

Produce Stand

The sale of any form of agricultural or horticultural products at a free-standing retail stand structure.

Projecting Sign

Any sign other than a wall, awning, canopy, or marquee sign, which is affixed to a building and is supported only by the wall on which the sign is mounted.

Professional Services

Services provided that make available the knowledge and skills of their employees to sell expertise and perform professional, scientific, and technical services to others such as legal services; accounting, tax, bookkeeping, and payroll services; architectural, engineering, and related services; graphic, industrial, and interior design services; consulting services; research and development services; advertising, media, and photography services; real estate services; investment banking, securities, brokerages; and insurance-related services; and, medical services such as physician's and dentist's offices.

Pruning

The act of removing, or cutting back parts of a tree or shrub.

Public Interest Sign

A sign on private property that displays information pertinent to the safety or legal responsibilities of the general public such as "Warning" and "No Trespassing" signs.

Real Estate Sign

A sign that is used to offer for sale, lease, or rent the premises upon which such sign is placed.

Recreation Center

Public or private indoor sports and recreation including such structures and uses as: health or exercise clubs, gymnasiums, indoor running tracks, climbing facilities, sports facilities, soccer, tennis or other racquet ball courts, swimming pools, YMCA's, YWCA's or similar uses that are located indoors with additional outdoor sports facilities not to exceed the related indoor square footage. Outdoor storage shall be prohibited. Recreation Centers are intended as generally operated on a fee or membership basis for the use of persons who do not reside on the same property.

Recreation Complex

A tract of land, owned and operated by a private or non-municipal entity, designated and used for active and/or passive recreation, primarily conducted outdoors. A Recreation Complex may include Recreation Center uses. The term shall not include the terms "racetrack", "outdoor firing range", "amphitheaters", "amusement park", "baseball hitting ranges", "country club", or "golf course".

Recreation Facility, Public

A tract of land, owned and operated by a public municipal entity, designated and used by the general public for active and/or passive recreation, primarily conducted outdoors. An example

Restaurant, Fast Food

An establishment whose principal business is the sale of prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building, on the restaurant premises or off-premises.

Road Right-Of-Way

An area of land occupied or intended to be occupied by a public road, including areas offered for dedication to the public for such purpose, areas claimed by the State of North Carolina for such purposes, or actually used for such purposes.

Roof Sign

A sign located in whole or in part upon or across an angled roof surface or above the parapet of a building.

Rooming and Boarding House

Any dwelling, which was constructed originally as a single-family residential dwelling, duplex or townhome that rents out, or offers to rent out four or more rooms to four or more persons unrelated by blood, marriage, or adoption.

Root Protection Zone

Generally 18-24 inches deep at a distance from the trunk equal to one-half of its height or to its drip line, whichever is greater.

Salvage Yard

Any non-residential property used for the storage, collection, and/or recycling of any type of equipment, and including but not limited to vehicles, appliances and related machinery.

Sandwich Board Sign

A sign consisting of two panels joined together at the top and configured in the shape of an inverted "V" so that the bottom of the sign rests upon or near the ground.

Satellite Dish

An apparatus capable of receiving a communications signals from a transmitter relay located in planetary orbit.

Second-Hand and Consignment Shop

A retail establishment where clothes, furniture, and other household goods are sold to the general public on a consignment, retail, or not-for-profit basis. A "pawn shop" shall not be considered as being a "second-hand shop".

Service Station

Any building, land area or other premises, or portion thereof, primarily used or intended to be used for the retail dispensing or sales of fuels for vehicles and for any minor repair work conducted as an accessory use. In addition, sales of beverages, packaged foods, tobacco products, and similar convenience goods for customers, as accessory and incidental to principal operations are permitted. Wrecker service shall be considered an accessory use provided that any inoperative vehicle towed to the service station by a wrecker vehicle be

<p><u>Minor Arterial (Class IV)</u> State 10' x 70', County/Town 35' x 35' Any Town Maintained Road intersecting with a State Maintained Road would be required both Sight Triangles listed above.</p>	70
<p><u>Collector (Class V)</u> State 10' x 70', County/Town 35' x 35' Any Town Maintained Road intersecting with a State Maintained Road would be required both Sight Triangles listed above.</p>	60
<p><u>Local (Class VI)</u> Town 25' x 25', Alleys 10' x 10' If two (2) Local Class Roads intersect the Sight Triangles would be a minimum 25' x 25'. If a Local Road intersects with a Collector Street or State Maintained Road it will require a 35' x 35' & 10' x 70' Sight Triangles. If an Alley intersects a Local Class Road a 10' x 10' Sight Triangle may be used.</p>	50
<p><u>Local Limited (Class VI-L)</u> Town 25' x 25', Alleys 10' x 10' If two (2) Local Limited Class Roads intersect the Sight Triangles would be a minimum 25' x 25'. If a Local Limited Road intersects with a Local Class Road the Sight Triangles would be a minimum 25' x 25'. If a Local Limited Road intersects with a Collector Street it will require a 35' x 35' Sight Triangle. If an Alley intersects a Local Class Road a 10' x 10' Sight Triangle may be used.</p>	40

Sign

Any object, device, or structure, or part thereof, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, graphics, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include works of art which in no way identify a product; or scoreboards located on athletic fields.

Sign Face

The entire surface area of a sign upon, against, or through which copy is placed.

Sign Height

The vertical distance measured from the sign's average grade level, provided that no filling, berming, or mounding solely for the purpose of locating the sign at a higher level is done.

Sign Surface Area

The entire area of a sign shall be the smallest rectangle that encloses the entire sign inclusive of any border or trim and all the elements of the matter displayed, but excluding the base or apron, supports, and other structural members. In the case of three-dimensional or painted letters located directly on a wall surface, the surface area shall be

Includes concert halls and other structures with fixed seats arranged on a sloped or stepped floor; may seat 300 to 3,000 people.

Theater, Movie

A specialized theater for showing movies or motion pictures on a projection screen. This category also includes cineplexes and megaplexes, complex structures with multiple movie theaters, each theater capable of an independent performance.

Tobacco Sales Shop

A retail sales establishment engaged in the sales of tobacco and other smoking products that are not consumed on site.

Total Care Facility

A facility, which contracts with individuals providing residences, and guaranteeing appropriate medical facilities and support for the rest of their lives.

Town

Refers to the Town of Pineville

Trailer

A structure standing on wheels, towed or hauled by another vehicle and used for short-term human occupancy, carrying materials, goods or objects or as a temporary office.

Transit Station - Passenger

Facilities for ground passenger transit systems using multiple modes of transport over regular routes and on regular schedules within the city or that operated over long distances between metropolitan areas.

Tree and Shrub Topping

The removal or cutting back of major portions of a **any required tree or shrub** crown by cutting branches to stubs and/or to the trunk **or similarly removing a third or more foliage**. Topping is also referred to as heading, stubbing, or dehorning.

Truck Stop

A facility typically offering multiple services to truck and automobile patrons, which are particularly designed to serve the need of freight trucks and their drivers. Such facilities typically include fuel stations (dispensing fuel for trucks and, perhaps, for automobiles), one or more eating establishments and/or sale of prepared food, sales of convenience and sundry items, truck washing facilities, and overnight lodging facilities. Not all such facilities are provided at all truck stops. The foregoing definition distinguishes a "truck stop" from (i) a convenience store, (ii) mini-mart (iii) shopping center, (iv) planned multi-tenant development, and (v) motel or hotel.

Truck Terminal

A facility where cargo is stored and where trucks load and unload cargo on a regular basis.

Warehouse

A building or group of buildings for the storage of goods or wares belonging either to the owner of the facility or to one or more lessees of space in the facility, or both, with access to contents only through management personnel.

Yard, Front

An open space between a building or structure and the street line of the lot on which the building or structure is located, unoccupied and unobstructed from the ground upward, except by fences or as otherwise provided in these regulations. In measuring a front yard, the horizontal distance between the street line and the closet projection of the building shall be used. Every required front yard shall be measured in a parallel manner from the street line.

Yard, Rear

A yard extending the full width of the lot on which a principal building is located and situated between the rear lot line and a line parallel thereto and passing through the point of the principal building nearest the rear lot line.

Yard, Side

A space extending from the front yard to the rear yard between the principal building and the side lot line as measured perpendicular from the side lot line to the closest point of the principal building.

Yard Sale

An outdoor sale of merchandise conducted entirely upon a residentially or institutionally developed lot by one or more households or civic groups.

Table 4.1-1 Off-Street Parking

<u>Use</u>	<u>Parking Requirements</u>
<u>RESIDENTIAL USES</u>	
Single-Family / Duplex	Two (2) spaces per dwelling unit.
Multi-Family	
Efficiency Units	Two-and-a-half (2.5) spaces per dwelling unit.
One (1) or Two (2) Bedroom Units	Three (3.0) spaces per dwelling unit.
Three or more (3+) Bedrooms Per Unit	Three-and-a-quarter (3.25) spaces per dwelling unit. (Parking shall be evenly spaced throughout any development).
Dwellings designed specifically for the Elderly or Disabled.	One-and-a-quarter (1.25) spaces per dwelling unit.
Rest Homes / Nursing Homes	One (1.25) space per dwelling unit.
Home Occupation	One (1) space per residential unit, plus one (1) space per three hundred and fifty (350) square feet of office / business space.
Rooming / Boarding	One (1) space per room rented in the dwelling unit plus the required spaces for the dwelling unit.
Family Care Home	Four (4) spaces per family care home.
Day Care, Home	One (1) space plus additional required parking spaces for the residential dwelling.

feet for all other areas. In addition, off-street parking area shall be provided to accommodate a minimum of thirty (30) passenger vehicles for the purpose of forming a funeral procession.

Gas Station

One (1) space for each two hundred (200) square feet plus two (2) spaces for each fuel nozzle.

Golf Courses / Miniature Golf / Driving Range

Five (5) spaces per green, plus one (1) space per five hundred (500) square feet for other buildings.

Hotel / Motel

One (1) space per bedroom, plus one (1) space for each two hundred (200) square feet of public meeting area and restaurant space.

Office, Public or Private

One (1) space per three hundred (300) square feet of office area.

Recreation Center

One (1) space per one hundred (100) square feet of pool or similar; plus, one (1) space per three hundred (300) square feet of building area not otherwise calculated for parking purposes.

Recreation Complex or Outdoor Sport area

One (1) space per two thousand (2,000) sq. ft. of outdoor field or sport area, plus one (1) space per four (4) seats or one (1) space per six (6) feet of bench area. Buildings are calculated separately.

Restaurant

One (1) space per one hundred (100) square feet. If drive-in window service is provided, a reservoir area equal to at least three (3) spaces per drive-in window shall be provided.

Theater / Cinema

One (1) space for each three (3) patron seats.

College / University	One (1) space per six hundred (600) square feet of building area (excluding dorms), plus one (1) space per dorm room.
Hospital / Clinic	One (1) space per three hundred (300) square feet
Library, Museum, Art Gallery	One (1) space per three hundred (300) square feet
Post Office, Town Hall	One (1) space per three hundred (300) square feet
Recreation Facility, Public	One (1) space per three hundred (300) square feet per building area.

Square Feet Parking Calculation: Square feet used for parking calculations above shall be the total gross square feet inclusive of all space measured inside the outer wall or walls of a building, structure, or similar unless otherwise stated.

4.2 OFF-STREET LOADING REQUIREMENTS

4.2.1 Purpose

In order to assure a proper and uniform development of off-street loading areas and to relieve traffic congestion in the streets, the off-street loading requirements set forth in Section 4.2.2 will apply in all zoning districts. These requirements will apply to new buildings and uses and to additions to existing buildings and uses.

4.2.2 Minimum Off-Street Loading Space Requirements

The following minimum loading space requirements shall apply for the uses listed:

<u>Use</u>	<u>Gross Floor Area (Square Feet)</u>	<u>Required Number of Loading Spaces</u>
Any Single Retail Establishment (not located in a shopping center)	0 to 20,000:	None
	20,001 to 50,000:	One Berth
	50,001 to 250,000:	Two Berths
	Over 250,000	Three Berths
Shopping Centers	0 to 50,000:	None
	50,001 to 100,000:	One Berth

example, if a parking lot is used in connection with an office building, which is in operation on a Monday through Friday basis, an adjacent use that is in operation only on weekends could be credited with those parking spaces provided by the office building. Similarly, if a church parking lot is only 10 percent occupied on days other than Sunday, another use could be credited on Mondays through Saturdays with 90 percent of the parking spaces provided on said parking lot.

