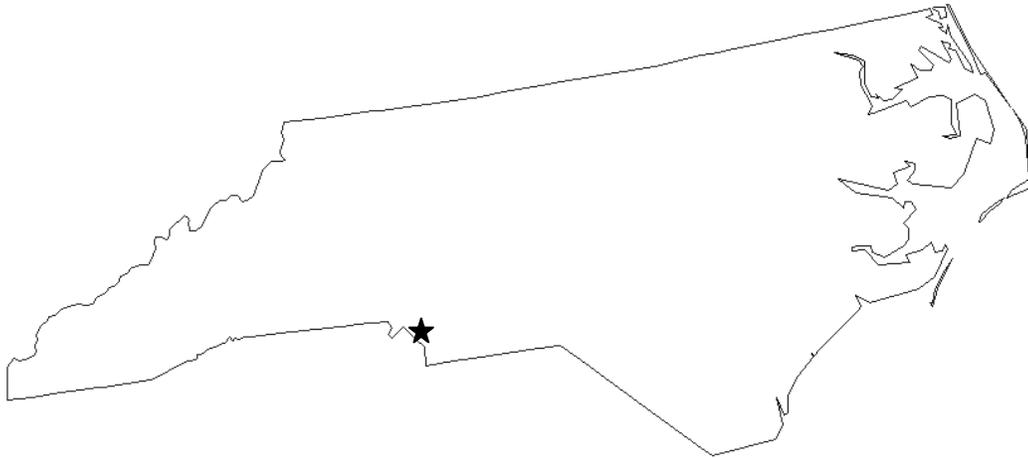




Subdivision Ordinance



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INTRODUCTION

Land subdivision regulations have been described as "the guidance of land subdivision development by a public authority, enforced through the power to uphold the privilege of public record from plats that do not meet the establishment requirements and standards."

The Town, enforcing subdivision regulations is ensuring sound community growth for the Town of Pineville and its extraterritorial jurisdictions, and it is safeguarding the interests of the homeowner and the subdivider. The decision of a subdivider to convert vacant land to housing development, for example, is a serious one. This action indelibly places development in a town that is permanent and has a lasting influence for many years. For these reasons, it is of primary importance that a municipality adopts and enforces subdivision regulations.

A WORD TO THE DEVELOPER

Any property owner, real estate agent, or builder who anticipates subdividing land in Pineville should become familiar with these regulations. They have been designed and drawn up to achieve equal, impartial treatment for all, and to provide clear-cut procedures for the preparation, submission, and review or approval of subdivision plans. The Town of Pineville encourages any and all developers to retain a qualified technician such as land planner, landscape architect, engineer, surveyor, etc., to prepare the plan. This recommendation is made by the Town because it is important that a person subdividing land possess the necessary skill and imagination to produce the best design under given conditions.

TO AVOID DELAYS

1. Consult the Planning Director, who administers the Subdivision Ordinance for the Town of Pineville, before proceeding with subdivision plans.
2. Make sure that the design of the subdivision meets the minimum standards of design.
3. Submit all items as required when presenting a preliminary plat or a final plat for review or approval. Submit plans to the Planning Director.

1.000. PURPOSE AND APPLICABILITY

1.100 Short Title

This ordinance will be known and may be cited as the Pineville Subdivision Ordinance.

1.200 Purpose

The provisions of this ordinance are adopted pursuant to the authority conferred by Section 160A-371 et. seq. of the General Statutes of North Carolina for the purpose of promoting the orderly development of the Town, and for the purpose of coordinating transportation networks and utilities within subdivisions with existing or planned streets or with public facilities; to secure adequate rights-of-ways or easements for street or utility purposes; to secure adequate spaces for recreation and school sites; to secure adequate open spaces for recreational purposes; to provide for the distribution of population and traffic in a manner which shall avoid congestion and overcrowding; to protect and enhance environmental quality; and to create conditions to substantially promote health, safety, convenience and the general welfare.

1.300. Jurisdiction

The provisions of this ordinance apply to all subdivision activities for the Town of Pineville and its extraterritorial jurisdiction as shown on the Town's official zoning map.

1.400 Separability

If any section, paragraph, subdivision, clause or provision of this ordinance is judged invalid by a court of competent jurisdiction, such judgment will apply only to such section, paragraph, subdivision, clause or provision so judged and the remainder of this ordinance will be deemed valid and effective.

1.500 Compliance and Violations

All plats for the subdivision of land must conform to the requirements of this ordinance, and be submitted in accordance with the procedures and specifications established herein. The description by metes and bounds in an instrument of transfer or other document used in the process of selling or transferring land will not exempt the transaction from compliance with this ordinance. Violations of this ordinance shall constitute a zoning violation and subject to any or all corrective measures or penalties per day per violation as described in the Pineville Zoning Ordinance and/or other applicable Town approved agent such as Mecklenburg County, FEMA, EPA or similar.

1.600 Effective Date

This ordinance will become effective October 13, 2015.

1.700. Relation to Other Ordinance

It is not intended that this Ordinance will in any way interfere with the provisions of any other law or ordinance. In addition, it is not intended that this Ordinance will repeal, annul or interfere with any rules, regulations, permits or conditions which were legally adopted or issued under the Zoning Ordinance, and which may conflict with any requirements in this Ordinance.

Any such Subdivision Ordinance requirement which is inconsistent or conflicts with any other requirement or condition, shall defer to the more strict requirements or as specifically stated and modified by Pineville Town Council as part of any conditionally approved plan.

2.000. DEFINITIONS AND RULES OF CONSTRUCTION

2.100. Definitions

As used in this ordinance, the following terms will have the meanings indicated in this section:

APPEAL. An action relating to a dispute involving an administrative interpretation or application of an ordinance standard to a particular parcel of land.

CHARLOTTE-MECKLENBURG LAND DEVELOPMENT STANDARDS MANUAL The manual of construction standards and details jointly prepared by the Charlotte City Engineer and Mecklenburg County Director of Engineering which regulates and controls the provision and construction of public and private improvements relating to streets, sidewalks, drainage and other facilities. Whenever, in this ordinance, reference is made to "standards" or "manual" it refers to that document, as it may be amended from time to time unless there is a specific standard the Town has adopted otherwise.

COLLECTOR STREET (CLASS V). A roadway which assembles traffic from local streets, and distributes it to the nearest arterial street. The Class V road provides direct primary access to low/medium density land uses. It is designed to carry low to moderate traffic volumes at low to moderate speeds.

COMMERCIAL ARTERIAL STREET (CLASS III-C). A multi-lane, major roadway connecting Class I or II roads with lesser streets in the network, the Class III-C road may also connect this region to other regions. It is designed to accommodate large volumes of traffic at moderate speeds while also providing, as a major part of its function, direct access to nonresidential high trip generating land uses. A Class III-C road may be part of state primary or secondary highway systems.

DEPARTMENT OF ENVIRONMENTAL PROTECTION (D.E.P.). Shall mean Mecklenburg County Department of Environmental Protection or other relevant Environmental Protection Agency or group.

DEVELOPMENT KEY. A diagram showing the current approved masterplan for a development along with how each proposed property line specific phase fits within the masterplan.

FREEWAY OR EXPRESSWAY (CLASS 1). A multi-lane, grade-separated, limited access major road connecting this region, major activity centers or major roads with other regions, major activity centers or major roads. It is designed to accommodate large traffic volumes at high speeds. Such a facility may be part of the interstate, federal or state primary highway system. A Class I road will be built to or approaching interstate design standards.

LIMITED ACCESS ARTERIAL STREET (CLASS II). A multi-lane limited access major road connecting major activity centers or major roads. It is designed to accommodate large volumes of traffic at moderate speeds. Intersections are at grade, with access only at cross streets rather than at individual driveways. All types of land uses are acceptable along this road with proper consideration to environmental stresses related to the road.

LOCAL STREET (CLASS VI). This is a two-lane roadway which provides access directly to adjoining low/medium density land uses. It also conducts traffic to local limited and Class V streets which serve the area. The Class VI road is designed to accommodate low volumes of traffic at low speeds. A local limited street (Class VI-L) serves the same system function as the Class VI street but is located in residential environments which have been created through special conditions or design considerations. These unique environments include planned developments and other similar techniques, or cul-de-sac streets in conventional subdivisions. A Class VI-L street may not provide vehicular access to elementary, junior or senior high schools, colleges, or official sites for such schools or to proposed places of public assembly including public or private parks, recreation facilities, or greenways.

MAJOR ARTERIAL (CLASS 111). A multi-lane major roadway connecting Class I, II or III streets with lesser streets in the network. The Class In road may also provide connections between this and other regions. It is designed to accommodate large volumes of traffic at moderate speeds, but it is not intended to provide primary access to adjoining high trip generating uses.

MINOR ARTERIAL (CLASS IV). A roadway, frequently two lanes, providing a connection from Class II and Class III roads to other lesser roads in the system. It is designed to accommodate moderate volumes of traffic at moderate speeds. It does not have a significant function in connecting this region to other regions. Therefore, it usually only handles trips for short to moderate distances.

PLANNED DEVELOPMENT. A planned development is a group of two or more duplex or multi-family residential or nonresidential buildings established in a single development tract, having unified design of buildings and coordinated organization of open space, parking and service areas.

