agenda Approval	Wyatt Dunn, Mayor	Approve agenda as written
3.	7:17 p.m.	TX24.02.01 A. Streetscape (1) Open Public Hearing (2) Information from Staff (3) Public Hearing (4) Close Public Hearing (5) Council Vote B. Statement of Consistency and Reasonableness	Max Hsiang, Planning Director	Approve/deny text amendment
4.	7:30 p.m.	TX24.02.02 A. Industrial Dimensional Requirements (1) Open Public Hearing (2) Information from Staff (3) Public Hearing (4) Close Public Hearing (5) Council Vote B. Statement of Consistency and Reasonableness	Max Hsiang, Planning Director	Approve/deny text amendment
5.	7:45 p.m.	TX24.02.03 A. Land Development Permit (1) Open Public Hearing (2) Information from Staff (3) Public Hearing (4) Close Public Hearing (5) Council Vote B. Statement of Consistency and Reasonableness	Stuart Valzonis, Planner 1	Approve/deny text amendment

6.	7:55 p.m.	TX24.02.04 A. Town Center Amendment (1) Open Public Hearing (2) Information from Staff (3) Public Hearing (4) Close Public Hearing (5) Council Vote B. Statement of Consistency and Reasonableness	Max Hsiang, Planning Director	Approve/deny text amendment
7.	8:00 p.m.	RZ24.01.01 A. Town Center Rezoning (1) Open Public Hearing (2) Information from Staff (3) Public Hearing (4) Close Public Hearing (5) Council Vote B. Statement of Consistency and Reasonableness	Max Hsiang, Planning Director	Approve/deny rezoning
8.	8:20 p.m.	Code of Ordinance Change A. Minimum Housing Requirements (1) Open Public Hearing (2) Information from Staff (3) Public Hearing (4) Close Public Hearing (5) Council Vote	Max Hsiang, Planning Director	Approve/deny ordinance change
9.	8:25 p.m.	Adjournment	Wyatt Dunn, Mayor	Motion to adjourn



MEMO

To: Mayor Dunn and Stallings Town Council
Via: Alex Sewell, Town Manager
From: Marsha Gross, Interim Finance Officer
Date: 3-21-2024
RE: **Amended Budget Ordinance No. 14**

At the regularly scheduled town council meeting on Monday, March 11, 2024, Council passed an amendment to approve additional reconstructive and preventative roadway maintenance in the amount of \$200,000. Attached is Amended Budget Ordinance No. 14 which changes the paving/resurfacing line item in the Transportation Department's budget from \$600,000 to \$800,000 as approved.

Please sign attached Amended Budget Ordinance No. 14 to formalize this action.

AMENDED BUDGET ORDINANCE – NO. 14

TOWN OF STALLINGS, NORTH CAROLINA

FISCAL YEAR 2023-2024

BE IT ORDAINED by the Town Council of the Town of Stallings, North Carolina, that the estimated expenditures for the fiscal year 2023-2024 are hereby amended as set forth below:

Category	Account Number	Budgeted Amount	Amend to the Following	Net Increase or (Decrease)
<u>General Fund:</u>				
<u>Revenue Budget: Unrestricted GF Balance</u>				
Unrestricted Fund Balance Appropriation - GF	10-99-3991-600	\$ 340,058.00	\$ 540,058.00	\$ 200,000.00
<u>Expense Budget: Transportation Department</u>				
Paving/Resurfacing	10-20-4510-062	\$ 600,000.00	\$ 800,000.00	\$ 200,000.00

Explanation: To appropriate \$200,000 from Unrestricted General Fund Balance to Transportation department's Paving/Resurfacing expense line for the additional funding needed for reconstructive and preventative roadway maintenance on additional roadway segments throughout the town and to adopt the amended budget ordinance accordingly.

This Amendment to the Budget Ordinance shall be effective upon adoption.

The said Budget Ordinance, except as amended, shall remain in full force and effect.

ADOPTED this the 25th day of March 2024.

Wyatt Dunn, Mayor

Erinn Nichols, Deputy Town Manager/Town Clerk

Approved as to form:

Melanie Cox, Town Attorney, Cox Law Firm, PLLC



MEMO

To: **Mayor and Town Council**
Via: Alex Sewell, Town Manager
From: Kevin Parker, P.E., Town Engineer
Date: March 25, 2024.
RE: MS4 Program Assistance Contract Approval

On August 1, 2023, the Town of Stallings' Stormwater Management Plan (SWMP) was approved and the Town was issued its National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit issued by the North Carolina Department of Environmental Quality (NCDEQ), as mandated by the Clean Water Act created by United States Environmental Protection Agency.

As a part of that permit, the Town is required to establish and continuously perform numerous best management practices (BMPs) over the 5-year permit period that involves, but is not limited to, public outreach and education, establishing written procedures for staff, and inventorying, inspecting, tracking, and maintaining the Town's entire storm water network. The Town is essentially starting from scratch with establishing these BMPs and, given the amount of time and resources needed to establish these BMPs, Staff is not able to establish/perform these BMPs without professional assistance.

In Summer of 2023, Staff solicited RFQs for on-call engineering services and selected Bolton and Menk. as one of the consultants to assist staff as needed. Additionally, Staff have been working with Bolton and Menk to perform a self-audit of the Town's current MS4 permit compliance to determine where the Town is not in compliance and recommendations on how to achieve full compliance with the permit. As a result of this self-audit, Staff recommends that the Town continues to work with Bolton and Menk to achieve full compliance, and Bolton and Menk has formulated a contract that will achieve the following: 1. Permit Year One MS4 permit compliance. 2. Permit Year Two budget preparation. 3. Development of a comprehensive MS4 Administrative Manual. 4. Assistance with the Permit Year One Annual Assessment as required by NCDEQ.