In order to be credited with either of these cooperative parking mechanisms, a legally binding contract between the parties (i.e., the party(ies) providing the cooperatively used parking and the party(ies) seeking to make use of the cooperative parking) shall first be submitted to the Planning Director for his review and approval. **This requirement shall exclude shared parking between government to government owned properties.**

Any zoning permit or certificate of occupancy issued for a use which is party to a cooperative parking agreement shall be valid (with regard to having satisfied the off-street parking requirements of this Ordinance) so long as the terms of the contract and the terms upon which the contract was predicated are maintained.

- D) No parking area shall be located over an active septic tank field.
- E) The temporary parking or storage of mobile homes shall be prohibited in all areas not zoned for mobile homes (excluding mobile home sales lots or when used on a temporary basis in accordance with Section 7.8 of this Ordinance). Boats, motor homes and camping trailers may, however, be stored or temporarily parked on any residentially-developed lot so long as they are not occupied for residential purposes.
- F) The Planning Director may approve the location of required off-street parking spaces on a separate lot from the primary lot in question if the off-site parking complies with this ordinance.
- G) Ineligible Activities. Off-site parking (**excluding adjacent on-street parking included or built as part of any conditional site plan approval**) may not be used to satisfy the required off-street parking standards for **single family, duplex, triplex, quadraplex, or townhome** residential development.
- H) Off-site parking areas require the same or a more intensive zoning classification than required for the use served unless as conditionally approved.
- I) Shared Parking Study. Those wishing to use shared parking as a means of satisfying off-street parking requirements must submit a shared parking analysis to the Planning Director that clearly demonstrates the feasibility of shared parking. The study must be provided in a form established by the Planning Director and made available to the public. It must address, at a minimum, the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

- B) Where seats consist of pews or benches, each twenty-four (24) inches of pew or a bench shall be considered as one seat unless otherwise stated in this ordinance.
- C) For the purpose of computing parking requirements based on the number of employees, the on-site owners or managers shall also be considered employees.
- D) Lots containing more than one principal use shall provide parking in the amount equal to the total of the requirements for each use.

4.3

PARKING IN RESIDENTIAL ZONES

All parking areas located in a residential (R) zone or for a **single family** residential use shall meet the following standards:

- A) Parking areas shall be used for the parking of **passenger vehicles** only, with no **commercial vehicle**, vehicle sales, storage, repair work, dismantling, or servicing of any kind to be permitted unless as otherwise permitted in this ordinance.
- B) The following shall apply to all off-street parking for property developed for single family detached, duplex, triplex or quadruplex dwelling units:
 - (1) **Front yard parking.**
 - (a) Parking, driveways, and vehicle paths shall be on improved surfaces only.
 - (b) An improved driveway shall not exceed 25% of the area of the defined front yard unless as paved by concrete or asphalt in one single contiguous driveway, then the driveway area shall be allowed to be expanded to a maximum of 35%. Driveways wide enough to accommodate two parked cars are encouraged.
 - (c) Passenger vehicles, recreational vehicles, semi-trailer truck (cab only), golf carts, utility trailers, and boats or box trucks of **twenty-one** feet in length or less are permitted. All other vehicles or equipment (i.e., heavy equipment, backhoes, tractors, and similar) are prohibited in the front yard.
 - (d) **FRONT YARD** is defined as the space extending along the most forward-facing foundation of a building façade or roofed porch of a residential unit and measured outward from the closest corner or edge to meet the side property lines then forward to the meet street or right-of-way of the lot on which the unit is officially addressed or where the front door faces, as determined by the planning director.
 - (2) **Side yard parking.**
 - (a) Parking, driveways, and vehicle paths shall be on improved surfaces only.
 - (b) Parking of passenger vehicles, recreational vehicles, semi-trailer truck (cab only), golf carts, utility trailers, and boats or box trucks of **twenty-one** feet in length or less are permitted.

for weekly Sunday church events, and provided the Town is made aware and confirms the event prior; or

- (2) To emergency and public service vehicles whose operators are performing services for which they are responsible, nor do these prohibitions apply to vehicles belonging to persons under contract with the city to perform a public service.
- (3) Moving trucks used in association with residential use loading and unloading household goods in for a period of up to twenty-four (24) hours if parked on an improved surface and otherwise in conformance with this ordinance.

- F) All required parking spaces shall be of such design and located so as to be convenient and readily usable by the patrons.
- J) If lighting is provided it must meet the lighting requirements of this ordinance or otherwise shielded and dimmed so as not to create a nuisance onto adjoining properties.
- K) All parking lots, parking spaces, and similar shall be constructed in such a manner that contamination by dust or dust clouds will not exist. This shall be accomplished by use of concrete, asphalt, or crushed gravel.
- L) Violations shall be given five (5) days to correct the violation before additional enforcement including fines per day per violation and as otherwise specified in section 2.8.7.

4.4

PARKING OF COMMERCIAL AND RECREATIONAL VEHICLES

4.4.1 Recreational Vehicles

Recreational vehicles shall be prohibited from being utilized for any amount of time as a dwelling unit and the usage of a recreation vehicle for living, sleeping or housekeeping purposes and the connection of such vehicle to utility services (other than for periodic maintenance and/or repair purposes) shall be prohibited unless the vehicle is located in an approved camping and recreational vehicle park so designed to accommodate recreation vehicles.

4.4.2 Parking Tractor-Trailers or Vehicles over Six Tones

- A) It shall be unlawful for any tractor-trailer or vehicle over ten thousand (10,000) pounds to be parked in any parking lot, travel lane, or parking space designed for passenger vehicles.
- B) Item (A) above shall not apply to vehicles used in association with properties in zoning compliance with all valid approved permits for an active construction site, vehicles parked actively refueling gas tanks such as with gas stations, road repaving, water, sewer, or similar public utility project, Section 4.3, or as approved on a zoning temporary event permit.

The storage of merchandise, materials, containers, the repair of motor vehicles, or any kind of equipment shall be prohibited in all parking lots and loading spaces except as permitted with a valid licensed temporary **event or** construction project.

4.7 PARKING LOT DESIGN STANDARDS

4.7.1 Parking Lots

Because parking areas frequently predominate the visual impact of a development, this section is intended to beautify and enhance these spaces without compromising vehicular and pedestrian safety. The Town does not desire parking areas that dominate a site and advocates de-emphasized parking in favor of architectural design, landscape buffers and pedestrian amenities. Site development shall also address the safety and comfort of the pedestrian in walking within and between areas of automobile movement.

4.7.2 Site Layout

Refer also to appropriate **Overlay** Plan as to **location and other site design minimums.**

4.7.3 Dimensions

A) General

Required off-street parking spaces shall comply with the following dimensional standards:

Table 4.5.3 General Dimensional Standards for Off-Street Parking

USE	TYPE OF SPACE	DIMENSIONS (FEET)
Residential	Spaces in Garage or Carport	10 x 20
	Uncovered	9 x 18
Nonresidential	Angle Spaces	9 x 18
All	Parallel	8 x 22

B) Parking Space Obstructions

Every parking space shall be free and clear of any obstruction within the minimum dimensional standards of this ordinance.

C) Access to Parking Areas

All off-street parking spaces shall be accessible without backing into or otherwise reentering a public right-of-way, unless it is physically impossible to provide for such access **or as provided with on-street parking.** An alley may be used as maneuvering space for access to off-street parking.

D) Parking Lot Access Drive

Parking lots shall provide an access drive not less than 24 feet in width for two-way traffic movement, or 12 feet in width for one-way traffic. **One on site vehicular movement shall be marked with pavement paint and/or vertical "one-way only" type signage. See also Pineville Land Development Standards.**

4.7.8 Cart Corrals

Any zoning use or property that utilizes shopping carts shall keep carts inside the building and/or provide cart corral containment area(s). These containment area(s) shall be adjacent to the building and within the parking lot to a size adequate to prevent any loose cart or cart stacking outside of designated areas. Coin activated cart returns may be used in lieu of parking lot cart corrals provided that carts are kept within designated containment areas.

following conditions.

Governmental signs are allowed to include the following:

- A) Municipal, County, State and Federal traffic signs.
- B) Historical markers, monuments or signs erected by public authority.
- C) Signs denoting the location of underground utilities.
- D) Signs posted by or under the authority of Municipal, County, State, or Federal authorities for crime prevention, public safety, health, zoning, and identification.
- E) Signs erected by government entity to advertise public or community events.

5.2.2 Incidental Signs

Incidental signs shall be detached freestanding secondary onsite signage, such as "no parking", "entrance", "loading only", and meets the conditions below:

Incidental signs shall be allowed provided they comply with the following:

- A) Maximum size of two (2) square feet.
- B) Maximum height of three (3) feet high.
- C) Must be within property lines and outside of any right of way.
- D) Must not cause a safety hazard or conflict with utilities.
- E) Must be permanent style and constructed of metal or masonry frame.
- F) Limit two (2) per property for properties under 10 acres. No limit for properties over 10 acres where not visible from public road right of ways.

5.2.3 Flags

A generally rectangular fabric, **generally** representing a nation, state, country, city, or other official government entity, designed to be flown from a flag pole and meets the following conditions:

Flags on Free Standing Poles

- A) **Government and church owned properties are limited to three (3) poles not to exceed forty (40) feet in height. Flag size shall be a maximum of six (6) by ten (10) feet**
- B) **All other uses and properties there shall be no more than one flagpole displayed on any lot unless the lot has more than one road frontage, in which case there may be one flagpole per each public road frontage.**
- C) **A maximum of 2 flags shall be allowed per a flag pole.**
- D) **Unless specified otherwise flag poles shall not exceed thirty (30) feet in height nor shall flags on these poles exceed a size of five (5) feet by eight (8) feet.**
- E) **Free standing poles shall be located a minimum of five (5) feet inside any property line.**
- F) **Any pole fifteen (15) feet in height or greater must provide and install an engineer approved foundation.**
- G) **Any pole on any residentially (R) zoned property (excluding apartment complexes and commonly owned home owner's association property) shall be limited to one (1) pole**

- D) Signs shall not be on Town owned property.
- E) Signs shall not be in the Right-of-Way.
- F) Signs shall not be in any sight triangle.

5.2.6 Construction Signs

Temporary onsite signs in association with construction projects typically advertising the builder, developer, bank or similar where final Town of Pineville and Mecklenburg County plans have been approved and a construction permit is posted.

- A) Signs must be in conjunction with a valid approved building permit.
- B) Signs in conjunction with any residential uses totaling ten (10) homes or less shall have a maximum area of six (6) square feet apiece and a maximum height above grade of four (4) feet.
- C) Signs advertising all other uses shall not exceed thirty-two (32) square feet, and a maximum height above grade of ten (10) feet.
- D) Maximum of two (2) construction signs per total development project area or one (1) sign placed per street front shall be erected, whichever is greater. This sign may be double sided but not 'V' style.
- E) Signs shall not be illuminated.
- F) Signs must be a minimum of five (5) feet inside the property.
- G) Signs must not be in any sight triangle.
- H) Signs must be removed after completion of project or certificate of occupancy is issued.
- I) Signs in place longer than ninety (90) days must be of painted wood or metal material approved by the Planning Director.
- J) Fence wraps. Per NCGS 160D-908 Fence wraps displaying signage when affixed to perimeter fencing at a construction site are exempt from zoning regulation pertaining to signage under this Article until the certificate of occupancy is issued for the final portion of any construction at that site or 24 months from the time the fence wrap was installed, whichever is shorter. If construction is not completed at the end of 24 months from the time the fence wrap was installed, the local government may regulate the signage but shall continue to allow fence wrapping materials to be affixed to the perimeter fencing. No fence wrap affixed pursuant to this section may display any advertising other than advertising sponsored by a person directly involved in the construction project and for which monetary compensation for the advertisement is not paid or required.

5.2.7 Religious Institutions and Other Non-Profit Organizations

Temporary special event signs or banners for religious, charitable, civic, or similar verified non-profit organizations provided that:

- A) Two on-premise signs no larger than thirty-two (32) square feet property shall be permitted per event. Portable signs may be used for such purposes.
- B) Signs shall be erected no sooner than 14 days before and removed 7 days after the event.

- B) Customary cemetery signage such as identification and grave markers on masonry, stone, or metal.
- C) Historical Markers erected by a government entity.
- D) Address signs. Addresses on structures, mailboxes, paper tubes and similar customarily allowed for property location and emergency services giving the street name and numerical address only provided all other ordinance provisions are met.
- E) Menu boards and sports field signage such as scoreboards where not visible from a public road right of way provided all other regulations are met (such as lighting).

