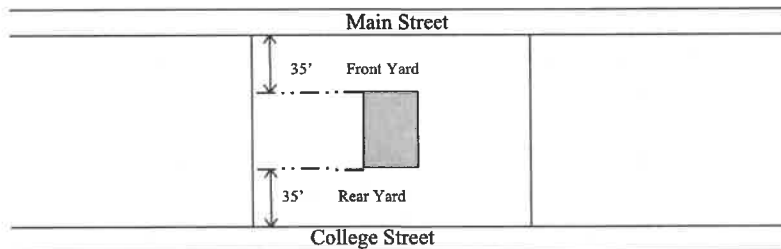


7.13.2 Front Yards and Rear Yards and Setbacks On Through Lots, Which Abut Two Streets

On through lots, the required front and rear yards shall each equal or exceed the greater of either the required front or rear yard setback which would normally be applied in that zoning district. For example, if a through lot were located in a zoning district which normally required a thirty-five (35) foot front setback and a twenty (20) foot rear setback, both front and rear setbacks would have to equal or exceed thirty-five (35) feet.

For the purpose of placing accessory structures, however, the rear yard shall be deemed to be the yard opposite the street-side yard, which the architectural front of the building faces. For the purpose of placing a principal residence, the Zoning Enforcement Office shall require the architectural front of the building to be oriented similar to residences on either side. A graphic example of this is as follows:



the outparcel lot. If the principal structure on the outparcel lot adjoins one or more other principal structures within the shopping center or the office park, the amount of required off-street parking for such use shall be determined based on the parking requirements of the entire shopping center or office park.

7.19 YARD AND GARAGE SALES

Yard, garage, tag, patio and apartment sales are permitted with a permit, as an accessory use on any residentially developed lot in any district. Such sales shall be limited to the number of days as described on the Council approved permit.

7.20 ROAD PRESERVATION AND ADOPTED TRANSPORTATION PLANS

- A) Whenever any new development or tract of land to be subdivided includes areas adopted by the Town of Pineville, Charlotte Regional Transportation Planning Organization (CRTPO), or similar government entity as part of a thoroughfare plan, comprehensive transportation plan, greenway, or similar, that area shall be platted and dedicated or reserved.
- B) Whenever any new development or tract of land to be subdivided is adjacent to any road stub or road termination that existing transportation connection shall be utilized and extended into new development to further connectivity and a complete street network.
- C) Whenever any new development or tract of land to be subdivided is adjacent to any public road and that road does not meet minimum width or turn radius standards for that class or planned class of road, that area designated for roadways shall be platted and dedicated or reserved.

7.21 PRESERVATION OF EXISTING HOUSING STOCK

It is important for Pineville to provide for a variety of housing types within its planning jurisdiction in order to ensure it meets the needs of its citizens. To this end, Pineville must consider the existing development patterns and future development issues in an effort to create policy to meet this goal. The availability of viable land and the advent of Light Rail Transit are just two issues that will affect residential development trends. It is therefore necessary to protect the existing **and limited single family** housing stock.

7.21.1 Existing Residential Buildings

Existing **single family** residential **designated dwellings** within Residential (R) Districts of **R-44, R-12, R-7, and R-MF** may only be replaced by **another single-family dwelling**. For example, the destruction or removal of a single-family detached home shall only permit the erection of a single family detached home in its place.

7.21.2 Exceptions

The following exceptions may be considered:

1) **LITTER AND DEBRIS**

Broken glass, bottles, plastic cups, plastic shopping bags, waste paper, cardboard, wrapping paper, bubble wrap, loose plastic wrap, styrofoam including packing peanuts, paper napkins, fiberglass insulation, metal including roof flashing pieces, oily rags, combustible materials, package containers, food remnants, used baby diapers and general man-made garbage or litter which is scattered, cast, thrown, blown, placed, swept, or deposited anywhere on a persistent, continuous or ongoing basis so as to accumulate on any property in open places.

The owner and occupant of any dwelling unit shall exercise reasonable diligence at all times to keep exterior premises clean of litter, and to prevent same from drifting or blowing to adjoining premises by removing such waste.

2) **JUNK**

The presence, accumulation, storage, or placement of:

Junk, including but not limited to: worn-out, deteriorated or abandoned shopping carts, household or office furniture, any furniture and upholstery not rated for outdoor use, indoor rated appliances stored outside, inoperative appliances, inoperative machinery, inoperative equipment, unusable building materials, building material remnants; including broken bricks, broken concrete, used lumber or lumber remnants, building siding, corrugated metal or plastic sheets, automobile parts including tires, engine parts, glass, automobiles or any other man-made items which are either in whole, or in part, wrecked, junked, disused, worn out, dismantled or inoperative.

- a) Storage of junk shall only be allowed on any properties used for nonresidential purposes if in compliance with all other town codes, or if not addressed by a town code or ordinance, completely enclosed within a building or otherwise evenly placed or neatly stacked and concealed by a solid fence, or other means so as not to be visible at the property line from abutting properties or a public street.
- b) Storage of junk shall only be allowed on any property used for residential purposes if completely stored in an enclosed building or limited to one hundred (100) square feet in area and completely concealed by a solid fence, cover or other means so as not to be visible at the property line from abutting properties or a public street, concentrated in one area within the rear yard and neatly arranged or stacked so as not to exceed six (6) feet in height.

shall be paved in concrete and be a minimum of 4" in depth. Sidewalk construction shall conform to the requirements of the Charlotte-Mecklenburg Land Development Standards Manual only in the absence of Pineville Development Standards.

- B) Planting strips shall be located between the curb and sidewalk and parallel to the street.
- C) For existing lots being redeveloped without a subdivision. If existing public street right-of-way is not available, the developer will be required to construct the sidewalk outside the street right-of-way on a permanent public access easement or dedicate area needed to keep the sidewalk within the street right-of-way.
- D) For roads that do not have curb and gutter, sidewalks shall be located a minimum of 6 feet from the pavement. Sidewalks shall be located behind road side ditches unless conditionally approved otherwise.
- E) Sidewalk construction and connections shall be required for all new or expanded development as specified in each Overlay District.
- F) All internal pedestrian walkways shall also be distinguished from driving surfaces through the use of painted marking or alternate pedestrian walkways shall have a minimum width of five (5) feet. Pedestrian walkways shall be designed in such a manner as to ensure that the five (5) feet corridor is unobstructed by vehicles or other objects.
- G) Sidewalks shall be made to be interconnected between properties and developments. Sidewalks shall extend to property lines.
- H) Sidewalk connections shall be made to extend along all streets adjoining each property as required in the Overlay District.
- I) Unless stated otherwise sidewalk minimum width shall be five (5) feet and must be constructed of concrete or brick pavers. Public park and greenway sidewalk or walkway material shall be as approved to Charlotte/Mecklenburg or Pineville development standards including asphalt, concrete, crushed gravel or similar adopted specification.

7.24

OUTDOOR DINING

- A) Outdoor seating and dining within any public road right-of-way, sidewalk, or Town owned property requires a permit issued by the Town Manager excluding Town initiated events and approved short term temporary event permits per 7.8.2. The Town Manager or his/her designee may issue permits for outdoor dining areas pursuant to this section on sidewalks and public alleys within the Municipal limits of the Town of Pineville.
- B) Application. Any restaurant or establishment desiring to operate an outdoor dining area shall, before the issuance of a permit, prepare and file an application with the Town which shall contain the following information:

same name as the restaurant or indoor business and may not be open or be operated at any time when the indoor business is not open.

- 2) The operation of the outdoor dining area must be clearly incidental, secondary, or minor to the associated restaurant or indoor business. The outdoor dining area must not exceed the exterior wall width of the indoor business.
- 3) Tables, chairs, and barriers, as shown in the drawing or plan submitted with the permit application, may be placed on the sidewalk or public alley, but must be located in such a manner so that a minimum five-foot-wide unobstructed pedestrian corridor shall be provided at all times through the sidewalk or public alley unless as otherwise approved. The outdoor dining area shall not block access to public amenities such as bicycle racks, benches, trash receptacles, and way finding or directional signs.
- 4) The business seeking to operate the outdoor dining area must be located at street level and must front on and open onto the sidewalk or public alley proposed for the outdoor seating area. An unobstructed pedestrian corridor of a minimum of five feet straight out must be maintained between any restaurant entrance and the pedestrian corridor.
- 5) The outdoor dining area may only be located adjacent to the building. A minimum clearance of five feet shall be maintained between the outdoor dining area and edge of driveways, alleys, and handicapped ramps. At street intersections, the outdoor dining area may not extend within sight triangles.
- 6) Wider pedestrian corridors or increased clearances may be required where warranted by pedestrian traffic or other circumstances or to comply with the North Carolina Building Code, Americans with Disabilities Act, or other laws.
- 7) The tables, chairs, and barriers used in the outdoor dining area shall be of a type that is easily movable. These items shall not be permanently affixed to the sidewalk or public alley and must remain within the approved boundaries.
- 8) Except as elsewhere permitted, the operation or furnishing of the outdoor dining area shall involve no permanent alteration to or encroachment upon any public street, sidewalk, or public alley or to the exterior of the associated restaurant.
- 9) No electrical cords may be run from restaurant or a Town receptacle to the outdoor dining area such that they cross any building entry or create a trip hazard.
- 10) Except as required by subsection (D)(4) below, signage in the outdoor dining area shall conform to the applicable sign provisions of the zoning ordinance.
- 12) Furniture must be made of durable outdoor rated material and substantial enough to not be subject to movement under wind events.

- 5) All tables, chairs, and barriers associated with the outdoor dining area shall be kept in good repair.
 - 6) Compliance with all conditions required for issuance of an outdoor dining area permit shall be maintained while operating pursuant to the permit.
 - 7) The Town shall not be responsible for damage to outdoor dining area tables, chairs, barriers, and associated furnishings of any kind under any circumstances.
 - 8) The restaurant operators shall be responsible for repairing any incidental damage to any sidewalk, streetlight, or Town property resulting from the operation of the associated outdoor dining area. Any repair work shall be in accordance with applicable federal, state, and local laws, regulations, and standards.
- F) Reservation of rights. The City reserves the right to require any outdoor dining area established pursuant to this section to cease part or all of its operation in order to allow for construction, maintenance, or repair of any street, sidewalk, utility, or public building by the City, its agents or employees, or by any other governmental entity or public utility; and to allow for use of the street or sidewalk in connection with parades, civic festivals, and other events of a temporary nature as permitted by the City.
- G) Transfer and revocation. The permit shall not be transferable. The permit may be revoked pursuant to violating the standards set forth in this article.
- H) Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Outdoor dining area means an area on a sidewalk or public alley whereon tables, chairs, barriers and other associated furnishings are placed for the purpose of consumption of food and beverages.

Public alley means a strip of land on public property or right-of-way, that is set aside primarily for vehicular service access or parking to the rear or side of properties otherwise abutting a primary street for which the property is addressed.

7.25

DAMAGE TO TOWN PROPERTY

Damage to Town Property

The destruction, damage, or vandalism of Town property shall be prohibited and punishable by this ordinance or as otherwise permitted under state law. Fines plus costs incurred for repairs may be incurred.

Parking Lots	20
All Site Lighting at Single Family (Uses and Zoning Districts) Property Lines	.03
All Other Site Lighting at Property Lines (Except Public Road Frontage)	1.0
All Site Lighting at Public Road Frontage	5
Building illumination	5

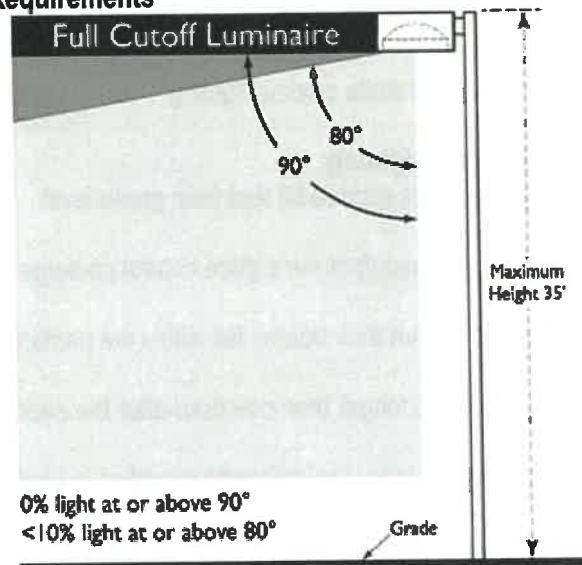
8.1.4 Design Requirements

All outdoor lighting shall conform to the following design standards:

A) Location

- 1) The layout of lighting shall be designed so that poles do not interfere with other elements of the approved site such as trees, landscaping, and parking.
- 2) The location of lighting shall be placed to adhere to the maximum and minimum footcandles of luminaire requirements

B) Luminaire Requirements



- 1) Mounting Height shall not exceed 35 feet from grade level
- 2) All luminaires shall be recessed full cutoff, directing light downwards and shielded to prevent spillover light and glare onto adjacent properties and right of ways
- 3) Maximum illumination measured in initial footcandles at the property line shall not exceed 0.3 footcandles onto adjacent residential sites and 1.0 footcandles onto adjacent non-residential sites.

- D) Bulbs can be visible in DC district, but shall be completely shielded (such as built into a cornice) in the BP district.
- E) String lights or perimeter edge lighting shall be maintained so as to be fully functional with no bulbs burned out or disused.
- F) String of lights must be parallel to building edges. Lights shall not sag and must be securely fastened along building edge perimeters only.
- G) Neon lighting prohibited
- H) Window perimeter rope style lighting prohibited
- I) Must be properly permitted and meet all applicable building codes.

8.1.8 Lighting Hue

- A) Lighting color shall be neutral white lighting between 2,700 and 3,500 Kelvin

8.1.9 Residential Site Lighting

- A) Residential lighting less than 1,000 lumens exempt from full cut-off fixture requirement
- B) Residential single-family lighting shall not exceed 1,000 lumens, or be full cut-off type AND not exceed .03 foot candles at any property line.
- C) Residential lighting shall not exceed 1,600 lumens for any fixture.

8.1.10 Redevelopment, Change in Use, and Vacancy past 90 days

Redevelopment, change in use, and vacancy past 90 days requires compliance with this article.

8.1.11 Inspection and Verification

Conformance with standards required. Installation must meet ordinance standard and approved plans. Verification shall be required with any new lighting installation where a complaint has been received or violation of this ordinance is suspected by the Planning Director. The certification must include a report indicating that all site and exterior mounted building lighting was inspected and the light levels measured and recorded (including spillover lighting). Any irregularities or deviations from the approved site plan, Town standards, or applicable conditions must be pointed out in the report.

G) Governmental emergency response services such as fire, police, and medic

8.4

LIGHTING DEFINITIONS

Candela - the luminous intensity of a source that emits monochromatic radiation of frequency 540×10^{12} hertz and that has a radiant intensity of 1/683 watt/steradian

Full cutoff - Zero intensity at or above horizontal (90° above nadir) and limited to a value not exceeding 10% of lamp lumens at or above 80°

Footcandle - a unit of illuminance or illumination, equivalent to the illumination produced by a source of one candela at a distance of one foot and equal to one lumen incident per square foot of a new lamp at installation

Luminaire - an electrical light and its components; wiring, base, bulb type, etc.

Lumen - a unit of luminous flux equal to the light emitted in a unit solid angle by a uniform point source of one candle intensity

Nit - A unit of measurement of luminance, or the intensity of visible light, where one nit is equal to one candela per square meter.

(Ord. 2009-03, passed 2-10-2009; Ord. 2013-02, passed 3-12-2013; Ord. 2014-00, passed 2-11-2014)

FLOOD DAMAGE PREVENTION; GENERALLY

§ 152.015 STATUTORY AUTHORIZATION.

The Legislature of the State of North Carolina has in G.S. Chapter 143, Article 21, Part 6; G.S. Chapter 160A, Article 19, Parts 3, 5, and 8; and G.S. Chapter 160A, Article 8 delegated to local governmental units the responsibility to adopt regulations designed to promote the public health, safety and general welfare.

(1995 Code, § 26-26) (Ord. 2009-03, passed 2-10-2009; Ord. 2013-02, passed 3-12-2013; Ord. 2014-00, passed 2-11-2014)

§ 152.016 FINDINGS OF FACT.

(A) The flood hazard areas of the town are subject to periodic inundation which results in the loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures of flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(B) These flood losses are created by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities and by the occupancy in flood hazard areas by uses vulnerable to floods or hazards to other lands which are inadequately elevated, floodproofed or otherwise unprotected from flood damages.

(1995 Code, § 26-27) (Ord. 2009-03, passed 2-10-2009; Ord. 2013-02, passed 3-12-2013; Ord. 2014-00, passed 2-11-2014)

§ 152.017 STATEMENT OF PURPOSE.

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (A) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities;
- (B) Require that uses vulnerable to floods, including facilities which serve those uses, be protected against flood damage at the time of initial construction;
- (C) Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of flood waters;
- (D) Control filling, grading, dredging and other development which may increase erosion or flood damage; and
- (E) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(1995 Code, § 26-28) (Ord. 2009-03, passed 2-10-2009; Ord. 2013-02, passed 3-12-2013; Ord. 2014-00, passed 2-11-2014)

§ 152.018 OBJECTIVES.

(A) The regulations of the special flood hazard herein set forth are intended to protect areas of designated floodplains subject to and necessary for regulating flood waters and to permit and encourage the retention of open-land uses which will be so located and designed as to constitute a harmonious and appropriate part of the physical development of the city as provided in the comprehensive plans as they are adopted and amended from time to time.

(B) The specific intent in establishing the special flood hazard areas composed of floodway and floodway fringe districts includes the following:

APPEAL. A request for a review of the Floodplain Administrator's interpretation of any provision of this chapter or a request for a variance.

BASEMENT. The lowest level or story of a building which has its floor subgrade on all sides.

BUILDING. Any structure built for support, shelter or enclosure for any occupancy or storage.

COMMUNITY BASE FLOOD. The flood, determined using future land use conditions, having a 1% chance of being equaled or exceeded in any given year.

COMMUNITY BASE FLOOD ELEVATION. The water surface elevation shown on the Flood Insurance Rate Map Flood Hazard Data Table and in the Flood Insurance Study, having a 1% chance of being equaled or exceeded in any given year, determined using future land use conditions.

COMMUNITY CONDITIONAL LETTER OF MAP REVISIONS (CoCLOMR). A letter from the Floodplain Administrator that provides conditional approval of a study that proposes to change the location of the community encroachment lines, and/or the location of the community flood fringe line and/or community base flood elevations.

COMMUNITY ENCROACHMENT AREA. The channel of a stream or other watercourse and the adjacent land areas that must be reserved in order to discharge the FEMA base flood without cumulatively increasing the water surface elevation more than 0.1 foot (see [Appendix A](#) following this chapter).

COMMUNITY ENCROACHMENT LINES. Lateral limits of the community encroachment area, within which, in the direction of the stream or other body of water, no structure or fill may be added, unless specifically permitted by this chapter (see [Appendix A](#) following this chapter).

COMMUNITY FLOOD FRINGE AREA. The land area located between the community encroachment line and the community flood fringe line as defined herein (see [Appendix A](#) following this chapter).

COMMUNITY FLOOD FRINGE LINE. This is the line that depicts the outer limits of the community flood fringe area (outer limits of the community special flood hazard area).

COMMUNITY LETTER OF MAP REVISION (CoLOMR). A letter from the Floodplain Administrator that provides final approval of a study, based on as-built conditions, that changes the location of the community encroachment lines and/or the community flood fringe lines.

COMMUNITY SPECIAL FLOOD HAZARD AREA. This is the land subject to a 1% or greater chance of flooding in any given year from a community base flood. It includes the FEMA floodway, community encroachment area, FEMA flood fringe area and the community flood fringe area (see [Appendix A](#) following this chapter).

CONDITIONAL LETTER OF MAP REVISION (CLOMR). FEMA's comments on whether a project, if built as proposed, would meet the minimum NFIP standards.