REVERSE FRONTAGE. The configuration of lots or a development site so that vehicular access to the lots or development site does not involve individual driveway connections to the street for which the access is restricted, but rather is from another means such as a public street which either intersects or runs parallel to the street for which access is restricted or a private street or easement. Reverse frontage does not relate to any particular orientation of the structure to the street.

SCHOOL BOARD. School board shall mean the Charlotte-Mecklenburg School Board.

STREET RIGHT-OF-WAY. Street right-of-way shall mean any public right-of-way set aside for public travel which has been accepted for maintenance by the State of North Carolina or the Town of Pineville or has been dedicated for public travel by the recording of a plat or a subdivision which prior to the effective date of this ordinance has been approved by either the Town Planning Board, Town Council, or Board of County Commissioners or is subsequently approved by the Town Planning Board, Town Council or the Planning Director, or has otherwise been established as a public street prior to the adoption of this ordinance.

SUBDIVISION. A subdivision means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development (whether immediate or future) and shall include all divisions of land involving the dedication of a new street or a change in existing streets; but the following shall not be included within this definition nor be subject to the regulations authorized by this Ordinance:

1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the municipality;
2. The division of land into parcels greater than 10 acres where no street right-of-way dedication is involved;
3. The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors; and
4. The division of a tract in single ownership into not more than 5 lots where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed all other land development standards.

However, all exempt subdivisions shall be approved via issuance of the following Exemption Certificate by the Planning Director prior to the recording of same with

Mecklenburg County, but only after submittal of a Certificate of Submittal Type by Surveyor to the Planning Director.

Exemption Certificate

I hereby certify that this subdivision of land is exempt from the Town of Pineville Subdivision Ordinance, and may be recorded with the Mecklenburg County Register of Deeds Office.

Planning Director

Date

Certificate of Subdivision Type by Surveyor:

It is the duty of the surveyor, by a certificate, to certify to the following on the face of the plat:

This survey is of another category of subdivision such as recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision found in the Town of Pineville Subdivision Ordinance.

SUBDIVISION, ADMINISTRATIVE. A subdivision that is not otherwise exempt from the provisions of the ordinance and that does not involve any of the following:

1. The creation of any new public streets or street right-of-way, or improvements to an existing street.
2. The extension of any needed rights-of-way or easements for the water or sewer system operated by Charlotte-Mecklenburg Utility Department.
3. The installation of drainage improvements through one or more lots to serve one or more other lots.
4. The installation of a private water treatment plant or a private water supply system for more than one lot.
5. The creation of more than five lots.

SUBDIVISION, MINOR A subdivision that is not otherwise exempt from the provisions of the ordinance and that does not involve any of the following:

1. The extension of any needed rights-of-way or easements for the water or sewer system operated by Charlotte-Mecklenburg Utility Department.

2. The installation of drainage improvements through one or more lots to serve one or more other lots.
3. The installation of a private water treatment plant or a private water supply system for more than one lot.
4. The creation of more than ten lots.

SUBDIVISION, MAJOR. A subdivision that involves any of the following:

1. The creation of any new public streets or street right-of-way, or improvements to an existing street.
2. The extension of any needed rights-of-way or easements for the water or sewer system operated by Charlotte-Mecklenburg Utility Department.
3. The installation of drainage improvements through one or more lots to serve one or more other lots.
4. The installation of a private water treatment plant or a private water supply system for more than one lot or building site.
5. The creation of more than ten lots.

THOROUGHFARE. Any street designated on the adopted thoroughfare plan or any street which is an extension of any street on the thoroughfare plan and which extends into the area not covered by the thoroughfare plan. The words thoroughfare and arterial are used synonymously and indicate streets which are designated as Class 1, II, III, III-C, or IV.

THOROUGHFARE PLAN. The most recent Metropolitan Planning Organization (MPO) map approved by the Town Council and the Board of County Commissioners which indicates the system of roads expected to serve major access and travel needs with regard to auto, truck and transit transportation. The words thoroughfare plan and arterial street plan are used synonymously.

MODIFICATION. An action requesting consideration for relief from the strict enforcement of the standards of the ordinance where special circumstances or unusual considerations may exist on the parcel of land.

THROUGH LOT. A lot with frontage on two streets.

2.200. Rules of Construction

For the purposes of these regulations, the following rules of construction will apply.

These regulations will be construed to achieve the purposes for which they are adopted.

In the event of a conflict between the text of these regulations and any caption, figure, illustration, table, or map, the text of these regulations will control.

In the event of any conflict in limitations, restrictions, or standards applying to a project, the more restrictive provision will apply.

The words "shall", "must", and "will", are mandatory in nature, implying an obligation or duty to comply with the particular provision.

The word "may" is permissive in nature except when used in the negative.

Words used in the present tense include the future tense.

Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise.

Words used in the masculine gender include the feminine gender.

References to "days" will always be construed to be business days, excluding weekends and holidays, unless the context of the language clearly indicates otherwise.

3.000. DECISION MAKING AND ADMINISTRATIVE BODIES

3.100. Planning Director

The term Planning Director shall refer to the Planning Director or his designee. The Planning Director shall have the following powers and duties to be carried out in accordance with these regulations:

1. To interpret, review, approve or deny, and provide feedback to subdivision applicants and/or any appropriate board for conditional approval or appeals as needed for all subdivisions of land within the authority and jurisdiction of these regulations.
2. To maintain files and other public records related to the administration and enforcement of these regulations.
3. To comment on proposed amendments to these regulations.

4. To work to coordinate all local, state, and other appropriate agency reviews and comments on all subdivisions proposed under these regulations.
5. To establish such rules of procedure as necessary and proper for the administration of their responsibilities under these regulations.

3.200. Pineville Planning Board

The Pineville Planning Board will have the following powers and duties to be carried out in accordance with these regulations:

1. To recommend and comment on proposed amendments to these regulations to the Town Council.
2. To hear and decide requests for modifications from the standards of this ordinance in accordance with the provisions of Section 4.200.
3. To hear and decide appeals regarding the action of the Planning Director in the administration of this Ordinance.

In reviewing subdivisions and proposed amendments, the Pineville Planning Board may approve the request, deny the request, or approve the request with conditions relating to the intent and standards of the ordinance.

In deciding modifications, the Pineville Planning Board, acting in a quasi-judicial manner, may approve the request, deny the request, or approve the request with conditions relating to the intent and standards of the ordinance.

In hearing appeals, the Pineville Planning Board may reverse or modify any action under appeal upon finding an error in the application of these regulations.

3.300. Pineville Town Council

The Pineville Town Council will have the following powers and duties to be carried out in accordance with these regulations:

1. To hear and decide appeals regarding the action of the Pineville Planning Board in the approval or disapproval of any subdivision proposed under these regulations.
2. To hear and decide appeals from the interpretation of any provisions of this ordinance from the Pineville Planning Board.
3. To hear and decide on proposed amendments to these regulations.

In deciding appeals, the Pineville Town Council may reverse, or modify the order,

decision, determination, or interpretation under appeal upon finding an error in the application of these regulations.

In deciding on proposed amendments, the Pineville Town Council may approve the amendment, deny the amendment, or approve the amendment with conditions relating to the intent and standards of the ordinance. On matters, relating to text changes the Town Council may refer a matter back to the Planning Board for further review and may call for a new public hearing based on the recommendation then forwarded by the Planning Board.

3.400. Secretary to the Pineville Planning Board

The Secretary to the Pineville Planning Board shall also be the Planning Director unless otherwise appointed and will have the following powers and duties to be carried out in accordance with these regulations:

1. To maintain the text of these regulations.
2. To prepare amendments to the text of the regulations at the request of the Pineville Town Council or the Planning Board.
3. To receive, determine completeness, and file notices of appeals submitted by the applicant within ten (10) days of plan approval is issued or denied.
4. To accept and file petitions for modifications.

4.000. APPEALS

4.101. Authority of the Pineville Town Council

The Pineville Town Council will have the authority to hear and decide appeals from any order, decision, determination, or interpretation made by the Pineville Planning Board pursuant to or regarding these regulations.

4.102. Authority of the Pineville Planning Board

The Pineville Planning Board will have the authority to hear and decide appeals from any action of the Planning Director pursuant to or regarding these regulations.

4.103. Standards for Granting an Appeal

1. The Pineville Town Council may reverse or modify the order, decision, determination, or interpretation under appeal upon finding an error in the application of these regulations on the part of the Pineville Planning Board rendering the order, decision, determination, or interpretation.

2. In modifying the order, decision, determination, or interpretation, the Pineville Town Council will have all the powers of the Pineville Planning Board from whom the appeal is taken.
3. The Pineville Planning Board may reverse or modify any action or decision under appeal upon finding an error in the application of these regulations on the part of the Planning Director.
4. In modifying the action, the Pineville Planning Board will have all the powers of the Planning Director from whom the appeal is taken.

4.104. Initiation

1. An appeal from any order, decision, determination or interpretation made by the Pineville Planning Board on a preliminary plan or final plat may be initiated by any person aggrieved, or by any officer or department of the Town of Pineville. However, only the applicant has the right of appeal from the disapproval of a final plat.
2. An appeal from any action or decision made by the Planning Director may be initiated by any person aggrieved, or by any officer or department of the Town of Pineville.