5.3

PROHIBITED SIGNS

The following list of signs are prohibited in the Town unless specifically noted elsewhere.

- A) Any sign, which the Planning Director determines, obstructs the view of bicyclists, pedestrians or motorists using any street, obstructs the approach to any street intersection, or interferes with the effectiveness of or obscures any traffic sign, device, or signal shall be prohibited.
- B) Illuminated, highly reflective signs or spot lights that the Planning Director determines hampers the vision of motorists or bicyclists.
- C) Signs, lights, rotating disks, words, and other devices, which resemble traffic signals, traffic signs, or emergency vehicle lights.
- D) Signs, other than government signs, which contain lights, rotating disks, words and other devices not erected by a public authority, which may be erroneously construed as government signs, or emergency warning signs.
- E) Any sign, which interferes with free passage from or obstructs any fire escape, downspout, door, stairway, ladder, or opening intended as a means of ingress or egress or providing light or air.
- F) Any sign placed on any curb, sidewalk, post, pole, hydrant, bridge, tree, or other surface located on, over, or across any public street or right-of-way unless authorized by the Pineville Town Council or the North Carolina Department of Transportation.
- G) Any sign located in such a way as to intentionally deny an adjoining property owner visual access to an existing sign.
- H) Flashing, strobing, scrolling, swinging, rotating signs or similar (except government emergency signs or as required along roadways for traffic control).
- I) Portable signs (except as otherwise stated in this Ordinance).
- J) Vehicular signs. Vehicles used in the normal operation of a business that contains graphics promoting the business are allowed. However, vehicles with signage parked along roadways, and vehicles not directly used in association with regular business activates shall be prohibited.
- K) Off-Premise Sign (such as a Billboard). Any sign that is not located within the property that it identifies or advertises.
- L) Roof signs, or signs on or above the roof or parapet of a building.
- M) Other signs not expressly permitted by this Ordinance.
- N) Electronic message boards in all Residential (R) Districts
- O) Obsolete or Abandoned Signs. Non-conforming signs or parts of signs which advertise or pertain to a business, product, service, commodity, event, activity or

5.4

SIGNAGE DISTRICTS

5.4.1 Residential Uses or District Signs

Signage per individual dwelling unless otherwise specified shall be on a wall, window, or porch column and may not exceed six (6) square feet.

Residential subdivision developments contain property that may require signage. Such developments include single family subdivisions and other master planned developments designated with the letter 'R' in the zoning classification. Total allowable wall sign area shall not exceed one square foot per linear foot of the front of all community owned buildings such as club and pool houses. One (1) ground mounted or monument sign may be utilized per common entrance providing the sign graphic does not exceed twenty (20) square feet. Two (2) ground mounted or monument signs on flanking either side of a common entrance may be utilized providing each sign graphic does not exceed ten (10) square feet. Such signs shall not exceed seven (7) feet in height excluding brick support structure or decorative architectural features such as finials. Internally illuminated signage is prohibited.

5.4.2A Office-Commercial (O-C)

	Permitted Sign Type(s) ¹	Specific Applicability	Maximum Area	Maximum Height	Maximum Number
Building Mounted	Wall ²	Primary public street facing or primary façade	2 sqft for each linear foot of wall frontage <u>or</u> 5% of wall whichever is greater.	Wall height	n/a
	Wall ²	Secondary public street	1 sqft for each linear foot of building facing side street	Wall height	n/a
	Window	Window glass area	25% of interior window and/or door area	n/a	n/a
	Projecting ²	Traditional post-and-arm style wall mounted	24 sqft	n/a	1
	Awning	Single color awnings only	Permitted as part of allowable wall signage	Must be affixed only on vertical wall area	n/a
Erect/ Standing	Monument or Ground Mounted ³	Properties that can meet all freestanding sign requirements	50 sqft	7 ft	1

¹ Combined square footage of all signs shall not exceed 200 square feet.

² Wall Signs may project a maximum of 24" from the wall to which it is mounted. Secondary street wall signage allowances shall not be combined onto the front façade, however front or secondary signage may be transferred onto rear or similar facades.

³ Sign must be placed a minimum of 5' inside property lines, outside of any sight triangle, and not within any existing or future sidewalk area. One ground mounted or monument sign is permitted. In the event of a double-sided sign, only one side shall be used to figure the square footage.

5.4.3 General Business (B-3) Signs

	Permitted Sign Type(s) ¹	Specific Applicability	Maximum Area	Maximum Height	Maximum Number
Building Mounted	Wall ²	Primary public street facing or primary façade	2 sqft for each linear foot of wall frontage or 5% of wall whichever is greater.	Wall height	n/a
	Wall ²	Secondary public street	1 sqft for each linear foot of building facing side street	Wall height	n/a
	Window	Window glass area	25% of interior window and/or door area	n/a	n/a
	Projecting ²	Traditional post-and-arm style wall mounted	24 sqft	n/a	1
	Awning	Single color awnings only	Permitted as part of allowable wall signage	Must be affixed only on vertical wall area	n/a
Free Standing	Monument or Ground Mounted ³	Properties that can meet all freestanding sign requirements	50 sqft	7 ft	1

- ¹ Combined square footage of **individual business or tenant space** signs shall not exceed 200 square feet.
- ² Wall Signs may project a maximum of 24" from the wall to which it is mounted. Secondary street wall signage allowances shall not be combined onto the front façade, however front or secondary signage may be transferred onto rear or similar facades.
- ³ Sign must be placed a minimum of 5' inside property lines, outside of any sight triangle, and not within any existing or future sidewalk area. One ground mounted or monument sign is permitted. In the event of a double-sided sign, only one side shall be used to figure the square footage.

5.4.5 Shopping Centers^{1,2,3}

	Number of Tenants	Specific Applicability	Maximum Area	Maximum Height	Maximum Number
Wall		Wall signs calculated individually for maximums.	See zoning district for maximum	See zoning district	N/A
Monument	10-14 Tenants	Identifies tenants in a building.	125 sq ft	20 ft	1 Per Street Frontage
	15 or more Tenants	Identifies tenants in a building.	150 sq ft	40 ft	1 Per Street Frontage

¹ All other applicable zoning district regulations apply.

² Non-conforming shopping centers with five or more tenants may replace free standing sign tenant panels only to reflect current tenants provided that the existing sign has five or more tenant panels and does not alter the existing structure, condition, lighting, or intent.

³ LED or illuminated message board displays are limited to fifty (50) square feet unless as conditionally approved.

5.4.7 Downtown Core (DC) District

	Permitted Sign Type(s) ¹	Specific Applicability	Maximum Area	Maximum Height	Maximum Number
Building Mounted	Wall ²	Primary public street facing or primary façade	2 sqft for each linear foot of wall frontage <u>or</u> 10% of wall whichever is greater.	Wall height	n/a
	Wall ²	Secondary public street	1 sqft for each linear foot of building facing side street	Wall height	n/a
	Window	Window glass area	25% of interior window and/or door area	n/a	n/a
	Projecting	Traditional post-and-arm style wall mounted	24 sqft	n/a	1
	Awning	Single color awnings only	Permitted as part of allowable wall signage	Must be affixed only on vertical wall area	n/a
Free Standing	Monument ³	Box style only no 'V' shaped signs	32 sqft	5 ft	1
	Portable ⁴	A-Frame, Menu Board	6 sq ft (24" x 36")	4 ft	1

¹ Combined square footage of **individual business or tenant space** wall signs shall not exceed 150 square feet.

² Wall Signs may project a maximum of 24" from the wall to which it is mounted. Secondary street wall signage allowances shall not be combined onto the front façade, however front or secondary signage may be transferred onto rear or similar facades.

³ Sign must be placed a minimum of 5' inside property lines, outside of any sight triangle, and not within any existing or future sidewalk area. One ground mounted or monument sign is permitted. In the event of a double-sided sign, only one side shall be used to figure the square footage.

⁴ A-Frame signs are allowed during business hours and must be removed at the close of the business day.

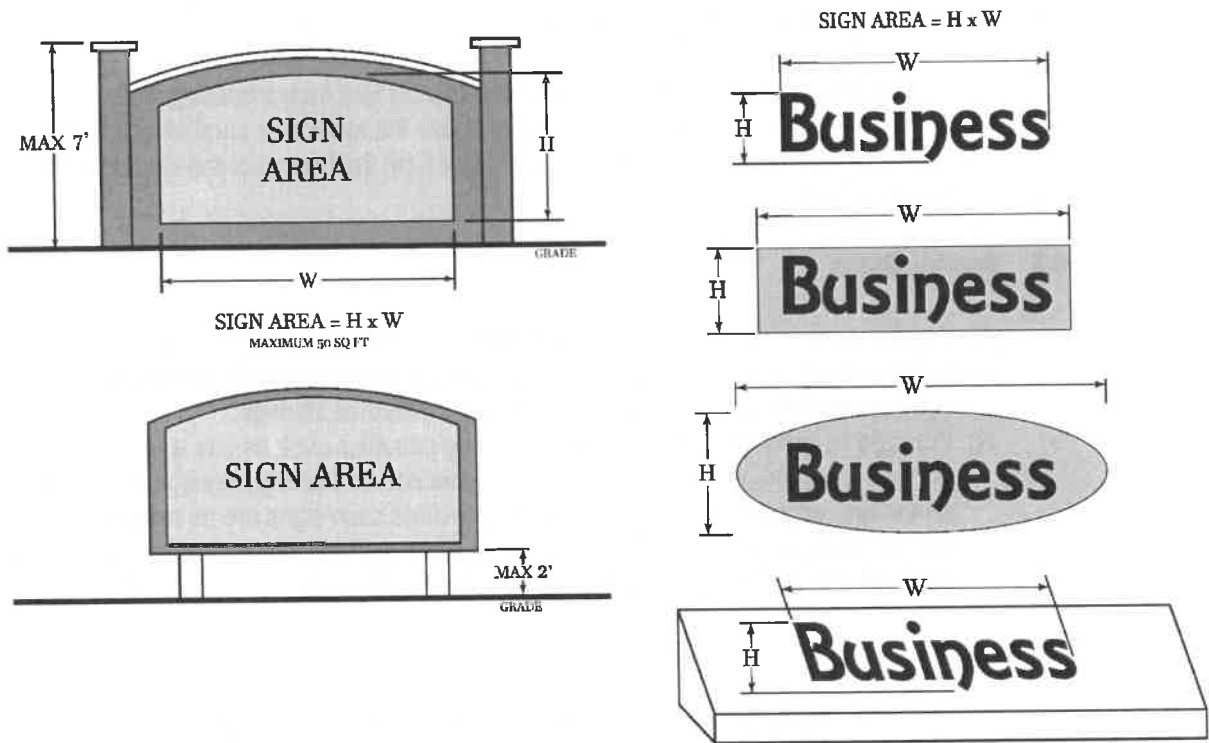
5.5

GENERAL MEASUREMENT AND SPECIFICATIONS

The following are general specifications applicable to the various signs permitted. Additional specifications regarding size, number, location, and permitted types of signs are set forth in the individual zoning districts.

5.5.1 Sign Area

The surface area of a sign is computed as including the entire area within a triangle, circle, or four-sided parallelogram, including all of the elements of the design and including all illuminated cabinets or sign panels. In the case of enclosed double-sided rectangular panel signs mounted back-to-back, only one side of the sign is to be included in the area. Otherwise, the surface area of each sign is to be separately computed. In the case of cylindrical signs, signs in the shape of cubes, or other signs, which are substantially three-dimensional with respect to their display surfaces, the entire display surface or surfaces, is included in computations of area.



- A) Sign illumination and glare intensity. No sign is permitted by intensity or direction to constitute a nuisance, spill onto adjacent properties, interfere with the reasonable enjoyment residential uses, or cause glare hazard to passing motorists.
- B) Signs near residential premises. No sign within 150 feet of a residential property may be illuminated between the hours of midnight and 6 a.m., unless there is no spillover of lighting or glare to the residential area beyond the boundaries of the lot where the lighting is located.
- C) Shielding of lights. External lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into or cause glare onto a public right-of-way or residential uses
- D) Flashing or intermittent lights. No sign shall contain or be illuminated by flashing, scrolling, or intermittent light or lights of changing degrees of intensity.

5.7.1 Exposed Illumination Source

All illuminated signs shall have the bulb or illumination source concealed in such a way as to not be visible to the public unless for interior window signs less than two square feet such as now open signs or for LED portions of freestanding monument signs where permitted.