CRITICAL FACILITY. Building uses including, hospitals, schools, day care facilities, nursing homes/assisted living centers, police/fire/medic facilities and other uses determined by the Administrator.

DEVELOPMENT. Any human-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations.

DISPOSAL. As defined in G.S. § 130A-290(a)(6), the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

DRY PUBLIC STREET. A public street at the intersection of an existing or proposed driveway where the surface of the pavement is at an elevation above the community base flood elevation.

areas of special flood hazard and the risk premium zones applicable to the community. The date of the town's original FIRM is March 18, 1987 and this date should be used to determine whether a structure is pre-FIRM or post-FIRM.

FLOOD INSURANCE STUDY. An examination, evaluation and determination of special flood hazard areas, corresponding water surface elevations, flood insurance risk zones and other flood data in a community. The study includes a Flood Insurance Study report and/or Flood Insurance Rate Map (FIRM).

FLOOD PROTECTION ELEVATION. The elevation to which all structures located within the community special flood hazard area must be elevated (or floodproofed if nonresidential). Within areas where base flood elevations (BFEs) have been determined, this elevation shall be the community base flood elevation plus one foot of freeboard. In areas where no BFE has been established, all structures and other development must be elevated (or floodproofed if nonresidential) to two feet above the highest adjacent grade.

FLOODPLAIN. The land subject to inundation by the community base flood and is encompassed by the community special flood hazard area.

FLOODPLAIN ADMINISTRATOR (or ADMINISTRATOR). The person, agent or his or her designees appointed to administer, implement and enforce the provisions of this chapter.

FLOODPLAIN DEVELOPMENT PERMIT. Either an individual floodplain development permit or a general floodplain development permit issued for development in the floodplain per the requirements of § 152.041.

FLOODPLAIN MANAGEMENT. The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain.

FLOODPLAIN REGULATIONS TECHNICAL GUIDANCE DOCUMENT. A document developed by Charlotte-Mecklenburg Storm Water Services Staff to more clearly explain the application of the provisions of this chapter, specifically the floodplain development permit provisions, through the use of charts and related written materials. The *Technical Guidance Document* shall not be a part of this chapter, and shall be solely for illustrative and educational purposes. If there is any discrepancy between the Technical Guidance Document and this chapter, the provisions of this chapter shall control.

FLOODPROOFING. Any combination of structural and nonstructural additions, changes or adjustments to structures, which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitation facilities, or structures with their contents.

FLOOD PROTECTION ELEVATION. The elevation to which all structures located within the Community Special Flood Hazard Area or FEMA Special Flood Hazard Area must be elevated (or floodproofed if nonresidential). This elevation is the Community Base Flood Elevation plus one foot of freeboard.

FLOODWALL. A wall built along a shore or bank to protect an area from flooding.

FLOODWAY. Either the FEMA floodway or the community encroachment area.

FLOOD ZONE. A geographical area shown on a Flood Insurance Rate Map that reflects the severity or type of flooding in the area.

FLOOR. See definition of **LOWEST FLOOR**.

FREEBOARD. The height added to the base flood elevation (BFE) to account for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge openings, and the hydrological effect of urbanization of the watershed.

LEVEE. A human-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM. A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST ADJACENT GRADE (LAG). The elevation of the ground, sidewalk or patio slab immediately next to the building, or deck support, after completion of the building.

LOWEST FLOOR. The lowest floor of the lowest enclosed area (including the basement and/or attached garage; see definition of **FLOOR**). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's **LOWEST FLOOR** provided that the enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without permanent foundation when connected to the required utilities. The term **MANUFACTURED HOME** does not include a recreational vehicle.

MANUFACTURED HOME PARK OR SUBDIVISION. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

MARKET VALUE. The value of a building, excluding land value, that is determined by an appraiser certified in the state using the cost approach method. Use of the "income capitalization approach" is not acceptable. Market value must be determined based on the building condition prior to start of construction (for proposed improvements) or before damage occurred (for damage repair). The value of the land and site improvements (landscaping, driveways, detached accessory structures, and the like) is not included. The values of the use and occupancy (business income) are not included. The Floodplain Administrator may use the tax value of the building in lieu of other methods described herein. **MARKET VALUE** also means the actual cash value (ACV) of a building minus depreciation. Actual cash value is the cost to replace a building on the same parcel with a new building of like-kind quality, minus depreciation due to age, use, and neglect. ACV does not consider loss in value mainly due to outmoded design or location factors. Depreciation accounts for the physical condition of a structure. Depreciation does not take into account functional obsolescence or factors that are external to the structure.

MEAN SEA LEVEL. The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this chapter, the term is synonymous with the **NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88)**.

NATIONAL FLOOD INSURANCE PROGRAM. A federal program that provides insurance coverage for flood damage to qualified buildings in communities that agree to adopt and enforce ordinances that meet or exceed FEMA requirements to reduce the risk of flooding.

NEW CONSTRUCTION. Construction of a replacement structure commenced after total demolition, or renovation/rehabilitation of an existing structure that results in the partial or complete removal of two external walls and has a total cost equal to or exceeding 50% of the market value of the structure before the start of construction of the improvement. For flood insurance purposes, **NEW CONSTRUCTION** also means structures for which the start of construction commenced on or after March 18, 1987, and includes subsequent improvements to such structures (see definition of **FLOOD INSURANCE RATE MAP**).

NEW MANUFACTURED HOME PARK OR SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured

(4) Designed primarily not for use as a permanent dwelling, but as temporarily living quarters for recreational, camping, travel or seasonable use.

REFERENCE LEVEL. The top of the lowest floor, for regulatory purposes, of structures in the FEMA and/or Community Special Flood Hazard Area.

REMEDY A VIOLATION. To bring the structure or other development into compliance with this chapter or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impact may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this chapter or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

REPETITIVE LOSS. Flood-related damages sustained by a structure on two separate occasions during any ten-year period for which the cost of repairs at the time of each flood event, on the average, equals or exceeds 25% of the market value of the structure before the damage occurred.

RIVERINE. Relating to, formed by or resembling a river (including tributaries), stream, brook and the like.

SALVAGE YARD. Any nonresidential 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.

SOLID WASTE DISPOSAL FACILITY. Any facility involved in the disposal of solid waste, as defined in G.S. § 130A-290(a)(35).

SOLID WASTE DISPOSAL SITE. As defined in G.S. § 130A-290(a)(36), any place at which solid wastes are disposed of by incineration, sanitary landfill or any other method.

SPECIAL FLOOD HAZARD AREA. The FEMA Special Flood Hazard Area.

START OF CONSTRUCTION. The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as pouring of slabs or footing, installation of piles, construction of columns or any work beyond the state of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not parts of the main structure. For substantial improvement, the actual **START OF CONSTRUCTION** means the first alteration of any wall, ceiling, floor or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE. For floodplain management purposes, a walled and roofed building, a manufactured home, a gas or liquid storage tank, or other human-made facilities or infrastructures that are principally above ground.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damages occurred. **SUBSTANTIAL DAMAGE** also means flood-related damages sustained by a structure on two separate occasions during a ten-year period where the cost of repairs at the time of each flood event equals or exceeds 25% of the market value of the structure before the damage occurred. See definition of **SUBSTANTIAL IMPROVEMENT**.

SUBSTANTIAL IMPROVEMENT.

(1) Any repairs, reconstruction, rehabilitation, addition, or other improvement of a structure, or combination thereof, where the total cost equals or exceeds 50% of the market value of the

(A) The FEMA and Community Special Flood Hazard Areas are those identified in the effective Flood Insurance Study (FIS) dated September 2, 2015 and the accompanying Mecklenburg County Flood Insurance Rate Maps (FIRM), and local or FEMA approved revisions to the FIRM and/or FIS, are adopted by reference and declared to be part of this chapter.

(B) In areas where a Preliminary FIRM and Preliminary FIS exist, Community Base Flood Elevations shown on the Preliminary FIRM and Preliminary FIS shall be used for local regulatory purposes, if they are higher than those shown on the effective FIRM and FIS.

(C) Maps are as follows for the jurisdictional areas at the initial date:

(1) Town of Pineville dated March 18, 1987.

(2) City of Charlotte dated August 15 1978.

(3) Mecklenburg County Unincorporated Area, dated June 1, 1981.

(1995 Code, § 26-32) (Ord. 2009-03, passed 2-10-2009; Ord. 2013-02, passed 3-12-2013; Ord. 2014-00, passed 2-11-2014)

§ 152.022 FLOODPLAIN DEVELOPMENT PERMIT REQUIRED.

A floodplain development permit shall be required in conformance with the provisions of this chapter prior to the commencement of any development activities. The Floodplain Regulations Technical Guidance Document may be used for illustrative purposes to assist in determining the applicable type of floodplain development permit required.

(Ord. 2009-03, passed 2-10-2009; Ord. 2013-02, passed 3-12-2013; Ord. 2014-00, passed 2-11-2014)

§ 152.023 COMPLIANCE.

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations.

(1995 Code, § 26-33) (Ord. 2009-03, passed 2-10-2009; Ord. 2013-02, passed 3-12-2013; Ord. 2014-00, passed 2-11-2014)

§ 152.024 ABROGATION AND GREATER RESTRICTIONS.

It is not intended by this chapter to repeal, abrogate, annul or in any way impair or interfere with any existing provisions of laws or ordinances or any rules, regulations or permits previously adopted or issued, or which shall be adopted or issued, in conformity with law, relating to the use of buildings or premises; nor is it intended by this chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that, where this chapter imposes a greater restriction upon the use of buildings or premises or requires larger yards, courts or other open spaces than are imposed or required by the existing provisions of laws or ordinances, or by the rules, regulations or permits or by the easements, covenants or agreements, the provisions of this chapter shall control.

(1995 Code, § 26-34) (Ord. 2009-03, passed 2-10-2009; Ord. 2013-02, passed 3-12-2013; Ord. 2014-00, passed 2-11-2014)

§ 152.025 INTERPRETATION.

In the interpretation and applications of this chapter, all provisions shall be:

(A) Considered as minimum requirements;

(B) Liberally construed in favor of the governing body; and

(C) Deemed neither to limit nor repeal any other powers granted under state statutes.

(1995 Code, § 26-35) (Ord. 2009-03, passed 2-10-2009; Ord. 2013-02, passed 3-12-2013; Ord. 2014-00, passed 2-11-2014)

§ 152.026 WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur

(d) Interior renovations with a value of less than \$10,000, to a structure with its lowest floor below the Flood Protection Elevation must meet the requirements of § 152.061(G); and

(e) Interior renovations of any value, to a structure with its lowest floor at or above the flood protection elevation.

(2) *Individual floodplain development permits.* Individual floodplain development permits are required for projects that do not meet the requirements of a general floodplain development permit. Application for an individual floodplain development permit (IFDP) shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities proposed to be located within the community special flood hazard area. Requirements for submittal are available from the Floodplain Administrator.

(3) *Certification requirements.*

(a) Final as-built elevation certificate (FEMA Form 086-0-33) (for either residential or nonresidential buildings) or floodproofing certificate (FEMA Form 086-0-34) is required after construction is completed and prior to the issuance of a certificate of occupancy or a temporary certificate of occupancy. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation or floodproofed elevation of the reference level and all attendant utilities. The certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When floodproofing is utilized, the certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by this review shall be corrected by the permit holder immediately and prior to the issuance of a certificate of occupancy or temporary certificate of occupancy. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make the corrections required shall be cause to withhold the issuance of a certificate of occupancy or temporary certificate of occupancy.

(b) For proposed development to be located in the Community or FEMA Special Flood Hazard Area outside of the community encroachment area and the FEMA floodway, a certification from a registered land surveyor or professional engineer that states that no fill material was placed within the FEMA floodway or community encroachment area of any watercourse will be required prior to issuance of a certificate of occupancy or temporary certificate of occupancy.

(c) For proposed development within the community encroachment area or the FEMA floodway, an as-built topographic map prepared by a registered land surveyor or professional engineer will be required prior to issuance of a certificate of occupancy or temporary certificate of occupancy. This is in addition to the requirements of § 152.061(F).

(d) If a manufactured home is placed within the floodplain and the elevation of the chassis is 36 inches or higher above adjacent grade, an engineered foundation certification is required.

(e) *Certification exemptions.* The following structures, if located within the floodplain, are exempt from the elevation/floodproofing certification requirements specified in items (B)(3)(a) and (B)(3)(b) above:

1. Recreational vehicles meeting requirements of § 152.061(K);
2. Temporary structures meeting requirements of § 152.061(L); and
3. Accessory structures less than 150 square feet meeting requirements of § 152.061(M).

(4) *Permit application requirements.*

(a) A plot plan drawn to scale which shall include but shall not be limited to the following specific details of the proposed floodplain development:

- (d) The flood protection elevation required for the protection of all public utilities;
 - (e) All certification submittal requirements with timelines;
 - (f) A statement that no fill material or other development shall encroach into the community and/or FEMA Floodway of any watercourse, as applicable; and
 - (g) The flood openings requirements per § 152.061(E) (1).
- (Ord. 2009-03, passed 2-10-2009; Ord. 2013-02, passed 3-12-2013; Ord. 2014-00, passed 2-11-2014)

§ 152.042 DUTIES AND RESPONSIBILITIES OF FLOODPLAIN ADMINISTRATOR.

Duties of the Floodplain Administrator or his or her designated agent shall include but not be limited to:

- (A) Reviewing, approving and issuing all floodplain development permits in a timely manner to assure that the permit requirements of this chapter have been satisfied;
- (B) Reviewing, approving and issuing all documents applicable to Letters of Map Change;
- (C) Advising the permittee that additional federal or state permits may be required; and if specific federal or state permits are known, requiring that copies of the permits be provided and maintained on file with the floodplain development permit;
- (D) Notifying adjacent communities and the North Carolina Department of Public Safety, Division of Emergency Management, State Coordinator for the National Flood Insurance Program prior to any alteration or relocation of a watercourse and submitting evidence of the notification to the Federal Emergency Management Agency;
- (E) Assuring that within available resources, maintenance is provided within the altered or relocated portion of any altered watercourse so that the flood-carrying capacity is maintained;
- (F) Not issuing a floodplain development permit for encroachments within the community encroachment area and/or the FEMA floodway unless the certification and flood hazard reduction provisions of §§ 152.060 through 152.062 are met;
- (G) Reviewing and recording the actual elevation (in relation to mean sea level) of the reference level (including basement) of all new or substantially improved structures, in accordance with § 152.061(C);
- (H) Reviewing and recording the actual elevation (in relation to mean sea level) to which the new or substantially improved nonresidential structures have been floodproofed, in accordance with § 152.061(C);
- (I) Obtaining certifications from a registered professional engineer or architect in accordance with § 152.061(B) when floodproofing is utilized for a particular nonresidential structure;
- (J) Making the interpretation of the exact location of boundaries within the FEMA special flood hazard area or the community special flood hazard area when, for example, there appears to be conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this chapter. Procedures for changing flood hazard area boundaries and lines depicted on the Flood Insurance Rate Maps are identified in the National Flood Insurance Program regulations (44 C.F.R. pts. 59-78);
- (K) Permanently maintain all records that pertain to the administration of this chapter and make these records available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974 being 5 U.S.C. § 552a, as amended;
- (L) Making on-site inspections of projects;
- (M) Serving notices of violation, issuing stop-work orders, revoking permits and taking corrective actions;

substantial improvement restrictions through the recordation of a notice in the property chain of title or other similar notice.

(Y) Obtain actual elevation (in relation to mean sea level) of the reference level (including basement) and all attendant utilities of all new and substantially improved structures.

(Z) Obtain actual elevation (in relation to mean sea level) of all public utilities.

(1995 Code, § 26-52) (Ord. 2009-03, passed 2-10-2009; Ord. 2013-02, passed 3-12-2013; Ord. 2014-00, passed 2-11-2014)

§ 152.043 ADMINISTRATIVE PROCEDURES.

(A) *Violations to be corrected.* When the Floodplain Administrator finds violations of applicable state and local laws, it shall be his or her duty to notify the owner or occupant of the building of the violation. The owner or occupant shall each immediately remedy the violation of law in the property he or she owns or occupies.

(B) Actions in event of failure to take corrective action. If the owner or occupant of a building or property shall fail to take prompt corrective action, the Administrator shall give him or her written notice, by certified or registered mail to his or her last known address or by personal service that:

(1) The building or property is in violation of the floodplain regulations;

(2) A hearing will be held before the Floodplain Administrator at a designated place and time, not later than 20 days after the date of the notice; at which time the owner or occupant shall be entitled to be heard in person or by counsel and to present floodplain regulations arguments and evidence pertaining to the matter; and

(3) Following the hearing, the Floodplain Administrator may issue an order to alter, vacate or demolish the building, or to remove fill or unauthorized encroachment, as appears appropriate.

(4) *Order to take corrective action.* If, upon a hearing held pursuant to the notice prescribed above, the Administrator shall find that the building or development is in violation of the floodplain ordinance, he or she shall make an order in writing to the owner, requiring the owner to remedy the violation within such period, not less than 60 days, nor more than 180 calendar days. If the Floodplain Administrator determines there is imminent danger to public health, safety, or welfare, or other property, he or she may order that immediate corrective action be taken and if no corrective action is taken as ordered, the Floodplain Administrator, with the written authorization of the Town Manager, shall have the authority to enter upon the property to perform the work necessary to correct the condition and the owner or occupant shall be responsible for the actual costs incurred.

(C) *Appeal.* Any owner who has received an order to take corrective action may appeal from the order to the Town Council by giving notice of appeal in writing to the Administrator and the Clerk within ten days following issuance of the final order. In the absence of an appeal, the order of the Administrator shall be final. The Town Council shall hear an appeal within a reasonable time and may affirm, modify and affirm or revoke the order. All such decisions of the Town Council are subject to review by the county superior court as provided in G.S. § 143-215.57(c), as the statute may be amended from time to time.

(D) *Failure to comply with order.* If the owner of a building or property fails to comply with an order to take corrective action from which no appeal has been taken, or fails to comply with an order of the Town Council following an appeal, he or she shall be guilty of a misdemeanor and shall be punished in the discretion of the court. In addition, the owner or occupant shall be subject to civil enforcement as described in § 152.999.

(1995 Code, § 26-55) (Ord. 2009-03, passed 2-10-2009; Ord. 2013-02, passed 3-12-2013; Ord. 2014-00, passed 2-11-2014) Penalty, see § 152.999

§ 152.044 VARIANCE PROCEDURES.

(Ord. 2009-03, passed 2-10-2009; Ord. 2013-02, passed 3-12-2013; Ord. 2014-00, passed 2-11-2014)

§ 152.046 STANDARDS FOR GRANTING VARIANCE.

Variations shall only be issued upon:

- (A) A showing of good and sufficient cause;
- (B) A determination that the difficulty or exceptional hardship resulting from the application of this chapter would prevent the owner from securing a reasonable return or making a reasonable use of the property. The fact that the property could be utilized more profitably or conveniently with the variance than without the variance shall not be considered as grounds for granting the variance; and

(C) A determination that the granting of a variance will not result in increased flood heights (unless the requirements of § 152.060(D) are met), additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with other existing local laws or ordinances.

(Ord. 2009-03, passed 2-10-2009; Ord. 2013-02, passed 3-12-2013; Ord. 2014-00, passed 2-11-2014)

§ 152.047 MISCELLANEOUS CONDITIONS.

(A) In addition to consideration of the items in § 152.044(D)(1) if dryland access cannot be obtained, a variance to the requirement for dryland access may be granted by the Board of Adjustment upon consideration of the following conditions:

- (1) A determination that all possible alternatives have been investigated in an attempt to provide the safest access from a proposed habitable building to a dry public street; and
- (2) The existence of a site plan prepared by a licensed land surveyor or professional engineers indicating that the proposed access to habitable buildings on the property poses the least risk from flooding.