Key Items

- MS4 permit assistance was budgeted for FY 2024, and this falls within the approved budget.
- MS4 permit assistance will be a recurring annual cost funded by storm water revenue(s).
 - Additional funding may be necessary to meet future year permit requirements.
- MS4 permit compliance is State-mandated and the Town is subject to significant fines if found to be out of compliance.

Action Requested:

Requesting council to approve the contract with Bolton and Menk to provide assistance with the Town's MS4 permit for an amount not to exceed \$45,000.



Real People. Real Solutions.

418 S Dawson Street
Raleigh, NC 27596

Ph: (919) 719-1800
Bolton-Menk.com

March 18, 2024

Mr. Kevin Parker
Director of Engineering, Town of Stallings
315 Stallings Road
Stallings, NC 28104

Kevin,

Following our recommendations from the desktop MS4 audit, we have prepared Task Order proposals to advance the Town's efforts for MS4 compliance. Based on the Town's needs, we have developed four Task Orders to be executed for an amount not to exceed \$45,000. In Task 1, we will provide MS4 budget preparation assistance for FY 24-25 since the Town is approaching annual budget deadlines in April and May. Task 2 proposes development of an MS4 Administrative Manual, which will provide comprehensive guidance on how to run the program successfully from year to year. This living document will include written procedures and other resources for Program Administration and the six minimum measures. Task 3 includes the MS4 Annual Assessment and any coordination required with NCDEQ to revise the SWMP. Task 4 will provide time for meetings and other coordination efforts which may be required between each task. Detailed activities under each task are summarized below.

Task 1 – FY 24-25/Permit Year 2 Budget Preparation

Bolton & Menk will develop a detailed MS4 program budget for FY 24-25, which roughly corresponds to Permit Year 2. We will provide a recommended budget prior to the Town's initial budget review, by an agreed upon deadline in April. Based on feedback from the Town, we will provide a revised final budget in early May.

The budget will include the following major components required for compliance:

- Stormwater System Mapping
 - Missing data from 2014-2023 developments
 - Re-mapping of pre-2014 GIS data
- Dry weather outfall inspections
- Post-Construction permit tracking program and Inspections services for Privately-Owned SCMs
- Inspections and maintenance of municipally-owned stormwater control measures (SCMs) and facilities which may generate stormwater pollution
- Good housekeeping staff training programs

Task 2 – MS4 Administrative Manual

We will develop an Administrative Manual which will serve as a reference for the MS4 Administrator and Responsible Staff to continuously maintain and track compliance. The final manual will be provided prior to end of Permit Year 1 (July 31, 2024) to ensure compliance with multiple SWMP Measurable Goals, including generating written procedures and identifying facilities and staff.

The manual will include the following major components:

- Program Administration
 - Generate SWMP compliance tracker
 - Generate annual budgeting tool
 - Generate written procedures for Annual Self-Assessment and Permit Renewal
 - Coordinate SWMP updates with NCDEQ staff

- MCM 1: Public Education and Outreach
 - Review RSPC partnership and coordinate formal agreement, if needed
 - Generate written procedures for hotline and online reporting system documentation and response

- MCM 2: Public Participation and Involvement
 - Review community trash cleanup measurable goals and coordinate with Town to identify potential cleanup sites
 - Generate written procedures for consideration of and response to Stormwater Advisory Committee and general public input on adequacy of SWMP

- MCM 3: Illicit Discharge Detection and Elimination (IDDE)
 - Generate inventory of outfalls subject to dry weather inspections and schedule
 - Generate map and/or target audiences as high priority for IDDE outreach and inspections
 - Identify staff for training and identify training program
 - Generate written procedures, forms, and tracking system
 - Dry outfall inspections
 - Investigations and elimination

- MCM 4: Construction Site Runoff Control
 - Generate written procedures for tracking ongoing projects and responding to public reports
 - Identify staff for training to respond to complaints

- MCM 5: Post-Construction Site Runoff Control
 - Generate written procedures
 - Plan reviews and permitting
 - As-builts and GIS mapping
 - O&M agreement and final plat
 - Inspections (final, annual, and permit cycle)
 - Notifications and enforcement actions
 - Recommend ongoing tracking system
 - Generate guidance documents, checklists, and forms for staff and permittees

- MCM 6: Pollution Prevention and Good Housekeeping
 - Town-owned facilities with potential for generating polluted stormwater runoff
 - Develop inventory and incorporate in GIS map
 - Develop inspection and maintenance schedule and responsible staff list
 - Town-owned SCMs
 - Develop inventory and incorporate in GIS map
 - Gather documentation (plans, as-builts, permits, etc.)
 - Develop inspection and maintenance schedule
 - Town-maintained storm drainage system
 - Develop inventory and incorporate in GIS map
 - Develop inspection and maintenance schedule
 - Review spill response procedures and update
 - Identify certification requirements and training program for pesticide and fertilizer application
 - Develop vehicle and equipment cleaning and maintenance procedures, schedule, and inspection checklist
 - Develop written procedure and schedule for street sweeping, including method of documentation
 - Identify appropriate staff for training for each program component

Task 3: MS4 Annual Self-Assessment, Permit Year 1

Complete Annual Assessment prior to August 31, 2024 deadline using NCDEQ required forms and documentation format. Coordinate with NCDEQ staff on SWMP revisions in months prior to deadline.