4.105. Filing of Notice of Appeal

1. A notice of appeal in the form prescribed by the Pineville Town Council must be filed with the Secretary to the Pineville Planning Board within ten (10) days of the day a preliminary plan approval is issued or denied by the Pineville Planning Board or within ten (10) days of the day an action or decision by the Planning Director is taken.

The notice filed with the Secretary to the Pineville Planning Board must be accompanied by a nonrefundable filing fee. Failure to file a complete appeal form and fee in a timely manner will constitute a waiver of any rights to appeal.

2. The filing of an appeal of an order, decision, determination, or interpretation made by the Pineville Planning Board will require the Planning Director and the Pineville Planning Board to transmit to the Pineville Town Council all administrative papers, records, and other information regarding the subject matter of the appeal.
3. The filing of an appeal of an action or decision taken by the Planning Director will require the Planning Director to transmit to the Pineville Planning Board all administrative papers, records, and other information regarding the subject matter of the appeal.

4. The filing of an appeal shall halt any additional subdivision activity or proposals by the applicant and also any additional enforcement action by the Planning Director.

4.106. Determination of Completeness

1. Incomplete applications or applications submitted after the ten (10) day limitation shall not be accepted. If the Secretary to the Pineville Planning Board fails to notify the appellant, the notice will be deemed complete.
2. If the notice of appeal of any order, decision, or determination or interpretation taken by the Pineville Planning Board is deemed complete, the Secretary to the Pineville Planning Board will forward the appeal request to the Planning Director for review and comments on the appeal.
3. If the notice of appeal of any action or decision made by the Planning Director is deemed complete, the Secretary to the Pineville Planning Board will schedule the appeal to be heard at the next scheduled meeting of the Pineville Planning Board. (The Secretary must have deemed the appeal complete at least fourteen (14) days before the next regularly scheduled meeting of the Pineville Planning Board in order to place the plan on their agenda and have a quorum of the members.)
4. A determination of completeness will not constitute a determination of compliance with the substantive requirements of these regulations but will only allow review of the appeal to proceed under this section. In the event that the notice of appeal is automatically deemed complete due to the failure of the Secretary to the Pineville Planning Board to notify the appellant or petitioner of any deficiencies in the notice of appeal, the deficiency of information may result in rejection of the appeal by the Pineville Town Council or the Pineville Planning Board.

4.107. Planning Director Review

1. After receipt of a complete appeal petition (of any order, decision, determination, or interpretation taken by the Pineville Planning Board) from the Secretary to the Pineville Planning Board, the Planning Director will review the appeal and send a written report to the Pineville Town Council. In making any recommendations, the Planning Director may consult with other agencies or obtain legal advice as needed.

4.108. Notice and Hearing

1. The Pineville Planning Board or thereafter Town Council will hold public hearings on any appeal
2. The Secretary to the Pineville Planning Board will mail or email written notice of the time, place, and subject of the public hearing to the person or persons filing the notice of appeal to the owners of the subject property, and to the owners of property which adjoins or is directly across a street or alley from the subject property at least ten (10) days prior to the hearing.

4.109. Action by the Pineville Town Council

1. The Pineville Town Council may reverse, affirm, or modify any order, decision, determination, or interpretation taken by the Planning Board, under appeal by adopting a resolution in the minutes of the meeting. The resolution must state the reasons that the Pineville Town Council used to reach its decision.

4.110. Action by the Pineville Planning Board

1. The Pineville Planning Board may reverse, affirm, or modify any action or decision made by the Planning Director under appeal by adopting a resolution in the minutes of the meeting. The resolution must state the reasons that the Pineville Planning Board used to reach its decision.

4.111. Rehearing

The Pineville Town Council and the Pineville Planning Board shall refuse to rehear an appeal which has been previously denied unless it finds that there have been substantial changes in the conditions or circumstances relating to the matter.

4.112. Appeal From Pineville Planning Board Action or Decision

If there is an appeal from the decision of the Pineville Planning Board taken to the Pineville Town Council, then the person filing the appeal may not file a revised preliminary plan or revised final plat for the portion of the subject site affected by the appeal until the completion of the appeal to the Town Council or any final judicial determination.

4.113. Appeal From Planning Director Action or Decision

If there is an appeal from an action or decision of the Planning Director, then the person filing the appeal may not file a revised preliminary plan or revised final plat for the portion of the subject site affected by the appeal until the completion of the appeal to the

Pineville Planning Board or any final judicial determination.

4.114. Appeal of a Decision Made by the Pineville Town Council

Any appeal of a decision rendered by the Pineville Town Council must be to the superior court by proceedings in the nature of certiorari. Any petition for review by the superior court must be filed with the Clerk of Superior Court within 30 days after the decision of the Pineville Town Council is filed in the office of the Secretary to the Pineville Planning Board.

4.200. MODIFICATIONS

4.201. Authority of the Pineville Planning Board

The Pineville Planning Board will have the authority to hear and decide petitions for modifications from the requirements of these regulations which relate to subdivision of land or any development standards and requirements of this ordinance not inconsistent with other codes or ordinances.

4.202. Standards for Granting a Modification

Pineville Town Council alone shall hear any hear and/or modify any conditional rezoning or conditional approval subdivision requests. All by right or other modification requests shall be heard by the Planning Board, acting in a quasi-judicial manner must determine that at least one of the following findings of fact are met:

1. The difficulty or hardship is peculiar to the property in question and is not generally shared by other properties used for the same purposes;
or
2. The relationship of the property to natural topography or to the nature of adjoining properties warrants relief from the standard in question;
or
3. The difficulty or hardship from the application of these regulations would prevent the owner from making a reasonable use of the property. The fact that the property could be utilized more profitably with the modification than without the modification will not be considered as grounds for granting the modification; or
4. The granting of a modification would permit the preservation of a historic structure or site.

4.203. Initiation

1. A petition for modification may be initiated only by the owner of the affected

property, an agent authorized in writing to act on the owner's behalf, or a person having a written contractual interest in the affected property.

4.204. Effect of Granting a Modification

After the approval of a modification by the Pineville Planning Board, the petitioner will be required to follow the procedures for preliminary and final plat approval in order to proceed with development of the subject property. All decisions made by the Pineville Planning Board under those procedures will comply with the variation in these regulations granted to the petitioner by the Pineville Planning Board, Pineville Town Council or court.

5.000. AMENDMENTS

5.100. Applications for a change in the Zoning Ordinance text or map may be instituted by Staff, Planning Board, Town Council, Property Owners or their authorized agents only.

5.200 The Town Council and the Planning Board shall receive public comment on applications for amendments to this Ordinance in a Public Hearing at a time and place to be announced by public notice. A Quorum of both the Council and Planning Board is required for such hearing. Notification of the public hearing shall be made in the following manner:

- a. A notice shall be published in the newspaper having general circulation in the area once a week for two (2) successive weeks, the first notice to be published not less than ten (10) days nor more than twenty-five (25) days prior to the date established for the hearing. In computing such time, the date of publication is not to be included, but the date of the hearing shall be included.
- b. A notice may be placed in the Pineville Town Hall or Town Website for additional notice.
- c. Or as otherwise permitted to meet advertising requirements set forth by the State of North Carolina.

5.300 The Planning Board shall consider the application and have a recommendation to Town Council after the close of the joint public hearing whenever possible. Pineville Town Council shall have authority to vote on a proposal without Planning Board recommendation if needed. Should additional time be required by the Planning Board they shall have a recommendation on the application at the next regular meeting date no later than thirty (30) days after the public hearing. If a recommendation is not made during said time period, the application shall be forwarded to the Town Council without a recommendation from the Planning Board. If a recommendation is made to the Town

Council, it shall be as follows:

1. Adoption of the amendment(s) as written, or
2. Adoption of the amendment as revised by the Planning Board, or
3. Rejection of the amendment.

5.400 Once the Town Council has received the recommendation of the Planning Board or the thirty (30) day period elapses without a recommendation, the Town Council shall consider the application at its next scheduled meeting. The Town Council may approve, deny, or modify the proposed amendment.

6.000. THE SUBDIVISION PROCESS

6.100 Compliance Required

After the effective date of this ordinance, no plat of a subdivision of land subject to the jurisdiction of this ordinance will be filed or recorded by the County Register of Deeds until it has been submitted to and approved by the Planning Director.

6.150. General Requirements

The following statements provide general requirements and policies to be used in the design, review and approval of any subdivision under the jurisdiction of this ordinance. Questions of interpretation of any of these provisions should be discussed with the Planning Director at the earliest possible time in the development of a subdivision proposal.

1. **Consistency with adopted plans and policies.** All subdivision of land approved under these regulations shall be consistent with the most recently adopted public plans and policies for the area in which it is located. This includes general policy regarding public safety, avoiding development in hazard prone areas, compatibility with surrounding properties and future land use plans, development objectives for the area as well as specific policy or plans for construction of streets including dedication of right-of-way, parks, open space, schools, and other similar facilities.
2. **Conformity.** All proposed subdivisions shall be planned so as to facilitate the most advantageous development of the entire neighboring area. In areas with existing development, new subdivisions shall be planned so as to protect and enhance the stability, environment, health, safety and character of the neighboring area. Street connectivity is required within compatible uses and encouraged elsewhere with appropriate buffers.