(B) In addition to consideration of the items in § 152.044(D)(1), a variance may be issued for solid waste disposal facilities, hazardous waste management facilities, salvage yards and chemical storage facilities that are located in areas of special flood hazard, provided that all of the following criteria apply:

- (1) The use serves a critical need in the community;
- (2) No feasible location exists for the use outside the area of special flood hazard;
- (3) The lowest floor of any structure is elevated above the base flood elevation or is designed to be watertight with walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy;
- (4) The use complies with all other applicable laws and regulations;
- (5) The Floodplain Administrator has notified the Secretary of the North Carolina Department of Public Safety of its intention to grant a variance at least 30 days prior to granting the variance; and
- (6) There will be no storage of materials or tanks which could flood within the special flood hazard area unless they are contained in a structure as defined in (B)(3) above.

(Ord. 2009-03, passed 2-10-2009; Ord. 2013-02, passed 3-12-2013; Ord. 2014-00, passed 2-11-2014)

§ 152.048 NOTIFICATION AND RECORDKEEPING.

(A) Any applicant to whom a variance from the FEMA base flood elevation is granted shall be given written notice specifying the difference between the FEMA base flood elevation and the elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. Such notification shall be maintained with a record of all variance actions.

and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

(J) Any new critical facility must be located outside of the 500-year (0.2%) flood fringe area and elevated at least one foot above the 500-year (0.2%) base flood elevation or the community base flood elevation, whichever is greater. The determination of this flood fringe area and elevation will be provided by the Floodplain Administrator.

(K) For the purpose of determining substantial improvement, the Floodplain Administrator shall make a determination of the total cost of repairs as it relates to a substantial improvement, including a determination of whether a series of repairs, reconstructions or improvements constitute one single alteration such that the total cost of the repairs, reconstructions or improvements will be the cumulative cost from the first alteration.

(L) All development proposals submitted for review and approval in accordance with the Subdivision Ordinance of the town shall also comply with the following provisions:

(1) Locate and construct public utilities and facilities, such as sewer, gas, electrical and water systems, to minimize flood damage;

(2) Construct all new streets located in a community special flood hazard area in accordance with the applicable provisions of the subdivision ordinance;

(3) Design and construct adequate drainage to reduce exposure to flood hazards; and

(4) Take any other appropriate measures needed to minimize flood damage.

(M) When a structure is partially located in a community or FEMA special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.

(N) When a structure is located in multiple flood hazard zones or in a flood hazard risk zone with multiple base flood elevations, the provisions for the more restrictive flood hazard risk zone and the highest base flood elevation shall apply.

(1995 Code, § 26-66) (Ord. 2009-03, passed 2-10-2009; Ord. 2013-02, passed 3-12-2013; Ord. 2014-00, passed 2-11-2014)

§ 152.061 SPECIFIC STANDARDS.

In all community and FEMA special flood hazard areas where community and FEMA base flood elevation data have been provided, as set forth in §§ 152.021 and 152.060(J), the following provisions are required.

(A) *Residential construction.*

(1) New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, and attached garages elevation elevated no lower than one foot above the community base flood elevation.

(2) Nonsubstantial improvements notice. Renovations/rehabilitations costing between 25% and 50% of the market value of the existing building and the building having the lowest floor below the flood protection elevation, will require the property owner to record a Notice of Floodplain Improvements (provided in the *Floodplain Regulations Technical Guidance Document*) with the County Register of Deeds office prior to the issuance of a building permit.

(B) *Nonresidential construction.* New construction or substantial improvement of any commercial, industrial or nonresidential structure shall have the lowest floor, including basement, elevated no lower than one foot above the level of the community base flood elevation, or be floodproofed in lieu of elevation, provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, using structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A

(b) Construction of a new habitable building where both the habitable building and the access route connecting it to a public street are located entirely outside the community encroachment area and where the property does not have any access to a dry public street. Under this exemption, access from the habitable building to the public street must:

1. Connect to the highest point of the public street adjacent to the property;
2. Be constructed of gravel, pavement or concrete and be at least 12 feet wide; and
3. Be constructed entirely at or above the elevation of highest point of the public street adjacent to the property.

(G) *FEMA floodway and community encroachment area.* The FEMA floodway and the community encroachment area are very hazardous areas due to the velocity of flood waters which carry debris and potential projectiles and have erosion potential. The following provisions shall apply within these areas.

(1) *Community encroachment area.*

(a) No encroachments, requiring an individual floodplain development permit, including fill, new construction, substantial improvements and other development shall be permitted within the community encroachment area unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the encroachment would not result in increased flood heights of greater than 0.10 foot during the occurrence of a community base flood. The certification and associated technical data by a registered engineer shall be approved by the Floodplain Administrator. Any change which would cause a rise of more than 0.10 foot in the community base flood elevation will require notification of impacted property owners, and a Community Conditional Letter of Map Revision (CoCLOMR) from the Floodplain Administrator. If approved and constructed, as-built plans must be submitted and approved by the Floodplain Administrator and a Community Letter of Map Revision (CoLOMR) issued. A certificate of occupancy will not be issued without the above stated Community Letter of Map Revision.

(b) Projects impacting existing habitable buildings that increase the community base flood elevation more than 0.00 feet will not be allowed without a variance.

(2) *FEMA floodway.* No encroachments requiring an individual floodplain development permit, including fill, new construction, substantial improvements and other development shall be permitted within the FEMA floodway unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the encroachment would not result in any (0.00 feet) increase in the FEMA base flood elevations during the occurrence of a FEMA base flood and no increase in the community base flood elevations during the occurrence of the community base flood. Such analysis performed by a registered professional engineer shall be approved by the Floodplain Administrator. Any change which would cause a rise in the FEMA base flood elevation or an increase in the FEMA floodway width during the occurrence of the FEMA base flood will require notification of impacted property owners, and a Conditional Letter of Map Revision from FEMA. If approved and constructed, as-built plans must be submitted by the property owner and approved by FEMA and a Letter of Map Revision issued. A certificate of occupancy will not be issued without the above stated Conditional Letter of Map Revision.

(a) Any change which would cause a rise in the community base flood elevation or an increase in the width of the community encroachment area during the occurrence of the community base flood will require notification of impacted property owners, and a Community Conditional Letter of Map Revision (CoCLOMR).

(b) Projects which cause a rise of greater than 0.00 feet in the FEMA base flood elevation and impact an existing habitable building will not be allowed.

devices, and has no permanent attached additions. Recreation vehicles placed on sites shall either:

- (1) Be on site for fewer than 180 days;
- (2) Be fully licensed and ready for highway use; or
- (3) Meet the requirements of §§ 152.042, 152.061 and 152.062.

(L) *Temporary structures*. Prior to issuance of a floodplain development permit for a temporary structure the following requirements must be met:

(1) All applicants must submit to the Floodplain Administrator a plan for removal of such structure(s) in the event of a hurricane or flash flood notification. The plan must include the following information:

- (a) The name, address and phone number of the individual responsible for the removal of the structure;
- (b) The time frame prior to the event at which a structure will be removed. The time specified may not exceed three months, and is renewable up to one year;
- (c) A copy of the contract or other suitable instrument with a trucking company to insure the availability of removal equipment when needed;
- (d) Designation, accompanied by documentation, of a location outside the floodplain to which the temporary structure will be removed; and
- (e) A specified time period for which the temporary use will be permitted. The time specified may not exceed three months, and is renewable up to one year.

(2) The above information shall be submitted in writing to the Floodplain Administrator for review and written approval.

(M) *Accessory structures*. When accessory structures (sheds, detached garages and the like), are to be placed in the floodplain, the following criteria shall be met:

- (1) Accessory structures shall not be used for human habitation (including working, sleeping, living, cooking or restroom areas);
- (2) Accessory structures shall be designed to have a low flood damage potential;
- (3) Accessory structures shall be firmly anchored in accordance with § 152.061(A);
- (4) Service facilities such as electrical shall be elevated in accordance with § 152.061(C);
- (5) Accessory structures shall have hydrostatic openings per § 152.061(D);
- (6) Accessory structures under 150 square feet do not require an elevation or floodproofing certificate; and
- (7) Accessory structures shall not be temperature-controlled.

(N) *Parking spaces*. The lowest elevation of any parking space required for new or substantially improved non-single-family habitable buildings must be no more than 0.5 feet below the Community Base Flood Elevation.

(O) *Levees*. Levees will be treated as development in the floodplain and are subject to all applicable sections of this chapter.

- (1) A levee shall not be constructed solely to protect vacant property from flooding.
- (2) With the exception of a levee that protects a building or feature that must be located in the vicinity of a stream to be functional such as a stream monitor, water/sewer facility or other uses approved by the Floodplain Administrator, levees require the approval of the Director of Mecklenburg County Storm Water Services, or his or her designee, regardless of their location within the community special flood hazard area (entire floodplain).
- (3) With the exception of a levee that protects a building or feature that must be located in the vicinity of a stream to be functional such as a stream monitor, water/sewer facility or other uses approved by the Floodplain Administrator, the owner of the levee and the Director of Mecklenburg

(1995 Code, § 26-67) (Ord. 2009-03, passed 2-10-2009; Ord. 2013-02, passed 3-12-2013; Ord. 2014-00, passed 2-11-2014)

§ 152.062 STANDARDS FOR STREAMS WITH DRAINAGE AREAS OF ONE SQUARE MILE OR GREATER NOT HAVING ESTABLISHED BASE FLOOD ELEVATIONS AND/OR FLOODWAYS.

All streams in the town and the county with drainage areas of one square mile or greater have established community and FEMA base flood elevations and community encroachment areas and FEMA floodways.

(Ord. 2009-03, passed 2-10-2009; Ord. 2013-02, passed 3-12-2013; Ord. 2014-00, passed 2-11-2014)

LEGAL STATUS PROVISIONS

§ 152.075 EFFECT ON RIGHTS AND LIABILITIES UNDER THE EXISTING FLOODWAY REGULATIONS.

This chapter in part comes forward by re-enactment of some of the provisions of the Floodplain Regulations enacted June 25, 1987, as amended, and it is not the intention to repeal but rather to re-enact and continue to enforce without interruption those existing provisions, so that all rights and liabilities that have accrued there under are reserved and may be enforced. The enactment of this chapter shall not affect any action, suit or proceeding instituted or pending. All provisions of the Floodplain Regulations of Town of Pineville enacted on June 25, 1987, as amended, which are not reenacted herein, are repealed.

(Ord. 2009-03, passed 2-10-2009; Ord. 2013-02, passed 3-12-2013; Ord. 2014-00, passed 2-11-2014)

§ 152.076 EFFECT UPON OUTSTANDING FLOODPLAIN DEVELOPMENT PERMITS.

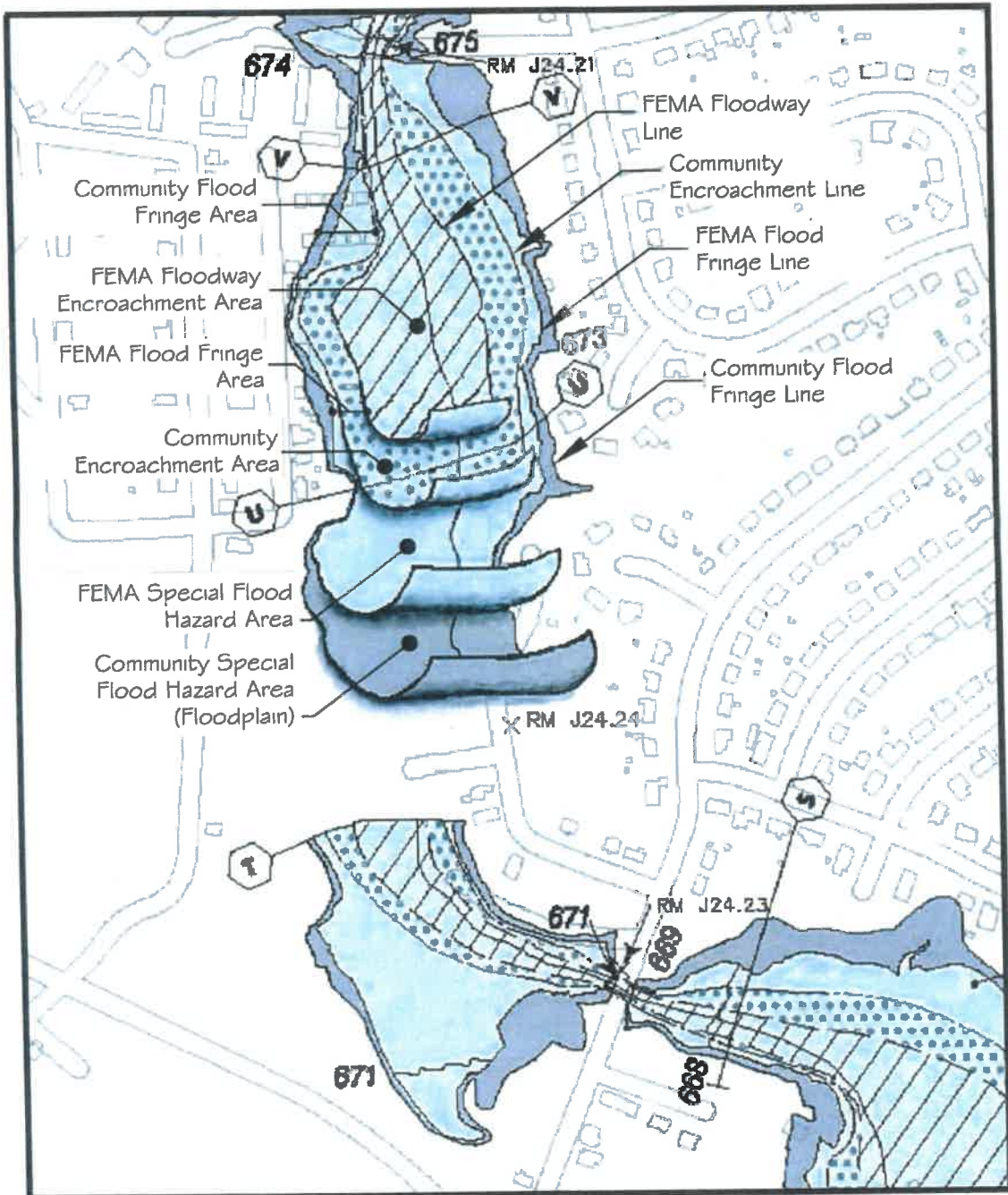
(A) Nothing herein contained shall require any change in the plans, construction, size or designated use of any development or any part thereof for which a floodplain development permit has been granted by the Floodplain Administrator before the time of passage of this Floodplain Regulation chapter; provided, however, that when construction is not begun under the outstanding permit within a period of two years subsequent to passage of this chapter or any revision thereto, the permit shall become void and construction or use shall be in conformity with the provisions of this chapter.

(B) Any application(s) for a floodplain development permit received prior to the effective date of these Floodplain Regulations shall be reviewed under the regulations in effect at the time of the initial application. Any incomplete application(s) for a floodplain development permit will be valid only for 90 days after the Floodplain Administrator has requested additional information from the applicant or his or her agent. If 90 days after the owner or his or her agent has received the request for additional information the applicant has failed to submit reasonably complete information that demonstrates a good-faith effort to provide all the additional information requested, as determined by the Floodplain Administrator, the application will become void. Any subsequent submittals will be considered as new applications and reviewed under the regulations in effect on the date the subsequent submittal is received by the Floodplain Administrator.

(Ord. 2009-03, passed 2-10-2009; Ord. 2013-02, passed 3-12-2013; Ord. 2014-00, passed 2-11-2014)

§ 152.077 EXPIRATION OF FLOODPLAIN DEVELOPMENT PERMITS ISSUED AFTER ADOPTION OF THIS CHAPTER.

APPENDIX A: FLOOD MAP AREAS



153.001 Purpose

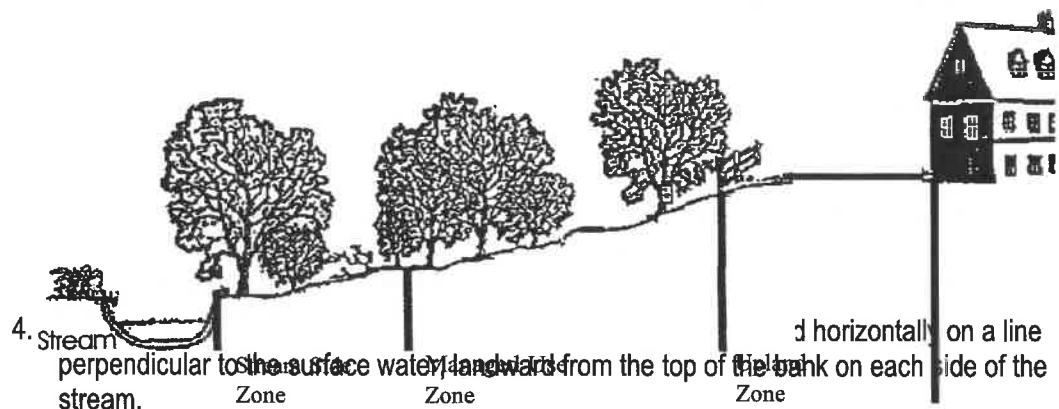
The purpose of the stream buffer network in Pineville is to ensure that the stream and adjacent lands will fulfill their natural functions. Stream systems are comprised of the stream and their drainage basins. Streams have the primary natural functions of conveying storm and ground water, storing floodwater and supporting aquatic and other life. Vegetated lands adjacent to the stream channel in the drainage basin serve as a "buffer" to protect the stream system's ability to fulfill its natural functions. Primary natural functions of the buffer include:

- Protect water quality by filtering pollutants;
- Provide storage for floodwaters;
- Allow channels to meander naturally; and
- Provide suitable habitats for wildlife.

153.002 Definitions

For the purposes of this Section, the following words and phrases shall be defined as specified below.

1. Best Management Practices (BMPs): A structural or nonstructural management-based practice used singularly or in combination to reduce non-point source input to receiving waters in order to achieve water quality protection goals.
 - Non-structural BMPs: Non-engineered methods to control the amount of non-point source pollution. These may include land-use controls and vegetated buffers.
 - Structural BMPs: Engineered structures that are designed to reduce the delivery of pollutants from their source or to divert contaminants away from the water supply. These may include wet detention ponds, detention basins, grass swales and ditches, and infiltration devices, as allowed elsewhere in this Ordinance.
2. Buffer: A natural or vegetated area through which storm water runoff flows in a diffuse manner so that the runoff does not become channelized and which provides for infiltration of the runoff and filtering of pollutants.
3. Buffer Zones: The stream buffer is comprised of three (3) zones as shown below.



Buffers are required for streams draining areas equal to or greater than 100 acres as specified below. Buffer widths for these streams are measured horizontally on a line perpendicular to the surface water, landward from the top of the bank on each side of the stream.

Drainage Area Designation	Stream Side Zone	Managed Use Zone	Upland Zone	Total Width of Buffer on each side of Stream
> 100 acres	20 feet	None	15 feet	35 feet
> 300 acres	20 feet	20 feet	10 feet	50 feet
≥ 640 acres ⁽¹⁾	30 feet	45 feet	25 feet PLUS 50% of the FEMA Flood Fringe Area beyond 100 feet	100 feet PLUS 50% of the FEMA Flood Fringe Area beyond 100 feet

Footnotes:

(1) Buffer widths for drainage areas of ≥ 640 acres:

1. If the floodplain is less than 100 feet wide, the total width of the buffer on that side of the stream will be 100 feet except as provided in 4. below.
2. The landowner/developer has discretion to designate the buffer zone beyond the 100-foot minimum. The additional buffer area beyond 100 feet must be contiguous with at least a portion of the required 100-foot buffer and be configured in such a manner as to benefit water quality.
3. So long as the total buffer width is maintained, the buffer may vary in width on either side of the stream based on individual stream side topography provided that the owner(s) control both sides of the stream and the stream side zone is maintained on both sides of the stream.