5.7.2 Electric Supply

All illuminated detached signs shall utilize an underground electrical source. All wall signs shall utilize a direct bore or concealed channel wall electrical source.

5.7.3 Sign Lighting Maximum including Electronic Message Board and Changeable Sign Graphics

- A) Shall not exceed more than 8,000 nits during daytime hours
- B) Shall not exceed more than 700 nits between dusk and dawn
- C) Shall stay static for at least five (5) minutes

5.8 Parking Space Signs

Signs in association and located within any internal on-site parking space such as for online order pickup signs.

- A) Signs shall be a maximum of seven (7) feet tall
- B) Signs shall be a maximum of one foot six inches (1'6") wide
- C) Maximum of six (6) square feet total
- D) Maximum number of twenty-five (25) percent utilized of a tax parcel's parking spaces
- E) Signage to face internal to parking space only
- F) Signs located in any commercial or industrial zoning but not permitted in any residential (R) zoning.
- G) Signs shall encroach a maximum of six (6) inches into any minimum parking space dimension.
- H) Must be approved permanent smooth rigid material including aluminum or metal but excludes corrugated plastic or any paper material

CHAPTER 6 DISTRICTS AND REGULATIONS

See Table 6-1 for Use Classifications within Zoning Districts

6.1 ZONING and OVERLAY DISTRICTS

In order to achieve the purpose of this Ordinance, the following districts and overlays are hereby established. In addition to the primary uses, other uses including accessory uses, off-street parking and signage, are permitted as described in this Ordinance.

6.1.1 Single-Family Residential Districts (R-44 and R-12)

These districts are established to provide areas consisting primarily of larger lot single-family.

6.1.2 Residential District (R-7)

This district permits single-family residences, on lots a minimum of seven-thousand (7,000) square feet in area, and duplexes located on corner lots only.

6.1.3 Multi-Family District (R-MF)

This district is intended primarily for attached multi-family residential development such as apartment complex, townhome, patio home and similar multi-family dwellings. Other single family, private, or community uses may be allowed.

6.1.4 Office-Institutional District (O-I)

This district is for medium to larger lots and intended to accommodate institutional uses such as hospitals-, short- and long-term care facilities as well as for offices and services that assist these uses.

6.1.5 Office-Commercial District (O-C)

This district is intended as a mixed-use district allowing for both offices and lighter commercial uses and business services. The O-C district is meant to provide for consolidated professional services and less retail sales than business or "B" zoning designations.

6.1.6 General Business District (B-3)

This business district located adjacent to Pineville's historic Downtown Core and intended to closely reflect that. This district is designed to accommodate a wide variety of smaller and medium-sized retail and commercial uses.

6.1.7 Highway Business District (B-4)

This is a business district along major highways for the placement of a wide variety of retail uses including large shopping and commercial complexes.

6.1.8 Planned Business District (B-P)

This is a business district designed for large master planned and generally commercial uses. The purpose of this district is to provide for the development of large-scale developments in consolidated manner to enhance traffic flow, limit driveway curb cuts on public roads, and provide pedestrian sidewalk connectivity between businesses and along roadways. All areas

It is the ultimate intent to encourage both well-planned and high quality sustainable development. Uses in this district are foreseen to be primarily commercial, commercial/residential mixed-use, higher density residential, offices, and neighborhood services. All development in this district shall comply with the requirements within the Corridor Overlay Plan.

6.1.14 Neighborhood Mixed-Use Overlay District

The Neighborhood Mixed-Use Overlay District is intended to manage and guide continued growth and development pressure. This district has been established based on location, land use plans, and the general neighborhood/light mixed-use potential of these areas. It is anticipated that the development model in these areas will be primarily lighter to moderate density residential uses with light to moderate neighborhood retail and neighborhood services. These retail and service uses shall be located around local neighborhood centers and/or higher traffic locations.

High architectural integrity and additional streetscape features such as street trees, seating, bicycle lanes, and wide sidewalks will greatly improve both the aesthetics and pedestrian oriented potential in these areas.

Ground floor uses facing any primary travel corridor in this district shall be comprised of pedestrian friendly and/or active uses. Mixed and multiple tenant buildings are encouraged as are additional connector roads to ease traffic burdens on existing roads and to provide more options to travel between destinations. Existing zoning designations such as 'RMX' and the subsequent allowable uses are seen to be a good fit for this area.

It is the ultimate intent to encourage both well-planned and high quality sustainable development. Uses in this district are foreseen to be primarily a mixture of light commercial, neighborhood services, and offices with light to medium residential uses arranged around hierarchical neighborhood centers. All development in this district shall comply with the requirements within the Neighborhood Mixed-Use Overlay Plan.

6.1.15 Residential Overlay District

The Residential Overlay District is intended to manage and guide continued growth and development pressure for the district shown on the right in green. This district has been established based on location, land use plans, and the general development trend in these areas.

It is anticipated that the development model in these areas will be the creation of attractive and classic time proven residential (generally single family) neighborhood designs. High architectural integrity and additional streetscape features such as street trees, seating, bicycle lanes, and wide sidewalks are required and intended to greatly improve both the aesthetics and pedestrian oriented potential in these areas.

It is the ultimate intent to encourage both well-planned and high quality sustainable development. Uses in this district are foreseen to be primarily single-family detached residences arranged around a neighborhood center and/or usable common open spaces.

6.3.3 Where district boundaries are so indicated that they are approximately parallel to the centerlines of streets, highways or railroads, or rights-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the zoning map. If no distance is given, such dimensions shall be determined by use of the scale shown on said zoning map.

6.4 USE CLASSIFICATIONS

6.4.1 Table of Uses

The list of uses allowed in each general zoning district is indicated in Table 6-1. For any use listed in this table, the Planning Director shall be able to determine if the use is (i) permitted, (ii) permitted subject to the adherence of certain identified performance criteria, (iii) permitted subject to conditional approval, (iv) permitted subject to conditional approval and also having to meet certain performance criteria, or (v) not permitted.

A use shall be permitted in a certain zoning district if it is accordingly designated in Table 6-1 with a "P". A use permitted subject to certain performance criteria, is designated by a "PS". A use that is subject to conditional approval is indicated by a "C". If performance criteria pertain to a certain conditional use, this would be indicated by a "CS". If a use does not have a "P", "PS", "C", or "CS" designation in a particular zoning district, that use shall not be allowed in that zoning district.

No building or structure, sign or land shall hereafter be used, erected or occupied and no building or structure shall be erected, expanded or moved except in conformity with the regulations of this Ordinance. This Ordinance specifies uses, which are allowed in each zone.

Uses designated as "permitted uses" in Table 6-1 are allowed in a zone as a matter of right. Uses designated as "conditional uses" in Table 6-1 are allowed only after approval by the Town Council pursuant to Section 2.6 of this Ordinance.

Supplemental regulations as listed in Table 6-1 are found in Section 6.5 of this ordinance.

See Section 7.8 for temporary uses.

6.4.2 Uses Not Expressly Permitted or Conditional

For any use not listed in this Ordinance, the Planning Director shall determine if said use can reasonably be interpreted to fit into an existing use classification as described in this Ordinance. Pineville Town Council, after conducting a public hearing may make the same determination upon request of the Planning Director or by appeal of the Planning Directors classification.

If an applicable zoning use and associated regulation cannot be found in this Ordinance as determined by the Planning Director that zoning use shall be considered not permitted. An applicant may seek to add any zoning use not expressly permitted or conditional in the use classification chart as a text amendment for the proposed land use or regulation following zoning text amendment procedures.

- C) Animal run areas must be located at least one hundred (100) feet back from any street.
- D) Animal run areas must be screened from view from any street or adjacent property by way of a solid fence enclosure minimum height of six (6) feet.
- E) Animal run areas are limited to not more than twice the heated square footage of the accompanying enclosed building use.
- F) Hours of outdoor animal runs shall be limited to 10 am to 6pm

6.5.4 Commercial Uses

- A) Any individual commercial use having greater than 100,000 square feet gross leasable floor area must obtain conditional zoning approval in accordance with this Ordinance.

6.5.5 Auction House

All activity must take place indoors.

6.5.6 Auditorium, Assembly Hall, Amphitheaters

- A) Access to the site shall be provided by major or minor thoroughfares only.
- B) The lot containing an outdoor amphitheater shall be located at least five-hundred (500) linear feet from any pre-existing residential dwelling unit (as measured between lot lines).
- C) A Conditional zoning approval is required if the use has three hundred (300) or more seats.

6.5.7 Automobile Servicing, Installations, Repair and Body Shop

- A) If located adjacent to a Residential (R) use, the hours of operation may be from 7:00 A.M. to 9:00 P.M. only. This shall not apply in the case of lots containing this use, which are separated from such R-zoned lots by a major or minor thoroughfare.
- B) All work including vehicle servicing and inspections must take place indoors.
- C) Unless structures and site design meet current zoning and overlay district requirements; the use shall not be permitted.
- D) Must meet overlay façade requirements, be all brick store front type design, and no street facing service bay doors or utility elements
- E) Façade must be at least 75% of width of primary street front.
- F) Approved primary building materials must be used within 200 feet of any street.

(100) or more students shall be considered a separate principal use and may be allowed on the same lot so long as the school meets all applicable area, bulk and setback requirements.

- C) A single-family residential use, occupied by the pastor, priest, rabbi, etc. of the facility, may be placed on the lot containing the church/house of worship. Said structure shall meet all setback requirements for single-family dwellings for the zoning district in which the lot is located. Said structure may not be used for day care facilities.
- D) Any church having a sanctuary capacity of five-hundred (500) or more seats shall be located on and have direct access to a major or minor thoroughfare.
- E) Church schools shall be allowed to have up to two (2) modular classrooms without having to submit and receive site plan approval. All modular classrooms, however, shall have their foundations skirted and shall have shrubs planted five (5) feet on center around the periphery of the structure.
- F) A conversion of a dwelling unit into a church/house of worship shall be a conditional use.

6.5.12 Communication Facilities and Towers

In recognition of the Telecommunications Act of 1996, it is the intent of the Town of Pineville to allow communication providers the opportunity to locate towers and related facilities within its jurisdiction in order to provide an adequate level of service to its customers while protecting the health, safety, and welfare of the citizens of Pineville. Wireless towers may be considered undesirable with other types of uses, most notably residential, therefore, special regulations are necessary to ensure that any adverse effects to existing and future development are mitigated.

- A) Wireless telecommunication towers, (including cellular towers, digital towers, and PCS towers), are permitted uses by right in the G-I district pursuant to the regulations set forth in this section. Telecommunication towers require the conditional zoning approval from town council in all other zoning districts pursuant to the regulations set forth in this section and Ordinance.
- B) All telecommunication towers constructed must be of the monopole variety, unless the tower exceeds 199.9 feet, in which case a lattice type tower may be used to ensure structural safety. Towers within the G-I district may be either a monopole or lattice type where the property currently has no structure or is developed for non-residential purposes. Towers constructed on property, which includes residential development, must be of the monopole variety.
- C) It is the intent of the Town to encourage providers to co-locate facilities in an effort to reduce the number of towers in Pineville's jurisdiction. Providers shall exhaust all potential co-location possibilities and provide documentation to such effect before the Town considers any application.

Such maintenance shall include all actions necessary to keep the screened area free of litter and debris, to keep plantings healthy, and to keep planting areas neat in appearance. Any vegetation that constitutes part of the screening shall be replaced in the event it dies. In addition, an eight (8) foot high fence must be placed around the structure (before the screening) to avoid creating a nuisance.

- J) In all districts, a minimum setback requirement, on all sides of the property, shall be 150 feet or two feet for every one (1) foot of actual tower height (i.e. a 150 foot tower would require a 300 foot setback), whichever is greater. If the applicant can document a reduced collapse area, then the setback shall be the greater of that distance or 150 feet.
- K) Telecommunication towers located in all residential districts and having a height of 199.9 feet or less, shall not contain lights or light fixtures at a height exceeding fifteen (15) feet. Furthermore, lighting of all towers in any district shall be directed toward the tower and/or equipment shelters to reduce the effect of glare.
- L) Towers and related facilities must be removed by the provider and/or the property owner if abandoned (no longer used for its original intent) for a period greater than six (6) consecutive months.
- M) Additional provider antennas and equipment shelters to an approved telecommunication tower site may be made with the approval of the Planning Director, without additional review by the Planning Board and Town Council, provided said changes do not increase the height of the tower or the type of tower construction.
- N) Free-standing signs for telecommunication towers are prohibited. One wall sign, for the purpose of identification, is allowed on any equipment shelter provided it does not exceed ten (10) percent of the total wall area of the wall on which it is located.
- O) The provider must show proof of adequate insurance coverage for any potential damage caused by or to the telecommunication tower prior to the issuance of a conditional use permit.
- P) Outdoor storage of equipment or other related items is prohibited on a telecommunication tower site.
- Q) Provider must notify the Town of sale or lease of structure.
- R) All applications for a conditional **approval** for a telecommunication tower must include the following information:
 - 1) Identification of intended provider(s);
 - 2) Documentation by a registered engineer that the tower **and foundation** have sufficient structural integrity to accommodate more than one user;

C) All lighting for the facility must be oriented so that direct beams of light shine away from all adjoining properties.