3. **Extension of existing street.** The proposed street system shall extend existing streets on their proper projections (including infrastructure and sidewalks) at the same or greater width than the minimum into neighboring undeveloped property or to connect otherwise unconnected existing streets to further future street connectivity of adjacent development. Emphasis will be placed on the adopted thoroughfare plan and any adopted plans in the determination of street extensions and connections.
4. **Access to adjoining unsubdivided property.** The proposed street system shall be designed to provide for desirable access to unsubdivided property adjoining the subdivision and to provide interconnection to similar adjacent uses when such connection would facilitate traffic movement in the area. Reserve strips adjoining street rights-of-way for the purpose of preventing access to adjacent property are not permitted. However, the provision for or the existence of a potential access point does not mean that access at that point will be required or allowed in subsequent development of the area.
5. **Relationship to topography.** In sloping terrain, streets shall parallel the contours of the land insofar as practicable, to avoid steep grades and the concentration of storm water surface runoff.
6. **Mature trees and Natural Vegetation.** Streets and development sites shall be designed to protect and preserve, to the greatest extent practicable, stands of mature trees and other areas of significant natural vegetation.
7. **Access to parks, schools, greenways, etc.** Streets shall be designed or walkways dedicated to assure convenient access to parks, greenways, playgrounds, schools and other places of public assembly. Dedicated walkways may not be less than 15 feet in width and may be required to be large enough to provide vehicular access for maintenance vehicles.
8. **Discourage through- traffic.** Streets shall be laid out so as to discourage through traffic unless the street is designated as a thoroughfare in the adopted thoroughfare plan or is a designated collector street.
9. **Relationship to railroad rights-of-way.** When a subdivision adjoins a railroad right-of-way the subdivider may be required to arrange the street pattern to provide for future grade separation of street and railroad crossings.
10. **Half streets.** Whenever an existing half street is adjacent to a tract of land to be subdivided the other half of the street shall be platted within such tract. New half streets are prohibited.
11. **Parallel streets along thoroughfare.** Where a tract of land to be subdivided adjoins a federal or state highway or a major arterial street, the subdivider may be required to provide a street parallel to the highway or to utilize reverse frontage

on an interior street for the lots to be developed adjacent to the highway. Where reverse frontage is established, deed restrictions or other means shall be provided to prevent private driveways from having direct access to the highway or street.

12. **Public School and Public Park Sites.** When a tract of land that appears in any adopted plan or policy document as a future public school, public park, greenway, or open space site falls within an area proposed to be subdivided, the Planning Director may notify the appropriate agency of the proposed subdivision and its affect on the future public site. The appropriate agency must decide within 30 days if it wishes to reserve the site for future acquisition. If the site is not to be reserved, then the subdivision will be processed in the normal fashion. If the agency does wish to reserve the site, then the subdivision will not be approved without such reservation. The appropriate agency will have 18 months from the date of preliminary plan approval to acquire the site by purchase, receipt of a dedication or by initiating condemnation proceedings. If, at the end of the 18 month period, none of the actions listed above have commenced the subdivider may consider the land free of any reservation.
13. **Public Facilities .** When a tract of land that appears in any adopted plan or policy document as a future site for any community service facility, including but not limited to police and fire stations, libraries, or other public use sites falls within an area proposed to be subdivided, the Planning Director will notify the appropriate agency of the proposed subdivision and its affect on the future public site. The appropriate agency must decide within 30 days if it wishes to reserve the site for future acquisition. If the site is not to be reserved, then the subdivision will be processed in the normal fashion. If the agency does wish to reserve the site, then the subdivision will not be approved without such reservation. The appropriate agency will have 18 months from the date of preliminary plan approval to acquire the site by purchase, receipt of a dedication or by initiating condemnation proceedings. If, at the end of the 18 month period, none of the actions listed above have commenced the subdivider may consider the land free of any reservation.
14. **Street name.** Proposed street names shall not duplicate nor too closely approximate phonetically the name of any street within the county or town. Where proposed streets are extensions of existing streets, the existing street names shall be used.
15. **Easements.** Easements established to the width and in the locations required by any engineering, utility, or similar department, but in no case less then 10 feet wide, shall be provided for open or piped storm drainage, sanitary sewers and water lines. Easements shall be in place before any construction begins for each or any parcel of land involved with any easement for new development. This requirement applies to such lines installed at the time of the development of the subdivision, and to easements for such lines which may reasonably be expected to be installed in the future.

16. **Proposed water and sewerage system.** The preliminary subdivision plan shall be accompanied by satisfactory evidence as to the proposed method of providing potable water and a system of sanitary sewage collection and disposal.

1. Where these systems are to be a part of the public water and sanitary sewerage system owned and operated by the Charlotte Mecklenburg Utility Department (Charlotte Water), the acceptability of the proposed systems shall be attested by the approval of the preliminary subdivision plan by the utility department or a letter from the utility department stating the availability of water and/or sewer service and that the subdivision will be allowed to connect to the system upon completion and dedication of the systems in the development.
2. Any proposed private water or sewer system shall be reviewed and approved by the agency or agencies with jurisdiction over the approval and then submitted to the Planning Director. Evidence must be provided by the developer prior to the preliminary plan approval of the required discharge permit or perk test for sewer disposal whichever is applicable. Prior to the approval of the final plat evidence must be provided that both the sewer and water system designs have been approved for construction. Prior to the issuance of any certificate of occupancy for any structure, evidence must be provided that both the water and sewer systems have been approved and are operational for the structures in question.

Where local standards exceed those of State or Federal agencies and where those standards may be enforced over those of State or Federal agencies, then the Department of Environmental Protection will coordinate all reviews for such standards. However, the approval of the proposed systems remains with the responsible agency or agencies, which may include the Department of Environmental Protection.

3. Septic tanks and fields must be located on a minimum lot size of one acre; any septic drain field must be a minimum of twenty-five (25) feet inside the property and located out of any FEMA floodplain or other drainage or flood prone areas.

17. **Restrictions on the subdivision or land subject to flooding.** Lots that are subject to flooding shall be regulated by the Pineville Floodplain Ordinance or other similar adopted plan.

18. **Creation of Landlocked Properties Prohibited.** The creation of landlocked properties shall be prohibited unless a part of an essential public utility, public park, or as approved by Pineville Town Council to serve a compelling public need provided that permanent easements are in place to ensure access and public safety.

6.200 General Procedure for Subdivisions

1. No land disturbance until preliminary plan approval.
2. Any subdivision creating more than 100 lots shall require conditional approval from the Pineville Town Council.
3. Each parcel and section of road within a plat shall be contiguous to other parcels and road sections within the plat with no disconnected or orphan parcels, roads, plats, phases or partial roads permitted. Roads included in any plat shall be terminated between plats at 90 degree angles whenever possible.
4. Each plat shall be accompanied by development key for the development showing how new proposed plats will fit together with other plats and the masterplan to ensure no parcel of land is missed or left unrecorded.
5. Plat revisions shall show the full scope of the original plat with changes highlighted. Any revisions that add or subtract land to a previously approved plat shall submit an updated development key.
6. Each bond or development guarantee shall align with each full plat or phase with no half-plat or similar partial coverage.
7. Phasing of plats shall proceed in a logical and contiguous order and town acceptance of roads shall follow this same order.
8. The Planning Director shall determine, approve, or disapprove exempt and administrative subdivision final plats in accordance with the provisions of this ordinance.
9. Prior to submission of a final plat, the subdivider is encouraged to submit to the Planning Director a sketch plan of the proposed subdivision. The purpose of the sketch plan is to familiarize the Planning Director with the proposed development and to ensure that it is in compliance with all applicable regulations. The sketch plan must contain the information in Section 6.500
10. The final plat shall be prepared in accordance with Section 6.600.
11. The Planning Director shall make a decision within thirty (30) working days after receipt of the complete application.
12. If the subdivision is disapproved, the Planning Director shall promptly furnish the applicant with a written statement of the reasons for disapproval.

13. The subdivider shall file the approved final plat with the County Deeds Office within ninety (90) days of approval; otherwise such approval shall be null and void.
14. The subdivider shall submit a copy of the recorded plat to the Town of Pineville within thirty (30) days of recording.

6.300 Procedure for Minor Subdivisions

6.310 Sketch Plan for Minor Subdivisions.

1. Prior to submission of a final plat, the subdivider shall submit to the Planning Director a sketch plan of the proposed subdivision. The purpose of the sketch plan is to familiarize the Planning Director with the proposed development and to ensure that it is in compliance with all applicable regulations. The sketch plan shall contain all of the required in this ordinance.
2. The Planning Director shall have thirty (30) working days to review the sketch plan for general compliance with the requirements of this ordinance and the Zoning Ordinance of the Town of Pineville. The Planning Director shall advise the subdivider or his authorized agent of the regulations pertaining to the proposed subdivision and the procedures to be followed in the preparation and submission of the final plat.
3. Review of the sketch plan does not vest the owner or developer with any developmental rights.