2. Buffer description

Buffer function, vegetation and use vary according to the different buffer zones as described in the following table.

Characteristics	Stream Side Zone	Managed Use Zone	Upland Zone
Function	Protect the integrity of the ecosystems	Provide distance between upland development and the stream side zone	Prevent encroachment and filter runoff
Vegetative Targets ⁽¹⁾	Undisturbed (no cutting or clearing allowed) - If existing tree density is inadequate, reforestation is required	Limited clearing - Existing tree density must be retained to a minimum of 8 healthy trees of a minimum 6 inch caliper per 1000 square feet - If existing tree density is inadequate, reforestation is required	Grass or other herbaceous ground cover allowed - Forest is encouraged

- (a) Streams and buffer boundaries including all buffer zones must be clearly delineated on all construction plans, including grading and clearing plans, erosion, drainage and sediment control plans and site plans.
- (b) Outside buffer boundaries must be clearly marked on-site prior to any land disturbing activities.
- (c) The outside boundary of the buffer must be permanently marked at highway stream crossings.
- (d) Streams and buffer boundaries including the delineation of each buffer zone must be specified on all surveys and record plats.
- (e) Buffer requirements must be referenced in homeowners' association documents.

Section 153.005 Incentives

1. Rear setback requirements

For all lots within a residential development requiring a SWIM buffer, rear setbacks can be 100% within a SWIM buffer.

2. Open space

SWIM buffer areas can be used toward satisfying all or a portion of the required open space minimums for the development if Town Council determines it is in the best interest of the Town.

153.006 Mitigation

1. Purpose

The purpose of this Section is to set forth the basis on which mitigation is required for unavoidable or approved buffer impacts within any of the buffer zones. This mitigation basis shall allow the property owner or other entity the opportunity to disturb a buffer, provided that steps are taken to offset the buffer loss. Prior to any buffer impact, any person or entity seeking approval of a buffer impact shall submit the requisite site and mitigation information for review to the Charlotte-Mecklenburg Storm Water Services and approval by Town Council as specified below, to the extent approval is required by this Section.

2. Buffer impacts not requiring mitigation

The following buffer impacts do not require mitigation or specific plan approval but are required to comply with the specifications provided in the Charlotte-Mecklenburg Land Development Standards Manual for stabilization of disturbed areas to minimize negative water quality impacts.

- (a) Road crossings for connectivity or transportation links where the Pineville Planning Board has granted site plan approval.

Water Services. Specifications for these pre-approved mitigation techniques are provided in the Charlotte-Mecklenburg Land Development Standards Manual.

- (a) Installation of Structural BMPs: The installation of an on-site structural BMP designed to achieve specified pollutant removal targets will allow for stream buffer impacts on the specific site. The BMP should remain outside the Stream Side Zone if practical. A detailed BMP design plan must be submitted to Charlotte-Mecklenburg Storm Water Services for approval based on specifications and pollutant removal targets contained in the Charlotte-Mecklenburg Land Development Standards Manual or the Pineville Zoning Ordinance. This plan must also include a long-term maintenance strategy for the BMP complete with the establishment of adequate financing to support the proposed maintenance practices.
- (b) Stream Restoration: The owner may restore and preserve the buffer area on any stream of equivalent or greater drainage area the condition of which is determined to be qualified for restoration by Charlotte-Mecklenburg Storm Water Services on a 1:1 basis in linear feet of stream. This restoration shall include stream bank improvements and Stream Side and Managed Use Zone re-vegetation, in accordance with the Charlotte-Mecklenburg Land Development Standards Manual.
- (c) Stream Preservation: The owner may purchase, fee simple, other stream segments at equivalent or greater drainage area on a 1:1 linear foot basis and convey fee simple and absolute title to the land to the City/County or other conservation organization.
- (d) Wetlands Restoration: On a 2:1 acreage basis for disturbed stream and buffer area (2 acres of wetland for each acre of disturbed area), the owner may provide a combination of the preservation and/or restoration of wetlands with protective easements, and the implementation of structural or non-structural BMPs to achieve specific pollutant removal targets within the impacted area as specified in the Charlotte-Mecklenburg Land Development Standards Manual.
- (e) Bottom Land Hardwood Preservation: On a 2:1 acreage basis for impacted stream and buffer area (2 acres of bottomland hardwood for each acre of disturbed area), the owner may provide a combination of the preservation of existing bottom land hardwood forest or other specifically approved natural heritage area by conservation easement or other legal instrument, and the implementation of structural or non-structural BMPs to achieve specific pollutant removal targets within the impacted area as specified in the Charlotte-Mecklenburg Land Development Standards Manual.
- (f) Controlled Impervious Cover: The owner may commit to, and provide, a specific site development plan that limits overall site impervious cover equal to or less than 24%. Development on this basis shall allow for stream buffer impacts on the specific site. Preservation of the Stream Side Zone is encouraged.
- (g) Open Space Development: The submission of a specific site development plan which preserves 50% of the total land area as undisturbed open space shall allow for stream buffer impacts on the specific site.

assessed until the person alleged to be in violation has been notified in writing of the violation by registered or certified mail, return receipt requested, or by other means which are reasonably calculated to give actual notice. The notice shall describe the nature of the violation with reasonable particularity, specify a reasonable time period within which the violation must be corrected, and warn that failure to correct the violation within the time period shall result in assessment of a civil penalty or other enforcement action.

153.007 Appeals and Variances

Appeals and variances from this Section shall be subject to the provisions of Chapter 2 of these regulations.

2021

TABLE 6-1: USE CLASSIFICATIONS

P = Permitted Use by Right
 C = Conditionally Approved Only
 PS = Permitted with Special Regulations
 CS = Conditional with Special Regulations

ZONING DISTRICTS

Use Classification	R-44	R-12	R-7	R-MF	DC	RMX	O-I	O-C	B-3	B-4	B-P	G-I	Special Regulation
Adult Day Care (see "Day Care")													
Adult Establishments												PS	6.5.01
Amusement Park (Indoors)					P	C		C	P	P	P	P	
Amusement Park (Outdoors)					C							C	
Animal (Household) Grooming Services					PS	PS		C	PS	PS	PS	PS	6.5.02
Animal Hospital (indoor only)					P			C	P	P	P	P	
Animal Hospital (outdoor kennel)												P	
Animal Kennel and Boarding (Indoor only)								C	P	P	P	P	
Animal Obedience Schools					P	C		PS	PS	PS	PS	PS	6.5.02
Animal Shelter								C		PS	PS	PS	6.5.03
Animal Supply Store					P			P	P	P	P	P	
Antique Store					P	P		P	P	P	P	P	
Appliance Repair Shop, Household					P			P	P	P	P	P	
Appliance Store					P			P	P	P	P	P	
Art Studios/Galleries					P			P	P	P	P	P	
Art Supply Store					P	P		P	P	P	P	P	
Astrology, Palm Reading, Tarot and Similar												C	
Sales and Services													
Auction Houses					C			C	PS	PS	PS	PS	6.5.05
Auction/Livestock												C	
Auditoriums, Stadiums, Assembly Halls Amphitheaters, etc..					CS			CS	PS	PS	PS	PS	6.5.06
Auto Body and Repair									CS		CS	PS	6.5.07
Auto mobile and Vehicle Storage												P	
Auto Towing/Wrecker Service												PS	6.5.09
Auto, Truck, Boat, and Motorcycle Sales									CS	CS			6.5.34
Auto, Truck, Boat, and Motorcycle Lease including Taxi and Limousine									CS	CS			6.5.41
Automobile Parking Lot	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	6.5.08
Automobile Parking Garages (structured parking)				P	P	P	P	P	P	P	P	P	
Automobile Servicing and Installation (Oil change, Tires, Battery, Sound System)									CS		CS	PS	6.5.07
Automotive Supply Store									PS	PS	PS	PS	6.5.43
Bait and Tackle shop					P	P			P	P	P	P	
Bakery (Retail)					P	P		P	P	P	P	P	
Bakery (Bulk Manufacture)					C							P	
Banks, Savings and Loans, Credit Unions					P	P	P	P	P	P	P	P	
Bank Teller Machines (ATMs) Stand Alone								P	P	P	P	P	
Bank Teller Machines (ATMs) Attached					P	P	P	P	P	P	P	P	
Bar/Tavern/Night Club/ Lounge					PS				PS	PS	PS		6.5.38
Barber or Beauty Shop					P	P	P	P	P	P	P	P	
Baseball Batting Ranges					C	C			P	P	P	P	
Beauty Supply Store (Retail)					P	P		P	P	P	P	P	
Bed and Breakfast Inn					C	C							
Bicycle Sales/Service					P	P		P	P	P	P	P	
Billiard Parlor (see "Pool Hall")												P	
Boat and Trailer Repair													
Book Store					P	P		P	P	P	P		
Bottling Works												P	
Bowling Lanes					C				P	P	P		
Building Materials and Lumber Storage and Sales												C	
Buildings for Display of Sample Merchandise												C	
Bus Terminal, Passenger							C	C	C	C	C	C	
Business Support Services					P	P		P	P	P	P		
Cabinet and Woodworking Shop												C	
Camera and Photography Sales and Supply					P	P		P	P	P	P		
Campgrounds, Family												C	
Candy and Nut Store					P	P		P	P	P	P		
Car Wash, Automatic								C	P	P	P	P	
Car Wash, Self-Service (1-4 bays)										C	C	P	
Car Wash, Self Service (5+bays)										C	C	P	
Carpet Store (see "Floor Covering Store")													
Catalogue Sales Store					P			P	P	P	P	P	
Catering (food services)					P	P	P	P	P	P	P	P	
Cemetery (accessory use)	CS	CS	CS									CS	6.5.10
Cemetery (principal use)	CS	CS	CS									CS	6.5.10
Check Cashing Establishment (see "Pawn Shop")													

2021

TABLE 6-1: USE CLASSIFICATIONS

P = Permitted Use by Right
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 PS = Permitted with Special Regulations
 CS = Conditional with Special Regulations

ZONING DISTRICTS

Use Classification	R-44	R-12	R-7	R-MF	DC	RMX	O-I	O-C	B-3	B-4	B-P	G-I	Special Regulation
China and Tableware Shop					P	P		P	P	P	P		
Churches, Place of Worship	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	CS	PS	6.5.11
Civic Clubs (see "Fraternal")													
Cleaning and Maintenance Service					P	P		P	P	P	P	P	
Clock/Watch Repair and Sales					P	P		P	P	P	P	P	
Clothing, Footwear, and Apparel Store					P	P		P	P	P	P	P	
Coffee Shop					P	P		P	P	P	P	P	
College and University (Including satellite classrooms)					P		C	C	P	P	P		
Commercial Vehicle Storage and Operations Center												P	
Communication Facility/Tower						CS	CS	CS	CS	CS	CS	PS	6.5.12
Communication Facility/Stealth						CS	CS	CS	CS	CS	CS	PS	6.5.12
Community Centers	C	C	C	C	P	P	P	P	P	P	P		
Community Service Organization or Rehabilitation Center							C	C				C	
Computer Services and Data Processing					P	P		P	P	P	P	P	
Computer Stores Retail and Repair					P	P		P	P	P	P	P	
Consignment Shops					P	P		P	P	P	P	P	
Continuing Care Facility (see "Rest Homes")													
Contractors Sales Offices Only					P	P		P	P	P	P	P	
Contractors Offices, Sales, and Onsite Storage Yard of Materials or Equipment						C						P	
Convenience Stores					P	C	C	C	P	P	P	P	6.5.14
Correctional Facility												CS	6.5.15
Costume Rental (Formal Wear etc.)					P	P			P	P	P		
Country Club	C	C	C	C	C	C							
Crematorium							C	C				C	
Customary Home Occupations	PS	PS	PS	PS	PS	PS							6.5.16
Dairy Products Processing and Distribution Facilities												C	
Dance School (see "School for the Arts")													
Day Care Home, Family	PS	PS	PS	PS		PS	CS	CS				PS	6.5.39
Day Care Center		CS	CS		CS	CS	CS	CS	PS	PS	PS	PS	6.5.39
Day Care Center, Large					CS		CS	CS	PS	PS	PS	PS	6.5.39
Day Care Center in a Residence	CS	CS	CS	CS		CS							6.5.39
Department Store					P				P	P	P		
Distribution Center, Product												C	P
Doctor's Office (excluding Animal Hospital)					P	C	P	P	P	P	P		
Drapery and Linen Shop (see "Fabrics")													
Drug Store (see "Pharmacy")													
Dry Cleaning and/or Laundry Plant													P
Dry Cleaning Services Outlet/Retail					P	C	P	P	P	P	P	P	
Dwelling, Apartments				C	C							C	6.5.21
Dwelling, Condominiums				C	C							C	6.5.21
Dwelling, Single Family	P	P	P	C	C	P							6.5.21
Dwelling, Townhomes				P	P	P					C		6.5.21
Dwelling, Two-Family (Duplex)			PS	CS	CS	CS							6.5.17
Dwelling, Secondary	PS	PS	PS	PS	CS	PS							6.5.35
Electric, Heating, Air Conditioning Ventilation, Plumbing Supplies and Sales (Indoor)					P				P	P	P	P	
Employment Agency					P	P	P	P	P	P	P	P	
Engineering and Architectural Services					P	P	P	P	P	P	P	P	
Essential Utility Services, Class 1 & 2	P	P	P	P	P	P	P	P	P	P	P	P	
Essential Utility Services, Class 3	C	C	C	C	C	C	C	C	C	C	C	C	
Exterminators Office								P	P	P	P	P	
Fabric Sales, Tailor, Alterations, Sewing and Associated Goods Store					P	P		P	P	P	P	P	
Fairgrounds												C	
Family Home Care	PS	PS	PS	PS		PS							6.5.18
Farm Equipment Sales and Service												P	
Farm Supply Store (Feed and Seed)												P	
Farmer's Market	P	P			P	P	P	P	P	P	P	P	
Firing Range (Indoor only)												C	
Fitness Center, Indoor Sports, Health Club, Spa and Gym 15,000 sqft. or under; over: see Recreation center					P				P	P	P		
Flea Market (Indoor)					P				P	P	P	P	
Flea Market (outdoor)												C	
Floor Covering Store					P	P		P	P	P	P	P	
Floral and Christmas Items Store					P	P		P	P	P	P	P	

2021	TABLE 6-1: USE CLASSIFICATIONS													P = Permitted Use by Right C = Conditionally Approved Only PS = Permitted with Special Regulations CS = Conditional with Special Regulations
	ZONING DISTRICTS													
Use Classification	R-44	R-12	R-7	R-MF	DC	RMX	O-I	O-C	B-3	B-4	B-P	G-I	Special Regulation	

Use Classification	R-44	R-12	R-7	R-MF	DC	RMX	O-I	O-C	B-3	B-4	B-P	G-I	Special Regulation
Florist, retail					P	P		P	P	P	P		C
Flour and Feed Mills					P		P	P	PS	P	P	P	6.5.19
Food Catering Facility					C		P	P	P	P	P	P	
Fraternal and Service Organizations (VFW, Freemasons, and misc. non-profits)							C	C					C
Funeral Home, Mortuaries and Crematoria					P	P		P	P	P	P	P	
Furniture Repair Store					P	P		P	P	P	P	P	
Furniture Store					P	P		P	P	P	P	P	
Furniture Upholstery													C
Furriers					P			P	P	P	P	P	
Garden Supply and Seed Store										CS	CS		6.5.26
Gas Station and Express Fuel													
Gift Shop (see "Variety Store)					P	P		P	P	P	P		
Glass, Mirror, and Lighting Shop						PS			PS	PS		PS	6.5.20
Golf Course, Public	CS					CS			CS	CS			CS 6.5.20
Golf Course, Private	CS					CS			CS	CS			CS 6.5.20
Golf Course (Miniature and Driving Range)					P	P	P	P	P	P	P	P	
Government Services					P	C			P	P	P	P	
Grocery Store							CS						6.5.37
Group Care Facility / Assisted Living					P				P	P	P	P	
Gun and Ammunition Sales					P				P	P	P	P	
Gunsmith					P				P	P	P	P	
Hardware Store													
Heating and Air Conditioning Supplies and Sales (see "Electric, Heating, Air Conditioning, Ventilation")					P	P		P	P	P	P		
Hobby, Toy, and Craft Shop					P	P			P	P	P		
Home Improvement Store (at or under 10,000 sq ft.)					P				P	P	P		
Home Improvement Store (Over 10,000 Sq ft.)					C				P	P	P		
Home Electronics, Radio, TV, CD Sales					P								
Home occupation, Customary (see "Customary Home Occupation")							C	C					
Hospitals													
Hotel (see "Motels")													P
Ice Making Machines (outdoor), Cold Storage Plants and Freezer Lockers													P
Industrial Equipment Sales, Supplies and Repair					P	P		P	P	P	P		
Insurance Agency					P	P		P	P	P	P		C
Jewelry and Jewelry Repair Store													
Junkyards, Automobile Salvage Yards					P	P			P	P	P		
Key Shop					C			P	P	P	P		
Laboratory Offices and general medical testing facilities							C	C					C
Laboratory: Research					P				P	P	P		
Laundromat					P	P			P	P	P	P	
Lawn and Garden Care Service/Management (Indoor)						C							P
Lawn and Garden Care Service/Management (outdoor)										P	P	P	
Lawnmower, Power Equipment Sales and Service				P		P	P	P	P	P	P	P	
Library, Public						P			P	P	P		
Liquor or "ABC Store"					PS	PS	PS	PS	PS	PS	PS	PS	6.5.36
Live-Work Units						P	P	P	P	P	P	P	
Locksmith						P	P		P	P	P		
Luggage and Leather Goods Shop													
Lumber Sales ("see Building Material and Lumber Sales")													C
Lumber and Saw Mills													P
Machine Shop					P	P	P	P	P	P	P	P	
Magazine, Newspaper Store													C
Manufactured Goods, Class 1													C
Manufactured Goods, Class 2													C
Manufactured Home and Recreational Vehicle Sales													6.5.24
Manufactured Home Parks					CS								
Manufactured Homes, Class A					C								
Martial Arts School (see "School for the Arts")													C
Material Recovery Facility													C
Meat Packing Plants/Processing													