D) All lots containing a correctional facility must have a minimum of 30 acres.

6.5.16 Customary Home Occupations

Customary home occupations may be established in any dwelling unit. The following requirements shall apply in addition to all other applicable requirements of this Ordinance for the district in which such uses are located:

A) The home occupation shall be clearly incidental and subordinate to the residential use of the dwelling and shall not change the residential character of the dwelling.

B) No accessory buildings or outside storage shall be used in connection with the home occupation.

C) Use of the dwelling for the home occupation shall be limited to twenty-five percent (25%) of the area of the principal building.

D) Residents of the dwelling may only be engaged in a home occupation.

E) No external alterations inconsistent with the residential use of the building shall be permitted.

F) Only vehicles used primarily in connection with the conduct of the customary home occupation shall be permitted

G) Chemical, mechanical, or electrical equipment that creates odors, light emission, noises, or interference in radio or television reception detectable outside the dwelling shall be prohibited.

H) Customary home occupations may be conducted in an accessory building subject to the issuance of a Conditional Use Permit by the Town Board.

I) All home occupations shall be conducted between the hours of 7:00 A.M. and 9:00 P.M. only.

J) No traffic shall be generated by the home occupation in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the conduct of the home occupation shall be provided off the road right-of-way.

6.5.17 Dwelling, Duplex, Two-Family

A) Two-family dwellings shall only be located on corner lots. The architectural front of each dwelling unit must face separate streets. Street ingress and egress to each unit shall also be from separate streets. The structure must meet the minimum front

- B) Any research involving, using, or developing contagious toxins, nuclear elements, explosives, or other potentially dangerous elements that if released would constitute a hazard shall be a conditional use.

6.5.23 RESERVED

6.5.24 Manufactured Home Park Standards

All manufactured homes shall be located in a Manufactured Home Park. Manufactured Home Parks shall be conditionally approved only in the R-MF zoning district to ensure conformity with the below standards.

A) Minimum Park Area

Manufactured Home Park - Five (5) acres with a density not to exceed seven (7) homes per acre.

B) Occupancy

There must be at least five (5) improved manufactured home spaces at first occupancy. Any existing manufactured home park containing less than five (5) manufactured home spaces shall not be considered nonconforming if otherwise in conformance with the standards contained in this Ordinance.

No manufactured home space shall be occupied, nor may a certificate of occupancy be issued unless the requirements of this Ordinance have been met. The requirement of a minimum of five (5) spaces at first occupancy shall apply only to the first five (5) spaces of a new manufactured home park. In all other situations, a manufactured home park may increase in size in any increments of spaces.

C) Space Sizes

All manufactured homes within the park shall be located in designated manufactured home spaces. Minimum space sizes shall be as follows:

- 1) Where a well and septic tank are on the same space - Twenty thousand (20,000) square feet.
- 2) Where one of either public or community water service, or public or community sewer service is provided to each space, a minimum of ten-thousand (10,000) square feet shall be required.
- 3) Where both public water and sewer services are provided to each space - Five thousand (5,000) square feet.
- 4) The above space sizes are to be deemed the minimum size requirements and may be increased due to requirements for placement of well and septic tank systems (such as soil conditions and separation distances), the topography of the land, watershed requirements or other factors. The applicant shall indicate on the

The location of each manufactured home stand must be at an elevation, distance and angle in relation to the adjacent access drive so that placement and removal of the manufactured home is practical by means of customary moving equipment. All manufactured homes shall have continuous underpinning from the bottom of the walls to the ground made of brick, pressure-treated wood (see below), or vinyl, pre-painted aluminum material, or other material specifically manufactured for manufactured homes, unpierced except for required ventilation and an access door.

Each manufactured home in the park shall conform to North Carolina Department of Insurance Standards for tiedown requirements.

I) **Steps**

All manufactured homes within the park shall be equipped with two (2) sets of steps.

J) **Location of Accessory Structures and Common Structures**

Structures accessory to a particular manufactured home shall be located only on the lot containing that manufactured home. All such structures shall be (i) residential in character; (ii) no closer than five (5) feet from the mobile home space boundary and no closer than ten (10) feet from any manufactured home on another space within the park.

However, for carports having a capacity not exceeding two (2) car spaces, the only requirements shall be that such structures observe the same front yard setback as required for the manufactured home and that such structures be located no closer than five (5) feet from any property line, or from the edge of any required buffer. In no instance shall an accessory or common structure be located in a required buffer area.

Accessory structures of benefit to all residents of the manufactured home park shall be permitted within the park. Said structures (i.e., community pools, laundry facilities, game rooms, club houses, etc.) shall be located at least twenty (20) feet from any interior street line and thirty (30) feet from any manufactured home located within the park. Outdoor vending machines may be located in the manufactured home park.

All vending machines must be located indoors or, if outdoors, under a covered surface adjacent to a common building (e.g., administrative office) or facility (e.g., community pool). Vending machines on individual manufactured home spaces shall be prohibited. No retail establishments (other than customary home occupations) may be allowed within the manufactured home park.

K) **Public Road Frontage**

All manufactured home parks shall abut and have at least fifty (50) feet of frontage on a public road. No manufactured home lots shall be directly accessible from the public street.

L) **Ingress and Egress**

- 4) One way streets shall be marked as such at appropriate intervals and "Do Not Enter" signs shall be posted where streets become one way or where streets intersect with one way streets.

Roads in manufactured home parks must be designed and graded in such a manner as to allow for the adequate runoff of storm water from interior streets and other surface areas within the manufactured home park.

Speed reduction bumps on paved internal streets are permissible, but they shall be painted and appropriate signs indicating the bump must be placed along the street.

All dead-end internal streets, which provide access to three (3) or more manufactured home spaces shall be provided with a permanent turn-around. All such turn-arounds shall have a minimum paved surface diameter of fifty (50).

Streets and roads within the manufactured home park shall intersect as nearly as possible at right angles, with a 20' radius of intersection and no street shall intersect at an angle of less than seventy (70) degrees. Where streets intersect with a State maintained road, the design standards of NCDOT shall apply.

Maintenance of all internal streets, signage, and all drainage facilities shall be the responsibility of the owner of the manufactured home park. Such streets shall be maintained in a manner to be free from pot holes, breaks in the pavement, rough surfaces, ponding of water during rainy periods, excessive washing of drainage ditches, and other associated problems, which would impede or cause hazards to motor vehicles.

Street jogs ("T" intersections with a street or road, on opposite sides of said road) of less than one-hundred twenty-five (125) feet within and abutting the manufactured home park shall be prohibited.

N) Parking

At least two (2) off-street parking spaces with not less than four (4) inches of crushed stone or other suitable material (such as asphalt paving or bituminous surface treatment (BST) paving) on a well compacted sub-base shall be provided for each manufactured home space. Required parking spaces may be located in the required front or side yards of the manufactured home space.

Parking spaces shall not be located in the street right-of-way the shoulder, or drainage ditches. One or more separate common visitor parking areas may be designated within any manufactured home park. Such common visitor parking areas shall be separate from any manufactured home space, roadway, drainage facility or buffer, and shall not be located in the street right-of-way, shoulder, or drainage ditches.

O) Trash Facilities

An accessible, adequate, safe and potable supply of water shall be provided in each manufactured home park. Where connection to a municipal water supply is available, connection shall be made thereto and its supply used exclusively. Each lot to be individually metered for water. All lines, meters, boxes, and connections are to be constructed to the specification of the Charlotte/Mecklenburg Utility Department.

When municipal water supply is not available, adequate water supply shall be developed and its supply used exclusively, in accordance with the standards of the State of North Carolina and the Mecklenburg County Health Department. Any water supply must be capable of providing three hundred (300) gallons of water per day manufactured home space.

Each space shall be provided a minimum three fourth (3/4) inch size copper or PVC water service line.

Fire hydrants must be installed at a minimum of every 1,000 foot of road frontage, additional hydrants or other provisions per the Pineville Town Board may be required.

U) Sewage Facilities

Adequate and safe sewage disposal facilities shall be provided. Where public sewer is available, connection to the park and individual lots must be made. All lines and connections are to be constructed to the specifications of the Charlotte/Mecklenburg Utility Department. Any individual clean-out is required per lot/space.

If public sewer is not available, collection systems and sewage treatment plants complying with the requirements of the N.C. Department of Health and Environment and the Mecklenburg County Health Department. Individual septic tank systems are permissible in accordance with the requirements of the Mecklenburg County Health Department regulations. There shall be no more than one (1) manufactured home connected to an individual septic tank.

V) Screening

All manufactured home parks shall provide screening along all adjoining properties on the side and rear property lines. Such screening shall be located within the manufactured home park and shall materially screen all structures within the manufactured home park from all adjacent properties in the form of a fifty (50) foot buffer around all side and rear property lines containing a minimum six foot tall solid wood, vinyl, or masonry fence and two rows of approved large maturing evergreen screening offset five feet. Evergreen screen vegetation shall be a minimum six feet tall at planting and planted ten feet on center.

W) Maintenance

The grounds of a manufactured home park shall be kept free of trash, litter, debris, noxious weeds, open sewage or other unhealthy matter. Any septic tanks, which fail, shall be immediately repaired or replaced by the manufactured home park owner. Grounds, buildings and storage areas shall be properly maintained.

- A) Developments having an aggregate gross leasable area of 0-50,000 square feet shall be provided access by at least one minor arterial, as defined by the most recent Town of Pineville Subdivision Ordinance.
- B) Developments having an aggregate gross leasable area of 50,001-100,000 square feet shall be provided direct access by (i) one major arterial or (ii) two minor arterials as defined by the most recent Town of Pineville Subdivision Ordinance
- C) Developments having an aggregate gross leasable area of 100,001+ square feet shall be conditionally approved and provide direct access by: (i) one major arterial or (ii) two minor arterials as defined by the most recent Town of Pineville Subdivision Ordinance (iii) and conduct a traffic study and are responsible for the improvements recommended therein

6.5.29 Petroleum Sales and Bulk Storage

- A) Petroleum storage containers shall be located at least 1,500 linear feet from any Residential District or pre-existing residential use and a setback a minimum of 50 feet inside the property.
- B) Petroleum and similar combustible storage of more than 50,000 gallons of aggregate storage capacity shall be a conditional use.
- C) All fire and safety regulations must be met.

6.5.30 Restaurant and Fast Food

- A) Loudspeakers, automobile service order devices, and similar instruments shall not be located within 40 feet of any residential zone or used property.
- B) Outdoor menu boards shall be placed and oriented so as to be for internal site viewing use only.
- C) Restaurants, which incorporate drive-through windows, shall conform to the following design criteria:
 - 1) Automobile reservoir and stacking areas shall be designed so as not to overflow into streets or roadways, with stacking lanes capable of accommodating all minimum stacking lanes and parking counts.
 - 2) Pickup window and similar stacking areas shall not conflict or overlap with parking or other vehicle movement.
 - 3) All outdoor speakers shall be directed away from any residentially zone or used property.

6.5.34 Auto, Truck, Boat and Motorcycle Sales

Auto, truck, boat, and motorcycle sales, and associated secondary long term dealership leases; where permitted, are limited under the following specific conditions in addition to the normal development standards for those districts.