Task 4: 2024 MS4 On-Call Administration

Miscellaneous meetings and coordination as needed for addressing questions and on-going MS4 administration assistance with Town staff.

Assumptions/Exclusions

- Town will provide documentation for municipally-owned SCMs and facilities to assist with inspections and maintenance cost estimate.
- Town will provide documentation for missing GIS data, such as permits and approved plans issued between 2014 and 2023, to assist with mapping cost estimate.
- Town will generate educational materials and social media posts for Public Education and Outreach goals.
- Town will update website per audit recommendations.
- Bolton & Menk's services do not include an ordinance review.

Based on the scope of services described above, we propose the following fee schedule to be billed on an hourly basis, not to exceed the total of \$45,000.

Task 1:	FY 24-25 (Permit Year 2) Budget Preparation	\$	6,000.00
Task 2:	Administrative Manual	\$	34,400.00
Task 3:	MS4 Annual Self-Assessment, Permit Year 1	\$	3,000.00
Task 4:	2024 MS4 On-Call Administration	\$	1,600.00
		<hr/>	
	Estimated Total Fee:	\$	45,000.00

Thank you for choosing to work with Bolton & Menk. If this proposal is acceptable to you, we will submit a Task Order for your approval and authorization. Please reach out if you have any questions.

Sincerely,



Mary Beth Meumann, P.E. (NC, SC)
Water Resources Project Engineer



MEMO

To: Stallings Town Council
From: Max Hsiang, Planning Director
Date: 03/25/2024
Re: TX24.02.01 – Streetscape

Request:

At the 2024 Council retreat, the Town Council created action item **Pursue Town Center Creation** to adopt and incorporate streetscape requirements into the development ordinance by 06/30/24.

- *Rationale: The DFI study advised streetscape improvements will be critical for main street retail to succeed. Also, DFI advised that retail should face Stallings Road.*
- *The Stallings Streetscape Design Standards Details Plan was adopted by the Town Council on 8/14/23.*
- *8/14/23 – The Council authorized staff to start working on adding streetscape requirements to the development ordinance.*

The Stallings Streetscape Design Standards and Details Plan includes greenways as part of its design and mandates their installation where they are mentioned in the Stallings Parks, Recreation, and Greenway Master Plan.

In December 2023, staff proposed incorporating streetscape enhancements into the fee-in-lieu section of the ordinance for Council feedback and discussion. It's important to note that this was strictly for discussion, and no changes were adopted at this meeting.

The main focus of the discussion remained on the existing fee-in-lieu structure, which would essentially stay the same. The only proposed change involved adding streetscape requirements within this section.

Following the discussion, legal counsel advised separating the streetscape requirements from the fee-in-lieu section. This means the fee-in-lieu structure would remain unchanged, while streetscape requirements would be established in a new, dedicated section of the ordinance.

New Amendment:

21.4 Streetscape

21.4-1 Purpose. *This ordinance establishes streetscape requirements identified in the Stallings Streetscape Design Standards and Details Plan.*

21.4-2 Applicability. *This ordinance applies to all new developments identified in the Stallings Streetscape Design Standards and Details Plan area and Town Center (TC) zoning. For purposes of this requirement, "developments" shall mean any development requiring a Major Site Development Plan Review.*

21.4-3 Exemptions. *The following developments are exempt from Article 21.4:*

- A. Developments that are owned and operated by a government agency.*
- B. Developments that do not require a Major Site Development Plan Review.*

24.4-4 Timing of Improvements. All improvements shall be completed or guaranteed with adequate surety prior to issuance of any permits past 60% Certificate of Occupancy or 60% completion for the entire development or project.

Planning Board Recommendation:

The Planning Board recommended approval of TX24.02.01 at their February 20, 2024 meeting.

Staff Recommendation:

Staff recommends approval of TX24.02.01. This text amendment accomplishes the 2023 Town Council retreat goals and creates requirements for the streetscape adopted plan. Additionally,

- This amendment seeks to improve the appearance and accessibility of new developments in the Town Center of Stallings.
- It applies to new major projects and requires them to follow the design standards in the Streetscape plan.
- There are limited exemptions, and developers must complete or guarantee streetscape improvements before final permits are issued.

Future Considerations:

Determine if the Council wants to consider investing in streetscape improvements in front of specific Town properties and, if so, the phasing of such investments.

- *Rationale: DFI recommended considering these investments alongside the private sector investing in streetscape improvements in front of Town Hall and the Municipal Park.*
- *8/14/23 - The Council opted to hold off making immediate streetscape investments in front of Town Hall. The Council may be open to it if funding is identified.*



Statement of Consistency and Reasonableness

ZONING AMENDMENT: TX24.02.01

REQUEST: To adopt and incorporate streetscape requirements into the development ordinance.

WHEREAS, The Town of Stallings Town Council, hereafter referred to as the “Town Council”, adopted the Stallings Comprehensive Land Use Plan on November 27, 2017; and

WHEREAS, the Town Council finds it necessary to adopt a new land development ordinance to maintain consistency with the Comprehensive Land Use Plan; and

WHEREAS, the Town Council finds it necessary to revise the Unified Development Ordinance to comply with state law found in NCGS § 160D.