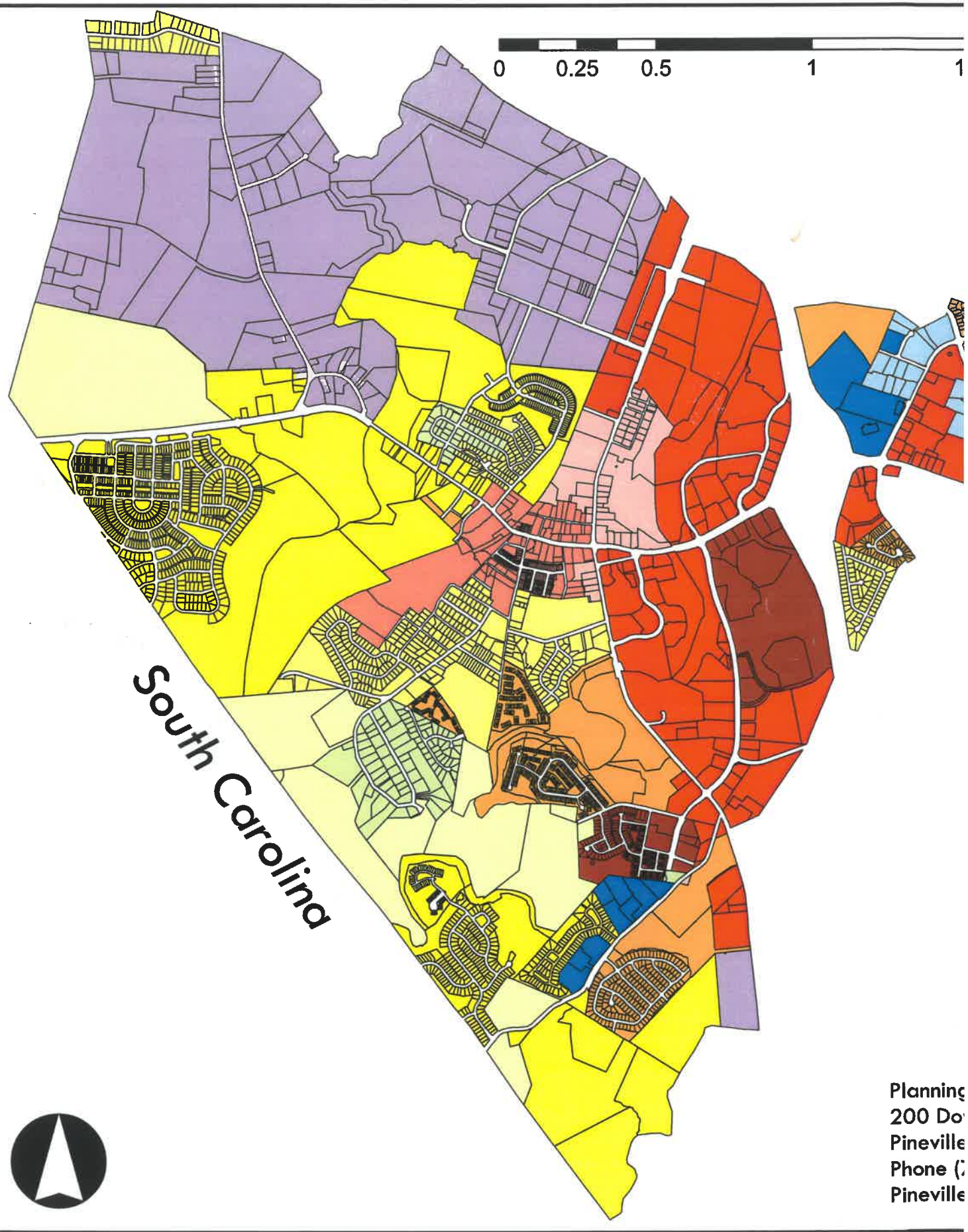
2021	TABLE 6-1: USE CLASSIFICATIONS												P = Permitted Use by Right C= Conditionally Approved Only PS = Permitted with Special Regulations CS = Conditional with Special Regulations
	ZONING DISTRICTS												
Use Classification	R-44	R-12	R-7	R-MF	DC	RMX	O-I	O-C	B-3	B-4	B-P	G-I	Special Regulation

Meeting Facilities					P	P		P	P	P	P		
Membership Warehouse Clubs					C				C	P	P	P	
Medical Supply Shop					P		P	P	P	P	P		
Medical Service - Urgent Care/Dental, Medical, Optical and Outpatient Clinics					P	P	P	P	P	P	P		
Microbrewery					C				PS	PS			PS 6.5.44
Mini-Warehouses and Outside Storage													
Mobile Homes (see "Manufactured Homes")													
Modular Homes (see "Dwelling, Single Family")												PS	6.5.27
Monument Sales					CS				CS	CS	CS		6.5.33
Motels/Hotel					P	P	P	P	P	P	P		
Museum					P	P			P	P	P		
Music Store Sales and Service									P	P	P		
Nail Salon (see "Tanning")					P	P							
Newspaper/Magazine/Video Store													
Newspaper/Magazine/Video Store (Adult)												P	
See Adult Establishments													
Nursery (Horticultural), Greenhouses					C	PS	PS	PS	PS	PS	PS		6.5.28
Office, Shopping Center, Mixed Use Commercial Buildings					CS	CS	CS		CS	CS	CS		6.5.28
Office, Shopping Center, Mixed Use Commercial and Residential Buildings						P		P	P	P	P	P	
Office Equipment and Supply Stores													
Office Supply Warehouse					P			P	P	P	P	P	
Paint and Wallpaper Store													C
Parking Lot (see "Auto Parking Lot")								P	P	P	P		
Pawn Shop and Check Cashing					P							PS/C	6.5.29
Pet Shop													
Petroleum Bulk Sales and Storage					P	C	P	P	P	P	P	P	
Pharmacy					P	P	P	P	P	P	P		
Philanthropic Institutions					P	P							
Photographic Studio													
Plumbing Supplies and Sales (see "Electric, Heating, Air Conditioning, Ventilation")									P	P	P		
Pool Hall					P	P	P	P	P	P	P	P	
Post Office					P	P	P	P	P	P	P	P	
Postal Stores, Contract Postal Stations, Mailing Establishments					P	P	P	P	P	P	P	P	
Printing Goods and Services					P	P	P	P	P	P	P		
Professional Services													
Produce Stand (in other than principal structures on the lot)	P	P				P	P		P	P	P	P	
Public Safety Station (Police, Fire, EMS)	C	C	C	C	C	P	P	P					C
Quarry													C
Racetrack						P			P	P	P	P	C
Radio, TV, VCR Repair service													
Radio/TV Stations						P	P		P	P	P	P	
Real Estate Agency						C	C		C	P	P	P	
Recreation Centers						CS	C		C	C	C	C	6.5.40
Recreation Complex						P	P	P	P	P	P	P	
Recreation Facilities, Public	P	P	P		P	C	C	P	P	P	P	P	
Recycling Collection Drop Off Point													C
Recycling Processing Facility						P			C	P	P	P	P
Rental Centers (Indoor)													P
Rental Centers (Outdoor)								C	C				
Rest Home, Senior Living and Continuing Care Facility					C								PS 6.5.30
Restaurant						PS	PS	PS	PS	PS	PS	PS	6.5.31
Restaurant/Cafeteria, within other Facilities (as Accessory)													P
Roof Repair and installation and Sheet Metal													
Rooming and Boarding Houses					C	C							P
School, Vocational						P	P	C	P	P	P	P	6.5.32
Schools, Elementary & Middle	CS	PS	PS	PS	PS	CS	PS	PS	PS	PS	PS	PS	6.5.32
Schools, High School	CS	PS	PS	PS	PS	CS	PS	PS	PS	PS	PS	PS	
Schools for the Arts						P	P	C	P	P	P	P	P
Shoe Store Sales and repair						P	P			C	C	P	P
Sign Painting and Manufacture													P
Sign Sales						P	P	P	P	P	P	P	P
Skating Rink (Indoor)						C			C	P	P	P	P

2021	TABLE 6-1: USE CLASSIFICATIONS										P = Permitted Use by Right C = Conditionally Approved Only PS = Permitted with Special Regulations CS = Conditional with Special Regulations
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ZONING DISTRICTS													
Use Classification	R-44	R-12	R-7	R-MF	DC	RMX	O-I	O-C	B-3	B-4	B-P	G-I	Special Regulation

Skating Rink (outdoor)					C					C	C	C	P	
Slaughterhouse													C	
Sporting Goods and Sporting Apparel Shop					P	P			P	P	P	P		
Stadiums (300+ seats) Principal Structure													C	
Stationery Store (See Book Store)														
Swimming Pools, Sales, Service, & Supplies									C				P	
Tailor and Alterations Store (see "Fabric, Sewing and Associated Goods")														
Tanning and Nail Salon					P	P		P	P	P	P			
Tattoo and Piercing												PS		6.5.42
Tax Preparation service					P			P	P	P	P			
Textile Machinery Sales and Service													P	
Theater, Indoor Movie or Concert Hall					C						C	C	C	
Theater, Outdoor					C							C	C	
Tire Recap Facility													C	
Tobacco Sales Shop					P				P	P	P			
Town Hall	P	P	P	P	P	P	P	P	P	P	P			
Toy Store (see "Hobby, Toy & Craft Shop")														
Transit Station - Passenger					P	P	P	P	P	P	P		P	
Travel Agency					P	P	P	P	P	P	P			
Trophy and Plaque Shop					P	P		P	P	P	P			
Truck Stop														C
Truck Terminal, Transfer Companies														C
Upholstery Shop					P	P		P	P	P	P		P	
Variety and Souvenir Store					P				P	P	P			
Vending Company Supply House														P
Video Rental and Sales (see "newspaper, magazine, and video store")														
Warehouse (excluding Mini-Warehouses, and any storage of dangerous or offensive Materials)													P	
Welding Shop														P
Wholesale Sales Operation (Enclosed)									P		C	P	P	
Wine and Beer Store					P				P		P	P		



South Carolina



Planning
200 Do
Pineville
Phone (
Pineville

Public Hearing



To: Town Council
From: Travis Morgan
Date: 6/22/2021
Re: **Proposed Subaru Car Dealership** (*Action Item*)

UPDATE:

Plan has been updated with more detail regarding parking and landscaping, display cars, and signage. Previous comments included:

- 1) Display vehicles. Front stand-alone vehicle removed. 5 front vehicles in line as shown with one customer car pickup/photo location in the inset left of the building front for the total 6 noted.
- 2) Signage. Signage to meet ordinance. No roof signs. Subaru graphics in single line as shown below the roof.
- 3) Lighting and landscape to meet ordinance. Staff to approve lighting to match or be less than other dealers. Maximum foot candles on Hyundai was 30 at select display areas only. Standard screening shrubs and parking lot trees.
- 4) Sidewalk extension into property added.
- 5) No loading activities outside of property such as on public street. See note 6A&B.
- 6) No outside vehicle servicing see note 7A&B
- 7) Additional brick on upper story and gray/tan brick color change

BACKGROUND:

The former Funtastics business at 10400 Cadillac Street is closed and there is development interest to redevelop the property. The location is at the dead end of Cadillac Street which is a challenge for general retail uses.

PROPOSAL:

Demolition of the existing building in favor of new dealership located at the front of the site to place parking to the side or rear similar to other new approved dealerships and also to keep the back of the site open should the Blue line rail extension follow the 485 corridor as proposed.

DEVELOPMENT SUMMARY:

Location:	10400 Cadillac
Acreage:	10.799 acres (minimum 4 acres)
Square Footages:	60,000 (28,000 minimum)
Accessory Structure:	2,000 (car wash)
Parking Provided:	Parking met. 683 shown (300 minimum)
Display Vehicles:	6 front display cars shown (includes car in left covered area)

STAFF SUMMARY:

The proposal is improved over the original concept. Staff notes site location requires a destination-based business. Dealership would more viable than housing or other similar zoning proposals. Staff also notes the service bays and vehicle stacking on the back side of the building only. Six front display cars are consistent with approved dealerships on the same (East) side of North Polk Street. Proposal to meet all other standard Town and County requirements. Staff supports the proposal.

PROCEDURE:

This public hearing is to gain information about the proposal. This meeting is to familiarize you with the applicant's request go over updates and modifications shown and to hear any public comment. If there is no additional information or clarification needed; the public hearing may be closed and a vote taken.

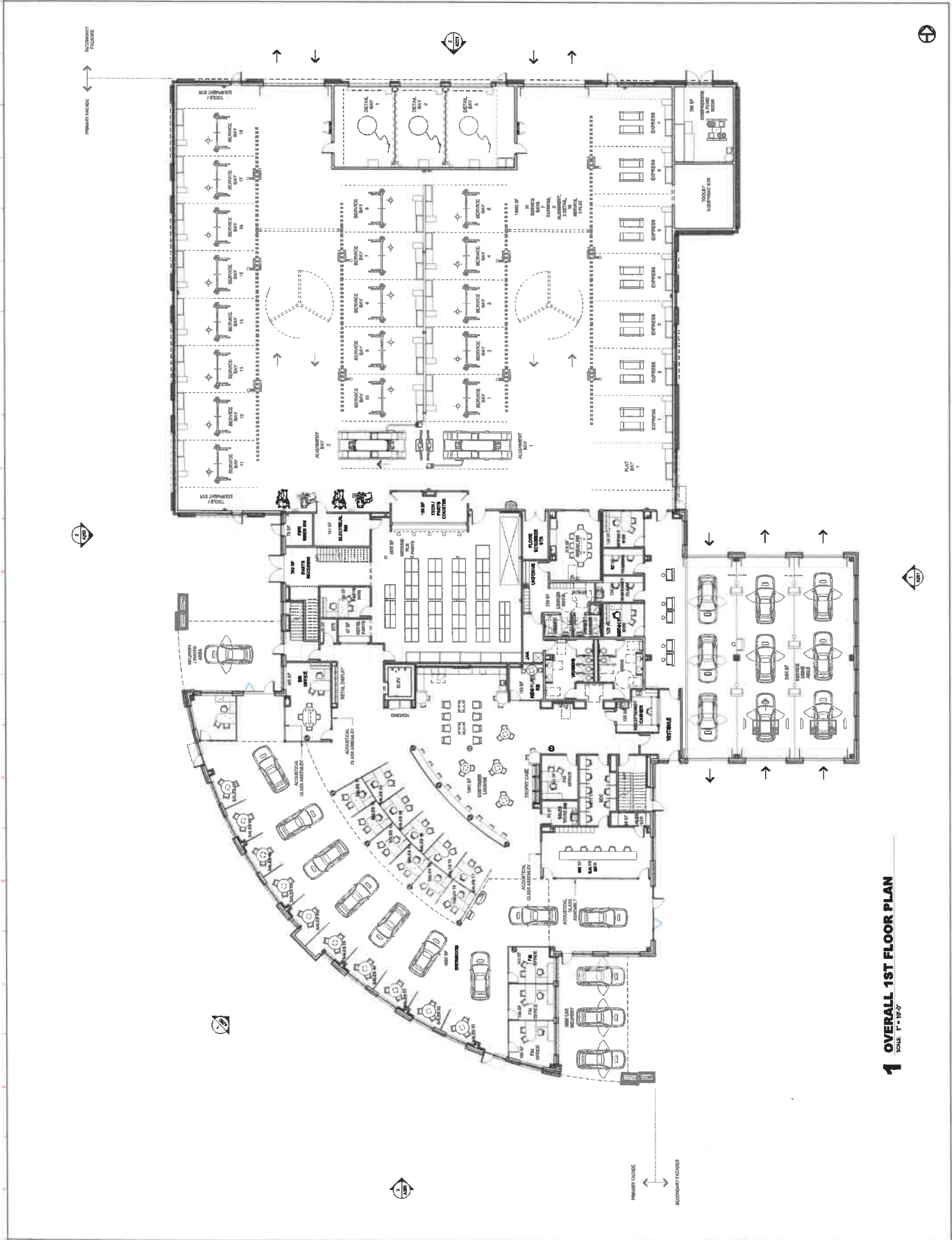


#	DATE	DESCRIPTION

DRAWING TITLE
1ST FLOOR PLAN

PROJECT NUMBER
P1000-SUBARU-0111

DATE
02/15/2021



1 OVERALL 1ST FLOOR PLAN
SCALE: 1" = 10'-0"

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#	Date	Revisions	Description

Project Number: 2017-001
Sheet Title: PRIMARY STREET
Facing Elevations
Date: 04/20/17

**PRIMARY STREET
FACING
ELEVATIONS**

**SHEET NUMBER
A200**

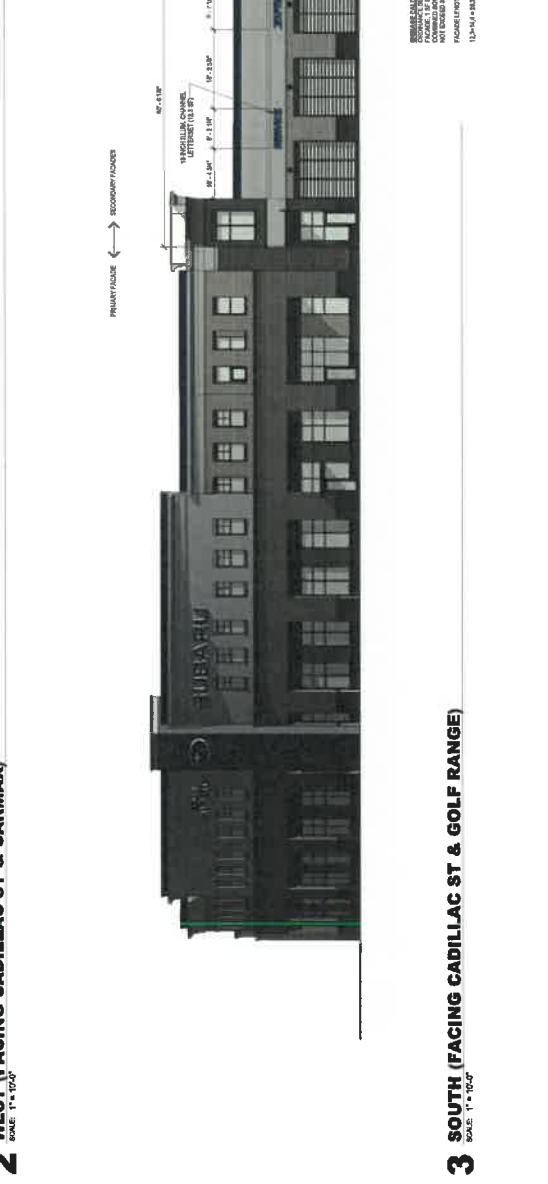


EXTERIOR MATERIALS

TYP	FINISH	DESCRIPTION
0100	CONCRETE	CONCRETE
0200	BRICK	BRICK
0300	GLASS	GLASS
0400	WOOD	WOOD
0500	ROOFING	ROOFING
0600	MEZZANINE	MEZZANINE
0700	PAINT	PAINT
0800	CLADDING	CLADDING
0900	SCREENING	SCREENING
1000	SCREENING	SCREENING
1100	SCREENING	SCREENING
1200	SCREENING	SCREENING
1300	SCREENING	SCREENING
1400	SCREENING	SCREENING
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2700	SCREENING	SCREENING
2800	SCREENING	SCREENING
2900	SCREENING	SCREENING
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3100	SCREENING	SCREENING
3200	SCREENING	SCREENING
3300	SCREENING	SCREENING
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3600	SCREENING	SCREENING
3700	SCREENING	SCREENING
3800	SCREENING	SCREENING
3900	SCREENING	SCREENING
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9600	SCREENING	SCREENING
9700	SCREENING	SCREENING
9800	SCREENING	SCREENING
9900	SCREENING	SCREENING
10000	SCREENING	SCREENING

PRIMARY FACADE MATERIAL PERCENTAGES

MATERIAL	AREA	PERCENTAGE
BRICK	9,288 SF	71.1%
GLASS	422 SF	3.3%
WOOD	1,028 SF	8.0%
SCREENING	13,262 SF	104.6%
TOTAL	14,798 SF	116.9%