- A) Minimum lot size: 4 acres.
- B) Minimum area contained within an enclosed building or buildings: 28,000 sq. ft.
- C) Buildings must be designed so that the façade is varied in terms of rooflines, building wall articulation, entrances, materials, and scale to respect the built environment and to reduce the overall visual impact on the community.
- D) Buildings must be oriented and located on the site in an effort to separate and shield large vehicle storage lots from view from the public street. Building materials may consist of a variety of materials including glass, steel, brick, stone, other masonry or similar products, or other high quality materials so as to create a high quality façade on buildings that relate to the street. Metal or vinyl materials, industrial prefabricated buildings, or other building types normally associated with industrial, warehouse, or manufacturing type uses are not permitted on building facades that face the street or on any part of the building within 200 feet of the street.
- E) Site and parking lot lighting will be limited to fixtures designed to cast light downward into the site and that lighting, except for security lighting, may not be illuminated between the hours of 11:00 p.m. and 6:00 a.m.
- F) Site and Parking lot lighting will be limited to a maximum height of 35 feet and equipped with full cut-off fixtures. Site and Parking lot lighting may not shine on adjacent properties.
- G) Elevated vehicle platforms or displays are prohibited.
- H) To prevent widespread saturation of vehicular sales new dealerships are limited to parcels of land located within a half mile radius of interstate onramps.
- I) All work including vehicle servicing and inspections must take place indoors.
- J) Unless structures and site design meet current zoning and overlay district requirements; the use shall not be permitted.
- K) Must meet overlay façade requirements, be all brick store front type design, and no street facing service bay doors or utility elements
- L) Building façade must be at least 75% of width of primary street frontage for properties five hundred (500) feet or less. Properties with primary road frontage longer than five hundred (500) feet shall be arranged to maximize linear building road frontage.

6.5.37 Group Care Facility (More than 6 persons)

- A) Any structure used for such facility in a residential district shall maintain an appearance of a residence which is compatible with the surrounding neighborhood.
- B) Such facilities shall have an enclosed rear yard by a fence or wall.
- C) Indoor space must be at least 50 square feet of floor area per person excluding bathrooms, hallways and other similar areas unsuitable as activity space.
- D) Outdoor leisure space must be at least 500 square feet per person, 100 square feet which shall be in lawn (as opposed to woodlands) of well drained area enclosed on all sides by building, and/or permitted types of walls or fences; it may not include driveways, parking areas, or land otherwise unsuitable for leisure space; this space may not be in the established front yard.
- E) The minimum lot size requirement shall be increased by seven hundred and fifty (750) square feet for each person in excess of six (6) people who are is provided.
- F) No more than one facility may be located within a one half (1/2) mile radius of another similar facility, nursing home, adult, or child care facility.

6.5.38 Bar/ Tavern/ Night Club/ Lounge

- A) Any bar/tavern/night club/lounge shall be prohibited from directly adjoining a single-family dwelling use or church owned and church use/utilized property except as part of a conditional zoning approved plan.
- B) All applicable ABC permits shall be required. Adherence to such permits shall at all times be required.
- C) No sound that would constitute a nuisance due to decibel, high or low pitch, vibration, or similar shall be audible from outside the structure.
- D) No spot lights, rotating lights, or similar permitted.
- E) Property; specifically, sidewalks and parking lots, must be kept clean and clear of all cans, bottles, paper waste, and similar.
- F) Garbage dumpster and similar facilities must meet this ordinance and be fully within and behind a solid fence enclosure at all times.

6.5.39 Day Care Facilities

Adult day care, adult care centers, day care centers, day care centers in a residence, family day care homes, and large childcare centers shall grouped by the below count of individuals at a location and must meet this, and all other state or federal regulation. Children and child day care shall include the same services provided to adults.

- (9) One (1) unlighted identification sign, not to exceed four (4) square feet, may be attached to the residence. Detached identification signs are not permitted.
- (10) No more than one (1) person, at any one time, who resides outside of the residence, may be an employee.
- (11) The operator's own children must be counted in the number of children allowed.
- (12) No additional parking is permitted beyond four (4) parking spaces.

(B) Day Care Centers in a Residence

All day care centers in a residence for seven (7) to twelve (12) children must be licensed as required by the North Carolina Department of Health and Human Services, may be established as an accessory use to a single family detached dwelling unit or/and where allowed in the table of uses chart and according to the following requirements:

- (1) The single family detached dwelling unit containing the childcare center in a residence must be the primary residence of the operator/primary caregiver.
- (2) The minimum lot area must be equivalent to the minimum lot area for a duplex dwelling for the district in which it is located.
- (3) The dwelling unit must meet the minimum setback, yards, and height requirements for the district in which it is located.
- (4) New ~~childcare~~ **day care** centers in a residence must be separated from existing family childcare homes and childcare centers in a residence in a single family residential district by a distance of 400 feet measured in a straight line from the closest point of each lot property line, excluding childcare facilities operating as accessory use to a religious institution.
- (5) Any building additions and/or ornamentations to the residential dwelling unit must be in general character with other homes facing the same street as the family childcare home.
- (6) Outdoor play space and play equipment must be located in the required or established rear yard but outside of any required buffers.
- (7) Outdoor play space must be screened and fenced from adjoining properties by way of a solid six (6) foot tall fence (excluding chain link). Finished side of fencing must face out from property.

- (7) In residential districts, building additions and/or ornamentation must be in general character with other residential uses facing the same street as the childcare center.
- (8) Buffers and screening requirements as set forth in this Ordinance.
- (9) In residential districts, detached signage will be limited to one (1) sign with a maximum of sixteen (16) square feet in area and a maximum height of four (4) feet. Signage in nonresidential districts will be permitted according to requirements of the district where located.
- (10) Parking spaces are required based upon one (1) space per employee, plus one (1) space per ten (10) children.

(D) Large Day care Centers

Large day care centers for eighty (80) or more children, licensed by the North Carolina Department of Health and Human Services, may be established in the districts as stated in the Table of Uses in this Ordinance, and according to the requirements listed below.

- (1) Large childcare centers must meet the minimum lot size or floor area ratio of the district where located.
- (2) There is no limit on the hours of operation for large childcare centers, but no outdoor play shall be permitted after sundown.
- (3) Outdoor play space and equipment must be located outside of the required setback and side yards and be outside of any required buffers.
- (4) Buffers and screening requirements as set forth in section 7 of this Ordinance.
- (5) Signage will be permitted according to requirements of the zoning district where located.
- (6) Parking spaces are required based upon one (1) space per employee, plus one (1) space per ten (10) children.
- (7) Large day care centers must have frontage on a collector street or a minor or major thoroughfare.

6.5.40 Recreation Complex

(A) Any Outdoor Fields must be a minimum fifty feet from any property line.

(B) Any lighting associated with active recreation must not cast onto any adjacent lot. A lighting plan must be provided prior to approval. Parking lot and pedestrian lights must

6.5.42 Tattoo and Piercing

- A) One location per property or tax parcel.
- B) Minimum lot size: 45 acres.
- C) Must be located within a shopping center.
- D) Minimum shopping center size: 900,000 square feet.

6.5.43 Automotive Supply Store

No servicing of vehicles permitted including oil changes, battery replacement, tires, or similar.

6.5.44 Microbrewery

- A) Maximum annual production is limited to 25,000 barrels per year or as otherwise amended by the State of North Carolina.
- B) Microbreweries must also contain at least contain two of the following commercial uses: (1) a bar or tasting room, (2) event space, or (3) a restaurant or other food option provided such as pre-packaged foods/vending machine, or similar.
- C) Event space shall be exterior or interior space. It shall be no smaller than one-thousand (1,000) square feet and programmed for typical and customary microbrewery associated uses such as additional seating areas, games, and music.
- D) Outdoor, open air, or similar seating and customer recreational area not to exceed twice the gross interior square footage area utilized by the microbrewery.
- E) All production and storage must take place within an enclosed structure.
- F) Parking in the front yard or anywhere between the front façade and the street shall be passenger vehicles only. No parking, loading, or storage of commercial vehicles or equipment including but not limited to: box trucks, forklifts, tractor trailers, etc. in the front yard.
- G) Parking shall be calculated using restaurant parking calculations for all interior space excluding production related areas. Production areas and outdoor event space parking requirements shall be calculated using warehouse parking requirements.
- H) Noise, odor, or light that would have a substantial negative impact upon the normal expected use or enjoyment of adjacent parcels is not permitted.

6.6.2 R-12 Single Family Residential District

A) **Permitted and Conditional Uses**
See Section 6.1 and Table 6-1

B) **Dimensional Requirements**

R-12 Single-Family District	
Minimum Required Lot Area	12,000 Square Feet
Minimum Required Lot Width	70 Feet
Minimum Required Front Yard	20 Feet
Minimum Required Side Yard	10 Feet (except when the side yard abuts a public street, then the setback is increased by 10 feet)
Minimum Required Rear Yard	40 Feet
Maximum Building Height	40 Feet (elevated foundations excluded)

C) **Accessory Buildings and Structures**
Shall be located in rear yards only, unless otherwise specified in this Ordinance or adopted Town Plan.

D) **Rooftop Mechanical Equipment and Other Features**
Shall be limited in height to a maximum of 10 feet above the highest portion of a pitched roof or the lowest point of a parapet wall.

6.6.4 R-MF Multi-Family Density Residential District

A) **Permitted and Conditional Uses**
See Section 6.1 and Table 6-1

B) **Dimensional Requirements**

R-MF Multi-Family District (Single-Family Developments)	
Minimum Required Lot Area	7,000 Square Feet
Minimum Required Lot Width	50 Feet
Minimum Required Front Yard	20 Feet
Minimum Required Side Yard	5 Feet (except when the side yard abuts a public street, then the setback is increased by 10 feet)
Minimum Required Rear Yard	30 Feet
Maximum Building Height	40 Feet (elevated foundations excluded)

R-MF Multi-Family District (Master Planned Apartment and Other Developments)	
Minimum Required Lot Area	43,560 Square Feet (1 acre)
Maximum Density	10 Units Per Acre (unless otherwise granted by Town Council during the conditional approval process)
Minimum Front Yard Lot Width	100 Feet of project road frontage
Minimum Side Yard Width (at Project Boundary)	30 Feet
Minimum Rear Yard Width (at Project Boundary)	30 Feet
Minimum Lot Width (Townhome Parcels)	15 Feet
Maximum Building Height	40 Feet (elevated foundations excluded)

C) **Accessory Buildings and Structures**
Shall be located in rear yards only, unless otherwise specified in this Ordinance or adopted Town Plan.

D) **Rooftop Mechanical Equipment and Other Features**
Shall be limited in height to a maximum of 10 feet above the highest portion of a pitched roof or the lowest point of a parapet wall.

6.6.6 O-C Office-Commercial District

A) **Permitted and Conditional Uses**
See Section 6.1 and Table 6-1

C) **Dimensional Requirements**

O-C Office-Commercial District	
Minimum Required Lot Area	.5 acre
Minimum Required Lot Width	100 feet
Minimum Required Front Yard	See applicable Overlay District
Minimum Required Side Yard	None (Buffer requirements still apply)
Minimum Required Rear Yard	None (Buffer requirements still apply)
Maximum Building Height	See applicable Overlay District
Maximum Gross Floor Area Allowed Per Tenant	See applicable Overlay District

C) **Accessory Buildings and Structures**
Shall be located in rear yards only, unless otherwise specified in this Ordinance or adopted Town Plan.

D) **Rooftop Mechanical Equipment and Other Features**
Shall be limited in height to a maximum of 10 feet above the highest portion of a pitched roof or the lowest point of a parapet wall.

6.6.8 B-4 Highway Business District

A) **Permitted and Conditional Uses**
See Section 6.1 and Table 6-1

B) **Dimensional Requirements**

B-4 Highway Business Perimeter District	
Minimum Required Lot Area	.25 acre
Minimum Required Lot Width	100 feet
Minimum Required Front Yard	See applicable Overlay District
Minimum Required Side Yard	None (Buffer requirements still apply)
Minimum Required Rear Yard	None (Buffer requirements still apply)
Maximum Building Height	See applicable Overlay District
Maximum Gross Floor Area Allowed Per Tenant	See applicable Overlay District

C) **Accessory Buildings and Structures**
Shall be located in rear yards only, unless otherwise specified in this Ordinance or adopted Town Plan.

D) **Rooftop Mechanical Equipment and Other Features**
Shall be limited in height to a maximum of 10 feet above the highest portion of a pitched roof or the lowest point of a parapet wall.

6.6.10 DC Downtown Core District

A) **Permitted and Conditional Uses**
See Section 6.1 and Table 6-1

B) **Dimensional Requirements**

DC Downtown Core District	
Minimum Required Lot Area	None
Minimum Required Lot Width	None
Minimum Required Front Yard	See applicable Overlay District
Minimum Required Side Yard	None (Buffer requirements still apply)
Minimum Required Rear Yard	None (Buffer requirements still apply)
Minimum Building Height	See applicable Overlay District
Maximum Building Height	See applicable Overlay District
Maximum Gross Floor Area Allowed Per Tenant	See applicable Overlay District

C) **Accessory Buildings and Structures**
Shall be located in rear yards only, unless otherwise specified in this Ordinance or adopted Town Plan.