6.320 Review of Final Plat for Minor Subdivisions.

1. The final subdivision plat must be developed in accordance with the all specifications and details set forth in Section 6.600. When the final plat is submitted to the Planning Director for review, it must be accompanied by an application signed by the owner and/or his duly authorized agent for final plat approval on an application form to be supplied by the Planning Director.
2. Once the Planning Director has received the required number of copies and has certified that they are complete, they shall have up to thirty (30) working days to review and comment on each submittal and resubmittal of the final plat.
3. If the Planning Director approves the final plat, such approval shall be shown on each copy of the plat by a signed certificate such as found in Section 6.700.
4. The subdivider shall file the approved final plat with the County Deeds Office within ninety (90) days of approval; otherwise such approval shall be null and void.
5. The subdivider shall submit a copy of the recorded plat to the Town of Pineville within thirty (30) days of recording.

6.400 Procedure for Major Subdivisions.

6.410 Sketch Plan for Major Subdivisions.

1. Prior to submission of a preliminary plat, the subdivider shall submit to the Planning Director a sketch plan of the proposed subdivision. The purpose of the sketch plan is to familiarize the Planning Director with the proposed development and to ensure that it is in compliance with all applicable regulations. The sketch plan shall all of the information in Section 6.500.
2. The Planning Director shall have thirty (30) days to review the sketch plan for general compliance with the requirements of this ordinance and the Zoning Ordinance of the Town of Pineville. The Planning Director shall advise the subdivider or his authorized agent of the regulations pertaining to the proposed subdivision and the procedures to be followed in the preparation and submission of the preliminary plat.
3. Review of the sketch plan does not vest the owner or developer with any developmental rights.

6.420 Preliminary Plat for Major Subdivisions

1. A preliminary plat of the proposed subdivision shall be submitted to the Planning Director and the Mecklenburg County Land Development. The preliminary subdivision plat must be drawn to the specifications contained in Section 6.600. No processing or review of a preliminary plat will proceed without all required information. Detailed standards and specifications for construction are contained in the Land Development Standards Manual available from the Mecklenburg County or other specification(s) as adopted by the Pineville Town Council.
2. The Planning Director shall have thirty (30) working days to review and comment on the initial preliminary plat. If corrections or changes to the initial preliminary plat are necessary, the Planning Director shall have a maximum of thirty (30) working days to review each subsequent submitted revision.
3. Preliminary plats must also be approved by all applicable Mecklenburg County agencies.

6.430 Effect of Approval of Preliminary Plat.

1. A preliminary plat approved under the provisions of this ordinance and Mecklenburg County standards will be valid for a period of one (1) year from the date of approval. If no substantial and sustained work on the site in furtherance of the plat has commenced within the year period, the preliminary plat approval will become null and void and a new application will be required to develop the site.
2. Preliminary plat approval is required for the issuance of a grading permit.

6.440 Procedures for Final Plat Approval

1. Upon all required approvals of the preliminary subdivision plat the subdivider may proceed to comply with the additional requirements of this ordinance, and the preparation of the final subdivision plat.
2. The final subdivision plat must be developed in accordance with the specifications set forth in Section 6.600 in addition to all other Town and Mecklenburg County specifications including required signoffs from property owner or agent, Mecklenburg County Land Development/Engineer, Pineville Zoning, and surveyor.
3. The after final plat approval, a development may be broken into individual phases so long each phase is property bonded and all required information such as zoning, dimensions, easements, and flood lines are included within each phase submittal. Any other detail such as special conditional requirements shall be referenced to the masterplan final plat or shown on each final plat phase.
4. The Planning Director shall have thirty (30) days to review and comment for each correction or resubmittal of a final plat.
5. Any subdivision appeal from the Planning Director's ruling or action must fill out a written appeal application to be heard the Pineville Planning Board. An appeal of the Planning Board may be taken to the Pineville Town Council in accordance with the provisions of Section 4.000.
6. The subdivider shall file the approved final plat with the County Deeds Office within ninety (90) days of approval; otherwise such approval shall be null and void.
7. The subdivider shall submit a copy of the recorded plat to the Town of Pineville within thirty (30) days of recording.

6.500 Information to be Contained on Sketch Plans

1. A sketch vicinity map including north arrow showing the location of the subdivision in relation to neighboring tracts, subdivisions, roads, and waterways;
2. The boundaries of the lot(s) to be subdivided;
3. The tax map number(s) of the lot(s) to be subdivided;
4. The total acreage to be subdivided;
5. The street layout and right-of-way width;
6. The name of the proposed subdivision;

7. The existing and proposed uses of land within the subdivision;
8. The zoning classification of the property to be subdivided and of adjacent properties, if applicable;
9. Streets and lots of adjacent properties;
10. The minimum square footage and road frontage for proposed lots within the subdivision;
11. The scale according to which the plat is drawn;
12. All flood plain areas, proposed tree save, and stormwater areas;

6.600 Information to be Contained in or Depicted Preliminary and Final Plats.

1. All proposed preliminary and final plats shall provide the same or more detailed information as provided in the sketch plan. All information as indicated in the following table, plus any and all information otherwise required by this Ordinance shall be included as part of any preliminary or final plat. An x indicates that the information is required.
2. The final plat shall be prepared by a registered land surveyor currently licensed and registered in the state by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in G.S. § 47-30 and the *Standards of Practice for Land Surveying in North Carolina*.
3. Material and drawing medium for the original shall be in accordance with the *Standards of Practice for Land Surveying in North Carolina*, where applicable, and the requirements of the County Register of Deeds.
4. The final plat shall be of a size suitable for recording with the County Deeds Office and shall not be less than 8½ x 11 inches in size. Maps larger than 24 inches by 36 inches may be placed on more than one sheet with appropriate match lines. Maps shall be to adequate scale to legibly depict all necessary information on the smallest or standard paper size commonly adopted by the Mecklenburg County Register of Deeds.
5. Submission of the final plat shall be accompanied by a non-refundable filing Fee in accordance with a fee schedule adopted by the Pineville Town Council.
6. The certificates found in Section 6.700 shall be signed and placed on all copies of the final plat.

INFORMATION	PRELIMINARY PLAT	FINAL PLAT
Name of plat (preliminary or final)	X	X
Title block containing the subdivision name	X	X
Location (including address, township, county and state)	X	X
Date or dates survey was conducted and plat prepared	X	X
A Bar graph scale in feet per inch	X	X
North Arrow and orientation (North arrow shall be oriented to the top of the plat where applicable)	X	X
The name, address and phone # of the subdivider/preparer of plat	X	X
A sketch vicinity map with north arrow showing the relationship between the proposed subdivision and surrounding area at a scale of 1" = 2000'	X	X
Corporate limits, county lines, and other jurisdictional lines if any, on the tract	X	X
The names, addresses and telephone number of all owners, mortgages, registered land surveyors, developers, land planners, architects, landscape architects, and professional engineers responsible for the subdivision		X
The exact boundary lines of the tract to be subdivided, fully dimensioned by lengths and bearings, and the location of existing boundary lines of adjoining lands		X
The names of owners and tax parcel number of adjoining properties	X	X
Zoning Key showing standard zoning minimums and maximums such as lot area, height, and setbacks	X	X
Development Key showing how each new plat or phase aligns with prior plats in the development		X
The zoning classifications of the tract to be subdivided and on adjoining properties	X	X

Existing property lines on the tract to be subdivided and on adjoining properties	X	
Acreage in total tract to be subdivided	X	
Proposed lot lines, lot and block numbers, and approximate dimensions, show bearings and distances on final plat.	X	X
Total number of parcels created	X	X
The lots numbered consecutively throughout the subdivision	X	X
Existing buildings or other structures, water courses, wetlands, railroads, bridges, culverts, storm drains, both on the land to be subdivided and land immediately adjoining plus dimensions and distances to property lines of buildings to remain on final plat.	X	X
Marshes, swamps, rock outcrops, ponds or lakes, streams or stream beds and any other natural features affecting the site	X	X
Compliance with stormwater and flood regulations	X	X
The proposed method of water supply and sewer disposal	X	X
For all subdivisions where the combined number of lots for all anticipated phases exceeds 100, a traffic impact study shall be completed and improvements implemented.	X	X
Proposed roads with horizontal and vertical alignment	X	X
Existing and platted roads on adjoining properties and in the proposed subdivision	X	X
Linear feet in streets	X	X
Rights of way, location and dimensions	X	X
Pavement widths	X	X
Cul-de-sac radius from center point	X	X
Design engineering data for all corners and curves		X
Road names		X
If any road is proposed to intersect with a state maintained road, the subdivider shall apply for driveway approval as		

required by the NCDOT, and evidence that the subdivider has obtained such approval.		X
The location and dimensions of all utility and other easements	X	X
Open space both improved, unimproved, and any proposed amenities	X	X
The location and dimensions of all buffer strips	X	X
The location and dimensions of all pedestrian or bicycle paths	X	X
The location and dimensions of all school sites, both existing and proposed	X	X
The location, size, and dimension of all parks, greenways, recreation areas and other open space with specific type indicated	X	X
The future ownership (dedication or reservation for public use to governmental body, homeowners' association, or for tenants remaining in subdivider's ownership) of recreational and open space lands	X	X
The accurate locations and descriptions of all monuments, markers and control points		X
A copy of the approved erosion control plan submitted to the appropriate field office of the Department of Natural Resources and Community Development in for any major subdivision		X
A copy of any proposed deed restrictions or similar covenants		X
A separate map drawn at the same scale as the preliminary plat showing only proposed streets and lot lines, topography with contour intervals of no greater than 10 feet	X	
Certificates as found in 6.700	X	X
Compliance with any adopted transportation plan including right-of-way reservation and construction	X	X
Compliance with any other adopted plan, overlay, specification, or requirement		X

Signature of Officer
Official Seal

(C) Certificate of approval of the design and installation of streets, utilities, and other required improvements.