THEREFORE, The Town Council hereby recommends that the proposed text amendment is consistent and reasonable with the Comprehensive Land Use Plan adopted on November 27, 2017, based on the goals and objectives set forth in the document of promoting quality development and consistency with all state-mandated land-use regulations established through NCGS § 160D. The Town Council recommends to **APPROVE** the proposed amendment and stated that the Town Council finds and determines that the text amendment is consistent and reasonable with the key guiding principles, goals, and objectives of the Comprehensive Land Use Plan for the following reasons:

1. Accomplishes the goals from the 2023 & 2024 Town Council retreat.
2. Creates requirements for the streetscape adopted plans.

Recommended this the __ day of _____, 2024.

Mayor

Attest:

Clerk



MEMO

To: Stallings Town Council
 From: Max Hsiang, Planning Director
 Date: 03.25.2024
 Re: TX24.02.02 - Industrial Setbacks

Request:

The town council discussed improving industrial areas by relaxing outdoor storage rules and exploring development opportunities in the Union West Business Park. Our team reviewed current zoning regulations and proposes changes to building setbacks to support future growth and tax revenue.

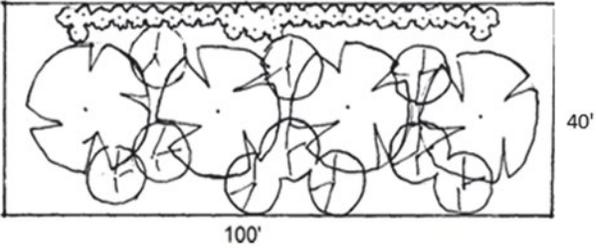
The industrial zone is meant for large buildings and parking/loading facilities. However, current setback rules restrict this. The current dimensional standards apply in the industrial district:

Lot Size	Lot Width	Front Yard Setback	Rear Yard Setback	Side Yard Setback	Corner Lot Side Yard Setback
32,400 SF	180'	80'	16'	16'	80'

We propose aligning building placement, parking, and lot size with the current building lot type of "Highway Commercial", which will offer more flexibility for industrial development.

Highway Building Lot Type Requirements (Article 9.8) requirements:

Requirement	Description
Buildings must be set back 12-115 feet from the street.	This helps to ensure that there is enough space for cars and pedestrians to safely move around.
Larger setbacks may be allowed under special conditions.	For example, if there is a hill on the property, the setback may be increased to accommodate the slope.
Side and rear setbacks vary depending on the buffer requirements.	The buffer is a landscaped area that helps to screen the industrial uses from the surrounding community. The minimum setback is 12 feet, but it may be larger depending on the specific requirements of the buffer.
Parking must be located at the rear or side of the building.	This helps to keep the front of the building more attractive and pedestrian friendly.
Side-yard parking cannot exceed 35% of the frontage and must be buffered.	This helps to ensure that there is enough space for landscaping and other amenities.
Building height is limited to 50 feet.	This helps to prevent the buildings from being too tall and imposing on the surrounding community.

<p>Industrial buffers against other zones are 40 feet with 90% opacity. <u>Type A Buffer Yard</u>: A high-density screening buffer to substantially block visual contact between adjacent uses with a minimum of ninety (90%) percent opacity.</p> 	<p>This helps to screen the industrial uses from the surrounding community (incl. Residential) and reduce noise pollution.</p>
<p>There are no changes to allowed uses, open space, parking, or landscaping.</p>	<p>This means that this amendment will not have any impact on these existing requirements.</p>
<p>New regulation: no minimum lot size.</p>	<p>This will allow for more flexibility in the lot design of industrial developments.</p>

Requested Amendment:

8.4-11 Industrial District (IND)

(A.) Intent: The Industrial District (IND) is established to provide locations for industrial uses that, due to the scale of the buildings and/or the nature of the use, cannot be integrated into the community. Uses within the Industrial District are buffered from adjacent uses. The dominant uses in this district are manufacturing and warehouse storage. The Industrial District is reserved for uses which require very large buildings and/or large parking and loading facilities.

(B.) Listed Uses:

- (1.) Uses listed by right: See Table of Uses (Table 8.1) of this Article
- (2.) Uses listed with additional standards: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.1
- (3.) Uses listed with conditions: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.2

(C.) Listed Building and Lot Types: Highway Commercial

(D.) Residential Density Limit: 0 units/acre

(E.) General Requirements:

(1.) Building placement, parking placement, building type, urban form, access, and lot arrangement shall be controlled by the lot and building type standards (Article 9) for the lot and building types listed in the Industrial District. **Building placement and other dimensional requirements may be discussed during the Site Development Plan Review process.**

~~(2.) In addition to the requirements established by the lot type standards and building type standards, the following minimum dimensional standards shall apply in the Industrial District:~~

Lot Size	Lot Width	Front Yard Setback	Rear Yard Setback	Side Yard Setback	Corner Lot Side Yard Setback
32,400 SF	180'	80'	16'	16'	

(F.) Open Space. The provision and design of open space shall comply with the requirements set forth in Article 21.

(G.) Parking, Landscaping and Buffers. Parking shall comply with the requirements set forth in Article 12.
Landscaping, including required buffers, shall comply with the requirements set forth in Article 11.

Planning Board Recommendation:

The Planning Board recommended approval of TX24.02.02 at their 02/20/2024 meeting.

Staff Recommendation:

Staff recommends approval of TX24.02.02. The proposed text amendment adds additional flexibility for development in the industrial zoning district and promotes the Council's objective in enhancing Industrial zoned areas. Additionally, this supports the 2024 Council Priorities and Action Strategies objective of supporting and enhancing Union West Business Park, which is primarily zoned industrial.