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**SUBARU
SOUTH
CHARLOTTE**

1000 CADILLAC ST
PINEVILLE, NC 28134

KEY PLAN

Revisions	
#	Description

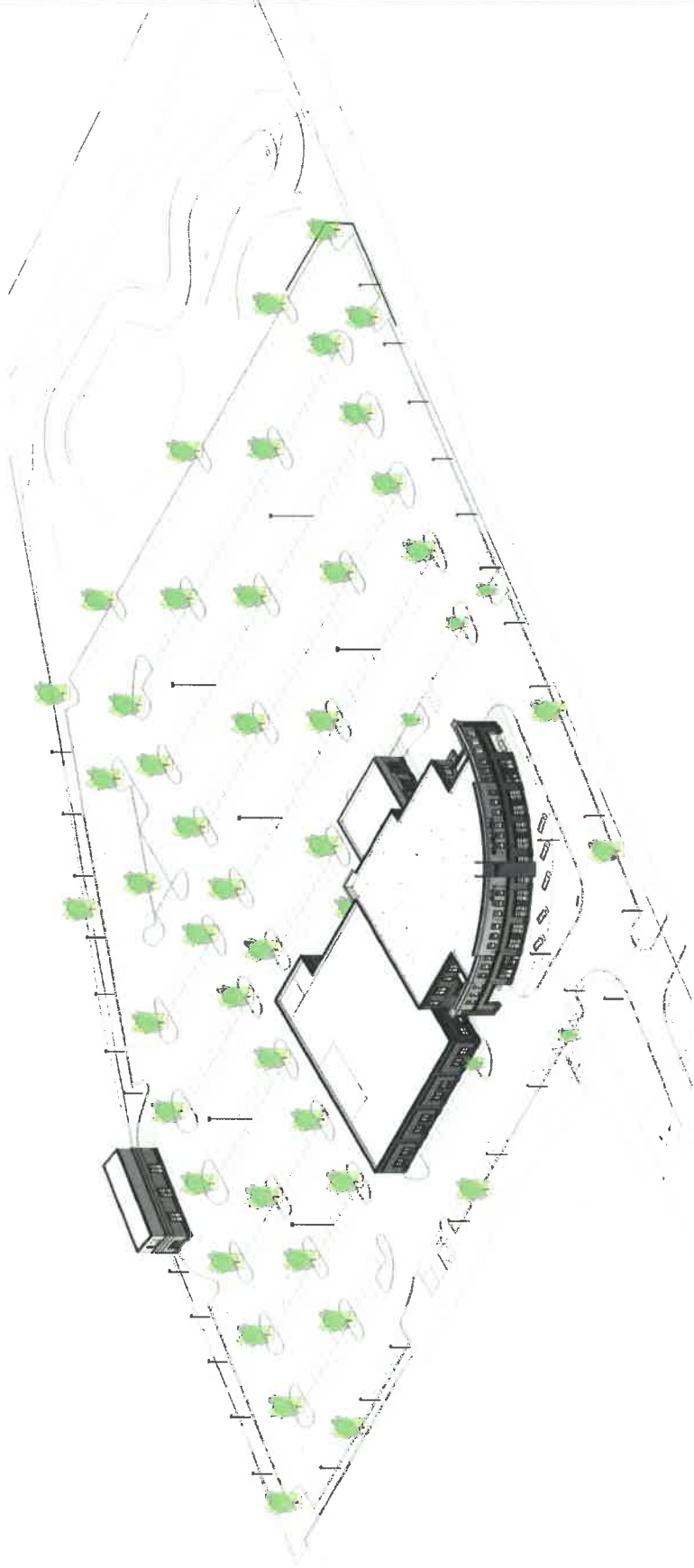
PROJECT NUMBER: 2017-001
PROJECT NAME: SUBARU SOUTH CHARLOTTE
DATE: 08/15/17

3D AXON & PERSPECTIVE FROM CADILLAC ST SIDE

A300



2 3D PERSPECTIVE (LOOKING DOWN CADILLAC ST)
SCALE



1 3D AXON (CADILLAC ST SIDE)
SCALE

#	Date	Revisions	Description

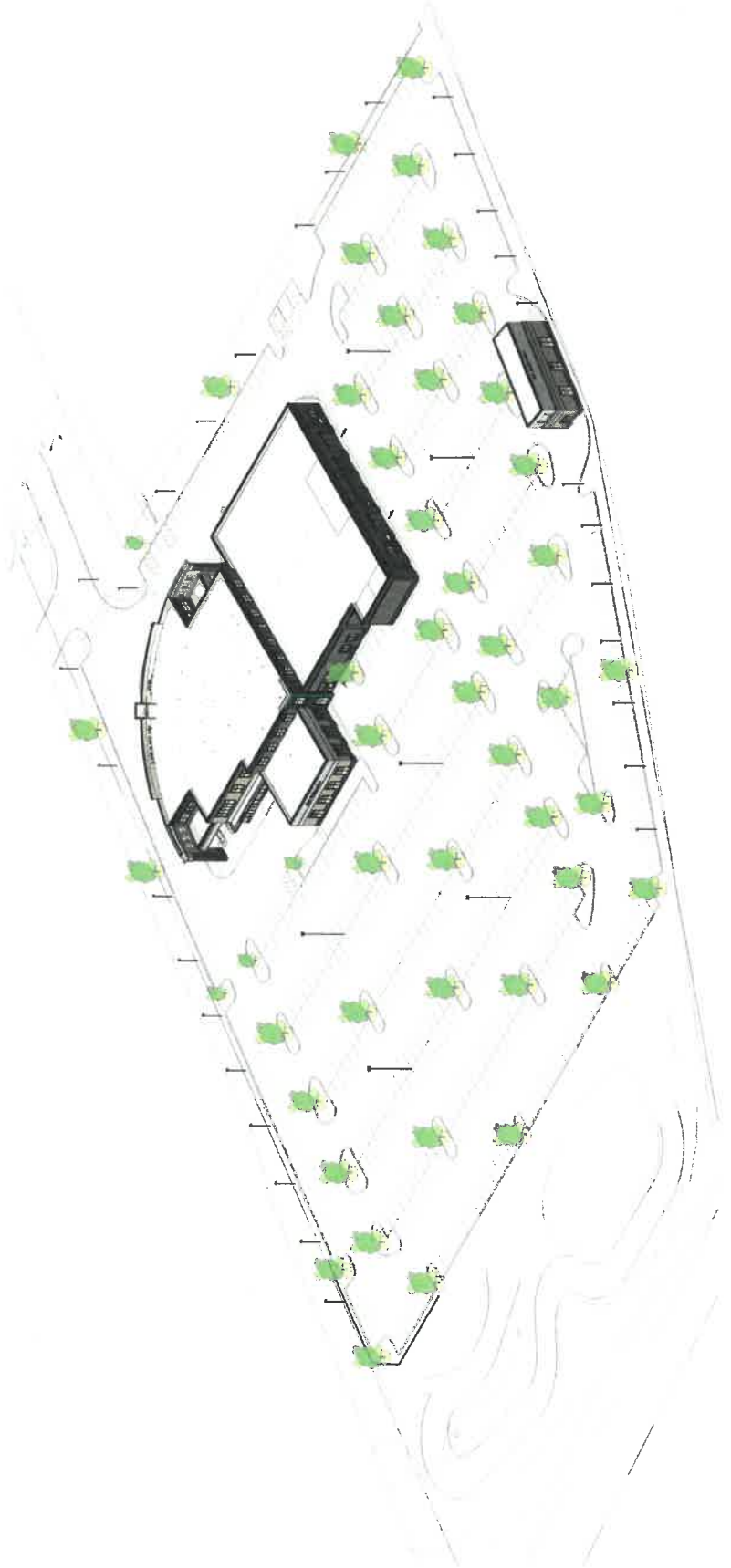
DATE: 08/11/15
PROJECT: SUBARU SOUTH
DRAWING NO.: A301

**3D AXON &
PERSPECTIVE
VIEWS FROM
PARKING LOT**

A301



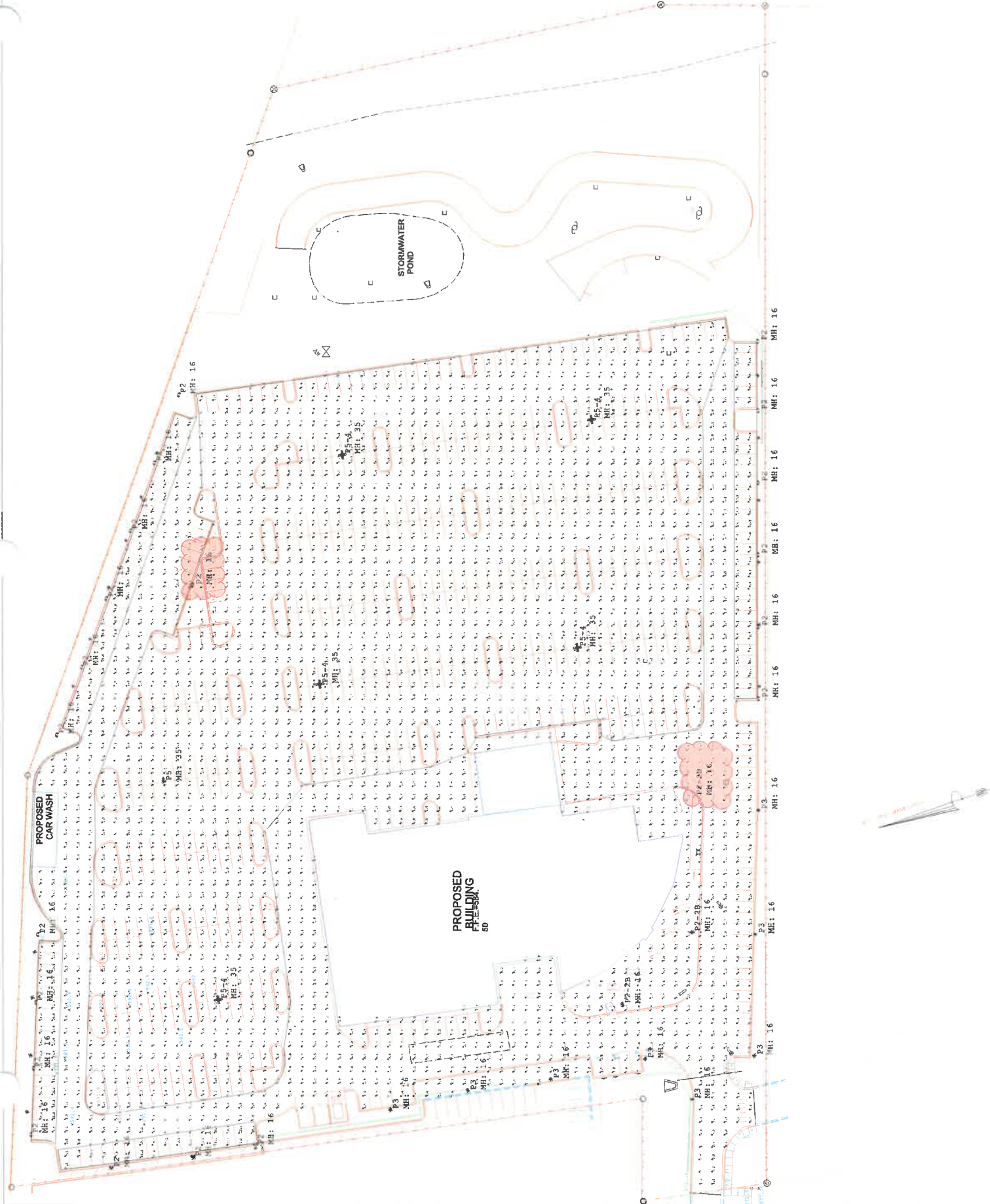
2 3D PERSPECTIVE (LOOKING FROM PARKING LOT SIDE)
SCALE



1 3D AXON (I-485 SIDE)
SCALE

Revisions

#	Date	Comments
01	03/19/21	MA
02	03/19/21	MA
03	03/19/21	MA
04	03/19/21	MA
05	03/19/21	MA



Symbol	Qty	Label	Arrangement	[MANUFAC]	Description	Num. Watts	Num. Lumens	LLF
P2	20	TWIN	HUBBELL OUTDOOR		RAR-1-160L-135-4K7-2-ASQ-UNV-XXX-BC	133.3	10217	0.950
P3	8	SINGLE	HUBBELL OUTDOOR		RAR-1-160L-135-4K7-3-ASQ-UNV-XXX-BC	133.3	12243	0.950
P5	1	SINGLE	HUBBELL OUTDOOR		RAR3-720L-375-3K7-5QM-ASQ-UNV-XXX	372.6	55488	0.950
P5-4	5	4 @ 90 DEGREES	HUBBELL OUTDOOR		RAR3-720L-375-3K7-5QM-ASQ-UNV-XXX	372.6	55488	0.950
P2-2B	3	BACK-BACK	HUBBELL OUTDOOR		RAR-1-160L-135-4K7-2-ASQ-UNV-XXX-BC	133.3	10217	0.950

Calculation Summary

Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
PARKING LOT	ILLUMINANCE	Fc	4.99	30.0	0.0	N.A.	N.A.
PROPERTY LINE	ILLUMINANCE	Fc	0.36	7.2	0.0	N.A.	N.A.
FRONT ROW PARKING	ILLUMINANCE	Fc	16.05	30.0	4.9	3.28	6.12
INTERIOR ROW PARKING SOUTH	ILLUMINANCE	Fc	14.10	29.2	6.2	2.27	4.71
INTERIOR ROW PARKING WEST	ILLUMINANCE	Fc	13.75	28.1	3.9	3.53	7.21
INVENTORY LOT	ILLUMINANCE	Fc	5.16	11.2	0.3	17.20	37.33

NOTES:

- 1) ALL CALCULATIONS TAKEN AT GROUND LEVEL.
 - 2) MOUNTING HEIGHTS MARKED ON PLAN ARE FROM GROUND TO TOP OF FIXTURE.
 - 3) PHOTOMETRIC TARGETS ARE BASED ON RECOMMENDED PRACTICE FOR AUTOMOTIVE DEALERSHIPS.
- SEE ACCOMPANYING DOCUMENT. SUBJECT TO CHANGE BASED ON FINAL APPROVAL FROM LOCAL AHJ.

DISCLAIMER:

Photometric calculations are performed in accordance with IESNA standards. Some differences between measured values and calculated results may occur due to tolerances in calculation methods, targeting procedures, component performance, measurement techniques, and field conditions such as voltage and temperature variations. Input data used to generate the attached calculations such as room dimensions, reflectance, furniture and architectural elements significantly affect the lighting calculations. If the real world conditions do not match the input data, differences will occur between measured and calculated values.



#	Date	Comments
01	mm/dd/yy	Note #1
02	mm/dd/yy	Note #2
03	mm/dd/yy	Note #3
04	mm/dd/yy	Note #4
05	mm/dd/yy	Note #5

Drawn By: MCS
 Checked By: NA
 Date: 5/19/2021
 Scale: Not to Scale

SUBARU SOUTH CHARLOTTE
 PHOTOMETRIC STUDY
 CHARLOTTE, NC

Memorandum



To: Mayor and Town Council
From: Ryan Spitzer
Date: 6/18/2021
Re: **PSA Amendment with US Developments**

Overview:

The Town of Pineville entered in to a Purchase and Sale Agreement with US Developments to purchase and develop approximately 6.2 acres of town owned land around Church and College Streets. Upon signing of the PSA, US Developments had 60 days to conduct their Due Diligence on the property. US Develops contracted with F&R to do the Phase I tasks on the 6.2 acres. F&R found several areas of potential contamination on the site which would require a Phase II analysis and possibly eventual approval by the NCDEQ in to the brownfields program.

After US Developments received the report from F&R they came to the Town asking for the town to do the Phase II analysis. However, after speaking to our attorney it was decided that it would be better if US Developments would take the lead on the Phase II. This is the reason the Amendment is written in a way that the Town would compensate US Developments to conduct a Phase II analysis. The Phase II analysis will cost between \$27,000 - \$42,000 and could take several months.

At the end of the Phase II analysis, it will be determined if the property should go in to the Brownfields program. If this is the case, the current timeline for acceptance in the brownfields program is 1-2 years.

Attachments:

Amendment to the PSA
Executive Summary of Phase I Assessment



EXECUTIVE SUMMARY

This Executive Summary is provided as a brief overview of our geotechnical engineering evaluation for the project and is not intended to replace more detailed information contained elsewhere in this report. As an overview, this summary inherently omits details that could be very important to the proper application of the provided geotechnical design recommendations. This report should be read in its entirety prior to implementation into preliminary design.

- The site was preliminarily explored by three standard penetration test borings. Below the existing ground surface, the borings encountered surficial soils and asphalt pavement underlain by fill materials, residual soils, partially weathered rock, and auger refusal materials.
- Groundwater level measurements were recorded in the borings during drilling and immediately upon completion of drilling operations. Groundwater was encountered at an approximate depth of 18 feet during drilling in borings B-1 and B-2. Groundwater was measured at depths of 19.6 and 12.5 feet upon completion of drilling in borings B-1 and B-3, respectively.
- We recommend that additional analyses be performed regarding an appropriate foundation design bearing pressure once more definitive plans are developed; however, we envision that the yet-to-be-definitively-determined appropriate allowable design bearing pressure for the project will likely fall in the range of 1,500 to 3,000 pounds per square foot (psf) for footings bearing on approved Based on the boring data and assumed loading and grading information, we estimate total settlements due to foundation loads will generally be on the order of 1 inch or less, with differential settlement of $\frac{1}{2}$ to $\frac{3}{8}$ the estimated total settlement. The magnitude of differential settlements will be influenced by the variation in excavation requirements across the building footprint, the distribution of loads, and the variability of underlying soils.
- Ground floor slabs may be designed as a slab-on-grade supported by approved residual soils or newly placed controlled fill. Slab-on-grade support is contingent upon successful completion of the subgrade evaluation process as described in the Site Preparation section of this report.
- Any unsuitable materials observed during the evaluation and proofrolling operations should be undercut and replaced with compacted fill or stabilized in-place. The actual extent of undercutting and/or in-place stabilization required can best be determined by a representative of the geotechnical engineer at the time of construction.
- All foundation subgrades should be observed, evaluated, and verified for the design bearing pressure by a representative of the geotechnical engineer after excavation and prior to reinforcement steel placement.
- Based on the preliminary test boring data, we do not generally anticipate that difficult excavation conditions should be expected. However, as noted in the Regional Geology section of this report, differential weathering between rock layers can result in a variable bedrock surface that fluctuates in composition or elevation within short lateral distances.

Once a final grading plan, as well as definitive structure locations and loads are determined, additional geotechnical evaluation will be needed to supplement the conclusions and data from this preliminary study.



**Phase I Environmental Site Assessment
College Street and Church Street Tract
104, 108, 118, 206, 210, and 307 College Street and 108 and 205 Church Street
Pineville, NC**

1.0 EXECUTIVE SUMMARY

Froehling & Robertson, Inc. (F&R) performed a Phase I Environmental Site Assessment (ESA) of the College Street and Church Street Tract located at 104, 108, 118, 206, 210, and 307 College Street and 108 and 205 Church Street in Pineville, NC, herein referred to as the Property. The following is a summary of our findings and is not intended to replace more detailed information contained elsewhere in this report.

According to the Mecklenburg County GIS, the Property consists of ten non-contiguous, irregular-shaped parcels which collectively total approximately 6.05 acres. The Property is developed for municipal use and includes the following parcels:

- The south-central parcel (108 Church Street) is 0.393 acres and is developed with an approximate 5,552 square-foot (SF), two-story building with a one-story four bay garage (on the south side of the building) which was constructed in 1969 and operates as the Pineville Volunteer Fire and Rescue Department.
- The southeastern parcel (205 Church Street) is 0.249 acres and is developed with an approximate 3,720 SF, one-story building which was constructed in 1995 and is utilized as an auxiliary three bay garage building by the Pineville Volunteer Fire and Rescue Department.
- The southwestern parcel (307 College Street) is 0.959 acres and contains relic building foundations of former structures (former Pineville Police Department and a reported former bank).
- The northwestern parcel (210 College Street) is 1.05 acres and contains grassed and manicured landscaped areas and a gravel path which extends across the central portion of the parcel in a north-to-south orientation.
- The west-central parcel (206 College Street) is 0.479 acres and is developed with an approximate 3,600 SF building which is utilized as a US Post Office. The adjoining west-central parcel (0 College Street) consists of grassed and manicured landscaped areas
- The central parcels include a 0.551-acre parcel (118 College Street) and an adjoining 1.0-acre parcel (0 College Street). The central parcels are developed with three structures including an approximate 6,791 SF one-story building which is utilized as the Pineville Telephone Company and Pineville Electric Company. The building was originally constructed in 1978 with a building addition constructed on the western side of the building in 1980. In addition, two approximate 1,840 SF and 1,400 SF warehouse buildings which are interconnected by common canopy structures are located on the northern side of the central parcels. The warehouse buildings and associated canopy structures were constructed in the mid 1980s and are utilized for equipment, materials, and vehicle storage, and as field technician offices by the Pineville Telephone Company and the Pineville Electric Company.



- The east-central parcel (108 College Street) is 0.495 acres and consists of grassed and manicured landscape areas.
- The eastern parcel is 0.321 acres (104 College Street) and consists of grassed, wooded, and manicured landscaped areas. The Property also contains two storage sheds, and asphalt-paved ingress, egress and parking areas.