I hereby certify that all streets, utilities, and other required improvements have been installed in an acceptable manner and according to N.C. Department of Transportation and/or Town of Pineville specifications and standards in the Subdivision or that guarantees of the installation of the required improvements in an amount and manner satisfactory to the Town of Pineville has been received.

Date

Planning Director

2. CERTIFICATES TO APPEAR ON FINAL PLAT FOR ADMINISTRATIVE AND MINOR SUBDIVISIONS.

The following signed certificates shall appear on all copies of the final plat:

(A) Certificate of ownership and dedication:

I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the Town of Pineville and that I hereby adopt this plan of subdivision with my free consent and establish minimum building setback lines as noted.

Date

Signature of Owner(s)

(B) Certificate of survey and accuracy in accordance with the Standards and Practice for Land Surveying in North Carolina. On the face of each map prepared for recordation there shall appear a certificate acknowledged before an officer authorized to take acknowledgements and executed by the person making the survey or map including deeds and any recorded data shown thereon. The certificate shall include a statement of error of closure calculated by latitudes and departures. Any lines on the map which were not actually surveyed must be clearly indicated on the map and a statement included in the certificate revealing the source of information. The certificate shall take the following general form:

State of North Carolina, Mecklenburg County

I, certify that this map was (drawn by me) (drawn under my supervision) from (an actual survey made by me) (an actual survey made under my supervision) (deed description recorded in Book , Page , etc.) (Other); that the ratio of precision as calculated by latitudes and departures is 1: (that the boundaries not surveyed are shown as broken lines plotted from information found in Book , Page); that this map was prepared in accordance with

G.S. § 47-30, as amended.

Witness my hand and seal this _____ day of _____ (year).

Registered Land Surveyor _____

Official Seal _____

Registration Number _____

I, (officer authorized to take acknowledgements) do hereby certify that (name of registered surveyor) personally appeared before me this day and acknowledged the due execution of this certificate. Witness my hand and (where an official seal is required by law) official seal this the _____ day of _____(year).

Signature of Officer

Official Seal

3. CERTIFICATE OF APPROVAL FOR RECORDING.

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Regulations of the Town of Pineville, North Carolina and that this plat has been approved by the Town of Pineville for recording in the Office of the Register of Deeds of Mecklenburg County. The plat shall be recorded within ninety (90) calendar days of this date.

Date

Town of Pineville, North Carolina

6.800 Reserved.

6.900. Planned Conditional Developments

Conditional developments shall be self-imposed by the applicant and must be mutually agreed upon by the applicant and approving board. The following requirements will apply for the preparation, submission, and approval these developments.

6.901. Conservation subdivisions with increased density linked to preserved and/or improved natural areas, conditional rezoning, commercial subdivisions over 100,000 square feet, and subdivisions over 100 housing units shall be conditionally approved.

6.902. All conditional plans shall be heard by one board at a public hearing only following legislative procedure unless otherwise required by state regulation. The Pineville Town Council shall hear conditional plans unless another appointed board is selected.

6.903. A sketch plan meeting(s) will be arranged by the developer with the Planning Director prior to the submission before any board. This meeting shall include any and all sketch or preliminary plans listed in this ordinance.

6.904. Compliance with all requirements in this or any other adopted ordinance or plan (including

transportation plan)

- 6.905. The Planning Director shall have thirty (30) days to review, advertise, and prepare a report before any scheduled public hearing.
- 6.905. The approving board may increase or relieve the applicant of requirements mentioned in this ordinance in light of increased development quality, preservation of open space beyond what is otherwise required, or other similar beneficial consideration so long as the health, safety, and well-being of the public is maintained.

7.000. SUBDIVISION DEVELOPMENT REQUIREMENTS

7.100. Design Standards for Streets

The following sections contain specifications for streets which must be followed in the subdivision process. Detailed construction standards and specifications are contained in the most recently adopted version of the Charlotte-Mecklenburg Land Development Standards Manual.

- 7.110. **Right-of-way.** A proposed street right-of-way must be of sufficient width to accommodate the adopted cross section. However, in no case will the dedicated and reserved right-of-way be proposed to be less than the standards below unless the county engineer certifies that special circumstances exist which make the dedication or reservation of the full right-of-way unnecessary or impractical.

MINIMUM R.O.W. STREET TYPE*	FEET
Freeway or Expressway (Class I)	350
Limited Access Arterial (Class H)	200
Commercial Arterial (Class IH-C)	150
Major Arterial (Class HI)	100
Minor Arterial (Class IV)	70
Collector (Class V)	60
Local (Class VI)	50
Local Limited (Class VI-L)	40

*unless otherwise adopted by the Town or Mecklenburg County

The Planning Director, after consulting applicable plans and programs, and after consulting with appropriate town, county, state and/or federal officials will be responsible for the determination of the classifications of streets or segments of streets. These standards represent the normally required rights-of-way. Additional right-of-way may be necessary in the area of interchanges, intersections, cut/fill areas, or areas where horizontal or vertical alignments must be improved and will be determined on a case by case basis. When a subdivider elects to establish a roadway divided with a center strip or median, the right-of-way width must be at least the proposed width of the center strip or median plus 62 feet.

- 7.120. **Arterial street right-of-way.** Whenever a tract of land to be subdivided includes any part of an existing or proposed arterial street shown on the Thoroughfare Plan approved by the Pineville

Town Council, Board of County Commissioners, or NCDOT and whenever such a right-of-way has been further defined by acceptable locational procedures sufficient to identify properties to be affected, a right-of-way for the arterial street must be platted in the location and to the width specified in the plan. The subdivider is responsible for the dedication of the right-of-way up to 100 feet (50 feet on either side of the centerline) or the reservation of the right-of-way in accordance with the provisions of Section 8.110. The remainder of the minimum required right-of-way over 100 feet must be reserved for future right-of-way use and must be shown as such on the final plat.

All measurements involving minimum lot standards under this ordinance and under the Zoning Ordinance will be made at the edge of the full right-of-way. All of the area of the dedicated right-of-way for any public street except Collector (Class V) or Local (Class VI) streets may be used in the computation of development rights, if allowed in the Zoning Ordinance. However, this area may not be used for computation of lot area, open space, required parking, storm water detention, or to fulfill any other mandatory requirements.

- 7.130. Freeways.** Whenever a tract of land to be subdivided includes any part of the proposed right-of-way of a freeway, as shown on a thoroughfare plan approved by the Pineville Town Council or the Board of County Commissioners, or adopted by the State Board of Transportation and whenever such a right-of-way has been further defined by acceptable locational procedures sufficient to identify properties to be affected, the right-of-way for the freeway must be reserved and remain undeveloped, pending future acquisition by the state or other governmental unit. The subdivider must reserve the proposed right-of-way in accordance with the requirements in Section 7.120.
- 7.140. Street off-sets.** Where there is an off-set in the alignment of a street across an intersection the off-set of the center lines may not be less than 125 feet.
- 7.150. Block lengths.** Block lengths may not be more than 1,000 feet, except as conditionally approved.
- 7.160. Cul-de-sac.** Cul-de-sac (streets designed to be permanently closed at one end), may not be longer than 1,000 feet and must be terminated by a circular right-of-way not less than 80 feet in diameter with a minimum vehicle turnaround built in a manner as to provide an adequate turning radius for emergency and service or trash vehicles (minimum pavement radius of 45') or other alternate turnaround designs as accepted by the county engineer and Planning Director.
- 7.170. When narrow streets permitted (Class VI-L).** In certain circumstances, streets may be constructed on a forty-foot right-of-way and with a twenty-two foot cross section (eighteen foot pavement plus two-foot roll curb). When a street serves 50 dwelling units or less and is permanently dead-ended, this smaller standard may be used. All other appropriate standards of this ordinance still apply to the construction of such a street.
- 7.180. Collector street designation.** The designation of a collector street, or the determination of the need for a collector street will be based on the criteria below. If the street in question meets at least two of the criteria, then the street will be designated as a collector street and must be built to the appropriate collector street standard.

1. The street intersects directly with an arterial street and provides access to an area with an

overall density of more than 1.0 dwelling unit per acre, or provides access to more than 125 dwelling units.

2. The street by its general configuration, in relationship to the existing development of the area, in effect serves a collector function.
3. The street extends into an undeveloped area in such a manner as to serve a future collector function.
4. The street serves as a primary access to a significant nonresidential, institutional, or recreational land use, as well as an access to a residential area.