D) **Rooftop Mechanical Equipment and Other Features**
Shall be limited in height to a maximum of 10 feet above the highest portion of a pitched roof or the lowest point of a parapet wall.

6.6.12 G-I General Industrial District

A) **Permitted and Conditional Uses**
See Section 6.1 and Table 6-1

B) **Dimensional Requirements**

G-I General Industrial District	
Minimum Required Lot Area	None
Minimum Required Lot Width	None
Minimum Required Front Yard	See applicable Overlay District
Minimum Required Side Yard	10 Feet (30 Feet When Abutting a Residential Use)
Minimum Required Rear Yard	10 Feet (30 Feet When Abutting a Residential Use)
Maximum Height	50 Feet
Maximum Gross Floor Area Allowed Per Tenant	150,000 Square Feet

C) **Accessory Buildings and Structures**
Shall be located in side and rear yards only, unless otherwise specified in this Ordinance or adopted Town Plan.

D) **Rooftop Mechanical Equipment and Other Features**
Shall be limited in height to a maximum of 10 feet above the highest portion of a pitched roof or the lowest point of a parapet wall.

E) **Over 100,000 Square Feet**
Any zoning use having greater than 100,000 square feet gross leasable floor area must be issued a conditional use permit in accordance with ~~Section 2.6~~ of this Ordinance.

- 1) The Town, subject to the acceptance by the Pineville Town Council;
 - 2) Other public jurisdictions or agencies, subject to their acceptance;
 - 3) Property owner, condominium or cooperative associations or organizations;
 - 4) Shared, undivided interest by all property owners in the subdivision.
- F) Dedication in lieu. Development where active usable open space improvements are required may choose to dedicate land to satisfy the requirements of this section. This is specifically intended for land suitable for any current or planned greenway or future Town maintained park recreational area. Planned greenway areas shall be dedicated to Mecklenburg County or Town of Pineville. Other areas may be dedicated to the Town of Pineville.
- G) Greenways. Space dedicated for future or current greenways shall be a minimum of one hundred feet (100) in width following the center of any creek primary centerline. All other areas shall be a minimum of fifty (50) feet in width.
- H) Payments in lieu of dedication.
- 1) General provisions. When the Town Council determines (upon the recommendation of the Town Manager) that the useable open space needs of a development as required in this section may also be adequately met by facilities constructed or to be constructed on Town-owned property or property to be acquired by the Town within a reasonable time that is located close enough to such development to reasonably serve its residents, Town Council may approve the developer to make a payment to the Town in lieu of dedication of required useable open space. The Town Council may also authorize a combination dedication and partial payment in lieu of dedication when such is determined to be in the best interest of the citizens of the area to be served.
 - 2) Procedure. The subdivider shall include with the application for preliminary plan approval, a letter requesting approval to make a payment in lieu of dedication. The letter shall include the proposed per acre value and the basis for the determination of such value. Upon receipt of the preliminary subdivision plan, a copy thereof with the letter requesting a payment in lieu of dedication shall be submitted to the Town Manager. The Town Manager shall submit any recommendations concerning the request to Town Council at the next available meeting but the Town Manager shall have not less than thirty (30) days to review prior to next available Council meeting unless the Manager is able to make a determination prior to the thirty (30) days.
 - 3) Amount of payment. If the board approves a payment in lieu of dedication, the amount of such payment shall be the product of the number of acres or part thereof to be dedicated as in this ordinance above, and the average fair market value of the land being subdivided at the time of the submission of the preliminary subdivision plan. The board shall determine the average fair market value of the

CHAPTER 7 GENERAL PROVISION

7.1 APPLICATION

No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered except in conformity with the regulations herein specified, or amended thereto, for the district in which it is located.

7.2 REDUCTION OF LOT AND YARD AREAS PROHIBITED

No yard or lot existing at the time of adoption of this Ordinance, or any subsequent amendments, shall be reduced in size or area below the minimum requirements set forth herein, except for street widening or similar takeage for public use. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance. This prohibition shall not be construed to prevent the condemnation of narrow strips of land for public use.

7.3 TREES AND LANDSCAPING

The purpose and intent of these regulations are to establish a landscape planting area parallel to the recorded public street right-of-way, internal landscaping, and tree planting within residential subdivisions. These areas shall contain plantings of trees and other live vegetation to provide a more pleasing view from the ways of travel, to provide a continuity of vegetation throughout the Town, to reduce the amount of impervious surface and reduce stormwater runoff, to filter air, provide shade, improve the microclimate, and to protect and preserve Pineville's existing vegetative cover by:

- Saving trees on public property from indiscriminate destruction or unnecessary removal
- Diversifying the tree species in the area
- Establishing standards limiting and regulating the removal of trees
- Establishing a process for the removal of trees
- Building an awareness of the need for and value of preserving trees
- Providing information and guidelines for tree preservation and maintenance
- Establishing standards for tree regulation, maintenance, and protection

7.3.1 Benefits of Trees and Landscaping

The Town of Pineville finds it important to adopt an ordinance to preserve and protect trees since numerous benefits are derived from this practice, including the following:

- Assists in the stabilization and fertilization of soil and in the prevention of soil erosion.
- Contributes to the process of ground water recharge and storm water run-off retardation and protecting against flood hazards and the risk of landslides
- Contributes to the process of air purification and oxygen regeneration.
- Intercepts air-borne particulate matter, and reduces some air pollutants.

7.3.4 Tree and Vegetation Topping

Tree topping shall be prohibited on all protected, required, or similar screening vegetation falling under the jurisdiction of the ordinance. These shall include, but not limited to: trees lining a street, publicly owned trees, parking lot trees, parking lot screening shrubs, conditionally approved plan landscaping, and required vegetation within any buffer areas. Fines for topping shall be \$250 for the first plant, plus \$500 for the second plant, plus \$150 for each additional plant. (For instance: 3 topped plants would equal \$900). Vegetation deemed by the Planning Director as topped beyond recovery, or removed without written approval is subject to the above fines plus required similar size replacement.

7.3.5 Preservation of Existing Vegetation

Existing trees and vegetation shall be preserved whenever feasible. Deciduous trees at least 12" inches DBH, all coniferous trees at least 12" DBH and all understory trees greater than 2" DBH anywhere on the site shall be preserved to the greatest extent practical and incorporated into the required landscaping. Any removal of trees with 12" DBH or greater requires approval from the Planning Director.

Tree preservation is encouraged on all properties located in business, office, industrial, multi-family, and non-residential uses in a residential zoning district, as well as conditional use districts. A tree landscape plan must be submitted prior to grading. A tree landscape plan must show that there will be no disturbance in the Critical Root Zone. A disturbance is considered trenching, placing backfill in the Critical Root Zone, driving or parking equipment in the Critical Root Zone, and dumping of trash, oil, paint or other materials detrimental to plant health in close proximity of the tree(s).

When selecting which trees to preserve, the following shall be considered: existing and proposed grading; age, condition, and type of tree; and location of site improvements and utility connections.

Should any tree designated for preservation in the tree landscape plan die at any time after approval of the plan or issuance of a Certificate of Occupancy, the owner shall replace sufficient landscaping equal to the tree within 180 days. In the event of a restricted site, the owner may request review by the Planning Director. Replacement trees shall be a minimum of two inches caliper (measured 6" above ground) for a large maturing tree and have a minimum height of eight feet from the ground surface. Small Maturing trees shall be a minimum 2" caliper (measured 6" above ground) and have a minimum height of eight feet from the ground surface.

How to Determine Required Mitigation Trees:

<u>Diameter of Trees</u>	<u>Number of Replacement Trees Required</u>
8-14 in.	1
15-24 in.	2
25-34 in.	3
35+ in.	4

- A) Trees designated for removal must be dead, diseased, irreparably damaged, hazardous, creating damage to private property, or potentially creating damage to private property.
- B) Fines for required or protected trees identified in this ordinance that are removed without Town approval see 7.3.4.

7.3.8 Tree/Landscape Plan

A tree/landscaping plan shall be required on all business, conditional-use, office-institutional, industrial, multi-family, and non-residential uses in a residential district. The plan must contain the following information (a required tree/landscape plan shall be incorporated into the site plan submittal process.)

- A) A tree/landscaping plan shall be submitted to the Pineville Planning Department for administrative approval prior to site disturbance.
- B) An accurate drawing of property boundaries.
- C) A development summary including the total acres in development, proposed use(s), required parking and provided parking spaces and total building square footage
- D) Calculations for total new and proposed impervious area on the site and for amount of landscape area.
- E) The location of proposed buildings, driveways, parking areas, required parking spaces, and traffic patterns.
- F) Location of overhead and underground utilities.
- G) Location, by species, of all deciduous trees at least 12" DBH, all coniferous trees at least 12" DBH and all rare, protected, or ornamental trees greater than 2" DBH such as Dogwood and Magnolia trees prior to any site disturbance on area to be developed.
- H) Plan of required landscaping.
- I) Dimensions from back of curb to back of curb for all landscape islands to contain trees or a typical detail.
- J) Plant lists with common names, quantity, spacing and size of all proposed landscaping and plant material at the time of planting.
- K) Name of the project, owner, name and address of engineer, scale, date, legend and north arrow.

7.4

SCREENING AND LANDSCAPING

The intent of these screening requirements shall be to separate certain zoning districts from other zoning districts or to screen certain uses in order to minimize potential nuisances such as the transmission of noise, dust, odor, litter, and glare of lights; to reduce the visual impact of unsightly aspects of adjacent development; to provide for the separation of spaces; and to establish a sense of privacy.

7.4.1 **Parking Lots and Internal Landscaping**

Interior landscaping and parking lots for properties located in all business, office, industrial zones, multi-family, conditional uses, and parking lots other than single family or duplex driveways shall comply with the following regulations:

- A) **Parking lot screening shrubs.** Evergreen shrubs screening the parking lot from the road and adjacent properties shall be required at a minimum size of 2 feet tall by 2 feet wide at planting and placed no more than 5 feet on center.
- B) **Parking lot trees.** No parking space shall be further than 60 feet from a tree. This radius must cover at least 50% of each parking space.
- C) **Tree size.** Large maturing trees shall have a minimum of two inches caliper (measured 6" above ground) and have a minimum height of eight feet from the ground surface. Small maturing trees shall be a minimum of 2" caliper (measured 6" above ground) and have a minimum height of eight feet from the ground surface. All trees shall be selected from an approved species list, which is provided in Appendix A.
- D) **Parking lot islands.** Such landscaped areas shall be separated from parking spaces, driveways, and maneuvering areas by a curb at least six (6) inches in height designed to minimize damage by vehicles to plants located in the landscaped area. For an area to be considered as satisfying the internal landscaping provision of this Ordinance, it must contain a minimum contiguous area of three hundred (300) square feet for large maturing trees and two hundred (200) square feet for small maturing trees, and be at minimum of 8 feet wide.
- E) **Maintenance.** All plant material shall be free from disease when planted and shall be maintained in a healthy condition. All plant material shall be installed in accordance to adopted town and/or county planting specifications. Required landscaping must be properly maintained in order for the landscaped area to fulfill the purposes for which it is established. The owner of the property and/or any tenant on the property where a landscaped area is required shall be jointly and severally responsible for the maintenance of all plant material located within the landscaped area. Such maintenance shall include all actions necessary to keep the landscaped areas free of litter and debris and to keep plantings healthy and orderly in appearance. **Parking lot screening shrubs shall be maintained to be not less than thirty (30) inches. Required trees and shrubs shall not be severely pruned or topped.**

zoning district, screening must be provided on the subject property so as to materially screen said storage in the form of a berm, wall, solid fence or an appropriate amount of natural plantings as to provide the necessary amounts of screening to effectively screen the storage from view from any adjacent lot or street right-of-way.

7.4.4 Screening Requirements for All Zoning Districts

- A) The following uses must be screened from abutting property and from public view from a public street. Screening shall be by approved landscaping or solid fencing. Landscaping shall be positioned and maintained so as to form a continuous tight screen.
- 1) Parking lots excluding single family, duplex, and townhome driveways;
 - 2) Dumpsters, recycling containers, or trash handling areas;
 - 3) Service entrances or utility structures;
 - 4) Display or outdoor storage areas;
 - 5) Loading docks facing and visible to any road;
 - 6) These areas and screening shall be shown on submitted plans.
- B) Dumpster screening shall be a minimum of a six (6) foot solid wood, vinyl, or masonry fence including gates.