The Property is situated within an urban area of commercial, residential, municipal, and institutional land use in Pineville, NC. The Property is bound to the north by Pineville Public Works Department (former Tillett Chemical Company), a multi-tenant retail shopping center (Red Wing shoes, Blue Rocks bar, billiards, and darts, and The Worship Center church), Growers Outlet (plant nursery and landscape supply), and a vacant Jiffy Lube facility (oil change and automotive maintenance); to the east by Euro Repair (automotive maintenance and repair), beyond which are North Polk Street and commercial development; to the south by Shops on the Main retail shopping center (Heirloom Salon, Holt School of Fine Art, Davidson Violins South, and Good Looks Barbershop), Luna, Inc. (women's boutique corporate offices), Kingswood (custom home builders), Dive N (restaurant), the Well Church & Coffeehouse, and Pineville Chiropractic; and to the west by Pineville Rug Gallery and grassed and asphalt-paved ingress, egress, and parking areas (former Tillett Chemical Company), beyond which are a railroad right-of-way and grassed and wooded land.

Historically, the Property has been developed with the Pineville Volunteer Fire and Rescue Department (main building) since 1969; the US Post Office since 1974; the Pineville Telephone Company and Pineville Electric Company since 1978 (with a building addition constructed on the western side of the building in 1980) and the associated warehouse buildings and canopy areas (located south of the main building) since the mid 1980s; and the three-bay garage building located adjacent to the east of the Pineville Volunteer Fire and Rescue Department since 1995. The southwestern portion of the Property (307 College Street) was historically developed with a former commercial building from the early 1970s to the late 2010s. The building was reportedly utilized as the Pineville Police Department. Based on Mecklenburg County GIS records, the Town of Pineville has owned the parcel since 1994. In addition, the review of aerial photographs (and apparent police cars present), it appears the police department operated in the building from at least 1994 to 2011. The building was demolished by 2017. According to a local resident, the building historically operated as a bank. In addition, a former commercial building was historically located on the southwestern portion of the Property from 1938 to at least 1968. Information regarding the historical occupants of the building was not available. However, based on the location in downtown Pineville, this historical structure was presumably used for commercial retail purposes. The Property was also used for residential purposes in the 1970s as evidenced by city directories. Prior to the 1970s, the Property was developed with five to fifteen apparent commercial and residential structures from 1905 to the late 1960s, and presumably longer. Information regarding the former commercial uses of the Property from 1905 to the late 1960s was unable to be determined through historical research and interviews.

Based upon F&R's review of the federal, state and tribal environmental database report prepared by Environmental Data Resources, Inc. (EDR), the Property was identified on the FINDS federal database and the UST, IMD, LUST, and ASBESTOS state databases. The adjacent sites to the north were identified on the RCRA NonGen/NLR, ECHO, and FINDS federal databases and the IMD, UST, SHWS, and LUST state databases. The adjacent sites to the south were identified on the IMD, INST CONTROL, LUST, and LUST TRUST state databases. Two nearby sites to the south were identified on the IMD, UST, LUST TRUST, and LUST state databases. One nearby



site to the east was identified on the IMD, LUST TRUST, and LUST state databases. One nearby site to the west was identified on the RCRA NonGen/NLR federal database and the DRYCLEANERS state database. Please see Sections 5.1.1 and 5.1.2 of this report for additional information regarding the Property, the adjacent sites to the north and south and the nearby sites to the south, east, and west.

F&R has performed a Phase I Environmental Site Assessment in general conformance with the scope and limitations of ASTM Practice E 1527-13 of the College Street and Church Street Tract located at 104, 108, 118, 206, 210, and 307 College Street and 108 and 205 Church Street in Pineville, NC, the Property. Any exceptions to, or deletions from, this practice are described in Section 9.0 of this report. This assessment has revealed evidence of the following RECs in association with the Property.

- Petroleum impacted soils were encountered during a Geotechnical Engineering Investigation performed by F&R on the southwestern portion of the Property (307 College Street) in March 2021. Olfactory evidence of petroleum contamination was detected during drilling operations and subsequent classification of soils collected from one soil boring (B-1) which was advanced to a depth of approximately thirty feet below ground surface (bgs). Soil boring B-1 is located on the northern side of the portion of the Property within the area of the building footprint of a proposed mixed used development. The observed petroleum impacted soils on the Property is considered a REC.
- A suspect underground oil/water separator system (OWS) was observed on the Property and is located along the northern side of the three-bay garage utilized by the Pineville Volunteer Fire and Rescue Department. According to Captain Brantley Stallings with the department, the previous Fire Chief had indicated that the suspect pit was a former OWS; however, records documenting the historical use of an OWS on the Property were not available. F&R observed the interior of the pit. Visual indications of equipment associated with an OWS were not observed. In addition, visual observations of the interior of the suspect OWS did not reveal evidence of fluids. The Pineville Volunteer Fire and Rescue Department has operated on the Property since 1969. Based upon the length of time the Fire Department has operated on the Property (52 years) and the lack of information, the suspect OWS is considered a REC. F&R recommends the removal of the suspect OWS. If impacted soils are encountered, additional assessment may be warranted.
- Shops on the Main, located adjacent to the southwest of the Property and topographically up-gradient, was listed on the LUST and IMD state databases. The site previously operated as a filling station and contained monitoring wells, indicative of groundwater contamination. An unknown amount of USTs with unknown contents were removed before registration requirements were set forth by the NCDEQ. Soil and groundwater were reported to be contaminated on July 23, 1992. According to a Conditional Notice of No Further Action notice prepared by the NCDEQ and dated July 9, 2019, a Notice of Residual Petroleum was recorded for the site on June 4, 2019 stating that groundwater contamination exceeds NCAC 2L Groundwater Quality Standards. Additional information regarding specific contaminants and concentrations was not available because the responsible party, Shops on the Main, is a dissolved corporation. The incident was closed out on September 5, 2019. Based on the close proximity to the Property (adjacent to the southwest), and the lack of information regarding remaining contaminant concentrations in groundwater, this incident represents a REC with respect to the Property.



- Tillett Chemical, Inc., historically located on the adjacent parcels north and west of the Property, was listed on the LUST, SHWS, IMD, and UST state databases. Twelve groundwater monitoring wells were installed in 1997 to assess groundwater contamination at the site and the surrounding areas. Groundwater at the site has been documented to be contaminated primarily with TCA and chemical degradation products (1,1-dichloroethane, 1,1-dichloroethene, methylene chloride, and vinyl chloride) with concentrations ranging from below detectable levels to 1,338 micrograms per liter (ug/L). Chlorinated solvents (1,1-dichloroethane, 1,1-dichloroethene, vinyl chloride, methylene chloride, and 1,1-trichloroethane) were detected above respective NC 2L Groundwater Quality Standards in four groundwater monitoring wells (MW-8, MW-11, MW-6, and DW-1) located closest to the western Property boundary (in the vicinity of 307 College Street and 210 College Street) during groundwater sampling events performed in 1997. In addition, three groundwater monitoring wells (MW-1, MW-2, and MW-3) were historically located on the northwestern portion of the Property. Laboratory analysis of groundwater sampled from MW-3 (on the Property) in August 1997 detected 1,1,1-dichloroethene at a concentration of 58.4 (ug/L), exceeding the NC 2L Standard (7 ug/L). In addition, two LUST incidents have been reported at the site. Pollution Incident Number 12576 was opened on June 28, 1994 following the closure of a 4,000-gallon methanol UST. Pollution Incident Number 8631 was opened following the removal of a 1,500-gallon Varsol UST and a 5,000-gallon heating oil UST in November 1989. A Limited Site Assessment (LSA) in January 2003 identified concentrations of benzene; ethylbenzene; xylenes; VPH C5-C8 aliphatics; VPH C9-C10 aromatics; EPG C9-C18 aliphatic hydrocarbons; EPH C19-C36 aliphatic hydrocarbons; and EPH C11-C12 aromatic hydrocarbons above respective NC 2L Groundwater Quality standards in groundwater sampled. The NC DEQ recorded a Notice of Residual Petroleum (NORP) on the site on June 4, 2019. The NC DEQ issued a Conditional No Further Action determination letter on June 4, 2019 following the filing of the NORP. The NFA letter indicates that groundwater contamination exceeds the NC 2L Groundwater Quality Standards and soil contamination exceeds the residential maximum soil contaminant concentrations (MSCCs) and the site is only suitable for industrial commercial use or restricted residential use. Documented groundwater contaminated with chlorinated solvents above NC 2L Groundwater Quality Standards on the Property and both chlorinated solvents and petroleum related compounds (above NC 2L Groundwater Quality Standards) less than 100 feet from the western Property boundary is considered a REC.

F&R recommends a subsurface assessment be completed to assess the identified RECs and to determine if a vapor encroachment condition (VEC) exists on the Property.

The following HRECs were identified:

- The Property (Pineville Volunteer Fire and Rescue Department, 108 Church Street) was listed on the LUST, IMD, and UST state databases. Pollution Incident Number 21099 was opened following the removal of a 2,000-gallon diesel UST on June 3, 1994. Three soil samples collected from the tank pit and the area of the fuel dispenser were analyzed for Total Petroleum Hydrocarbons (TPH) and Total Petroleum Fuel Hydrocarbons (TPFH) by EPA Methods 5030 and 3550 (i.e. TPH-GRO and TPH-DRO, respectively). Laboratory analysis of the soil sample collected in the area of the fuel dispenser detected TPH-GRO at a concentration of 158 mg/kg, exceeding the regulatory action limit of 40 ppm (at the time of reporting). A groundwater monitoring well (MW-1) was installed in the area of the former dispenser pump on June 25, 2007. Volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), extractable petroleum



hydrocarbons (EPH), and volatile petroleum hydrocarbons (VPH) were not detected above laboratory reporting limits in the soil samples analyzed. Laboratory analysis of groundwater sampled did not detect target compounds above laboratory reporting limits. NCDENR (aka NC DEQ) determined that no further action was warranted. Pollution Incident Number 21099 was closed with a NFA determination letter on September 20, 2007. Based on the removal of the source and case closure with a NFA determination letter, the former 2,000-gallon diesel UST is considered an HREC. Additional assessment is not warranted.

- The Property (Pineville Electric Department and Pineville Telephone Department, 118 College Street) was listed on the UST state database. A 1,000-gallon diesel UST was removed from the Property on April 30, 1994. Laboratory analysis of two soil samples collected from the tank pit detected concentrations of TPH and TPFH below sample detection limits (BDL). Based on the soil sample results, the NC DEHNR (aka NC DEQ) issued a NFA determination letter on September 13, 1996. In addition, a 10,000-gallon gasoline UST was permanently closed and removed from the ground on March, 17, 1998. Two soil samples collected from the bottom of the tank excavation were analyzed for VOCs, TPH, methyl tert-butyl ether (MTBE) and isopropyl ether (IPE). Laboratory analytical results indicated detections of petroleum compounds below laboratory detection limits. The North Carolina Department of Environment and Natural Resources (NCDENR) (aka NC DEQ) issued a No Further Action (NFA) determination letter on June 22, 1998. Based on the NFA determinations, removal of the sources, and soil contamination below laboratory detection limits, the former USTs are considered an HREC. Additional assessment is not warranted.

The following de minimis condition were identified:

- An unlabeled 55-gallon drum was observed adjacent to the 1,000-gallon diesel AST on the southeastern portion of the Property which is utilized by the Pineville Fire and Rescue Department. The contents of the drum are unknown and fire personnel were not available to provide F&R with information regarding the contents of the drum. Obvious evidence of spills or staining was not observed in the area of the drum. The presence of an unlabeled drum with unknown contents on the Property is considered a de minimis condition. F&R recommends identification of the drum contents and proper disposal in accordance with local, state, and federal regulations.
- A hydraulic-electric lift was observed on-site and is located on the loading dock on the northern side of the US Post Office building on the Property. The hydraulic-electric lift utilizes an above-ground hydraulic fluid reservoir. However, there appears to be a partially subgrade area located immediately below the lift which may be indicative of a former in-ground hydraulic lift. This lift was presumably installed in 1974 when the building was constructed. Based upon the anticipated date of installation the lift is presumed to be PCB containing. The lift was observed to be operational during F&R's Property reconnaissance and obvious evidence of leaks or spills associated with the lift were not observed or reported. Based upon the length of time the lift has been in use (46 years), anticipated small size of the hydraulic reservoir (less than 25 gallons), and localized area that would have been impacted by PCB containing fluids in a historical release, the suspect PCB containing hydraulic lift is considered a de minimis condition. F&R recommends the hydraulic lift be removed prior to redevelopment of the Property. If impacted soils are encountered, additional assessment may be warranted.



The following business environmental risks were identified:

- Obvious evidence of damaged friable asbestos was not identified. However, based upon the dates of construction (1969, 1974, 1980, 1985, 1994), it is possible that friable and non-friable asbestos containing materials are present on-site. Prior to renovation or demolition of a structure, the facility or affected portion of the facility must be inspected for asbestos per EPA's National Emissions Standard for Hazardous Air Pollutants (40 CFR Part 61). F&R recommends that an asbestos survey be performed prior to renovation or demolition of the buildings on the Property.
- Obvious visual indications of damaged painted materials were not observed. However, suspect painted areas that may contain lead were observed. Based upon the dates of construction (1969, 1974), lead-based paint may be present on the Property. Based upon the current non-residential usage of the Property, lead-based paint is not anticipated to be an environmental concern in an intact state. However, OSHA regulates lead exposure to workers in a construction environment and it is the contractor's responsibility to comply with OSHA requirements during construction, renovation, or demolition activities which would disturb painted surfaces.

2.0 INTRODUCTION

2.1 Purpose

The purpose of this assessment is to determine whether activities are occurring, or may have occurred on or near the Property, that may be considered:

- Recognized environmental conditions - the presence or likely presence of any hazardous substance or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment. De minimis conditions are not recognized environmental conditions.
- Controlled recognized environmental conditions - a recognized environmental condition resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority (for example, as evidenced by the issuance of a no further action letter or equivalent, or meeting risk-based criteria established by regulatory authority), with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls).
- Historical recognized environmental conditions - a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established by a regulatory authority, without subjecting the property to any required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls).
- De minimis conditions - a condition that generally does not present a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. Conditions determined to be de minimis conditions are not recognized environmental conditions nor controlled recognized environmental conditions.



April 27, 2021

Mike Sherard
Project Manager
US Developments, LLC
5925 Carnegie Boulevard, Suite 200
Charlotte, North Carolina 28209
Phone: 704-608-4127
Email: msherard@usdevelopments.com

**Re: Findings and Estimated Additional Assessment Costs Memo
College Street and Church Street Tract Phase I Environmental Site Assessment
104, 108, 118, 206, 210, and 307 College Street and 108 and 206 Church Street
Pineville, NC 28134
F&R Project No. 59Z-0092**

Mr. Sherard,

F&R prepared a Phase Environmental Site Assessment at the College Street and Church Street Tract located at 104, 108, 118, 206, 210, and 307 College Street and 108 and 206 Church Street in Pineville, North Carolina, submitted under separate cover on April 9, 2021. The following recognized environmental conditions and estimated costs were identified:

- Petroleum impacted soils were encountered during a Geotechnical Engineering Investigation performed by F&R on the southwestern portion of the Property (307 College Street) in March 2021. Olfactory evidence of petroleum contamination was detected during drilling operations and subsequent classification of soils collected from one soil boring (B-1) which was advanced to a depth of approximately thirty feet below ground surface (bgs). Soil boring B-1 is located on the northern side of the portion of the Property within the area of the building footprint of a proposed mixed used development. The observed petroleum impacted soils on the Property is considered a REC.
- A suspect underground oil/water separator system (OWS) was observed on the Property and is located along the northern side of the three-bay garage utilized by the Pineville Volunteer Fire and Rescue Department. According to Captain Brantley Stallings with the department, the previous Fire Chief had indicated that the suspect pit was a former OWS; however, records documenting the historical use of an OWS on the Property were not available. F&R observed the interior of the pit. Visual indications of equipment associated with an OWS were not observed. In addition, visual observations of the interior of the suspect OWS did not reveal evidence of fluids. The Pineville Volunteer Fire and Rescue Department has operated on the Property since 1969. Based upon the length of time the Fire Department has operated on the Property (52 years) and the lack of information, the suspect OWS is considered a REC. F&R recommends the removal of the suspect OWS. If impacted soils are encountered, additional assessment may be warranted.



- Shops on the Main, located adjacent to the southwest of the Property and topographically up-gradient, was listed on the LUST and IMD state databases. The site previously operated as a filling station and contained monitoring wells, indicative of groundwater contamination. An unknown amount of USTs with unknown contents were removed before registration requirements were set forth by the NCDEQ. Soil and groundwater were reported to be contaminated on July 23, 1992. According to a Conditional Notice of No Further Action notice prepared by the NCDEQ and dated July 9, 2019, a Notice of Residual Petroleum was recorded for the site on June 4, 2019 stating that groundwater contamination exceeds NCAC 2L Groundwater Quality Standards. Additional information regarding specific contaminants and concentrations was not available because the responsible party, Shops on the Main, is a dissolved corporation. The incident was closed out on September 5, 2019. Based on the close proximity to the Property (adjacent to the southwest), and the lack of information regarding remaining contaminant concentrations in groundwater, this incident represents a REC with respect to the Property.
- Tillett Chemical, Inc., historically located on the adjacent parcels north and west of the Property, was listed on the LUST, SHWS, IMD, and UST state databases. Twelve groundwater monitoring wells were installed in 1997 to assess groundwater contamination at the site and the surrounding areas. Groundwater at the site has been documented to be contaminated primarily with TCA and chemical degradation products (1,1-dichloroethane, 1,1-dichloroethene, methylene chloride, and vinyl chloride) with concentrations ranging from below detectable levels to 1,338 micrograms per liter (ug/L). Chlorinated solvents (1,1-dichloroethane, 1,1-dichloroethene, vinyl chloride, methylene chloride, and 1,1-trichloroethane) were detected above respective NC 2L Groundwater Quality Standards in four groundwater monitoring wells (MW-8, MW-11, MW-6, and DW-1) located closest to the western Property boundary (in the vicinity of 307 College Street and 210 College Street) during groundwater sampling events performed in 1997. In addition, three groundwater monitoring wells (MW-1, MW-2, and MW-3) were historically located on the northwestern portion of the Property. Laboratory analysis of groundwater sampled from MW-3 (on the Property) in August 1997 detected 1,1,1-dichloroethene at a concentration of 58.4 (ug/L), exceeding the NC 2L Standard (7 ug/L). In addition, two LUST incidents have been reported at the site. Pollution Incident Number 12576 was opened on June 28, 1994 following the closure of a 4,000-gallon methanol UST. Pollution Incident Number 8631 was opened following the removal of a 1,500-gallon Varsol UST and a 5,000-gallon heating oil UST in November 1989. A Limited Site Assessment (LSA) in January 2003 identified concentrations of benzene; ethylbenzene; xylenes; VPH C5-C8 aliphatics; VPH C9-C10 aromatics; EPG C9-C18 aliphatic hydrocarbons; EPH C19-C36 aliphatic hydrocarbons; and EPH C11-C12 aromatic hydrocarbons above respective NC 2L Groundwater Quality standards in groundwater sampled. The NC DEQ recorded a Notice of Residual Petroleum (NORP) on the site on June 4, 2019. The NC DEQ issued a Conditional No Further Action determination letter on June 4, 2019 following the filing of the NORP. The NFA letter indicates that groundwater contamination exceeds the NC 2L Groundwater Quality Standards and soil contamination exceeds the residential maximum soil contaminant concentrations (MSCCs) and the site is only suitable for industrial commercial use or restricted residential use. Documented groundwater contaminated with chlorinated solvents above NC 2L Groundwater Quality Standards on the Property and both chlorinated solvents and petroleum related compounds (above NC 2L Groundwater Quality Standards) less than 100 feet from the western Property boundary is considered a REC.