7.200. Design Standards for Lots

1. **Frontage on Street.** Each lot must have frontage on a public maintained street. Apartment complexes and conditionally approved condominiums within one tax parcel road frontage for the parcel shall constitute road frontage for units within the complex so long as adequate pedestrian and vehicular access to a public street is provided.
2. **Side Lines.** Side lot lines shall, as nearly as practicable, be at right angles or radial to street lines. Where side lot lines intersect at the rear of the lot, the angle of intersection shall not be less than 60 degrees.
3. **Minimum Sizes.** Lots may not be less in width (measured at right of way) or area than required by the zoning ordinance for the district in which the proposed subdivision is located. Larger lots may be required to accommodate on-site sewer disposal systems.
4. **Building Lines.** Building lines shall be established on all lots in residential subdivisions. On any street right-of-way identified as an existing or future arterial (Class n, UI-C, HI, or IV) as shown on a thoroughfare plan approved by the Pineville Town Council and the Board of County Commissioners, or adopted by the State Board of Transportation, the building line may not be less than 40' from the proposed right-of-way line. This line will regulate the placement of any structure relative to the street right-of-way and is applicable to all yards impacted (front, side, rear yards) in a residential subdivision. On all other streets the building line may not be less than the front yard setback required in the applicable zoning district as measured from the street right-of-way line at the front of the lot.
5. **Driveway Connections.** Prior to the construction of any driveway or other connection within the right-of-way of a public street, a permit must be secured in accordance with the North Carolina Department of Transportation and/or the Town of Pineville.
6. **Lots Subject to Flooding.** The Land Use and Environmental Services Agency (LUESA) Staff shall determine which lots are subject to significant flooding, which will include those lots along any significant water course, whether or not the

stream is enclosed with pipes or culverts, and may also include areas where it can reasonably be expected that significant overland flow of storm water or flooding will occur. If any part of a proposed lot is subject to flooding, subdivider shall make a determination of the crest elevation of the 1% annual chance flood level (the "100-year flood") in accordance with generally accepted engineering practice, which is to be submitted with the seal and signature of a professional engineer to LUESA. This determination must reflect the actual conditions imposed by the completed subdivision, and must give due consideration to the effects of urbanization and obstructions. No proposed building lot that is wholly or partly subject to flooding shall be approved unless there is established on the final plat a line representing an actual contour as determined by field survey, at an elevation one foot above the 100-year flood crest. Such line shall be known and identified on the final plat as the "Storm Water Elevation Line." (SWEL) In addition, a "Storm Water Protection Elevation" for each lot subject to flooding shall be noted on the lot plan as determined by LUESA staff based on the "Storm Water Elevation Line," (SWEL) or for lots upstream of street crossings, the low elevation of the street plus one foot, whichever is greater. All habitable buildings or structures shall be located outside the Storm Water Elevation Line or the lowest usable and functional part of the structure shall not be below the Storm Water Protection Elevation. "Usable and functional part of the structure" shall be defined as being inclusive of living areas, basements, sunken dens, basement utility rooms, crawlspaces, attached carports, and mechanical appurtenances such as furnaces, air conditioners, water pumps, electrical conduits and wiring, but shall not include water lines or sanitary sewer traps, piping and clean-outs; provided, openings serving the structure are above the Storm Water Protection Elevation. Where only a portion of a proposed lot is subject to flooding as defined herein, such lot may be approved only if there will be available for building a usable lot area of not less than 1200 square feet. The usable lot area shall be determined by deducting from the total lot area the area of all yards and setbacks required by the applicable zoning district regulations and any remaining area of the lot lying below the Storm Water Elevation Line. During the construction of a subdivision, the developer shall maintain the streambed of each stream, creek or backwash channel contiguous to the subdivision in an unobstructed state and shall remove the channel and banks of the stream all debris, logs, timber, junk and other accumulations of a nature that would, in time of flood, clog or dam the passage of waters in their downstream course. Installation of appropriately sized storm water drains, culverts bridges or erosion control devices will not be construed as obstructions in the stream. In areas of the County that are covered by the provisions of the Mecklenburg County Floodplain Regulations (Floodplain Regulations), the Floodplain Regulations will supersede the provisions of this ordinance regarding land within the Community and FEMA Special Flood Hazard Areas.

8.000. REQUIRED IMPROVEMENTS

8.100. Standards and Specifications

1. Unless specifically noted, before any final plat of a subdivision is eligible for final approval, and before any street is accepted for maintenance by Pineville or the State Department of Transportation, minimum improvements (including drainage and soil erosion) must have been completed by the developer and approved by the County Engineer in accordance with the standards and specifications of the Land Developments Standards Manual or bonded in accordance with the provisions of Section 8.400.
2. The intent of the specifications set out in this ordinance is to prescribe minimum requirements for storm drainage and street improvements to be undertaken by the developer. Satisfactory completion of these improvements, attested by approval of the county engineering department, will qualify streets in Pineville to be accepted for maintenance by Pineville and streets in the county to be considered for maintenance by the state.

5.110. Improvement Responsibility.

In order to facilitate the provision of street rights-of-way and necessary improvements, the following sections establish responsibilities for the installation of streets and related improvements for each class of street.

Class I (Freeway-Expressway):

Right-of-way — entire width reserved for future acquisition.

Class II (Limited Access Arterial):

Right-of-way ~ entire width reserved for future acquisition.
Improvements - installed by the public.

Class III-C (Commercial Arterial)

Right-of-way - 100' dedicated and the remainder reserved for future acquisition. (50'each side of the centerline). Any development along a Class DI-C Street which requires specific improvements of the street to meet traffic demands of the particular development must dedicate the right-of-way necessary to accommodate those improvements.

Improvements - installed by the public in accordance with a schedule of public street improvements, except where specific improvements are required to meet the traffic demands of the particular development in which case the developer must install the necessary improvements at the time of development. If, however, a public improvement project for the street is programmed and funded, the developer may be relieved of the actual construction, but remains liable for the costs

of the improvements for which he or she would otherwise be liable. The developer has the option, after consultation with the county engineer and the Planning Director to construct all or a portion of the street if the developer wants to make use of the street for access to the development. Development along new Class III-C or extensions of Class H[-C] streets must utilize reverse frontage with the only access points being public streets or specifically approved street type entrances.

Class III (Major Arterial)

Right-of-way - developer is responsible for the dedication of up to 100' (50' each side of the centerline). Any development along a Class III street which requires specific improvements of the street to meet traffic demands of the particular development must dedicate the right-of-way necessary to accommodate those improvements.

Improvements — installed by the public in accordance with a schedule of public street improvements, except on existing streets where specific improvements are required to meet the traffic demands of the particular development in which case the developer must install the necessary improvements at the time of development. If, however, a public improvement project for the street is programmed and funded, the developer may be relieved of the actual construction, but the developer remains liable for the costs of the improvements for which he or she would otherwise be liable. The developer has the option, after consultation with the County Engineer and the Planning Director to construct all or a portion of the street if the developer wants to make use of the street for access to the development. Development along new Class in streets or extensions of Class III streets must utilize reverse frontage with the only access points being public streets or specifically approved street type entrances.

Class IV (Minor Arterial)

Right-of-way - Developer is responsible for the dedication of up to 70 feet (35 feet each side of the centerline). Additional right-of-way which may be required for improvements to meet specific traffic demands of the development must be dedicated by the developer.

Improvements - installed by the public in accordance with a schedule of public street improvements, except on existing streets where specific improvements are required to meet the traffic demands of the particular development in which case the developer must install the necessary improvements at the time of development. If, however, a public improvement project for the street is programmed and funded, the developer may be relieved of the actual construction, but the developer remains liable for the costs of the improvements for which he or she would otherwise be liable. The developer has the option, after consultation with the County Engineer and the Planning Director to construct all or a portion of the street if the developer wants to make use of the street for access to the development. Development along new Class IV streets or extensions of Class IV streets must utilize reverse frontage with the only access points being public streets or specifically approved street type entrances.

Class V (Collector):

Right-of-way -- dedicated by the developer.

Improvement - constructed by the developer.

Class VI (Local):

Right-of-way - dedicated by the developer.

Improvements ~ constructed by the developer.

All streets must be constructed to comply with the minimum standards of the Charlotte-Mecklenburg Land Development Standards Manual and all appropriate applicable Town or County requirements. Public improvements will be made in accordance with adopted plans, programs, and budgets. It should not be expected that the occurrence of development will result in the immediate installation of public street improvements by the public sector unless those improvements are scheduled and funded in accordance with public policies and programs. The standards in this ordinance for the reservation and dedication of rights-of-way will apply to any development approved after the effective date of this ordinance.

No dedication or reservation of right-of-way for a street or highway within a corridor for a street or highway on a plan established and adopted pursuant to N.C.G.S. 136-66.2 for a street or highway that is included in the Department of Transportation's "Transportation Improvement Program" will be required by the provisions of this ordinance unless and until the Planning Director has determined and certified in writing (1) that the dedication or reservation does not result in the deprivation of a reasonable use of the original tract and (2) that the dedication or reservation is either reasonably related to the traffic generated by the proposed subdivision or use of the remaining land, or the impact of the dedication or reservation is mitigated by measures provided in this ordinance. For these purposes the term "original tract" will mean all contiguous land owned by the applicant.