Statement of Consistency and Reasonableness

ZONING AMENDMENT: TX24.02.02

REQUEST: To amend Industrial setbacks in Article 8.4-11 of the Stallings Development Ordinance.

WHEREAS, The Town of Stallings Town Council, hereafter referred to as the “Town Council”, adopted the Stallings Comprehensive Land Use Plan on November 27, 2017; and

WHEREAS, the Town Council finds it necessary to adopt a new land development ordinance to maintain consistency with the Comprehensive Land Use Plan; and

WHEREAS, the Town Council finds it necessary to revise the Unified Development Ordinance to comply with state law found in NCGS § 160D.

THEREFORE, The Town Council hereby recommends that the proposed text amendment is consistent and reasonable with the Comprehensive Land Use Plan adopted on November 27, 2017, based on the goals and objectives set forth in the document of promoting quality development and consistency with all state-mandated land-use regulations established through NCGS § 160D. The Town Council recommends to **APPROVE** the proposed amendment and stated that the Town Council finds and determines that the text amendment is consistent and reasonable with the key guiding principles, goals, and objectives of the Comprehensive Land Use Plan for the following reasons:

1. This text amendment improves the flexibility of development in the Industrial zoning category.
2. Promotes the 2024 Town Council’s Priority & Action Strategies objective in enhancing Industrial zoned areas.

Recommended this the __ day of _____, 2024.

Mayor

Attest:

Clerk



MEMO

To: Town Council
From: Stuart Valzonis, Planner I
Date: March 25, 2025
Re: TX24.02.03 - Land Disturbance Permit

Request:

Staff requests a text amendment in the Stallings Development Ordinance Article 11 to amend the Tree Disturbance Plan and add a Land Disturbance Permit.

The text amendment reads as follows:

11.10 Activities Requiring a **Tree Land** Disturbance Permit

11.10-1 Purpose. Except as otherwise exempted herein, it shall be unlawful to:

- (A.) Remove, excessively prune, apply chemicals that are harmful to, or disturb any tree or the soil within the CRZ of any tree;
- (B.) Clear vegetation from a site; or
- (C.) Begin any excavation, remove soil, or place fill on a site within Stallings and its extraterritorial jurisdiction until the *Development Administrator* has issued a permit certifying that such activity complies with the applicable provisions of this Ordinance;
- (D.) **Make any alterations to storm water control measures and/or storm water infrastructure until the *Town Engineer* has issued a permit certifying that such activity complies with the applicable provisions of the Town of Stallings Development Ordinance.**

11.10-2 Applicability and Exceptions. **A Land Disturbance Permit is required for all land disturbing activities, except in the provisions below. If trees are being disturbed, then a Tree Disturbance Plan is also required per 11.10-4.** The provisions of this section shall apply to all Land Development **except**:

- (A.) Routine maintenance of existing vegetation outside the public rights-of-way, such as pruning, watering, and fertilizing.
- (B.) The removal of dead trees and shrubs or trees and shrubs that have been diagnosed and determined to be diseased beyond treatment, with the burden of proof being placed on the remover.
- (C.) Removal of soil or vegetation from undeveloped land to allow for non-commercial open space no greater than one-quarter (1/4) of an acre, providing this activity does not take place within the CRZ of any rare or specimen tree.
- (D.) Land disturbing activity normally associated with the occupancy of an existing

single family or two-family dwelling.

(E.) Any new construction or expansion of a single family or two-family dwelling requiring a building permit and involving land disturbance less than ten thousand (10,000) square feet unless the cumulative land disturbance is over ten thousand (10,000) square feet.

(F.) Developments requiring Site Development Plan review (see Article 7 of this Ordinance).

11.10-3 Land Development Permit Requirements. A Land Development Permit is required for all development projects unless exempt in accordance with 11.10-2.

(1.) All Land Development Permit applications shall include:

(A.) Property boundaries with dimensions

(B.) PIN for property

(C.) Location of adjacent streets and utility easements

(D.) Identify all protected areas

(E.) Grading and drainage features

(F.) Limits of clearing & disturbance (Explanation of work to be done)

(G.) Any other required permits (e.g. NCDEQ Sedimentation and Erosion Control Plan)

(H.) Other information determined by the Development Administrator as necessary to evaluate the request

(2.) Preparation by professional. Site Development Plans for developments requiring major site development plan review shall be prepared by a registered architect, engineer, landscape architect, or land surveyor licensed in the State of North Carolina for the work in which he is trained and licensed to perform.

11.10-4 Tree Protection Plan Requirements. A Tree Protection Plan for all development projects **when there are plans to disturb existing trees** to which these standards apply, along with all other necessary drawings, shall be submitted to the Development Administrator. Tree protection items shall be included on all grading plans, erosion control plans, and **tree land** disturbance permit plans.

(1.) **Tree Protection Plans** shall identify the following items:

(A.) Boundaries of the required Tree Conservation Area (TCA)

(B.) Required planting yard

(C.) Protected trees within the TCA including tree size and species

(D.) CRZ of each proposed protected tree or group of trees

(E.) Limits of clearing

- (F.) Grading
- (G.) Trenching
- (H.) Required tree protection measures including protective fencing and signage
- (I.) Overhead and underground utilities, rights-of-way, and easement
- (J.) Areas of reforestation, if any
- (K.) Stream buffers, if any
- (L.) A complete survey of all trees on the *site* (outside the labeled TCA) that exceed eighteen (18") inches DBH, including tree size and species.