7.4.5 Screen and Buffer Areas

To the extent that the existing natural vegetation located on the same parcel of land as the proposed development can meet the required screening levels of this Section, the use of such material is required. The owner shall designate the land on which such materials are rooted, which shall contain at least the minimum width required for the designated buffer area. Additional plantings shall be added, if the buffer is deficient in any way. The Planning Director shall determine if existing natural vegetation meets minimum standards.

- A) Limited amount of clearing may occur within the buffer to promote the growth of existing vegetation and and/or enhance the aesthetic appeal of the site. The following disturbances are permitted within a buffer:
- 1) Trees may be pruned by hand. No heavy equipment or vehicles are permitted within the buffer.
 - 2) Plant material, when approved by the town for removed, shall be cut flush with the ground.

this Section shall be no less than four (4) feet in height. No slope of a berm shall exceed a slope greater than one (1) foot of rise for every three (3) feet of run unless approved by the Planning Director. No part of the berm shall be left as bare soil. Any required plant materials accompanying a berm may be planted on the berm and/or along either side of the berm. It is recommended that, where feasible, at least seventy-five percent (75%) of any required shrubs be planted on the slope of the berm opposite the new development.

- E) Where a fence or wall is used as part of a required screen area, any required plantings accompanying the fence or wall shall be located on the side of such fence or wall opposite the new development.

7.4.7 Screen and Buffer Maintenance

The plantings, fences, walls or berms that constitute a required screen shall be properly maintained in order for the screen to fulfill the purpose for which it is established. The owner of the property and any tenant on the property where a screen is required shall be jointly and severally responsible for the maintenance of all screen materials.

Such maintenance shall include all actions necessary to keep the screened area free of litter and debris; to keep plantings healthy; to keep plant growth from interfering with safe vehicular and pedestrian travel, or use of parking areas, or from creating nuisances to adjoining properties; and to keep walls, fences, and berms in good repair and neat appearance. Any vegetation that constitutes part of a screen shall be replaced in the event that it dies. All screen materials shall be protected from damage, by erosion, motor vehicles or pedestrians, which could reduce the effectiveness of the screen.

Evergreen Screening

*various cultivars listed.

Groundcover 0-2'					
Common Name	Latin Name -Varieties	Growth s/m/f	Height	Width	Sun Requirements Full/Partial/Shade
Juniper, Dwarf	<i>Juniper chinensis</i> * -Armstrong -Hughes -Prince of Wales -San Jose	s/m/f	varies	varies	F/P
Jasmine, Asiatic	<i>Trachelospermum asiaticum</i>	f	6-24"	varies	F/P/S
Mondo Grass	<i>Ophiopogon japonicus</i>	m/f	4-12"	4-12"	F/P/S
Monkey Grass	<i>Liriope</i> -muscari -spicata	m/f	6-12"	6-12"	F/P/S
Small 1-6'					
Common Name	Latin Name -Varieties	Growth s/m/f	Height	Width	Sun Requirements Full/Partial/Shade
Boxwood ,Korean	<i>buxus microphylla koreana</i> * -Green velvet -Wintergem -Wintergreen	s	3-4'	3-4'	F/P
Boxwood, Dwarf	<i>buxus</i> *	s	varies	varies	F/P
Camellia, Dwarf	<i>Camellia sasanqua</i> * <i>Camellia japonica</i> *	s/m s/m	varies varies	varies varies	P/S P/S
Holly, Chinese	<i>Ilex cornuta</i> * -Carissa -Compacta -Dwarf burford -Routunda	s/m m m/f s/m	3-4' 3-4' 4-6' 3-4'	3-4' 5-6' 4-6' 6-8'	F/P F/P F/P F/P
Holly, Dwarf Youpon	<i>Ilex vomitoria</i> *	s/m	2-3'	2-3'	F/P/S
Holly, Japanese	<i>Ilex crenata</i> * -Green luster -Helleri -Hetzi -Sky pencil -Soft touch	m m m m m	2-3' 3-5' 3' 8-10' 2-3'	4-6' 4-6' 5' 2-3' 2-3'	F/P F/P F/P F/P F/P
Indian Hawthorn	<i>Raphiolepis indica</i> * -Georgia charm -Georgia petite -Indian princess -Snow white -Yeddo	m	3-5'	3-5'	F/P
Pine, Dwarf Mugo	<i>Pinus mugo</i> *	m	3-4'	3-4'	F/P

7.4.8 Relief to Screening and Buffer Requirements

In the event that the unusual topography or elevation of a development site or the location or size of the parcel to be developed would make strict adherence to the requirements of this section serve no meaningful purpose or would make it physically impossible to install and maintain the required screen and buffer, the Planning Director may alter the requirements of Section 7.4 provided the spirit and intent of the ordinance are maintained.

Such an alteration may occur only at the request of the developer, who shall submit a plan to the Planning Director showing existing site features that would screen the proposed use and any additional screen materials the developer may propose to have installed. The Planning Director shall have no authority to alter the screening and buffer requirements unless the developer demonstrates that existing site features and any additional screening materials will screen the proposed use as effectively as the required screen.

The vacancy or non-use of an adjoining parcel shall not constitute grounds for providing relief to the screening and buffering requirements contained in this Ordinance. Neither shall the desire of an owner to make more intensive use or greater economic use of the property be grounds for reducing the screening/buffer requirements of Section 7.4. Where the effect of the screening and buffer requirements of Section 7.4 is to deny the owner reasonable use of the entire tract (or tracts) of property, relief pursuant to this Section may be granted to the extent that reasonable use of such tract or tracts is available. In deciding whether to approve such a plan, the Planning Director may, at his discretion, seek an advisory opinion from the Planning Board.

7.4.9 Existing Screened Areas

In cases where an existing, screened area is located on the same tract as the proposed development, further plantings and or improvements shall not be required so long as said screened area is of sufficient width and depth and contains adequate and sufficient materials to meet the requirements of this Ordinance. If the screened area is deficient, the developer shall make needed improvements and/or additions to satisfy the screening requirements and intent of this Ordinance.

7.4.10 Visibility at Intersections

On a corner lot in a residential district, no planting, structure, sign, fence, wall or artificial obstruction to vision more than three (3) feet in height measured from the center line of the street or road shall be placed or maintained within the triangular area formed by the intersecting street or road right-of-way lines and a straight line connecting points on said street or road right-of-way lines each of which is ten feet distance from the point of intersection.

However, if the multi-family complex is of such a nature that individual garbage and/or recycling containers are presented to each unit and no clustered collection points are utilized, then the owner/owners agent shall make a statement to this effect on submitted plans and does not need to show space for recycling and/or solid waste containers.

7.5 FENCES OR WALLS PERMITTED

Except as otherwise noted, fences or walls are permitted in the various districts subject to the following regulations:

7.5.1 In Residential Districts:

When fences or walls are installed in a front yard, the maximum height of a fence or wall shall be four (4) feet. When fences or walls are installed in a side yard, the maximum height of a fence or wall shall be six (6) feet. When such fence or wall is installed pursuant to Section 7.4 of this Ordinance, or when it is located in the rear yard, it shall not exceed eight (8) feet in height.

7.5.2 In all Other Districts:

Maximum height shall be twelve (12) feet except where otherwise noted in this Ordinance.

7.6 STREETS

No building shall be erected or located, nor shall any lot created, which does not abut a public street.

7.6.1 The Town Council in issuing a conditional approval may allow private streets, if and only if health, safety and welfare has been guaranteed relating, but not limited to: fire access, emergency services access, water, sewer, and similar safety and utility items have been verified and if Town Council has found the proposal favorable and consistent with adjacent development and adopted.

7.7 ONE PRINCIPAL BUILDING

7.7.1 No more than one principal structure devoted to a residential use shall be permitted on a lot, except as (i) part of a multi-family development or (ii) as a private secondary dwelling unit, or (iii) as a temporary manufactured home as provided in Section 7.8.4 of this Ordinance.

7.8.3 Structures, whether temporary or permanent, located in a subdivision containing twenty-five (25) or more lots, and used as sales offices for the subdivision development are permitted.

Any temporary structure used as a sales office shall be located on a lot, which is in compliance with the regulations of this Ordinance and shall meet all yard requirements for the applicable zoning district. At least five (5) off-street parking spaces shall be provided on the lot to accommodate persons using the sales office.

A manufactured **office unit or construction trailer** may be used as a temporary sales office, provided that the following conditions are met:

- A) The manufactured **office unit or construction trailer** shall be provided with underpinning, from the bottom of the walls to the ground, made of vinyl, pre-painted aluminum material, or other material specifically manufactured for mobile homes.
- B) Landscaping shall be provided to create an aesthetically pleasing appearance.

At the completion of the sales in a tract, or two (2) years from the date the temporary sales office began operation, whichever is sooner, said sales office shall cease operation unless the Planning Director determines that substantial progress is being made in the selling and/or marketing of the lots and/or homes in the subdivision.

In such case, one or more extensions (each not to exceed one year in duration) may be so authorized by the Planning Director. If a temporary structure is used as the sales office, it shall be removed after its use as a sales office is terminated.

C) Manufactured or modular housing units are prohibited

7.8.4 Manufactured homes may be allowed on a temporary basis in a zoning district in which such use is not listed as a permitted use, if a disaster occurs which results in an occupied, single-family dwelling being destroyed (i.e., it receives damage greater than sixty (60) percent of its tax value as indicated on the most current tax listings). In this instance, a manufactured home may be placed on the lot containing the dwelling unit, which was destroyed. The purpose of allowing such manufactured home on said lot is to give the occupants of the destroyed dwelling unit a place to live while a new dwelling unit is being constructed or damage to the original dwelling unit is being repaired. If a manufactured home is used for such an occurrence, it is subject to the following conditions:

- A) Such manufactured home shall not be located **any** closer than fifteen (15) feet to another principal residential structure on another lot and no closer than ten (10) feet to any lot line.
- B) The Planning Director shall be given the authority to issue a zoning permit for such temporary use on a one-time basis only for a period of up to nine (9) months. Such permit may be renewed on a one-time only basis [for a period of no greater than nine (9) months] if it is determined that:

There shall be a one (1) time extension of fourteen (14) days if approved by the Planning Director. Storage containers on or within any road or right of way must maintain fifteen (15) feet roadway clearance at all times, have traffic cones or similar reflective devices at corners to ensure night motorist safety at all times, and be approved by the Town Manager. There shall be a one (1) time extension of fourteen (14) days if approved by the Town Manager.

7.9 ACCESSORY STRUCTURES AND USES

Accessory structures, except as otherwise permitted or restricted, shall be subject to the following regulations:

7.9.1 Front Yard Prohibited. Accessory structures with the exception of water-well apparatus shall not be allowed in any front yard **excluding R-44 zoned properties over twenty (20) acres**. Water well apparatus may be located in any portion within the front yard. If located on a corner lot, setback requirements found in Section 7.4.11 of this Ordinance shall also be observed. Within any Residential (R) District, detached accessory structures are allowed in the side or rear yard or rear yard area provided that no accessory structure (except for water-well apparatus and fences) shall not be allowed within five (5) feet of any side or rear lot line unless approved as part of a conditional development.

If any other zoning districts, accessory structures shall be allowed in a rear yard or rear setback, provided that no accessory structure (except for water-well apparatus) shall be allowed within twenty (20) feet of any lot line which abuts a Residential (R) District.

7.9.2 Character Compatibility. On any lot containing a principal residential use, no accessory use or structure shall be permitted that involves or requires any construction features, which are not primarily residential in nature or character. Accessory uses shall be located on the same lot as the principal use except in instances when an adjoining lot is owned by the same property owner. In such instance, an accessory use may be located on the adjoining lot subject to all required yard restrictions.

7.9.3 Height. Accessory structures (excluding a satellite dish antenna) may not exceed the height of the principal structure. Single family residential properties two (2) acres or more are excluded provided they meet the general height limit specified in the zoning district.

7.9.4 Size. Accessory structures **on residential zoned property less than two (2) acres** may not exceed the **total heated square feet** of the principal structure. **Properties two (2) acres or more are permitted accessory structures up to twice the heated floor area of the principal structure.**

7.9.5 An accessory structure, attached to, or which is part of a principal structure, shall comply with all the yard requirements of the principal structure.

7.9.6 There may be more than one accessory building per lot; however, there shall be no more than three accessory buildings per lot **(excluding modular classrooms as permitted in this ordinance)** and all accessory buildings shall be considered together as one in determining whether the buildings comply with the requirements of this Ordinance.

7.9.7 Accessory or secondary dwellings see 6.5.35