8.120. Drainage

1. Storm drainage adequate to accommodate a 10 year storm must be provided throughout the subdivision by means of storm drainage pipe or properly graded channels or natural drainage. Where adequate storm drainage has been provided by means of approved storm drainage pipe and the necessary easements to provide access to the drainage facilities, in accordance with town or county standards, and has been dedicated and accepted or otherwise conveyed to the town or county, the Town or County will assume the responsibility for maintenance of the drainage pipe. Where adequate storm drainage has been provided by means of properly graded channels or ditches, the maintenance thereof will remain the responsibility of the property owner and must be so noted on the final plat and the deed for the affected lots.
2. In addition to the drainage improvements as required by this section, the subdivider of any land which involves or would create more than 20,000 square feet of impervious ground cover, except for land / developed or used for agricultural purposes, shall submit a drainage V plan for approval by the County Engineer. No certificate of occupancy shall be issued until the drainage plan is approved by the County Engineer. For the purposes of the subsection, the subdivision shall include the streets, sidewalks, driveways, roof tops and other impervious covers as proposed by the subdivider.

8.130. Curb and Gutter

Standard curbs and gutters must be constructed on all streets. Rolled curbs and gutters or standard curbs and gutters must be constructed on all local and collector streets. This requirement applies to all streets within the Town of Pineville and its extraterritorial jurisdiction, and to all streets where curb and gutter would be required by the State of North Carolina for a street to be acceptable for State maintenance.

8.140. Sidewalk

Sidewalks are required in all subdivisions as follows:

Five (5) foot wide sidewalks are required on both sides of new or existing streets or wider where adopted, on both sides of streets except alleys. Installation of sidewalks is the responsibility of the developer.

Location. Approval of sidewalk construction plans must be obtained from the Mecklenburg County Land Use and Environmental Services Department as part of the subdivision review process. Mecklenburg County Land Use and Environmental Services will review and comment on the location of the required facilities at the time of plan review. Except in unusual circumstances, sidewalks may not be located less than 5 feet, but preferably 7-10 feet, from the back of the curb or edge of pavement when no curb and gutter is required. If existing public street right-of-way is not available, the developer will be required to construct the sidewalk outside the street right-of-way on a permanent easement. While in most instances a sidewalk will be placed parallel to and offset from the curb line, developers are encouraged and expected to meander sidewalks to preserve existing trees of significance. Adjustments may be made in the field to accommodate such circumstances.

1. Nonresidential subdivisions. Sidewalks are required on both sides of new or existing arterial streets and extensions thereof and on one side of collector streets.
2. Residential subdivisions.
 - a. Sidewalks must be constructed on both sides of new or existing arterial streets and extensions thereof if the developer is installing the street.
 - b. Sidewalks must be constructed on both sides of the following classes of streets:
 - (1) Collector and arterial streets.
 - (2) Streets providing direct access to existing elementary schools, junior or senior high schools, colleges, and official sites for such schools; and streets that provide access to existing or proposed places of public assembly, including public or private parks, recreation facilities, and/or greenways.
 - c. Sidewalks must be constructed on one side of the following streets:
 - (1) All streets with a 50' right-of-way.

Location. Approval of sidewalk construction plans must be obtained from the County Engineering Department as part of the subdivision review process. When sidewalk facilities are required, the County Engineer will review and comment on the location of the required facilities at the time of plan review. Except in unusual circumstances, sidewalks may not be located less than 4 feet from the back of the curb or edge of pavement when no curb and gutter is required. If existing

public street right-of-way is not available, the developer will be required to construct the sidewalk outside the street right-of-way on a permanent easement. An easement may be required for the sidewalk.

8.150. Street Markers and Barricades

1. Standard street markers must be installed at one corner of all street intersections including private streets before any certificates of occupancy may be issued for buildings or residences along those streets. The design, material, location and installation of the signs must be in accordance with standards specified by the Land Development Standards Manual.
2. Barricades must be installed at the end of all dead-end streets except cul-de-sac streets which have been improved with a permanent turnaround as required by this ordinance. Design, material and installation of the barricades must be in accordance with the Land Development Standards Manual.

8.200. No Service Unless Street Accepted, or Tentatively Approved

No department, officer, or employee of the Town or County will accept for maintenance, lay out, open, improve, grade, pave or light any streets or authorize the laying of water mains, sewers, connections or other facilities or utilities in any street within the Town or County unless:

1. Such street has been accepted or opened as, or has otherwise received the legal status of a public street prior to the effective date of this ordinance.
2. Or, such street has been accepted as a public street by a vote of a majority of all the members of the Pineville Town Council or by the State of North Carolina.
3. Or, such street is a private street built in conformance with the provisions of all applicable ordinances.

The North Carolina Department of Transportation will accept subdivision streets for State maintenance purposes which meet all the requirements of this ordinance and meet the uniform State-wide standards adopted by the North Carolina Department of Transportation.

**8.300. Other Public Facilities
(RESERVED)**

8.400. Modification of Requirements; Bond

1. In subdivisions adjoining already established streets that have been accepted for maintenance by the Town of Pineville or the North Carolina Department of Transportation, the requirements of Section 8.000 will apply as hereinafter provided. Those requirements that would necessitate the general removal and reconstruction of established permanent pavements will not be applicable and where the adjoining established street is a part of the Town

of Pineville's or the North Carolina Department of Transportation's street system, the adjoining street must be improved in accordance with either the requirements of Section 8.000 and the requirements of the Town of Pineville or the North Carolina Department of Transportation, whichever establishes the higher standard.

2. Plats for new lots fronting on already dedicated or established streets or roads that have not been accepted for maintenance by the Town of Pineville or the North Carolina Department of Transportation or which have been accepted for maintenance by the Town of Pineville or the North Carolina Department of Transportation, but have not been improved in accordance with the requirements of Section 8.000 will be eligible for final approval when the requirements of Section 8.000 have been complied with as closely as may reasonably be required considering the existing condition of the road, the extent of area to be platted and the cost of required improvements in relation to the comparative benefits to accrue to the subdivider and the other owners of property on both sides of the street or road.
3. Where the improvements required by this chapter have not been completed prior to the submission of the final subdivision plat for approval, the approval of the plat will be subject to the owner filing a surety bond or an irrevocable letter of credit (the method of surety shall be determined by the subdivider) with the County Engineering Department, in an amount to be determined by the County Engineering Department in consultation with other affected agencies, such as the Department of Environmental Health, with sureties satisfactory to the Town guaranteeing the installation of the required improvements allowing credit for improvements completed prior to the submission of the final plat. Upon completion of the improvements and the submission of "as built" drawings, as required by the ordinance, written notice thereof must be given by the subdivider to the County Engineering Department. The County Engineering Department will arrange for an inspection of the improvements and if found satisfactory, will within 30 days of the date of notice authorize in writing the release of the security given, subject to the warranty requirement below.
4. Guarantee of certain improvements to protect the public interest.
A maintenance guarantee shall be required for a period not to exceed two years after final acceptance of the following improvements: streets, curbs, gutters, sidewalks, drainage facilities, and water and sewer lines. The maintenance guarantee will be in an amount of 15% of the cost of the improvements, with sureties satisfactory to the Town.
Upon the two year deadline, written notice thereof must be given by the subdivider to the County Engineering Department. The County Engineering Department will arrange for an inspection of the improvements, and if found satisfactory, will within 30 days of the date of notice authorize in writing the release of the security given.

8.500. Inspection

1. The County must be notified two days in advance of the work to be started so that an authorized representative of the County Engineering Department or other responsible agency may be assigned to make any and all necessary inspections of the work performed.
2. The inspector must be allowed access to all parts of the work, and must be furnished with every reasonable facility to ascertain whether or not the work as performed is in accordance with

the specifications.

3. No material may be placed nor any work performed except in the presence of the inspector without special permission of the appropriate agency. Such inspection, however, does not relieve the contractor from any obligation to perform all of the work strictly in accordance with the specifications.
4. In case of any disputes arising as to the material furnished or the manner of performing the work, the inspector will have authority to reject materials or suspend work until the question or issue can be referred to and decided by the appropriate agency. The contractor must remove any work or material condemned as unsatisfactory by the inspector and must rebuild and replace the work or material to the standard required by the specifications, all at his or her own expense.

9.000. ENFORCEMENT

1. After the effective date of this ordinance, a plat of a subdivision filed or recorded in the office of the Register of Deeds of Mecklenburg County without the approval of the Pineville Planning Board or the Pineville Town Council, as required by this ordinance, will be null and void for purposes of this ordinance.
2. Any person who, being the owner or the agent of the owner of any land located within the area of jurisdiction of this ordinance, subdivides land in violation of this ordinance or transfers or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under this ordinance and recorded in the Office of the Register of Deeds of Mecklenburg County shall, upon conviction, be guilty of a misdemeanor which shall be punishable by a fine not to exceed \$500.00, or imprisonment for not more than 30 days for each and every offense. The Town of Pineville and/or Mecklenburg through their attorneys may enjoin such transfer or sale by action for injunction. All administrative actions relating to such land, including the issuance of any grading, construction, building, or occupancy permit will be suspended. This ordinance will not affect the sale or transfer of any land, a plat of which was recorded prior to the effective date of this ordinance.
3. In order to properly enforce the provisions of the subdivision regulations as stated in this ordinance prior to the beginning of any construction, reconstruction, use, or alteration of any land, building, or structure, the appropriate permit must be obtained from the Building Standards Department. No permit will be issued unless there has been a determination made that the proposed use, building, or structure complies with the requirements of this ordinance.

10.0. APPLICATION AND PROCESSING FEES

All fees shall be in accordance with a fee schedule adopted by the Pineville Town Council, and shall be collected at the time of application.