(2.) Preparation by professional. Site Development Plans for developments requiring major site development plan review shall be prepared by a registered architect, engineer, landscape architect, or land surveyor licensed in the State of North Carolina for the work in which he is trained and licensed to perform.

11.10-5 Plan Notes-Procedures. The following procedures shall be followed on ~~tree protection plans, erosion control plans, grading plans,~~ Tree Disturbance Permit plans and Land Disturbance Permit Plans. in **CAPITAL LETTERS:**

- (A.) Contact the Planning Department to set up a pre-construction meeting.
- (B.) **Submit completed application.**
- (C.) All tree protection devices must be installed prior to inspection by the *Development Administrator* and prior to any tree disturbance activities.
- (D.) Removal or damage of trees in the conservation area will be subject to the penalties established in the Section 11.18 of this Ordinance.

11.10-6 Plan Review. The aforementioned plans shall be reviewed by the *Development Administrator and Town Engineer* for conformance with applicable provisions of this section and for tree and vegetation viability. The plans will either be approved or returned for revisions. Reasons for return shall be noted on the proposed plan.

11.10-7 Installation of Protective Measures. All tree protection measures shall be installed prior to inspection by the *Development Administrator or his/her designee* and prior to tree disturbance.

11.10-8 Site Inspections. The *Development Administrator or his/her designee* will conduct follow-up site inspections for enforcement of **this Article. the tree protection requirements.**

11.10-9 Permit Display. All permits issued hereunder shall be so displayed as to be clearly visible from a public right-of-way.

11.10-10 Emergency Waiver. The provisions of this section are waived if compliance would hamper the rescue of life or property from immediate danger or the repair of utilities

in the event of emergencies such as windstorms, ice storms, or other disasters.

Staff Recommendation:

Staff recommends approval of TX24.02.03 as per Article 11.1 which emphasizes establishing minimum standards for the design of landscapes so as to improve the community aesthetically, economically, and environmentally. The Land Disturbance Permit allows staff to uphold Town development standards, even in cases where no trees are being removed.



Statement of Consistency and Reasonableness

ZONING AMENDMENT: TX24.02.03

REQUEST: A text amendment in the Stallings Development Ordinance to amend the Tree Disturbance Plan and to add a Land Disturbance Permit to Article 11.

WHEREAS, The Town of Stallings Town Council, hereafter referred to as the “Town Council”, adopted the Stallings Comprehensive Land Use Plan on November 27, 2017; and

WHEREAS, the Town Council finds it necessary to adopt a new land development ordinance to maintain consistency with the Comprehensive Land Use Plan; and

WHEREAS, the Town Council finds it necessary to revise the Unified Development Ordinance to comply with state law found in NCGS § 160D.

THEREFORE, The Town Council hereby recommends that the proposed text amendment is consistent and reasonable with the Comprehensive Land Use Plan adopted on November 27, 2017, based on the goals and objectives set forth in the document of promoting quality development and consistency with all state-mandated land-use regulations established through NCGS § 160D. The Town Council recommends to **APPROVE** the proposed amendment and stated that the Town Council finds and determines that the text amendment is consistent and reasonable with the key guiding principles, goals, and objectives of the Comprehensive Land Use Plan for the following reasons:

- 1) This text amendment enhances clarity in the Stallings Development Ordinance, improving public understanding and staff application.
- 2) Strategy OS-5.1, requiring review of all projects for stormwater impact and engendering a natural environment of the highest quality.

Recommended this the __ day of _____, 2024.

Mayor

Attest:

Clerk



MEMO

To: Stallings Town Council
From: Max Hsiang, Planning Director
Date: March 25, 2024
Re: TX24.02.04 - Town Center Contiguity

Request:

Staff requests a text amendment in the Stallings Development Ordinance Article 8.3 to amend the definition of Town Center by removing the last sentence in the meaning of the Town Center District: "Expansion of the Town Center District shall be contiguous and not separated from the primary district area."

The text amendment reads as follows:

The Town Center District (TC) provides for new development, revitalization, reuse, and infill development in Stallings's core downtown. A broad array of uses is listed to enable the needs of residents and visitors to be met. Allowed building/lot types in this district are Urban Workplace, Shopfront, Detached House, Attached House, Multi-family Building, and Civic Building. The development pattern seeks to integrate shops, restaurants, services, workplaces, civic, educational, religious facilities, and higher-density housing in a compact, pedestrian-oriented environment. The Town Center District serves as the hub of the surrounding neighborhoods and of the broader community. The Town Center District may be expanded over time to meet the needs of the growing community for downtown facilities and services. ~~Expansion of the Town Center District shall be contiguous and not separated from the primary district area.~~

Staff Recommendation:

Staff recommends approval of TX24.02.04.

- The remaining portion of the definition clearly outlines the Town Center District's purpose, permitted uses, and desired character.
- Removing the sentence allows for greater flexibility in future planning and development decisions. While contiguous expansion is generally desirable, unforeseen circumstances or strategic considerations might necessitate non-contiguous additions in the future.
- The Town Council has the authority to approve or deny Town Center rezoning.

If ensuring contiguous expansion remains important, consider rephrasing the last sentence to be less restrictive and more open to future considerations. For example:

"Expansion of the Town Center District shall prioritize contiguity to the primary district area while considering broader community needs and future planning opportunities."



Statement of Consistency and Reasonableness

ZONING AMENDMENT: TX24.02.04

REQUEST: To amend the definition of Town Center in Article 8.3 of the Stallings Development Ordinance.

WHEREAS, The Town of Stallings Town Council, hereafter referred to as the “Town Council”, adopted the Stallings Comprehensive Land Use Plan on November 27, 2017; and

WHEREAS, the Town Council finds it necessary to adopt a new land development ordinance to maintain consistency with the Comprehensive Land Use Plan; and

WHEREAS, the Town Council finds it necessary to revise the Unified Development Ordinance to comply with state law found in NCGS § 160D.

THEREFORE, The Town Council hereby recommends that the proposed text amendment is consistent and reasonable with the Comprehensive Land Use Plan adopted on November 27, 2017, based on the goals and objectives set forth in the document of promoting quality development and consistency with all state-mandated land-use regulations established through NCGS § 160D. The Town Council recommends to **APPROVE** the proposed amendment and stated that the Town Council finds and determines that the text amendment is consistent and reasonable with the key guiding principles, goals, and objectives of the Comprehensive Land Use Plan for the following reasons:

1. This text amendment maintains clarity in the Stallings Development Ordinance.
2. This text amendment allows for greater flexibility in future planning and development decisions.

Recommended this the __ day of _____, 2024.

Mayor

Attest:

Clerk



MEMO

To: Stallings Town Council
 From: Max Hsiang, Planning Director
 Date: 03/25/2024
 Re: RZ24.01.01 - General Rezoning to TC

Request:

The Town of Stallings is proposing a rezoning for properties located on Stallings Rd. This rezoning would change the current zoning designations from [current zoning in chart below] to Town Center (TC).

Reasons for the Rezoning:

- **Alignment with Council Priorities:** The Town Council's 2024 Priorities and Action Strategies include a goal to develop a Town Center district. This rezoning initiative directly supports that goal.
- **Shifting Town Center Focus:** The widening of Old Monroe Rd has divided the originally envisioned Town Center area. Additionally, the Town's recent acquisition of properties at 315, 325, and 329 Stallings Rd has shifted the focus for Town Center development to the northeast section near Town Hall & Stallings Park, which is where these rezoning requests are located (refer to aerial map on next page for reference).
- **Demand for Different Businesses:** The areas currently zoned for Vehicle Service and Repair (VSR) have seen a surge in interest from businesses that don't fit within the allowed uses of VSR zoning. These businesses that wanted to locate in VSR, include commercial establishments, offices, and retail stores. To address this growing demand, the Town has recently made several amendments to the VSR zoning regulations to allow for uses like flooring sales, bakeries, medical equipment, and more. However, a full rezoning to Town Center (TC) would provide a more comprehensive approach to accommodate wider range of businesses.
- **Existing Businesses:** Any businesses currently operating on the properties and don't comply with the new Town Center (TC) zoning will be considered "grandfathered in." This means they can continue operating as long as they remain in business. However, if a grandfathered business ceases operations for a continuous period of 3 years or more, it will lose its grandfathered status and would need to comply with the TC zoning if it wishes to reopen.

Property Information:

Address	Parcel	Current Zoning	Grandfathered Use/Existing Use
325 Stallings Rd	07126008	Mixed-Use 2	Single-Family Residential
329 Stallings Rd	07126010	Mixed-Use 2	Single-Family Residential
333 Stallings Rd	07126011	Mixed-Use 2	Single-Family Residential
401 Stallings Rd	07126026	Single-Family 3	Single-Family Residential
409 Stallings Rd	07126027B	Mixed-Use 2	Beauty Shop (Salon)
475 Stallings Rd	07126264	Vehicle Service & Repair	Automotive Repair Service (Major)
509 Stallings Rd	07126265A	Vehicle Service & Repair	Vacant (Possible Auto Supply Sales)
613 Stallings Rd	07126266	Vehicle Service & Repair	Service Contractors without outdoor storage (Plumbing & Possible Auto Repair Major)
615 Stallings Rd	07126266A	Vehicle Service & Repair	Automotive Repair Service (Major); Automobile Dealer



Land Use:

Suburban Single-Family Neighborhood & Suburban Commercial Center



SCC Primary Land Uses:

SSFN - Single-Family Residential

SCC -

- General Commercial Services
- Sit down or Fast Food Restaurant
- Multi-tenant Commercial
- Big Box Commercial
- Bank
- Hotel
- Professional Office

Small Area Plan:

The Town Center Small Area Plan identifies this area as Office and Mixed Use and this rezoning request is consistent with the adopted plan.



Staff Recommendation:

Staff recommends approval of General Rezoning RZ24.01.01. By approving this rezoning, the Town can ensure the strategic development of the northeast Town Center Stallings Rd corridor to accommodate this broader range of businesses, ultimately creating a thriving Town Center that aligns with the Council's vision.

- There's a growing need for a wider variety of businesses in the area, beyond just automotive uses. This is evident by the four recent text amendments made to the Vehicle Service and Repair (VSR) zoning, and the numerous amendments throughout the years.
- The area targeted for rezoning falls within the designated Town Center Small Area Plan. Considering these factors - increased demand for diverse businesses, alignment with the CLUP's community engagement goals, and its location within the Town Center plan.
- The Town Council's 2024 Priorities and Action Strategies include a goal to develop a Town Center district. This rezoning initiative directly supports that goal.



Statement of Consistency and Reasonableness

ZONING AMENDMENT: RZ24.01.01

REQUEST: Town of Stallings requests a rezoning from the property's current zoning to Town Center (TC) for the properties below:

- 325 Stallings Rd
- 329 Stallings Rd
- 333 Stallings Rd
- 401 Stallings Rd
- 409 Stallings Rd
- 475 Stallings Rd
- 509 Stallings Rd
- 613 Stallings Rd
- 615 Stallings Rd
- 621 Stallings Rd (Suites A-H)
- 623 Stallings Rd
- 629 Stallings Rd
- 645 Stallings Rd

WHEREAS, The Town of Stallings Town Council, hereafter referred to as the "Town Council", adopted the Stallings Comprehensive Land Use Plan on November 27, 2017; and

WHEREAS, the Town Council finds it necessary to adopt a new land development ordinance to maintain consistency with the Comprehensive Land Use Plan; and

WHEREAS, the Town Council finds it necessary to revise the Unified Development Ordinance to comply with state law found in NCGS § 160D.

WHEREAS, the Town Council finds it necessary to consider the Planning Board's recommendations.

THEREFORE, The Town Council hereby votes that the proposed zoning amendment is consistent and reasonable with the Comprehensive Land Use Plan adopted on November 27, 2017, based on the goals and objectives set forth in the document of promoting quality development and consistency with all state-mandated land use regulations established through NCGS § 160D. The Town Council **Approves** the proposed amendment and stated that the Town Council finds and determines that the zoning amendment is consistent and reasonable with the key guiding principles, goals, and objectives of the Comprehensive Land Use Plan for the following reasons:

- There's a growing need for a wider variety of businesses in the area, beyond just automotive uses.
- The area targeted for rezoning falls within the designated Town Center Small Area Plan. Considering these factors - increased demand for diverse businesses, alignment with the CLUP's community engagement goals, and its location within the Town Center plan.
- This rezoning zoning will also help increase the number of commercial business opportunities in the Town per the Town of Stallings Economic Development Plan.
- The Town Council's 2024 Priorities and Action Strategies include a goal to develop a Town Center district. This rezoning initiative directly supports that goal.

Adopted this the __ day of _____, 2024

Mayor

Attest:

Town Clerk



AN ORDINANCE TO UPDATE the Town of Stallings §153.08 MINIMUM STANDARDS FOR SPACE, USE AND LOCATION of the Code of Ordinances.

WHEREAS, the accuracy and clarity of the ordinance code is essential for its effective implementation and enforcement;

WHEREAS, SESSION LAW 2019-174 HOUSE BILL 675 Section 3.(a) states: “ (f2) The ordinance shall not set a minimum square footage of any structures subject to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings.”

WHEREAS, SESSION LAW 2019-174 HOUSE BILL 675 Section 3.(b) states: “(a1) A zoning ordinance shall not set a minimum square footage of any structures subject to regulation under the North Carolina Residential Code for One and Two Family Dwellings.”

WHEREAS, SESSION LAW 2019-174 HOUSE BILL 675 Section 3.(c) states:“(f2) The ordinance may not set a minimum square footage of any structures subject to regulation under the North Carolina Residential Code for One and Two Family Dwellings.”

WHEREAS, SESSION LAW 2019-174 HOUSE BILL 675 Section 3.(d) states: “(a1) A zoning ordinance shall not set a minimum square footage of any structures subject to regulation under the North Carolina Residential Code for One and Two Family Dwellings.”

WHEREAS, §160D-702 states: “(c) A zoning or other development regulation shall not do any of the following: (1) Set a minimum square footage of any structures subject to regulation under the North Carolina Residential Code for One- and Two-Family Dwellings.”

NOW THEREFORE, the Town Council of the Town of Stallings hereby amends the Town Code of Ordinances as follows:

§153.08 is rewritten as follows:

(RESERVED)

§ 153.08 MINIMUM STANDARDS FOR SPACE, USE AND LOCATION:

~~—(A) Room sizes:~~

- ~~—(1) Every dwelling unit shall contain at least the minimum room size in each habitable room as required by the Residential Building Code. Floor area shall be calculated on the basis of habitable room area. However, closet area and wall area within the dwelling may count for not more than 10% of the required habitable floor area. The floor area of any part of any room where the ceiling height is less than four and one-half feet shall not be considered as a part of the floor area in computing the total area of the room to determine maximum permissible occupancy.~~
- ~~—(2) Every dwelling unit shall contain at least 150 square feet of habitable floor area for the first occupant, at least 100 square feet of additional habitable area for each of the next three occupants, and at least 75 square feet of additional habitable floor area for each additional~~

~~occupant. In every dwelling unit and in every rooming unit, every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor area, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor area for each occupant 12 years of age and over and at least 35 square feet of floor area for each occupant under 12 years of age.~~

- ~~—(B) Ceiling height. At least one-half of the floor area of every habitable room shall have a ceiling height of not less than seven feet and six inches.~~
- ~~—(C) Cellar. No cellar shall be used for living purposes unless:~~
 - ~~—(1) The floor and walls are substantially watertight;~~
 - ~~—(2) The total window area, total openable window area and ceiling height are equal to those required for a habitable room; and~~
 - ~~—(3) The required minimum window area of every habitable room is entirely above the grade adjoining the window area, except where the windows face a stairwell, window well or access way.~~

~~(Ord. passed 11-28-2005; Am. Ord. passed 2-11-2013) Penalty, see § 153.99~~

ADOPTED this the ___ day of _____, 2024.

Wyatt Dunn, Mayor

Attest:

Erinn Nichols, Town Clerk

Approved as to form:

Cox Law Firm, PLLC