F&R recommends a subsurface assessment be completed to assess the identified RECs and to determine if a vapor encroachment condition (VEC) exists on the Property. The subsurface assessment is anticipated to include soil, soil gas, sub-slab vapor, and groundwater sampling and the cost is estimated to range from \$20,000-\$32,000. A formal proposal outlining a sampling plan and anticipated costs and can be provided if requested.

Based on the findings of the subsurface assessment, additional assessment may be warranted. Based on the findings of the Phase I ESA, it is likely that the Property would be eligible for the North Carolina Brownfields Program (NCBP) if the Prospective Developer (PD) elects to pursue that route. Note that the PD (i.e., the applicant) cannot have contributed to the contamination at the Property. The ownership of the Property can be transferred prior to applying for the NCBP, and the new owner would complete the application, or the Property can be transferred after the Property is accepted into the Program with notification of the NCBP and completing the necessary forms.

The State of North Carolina does not have funds available for the Brownfields Program; however, eligible sites receive tax incentives on future improvements to the Property. Federal Brownfields Grants are available to municipalities for eligible projects. The initial step is to submit a Brownfields Eligibility Application. There are two tracks in the NCBP. Additional details on the NCBP can be found at: <https://deq.nc.gov/about/divisions/waste-management/brownfields-program> and detailed information regarding the procedure, potential timeframe, and approximate costs associated with submitting the Property into the NCBP is included as an attachment.

The following de minimis condition was identified:

- A hydraulic-electric lift was observed on-site and is located on the loading dock on the northern side of the US Post Office building on the Property. The hydraulic-electric lift utilizes an above-ground hydraulic fluid reservoir. However, there appears to be a partially subgrade area located immediately below the lift which may be indicative of a former in-ground hydraulic lift. This lift was presumably installed in 1974 when the building was constructed. Based upon the anticipated date of installation the lift is presumed to be PCB containing. The lift was observed to be operational during F&R's Property reconnaissance and obvious evidence of leaks or spills associated with the lift were not observed or reported. Based upon the length of time the lift has been in use (46 years), anticipated small size of the hydraulic reservoir (less than 25 gallons), and localized area that would have been impacted by PCB containing fluids in a historical release, the suspect PCB containing hydraulic lift is considered a de minimis condition. F&R recommends the hydraulic lift be removed prior to redevelopment of the Property. The cost to remove the lift is estimated to range from \$8,000-\$15,000.

If impacted soils are encountered, additional assessment may be warranted. Additional assessment could include the excavation and proper disposal of impacted soils in accordance with local, state, and federal regulations the cost is estimated to range from \$8,000-\$20,000. Additional assessment may be able to be completed via the North Carolina Brownfields Program.



The following business environmental risks were identified:

- Obvious evidence of damaged friable asbestos was not identified. However, based upon the dates of construction (1969, 1974, 1980, 1985, 1994), it is possible that friable and non-friable asbestos containing materials are present on-site. Prior to renovation or demolition of a structure, the facility or affected portion of the facility must be inspected for asbestos per EPA's National Emissions Standard for Hazardous Air Pollutants (40 CFR Part 61). F&R recommends that an asbestos survey be performed prior to renovation or demolition of the buildings on the Property. The anticipated cost is estimated to range from \$12,000-\$15,000.
- Obvious visual indications of damaged painted materials were not observed. However, suspect painted areas that may contain lead were observed. Based upon the dates of construction (1969, 1974), lead-based paint may be present on the Property. Based upon the current non-residential usage of the Property, lead-based paint is not anticipated to be an environmental concern in an intact state. However, OSHA regulates lead exposure to workers in a construction environment and it is the contractor's responsibility to comply with OSHA requirements during construction, renovation, or demolition activities which would disturb painted surfaces. The anticipated cost is estimated to range from \$7,000-\$12,000.

In addition, the following items were identified which do not require additional assessment:

- The Property (Pineville Volunteer Fire and Rescue Department, 108 Church Street) was listed on the LUST, IMD, and UST state databases. Pollution Incident Number 21099 was opened following the removal of a 2,000-gallon diesel UST on June 3, 1994. Three soil samples collected from the tank pit and the area of the fuel dispenser were analyzed for Total Petroleum Hydrocarbons (TPH) and Total Petroleum Fuel Hydrocarbons (TPFH) by EPA Methods 5030 and 3550 (i.e. TPH-GRO and TPH-DRO, respectively). Laboratory analysis of the soil sample collected in the area of the fuel dispenser detected TPH-GRO at a concentration of 158 mg/kg, exceeding the regulatory action limit of 40 ppm (at the time of reporting). A groundwater monitoring well (MW-1) was installed in the area of the former dispenser pump on June 25, 2007. Volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), extractable petroleum hydrocarbons (EPH), and volatile petroleum hydrocarbons (VPH) were not detected above laboratory reporting limits in the soil samples analyzed. Laboratory analysis of groundwater sampled did not detect target compounds above laboratory reporting limits. NCDENR (aka NC DEQ) determined that no further action was warranted. Pollution Incident Number 21099 was closed with a NFA determination letter on September 20, 2007. Based on the removal of the source and case closure with a NFA determination letter, the former 2,000-gallon diesel UST is considered a Historical Recognized Environmental Condition (HREC). Additional assessment is not warranted.
- The Property (Pineville Electric Department and Pineville Telephone Department, 118 College Street) was listed on the UST state database. A 1,000-gallon diesel UST was removed from the Property on April 30, 1994. Laboratory analysis of two soil samples collected from the tank pit detected concentrations of TPH and TPFH below sample detection limits (BDL). Based on the soil sample results, the NC DEHNR (aka NC DEQ) issued a NFA determination letter on September 13, 1996. In addition, a 10,000-gallon gasoline UST was permanently closed and removed from the



ground on March, 17, 1998. Two soil samples collected from the bottom of the tank excavation were analyzed for VOCs, TPH, methyl tert-butyl ether (MTBE) and isopropyl ether (IPE). Laboratory analytical results indicated detections of petroleum compounds below laboratory detection limits. The North Carolina Department of Environment and Natural Resources (NCDENR) (aka NC DEQ) issued a No Further Action (NFA) determination letter on June 22, 1998. Based on the NFA determinations, removal of the sources, and soil contamination below laboratory detection limits, the former USTs are considered an HREC. Additional assessment is not warranted.

- An unlabeled 55-gallon drum was observed adjacent to the 1,000-gallon diesel AST on the southeastern portion of the Property which is utilized by the Pineville Fire and Rescue Department. The contents of the drum are unknown and fire personnel were not available to provide F&R with information regarding the contents of the drum. Obvious evidence of spills or staining was not observed in the area of the drum. The presence of an unlabeled drum with unknown contents on the Property is considered a de minimis condition. F&R recommended identification of the drum contents and proper disposal in accordance with local, state, and federal regulations. However, F&R received a follow-up telephone call from Jason M. Klemowicz, Deputy Fire Chief, with the Pineville Fire Department on April 12, 2021. Mr. Klemowicz stated that the 55-gallon drum contains water with residual amounts of diesel fuel. Mr. Klemowicz indicated that the drum is used to containerize and transport diesel fuel (obtained from the on-site diesel AST) to controlled burn sites, and that the fuel is used as an ignition source for controlled burns. Based on the reported contents of the drum with water with residual amounts of diesel fuel and the continued use of the 55-gallon drum to containerize and transport diesel fuel to controlled burn sites, identification of the contents and disposal of the 55-gallon drum is not warranted.

Should you have any questions concerning this letter or the Brownfields program, please contact the undersigned at 864.434.0954. We appreciate the opportunity to serve as your Environmental Consultant on this project.

Sincerely,
FROEHLING & ROBERTSON, INC.

Andréa LeCroy
Environmental Scientist

Alyssa S Budlong, PG
Practice Leader, Due Diligence Services

Attachments: Brownfields Agreement Process Flowchart



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There are two (2) tracks in the North Carolina Brownfields Program. The initial step is to submit a Brownfields Eligibility Application. Additional details on the NCBP can be found at: <https://deq.nc.gov/about/divisions/waste-management/brownfields-program> and we have also attached the NCBP Agreement Process Flowchart for reference. F&R recommends retaining an attorney to assist with the Brownfields Application Process and negotiation of the Agreement (F&R can recommend several environmental attorneys). The following table outlines the steps, approximate timeline, and approximate costs for each track. The timeframe in the first row of the table is the overall timeframe, and the remaining steps can be conducted concurrently:

Step	Costs	Timeframe
NC Brownfield Program (NCBP) Process and Fee	<p>Standard Track: \$8,000 (\$2,000 on determination of eligibility, and \$6,000 with the Brownfields Agreement.</p> <p>Redevelop Now Track: \$30,000 with the application (refundable if the Property is determined to be ineligible for the NCBP).</p>	<p>Standard Track: 18 months to 2 years depending upon the extent of additional assessment required, the promptness of responses to NCBP requests, and negotiations with the NCBP.</p> <p>Redevelop Now Track: 6 months to 18 Months depending upon the extent of additional assessment required, the promptness of responses to NCBP requests, and negotiations with the NCBP.</p>
Submit Eligibility Application and Receive letter of Eligibility	F&R Assistance if requested: \$1,500	Approximately 30 Days
Submittal of existing data and additional assessment. A workplan will be required to be submitted and approved prior to commencing assessment if necessary.	It is likely some additional assessment will be required. The cost range for this will depend upon the extent of the existing data available and NCBP requirements. These costs can be estimated to range from \$12,000 to \$35,000. (This includes the preparation of the workplan).	30 to 90 Days dependent upon extent of assessment and site access.

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<p>NCBP Review of data and preparation of Draft Brownfields Agreement.</p>	<p>N/A (included in NCBP fees)</p>	<p>Standard Track: 3 to 12 months (depending upon NCBP workload, the extent of the assessment, and negotiations with PD)</p> <p>Redevelop Now Track: 2 to 6 months (depending upon NCBP workload, the extent of the assessment, and negotiations with PD).</p>
<p>Preparation of Brownfields Plat</p>	<p>This will be completed by your surveyor and will be dependent upon their costs</p>	<p>1 to 3 months (This can be completed while the NCBP is preparing the Draft Brownfields Agreement). Several sets of revisions may be required based on NCBP review.</p>
<p>Brownfields Agreement Negotiations</p>	<p>F&R Costs: \$1,000 to \$2,000 depending upon extent of negotiations.</p> <p>Attorney Costs: TBD</p>	<p>Standard Track: 3 to 12 months (depending upon NCBP workload, and the extent of negotiations).</p> <p>Redevelop Now Track: 1 to 6 months (depending upon NCBP workload, and the extent of negotiations).</p>
<p>Preparation of Environmental Management Plan (EMP)</p>	<p>F&R Costs: \$2,000 to \$3,500</p>	<p>Approximately 1 to 3 months (This can be completed while the NCBP is preparing the Draft Brownfields Agreement). Several sets of revisions may be required based on NCBP review.</p>
<p>Soil Disposal Arrangements (if required). If changes to site grading will result in the necessity to remove contaminated soils from the Property, they will need to go to an approved facility or another</p>	<p>TBD (if necessary)</p>	<p>~ 2 to 4 weeks (if necessary), this can be conducted while other phases are ongoing.</p>



approved Brownfields site		
Design of Controls and preparation of Vapor Mitigation Plan if Required. This will depend upon the requirements of the Brownfield Agreement and the planned use. This is dependent upon if a vapor barrier or mitigation system will be required as well depending upon the findings of Additional Assessment and the NCBP's conclusions.	<p>F&R Costs (if required): \$2,500 to \$8,000 (design, oversight and testing, and reporting)</p> <p>Vapor Barrier or Mitigation System costs (if required): TBD</p> <p>The costs to install a barrier or system could range from \$4,000 to \$65,000 depending upon the levels encountered and the development plans</p>	<p>Standard Track: 2 to 5 months (depending upon NCBP workload, and the extent of NCBP review).</p> <p>Redevelop Now Track: 1 to 2 months (depending upon NCBP workload, and the extent of NCBP review).</p>
Public Notice	N/A	30 Days
Confirmation Testing (if required) and final Report	<p>F&R Costs: \$5,000 to \$20,000 depending upon extent of confirmation testing required (if any).</p>	<p>Standard Track: 2 to 5 months (depending upon NCBP workload, and the extent of NCBP review).</p> <p>Redevelop Now Track: 1 to 2 months (depending upon NCBP workload, and the extent of NCBP review).</p>

Please note that you can conduct some phases concurrently. The Brownfields Plat, and EMP can be prepared while the NCBP is reviewing the other documents. If a vapor mitigation system is required after NCBP review and receipt of the draft Brownfields Agreement, F&R can develop a draft plan while the NCBP is reviewing amendments to the draft plan. Additionally the NCBP generally allows demolition of structures, and installation of some structures and features while they are preparing the draft Agreement and during the review phase providing that they are notified and approve of it in advance, and contaminated materials will not be moved or encountered.

The Property can be transferred with the Brownfields protections. Notification of the proposed transfer of the Property is required to the NCBP. An annual form is required to be submitted indicating that the conditions of the Brownfields Agreement are being maintained and that there was no change in use or ownership at the Property.



FY 2021-2022 Budget Message

Over the last six months, Pineville staff members have worked to finalize the proposed 2019-2020 Fiscal Year Budget. This year's total budget of \$31,232,526 for General Fund, Restricted Fund, Telephone, Electric Fund, and Capital Improvement Plan is presented in a balanced format, with careful consideration in mind to continuing the high service level standards the Town of Pineville wishes to provide.

I am pleased to present to Town Council and the Citizens of Pineville the FY21-22 Town Budget. This budget provides for the ongoing challenges facing the Town due to the ongoing COVID-19 global pandemic. The budget has been prepared in accordance with the North Carolina General Statutes and is a balanced budget. This budget demonstrates a cooperation between Town staff and the Town Board to present high quality services and amenities to citizens, an efficient and effective government; while also being judicious with proposed expenses and looking closely at the tax rate and service fees the town imposes on citizens.

This Budget Message serves as a high-level overview of the detailed budget that Council has been discussing with staff over the last month. In this budget there are no tax or fee increases for the General fund. There is a small fee increase in the Electric Fund as part of our agreement with NCMAPA1 for the purchase of renewable energy as outlined in our agreements. As stated before, staff has worked diligently to provide a budget that provides the services and amenities that Pineville residents deserve and are accustomed to while keeping expenses low. The tax rate will remain the same as last year at \$0.33 per \$100 of value.

Below is a synopsis of the General Fund, Electric Fund and Telecommunications Fund as well as major investments in the Capital Improvement Plan (CIP).

Goals for FY 22

In 2020 Town Council met with a facilitator to lay out strategic priorities for the Town of Pineville over the next 3-5 years. These strategic priorities are the goals that departments work towards when looking at their work plans and budget for the upcoming years. The priorities laid out in 2020 and reviewed during each budget cycle to ensure alignment with Council goals are:

- Arts and Cultural Resources – The goals included promoting performing arts, promoting historical appreciation, and the construction of the library

- Economic Development and Innovation – Goals include supporting the Pineville Chamber, promoting the technology sector within Town, marketing the town, and modernizing our technology infrastructure
- Growth and Natural Resources – goals include increased recreational programming, investigating land acquisition opportunities, and following PARC Plan
- Organizational Excellence – goals include construction of a new town hall, establishing a new website and utilizing apps, as well as increasing citizen engagement.
- Safe, Vibrant, and Healthy Communities – goals include implementation of the mobility master plan and supporting public safety departments.
- Transportation and Transit – goals include light rail, building greenways and bike lanes, road infrastructure, sidewalk improvements and construction, and increased infrastructure for bus stops

These priorities are usually reviewed by Council every two years as elections occur.

General Fund

Over the past year the COVID-19 pandemic has been the largest factor when looking at revenue and expenses in all town funds. When drafting the FY 21 Budget the town took a very conservative outlook on revenues and thus matched expenses to those revenue projections. Revenue outpaced projections in several categories such as Sales Tax and Meals Tax. This coupled with departments being prudent in their spending habits during the pandemic caused the town to be able to put a little over \$1million in to fund balance. For FY 22 Town staff still projected revenues to be on par with FY 20. This is conservative as we anticipate at least a 3% increase in revenues year over year. This will allow staff and Council to manage the budget better and take a closer look at where projections are coming in relative to actual numbers in six months. Staff was erring on the conservative side as we were not sure what the new spending habits and trends would be like as we move out of the pandemic and in to some sort of normalcy.

In developing the budget proposal for the General Fund Departments, each department was evaluated to determine priority services and expenditures, as well as evaluation of past trends in the expenditures of each department. Department level spending stayed relatively flat to last year. The major factors in the increases were due to increases in public safety spending and the funding of capital projects.

As the Town is looking at how to not only improve itself now, but well into the future, the implementation of a Capital Improvement Plan (CIP) was started two years ago that will help the Town identify and plan for larger capital expenditures over a 5-10 year period. The CIP was expanded this year so Council could get a look at expenditures five (5) to eight (8) years in the future for planning purposes. When looking five (5) years in the future and accounting for a three percent growth rate in costs it was discovered that the town will have a deficit the next two years and then will have a surplus in years three (3), four (4), and five (5). Because of this Council decided to put some funds in the fund balance in

anticipation of spending it next year so as not to have to raise taxes. One of the major CIP projects that will be paid off this year is the debt payment for Jack Hughes Park.

Revenues

Revenues have decreased by \$4.3 million from the previous year. This was due to the town not booking a receivable for a large land sale (\$2.3 million) as well as not pulling funds from reserves (\$1.7 million) in the current fiscal year to do a stormwater and street rehabilitation project in a neighborhood. All other revenue projections are remaining relatively flat from the pre COVID-19 levels. The only large decrease in revenue is from our investments. This decrease is \$240,000 and is a result of interest rates being depressed.

Council has determined that the tax rate would remain the same as last fiscal year at \$0.33 per \$100 dollars. There are no fee increases in this fiscal year from last fiscal year in the General Fund. In addition, as has been the general guidance of Town Council, there will be no charges for services such as solid waste and vehicle registration. Most other municipalities in Mecklenburg County charge for both of these.

Expenses

In 2020 Town Council had a Strategic Visioning Retreat where they established their one (1), three (3), and five (5) year goals. These goals had to do with improving quality of life for resident, improving the ability for residents to move around town without a car, and cultural and social engagement. Department Heads were given the directive to budget towards meeting these strategic goals in order to realize the vision of the Town Council. Last year the town spent a good deal of money on creating the plans for these strategic priorities and goals so the town can have a good foundation to build from and be able to spend money wisely and where it will have the biggest positive impact on citizens. This year staff is working on the implantation of these plans. I will go through some of the pillars Town Council set during the strategic visioning process and how we are meeting those through the General Fund Budget. I will also include some highlights of Capital Projects.

Safe, Vibrant, and Healthy Community. This year the town is poised to begin several projects that will help vehicles and people get around town easier and more efficiently. The Johnston Road Realignment project will begin and will take approximately one year to complete. The will create better vehicle flow in our downtown area by eliminating a traffic signal.

Last year the town was approved for a CDBG grant of \$250,000 to construct a sidewalk along S. Polk St. to provide better access from low income neighborhoods to the elementary school and the grocery store. Staff has completed the design work for this project and will be receiving the grant funds for construction. The project will complete the sidewalk network along South Polk Street from Meadow Creek to Carolina Place Parkway.

As part of the Mobility Plan the town completed last year Council has determined that spending to complete this plan is necessary. The FY 22 Budget has \$150,000 programmed in it to make sidewalk connections in town. Two projects that staff is looking at to spend this money is to connect the current bus stop on Highway 51 in front of the former IHOP to the greenway sidewalk system and also extending

sidewalks down Towne Center Blvd. to connect the hotels and businesses with our shopping and downtown areas.

Another infrastructure project slated for this fiscal year is the addition of a turn lane at the intersection of Lowry St. and S. Polk St. This intersection has often backed up when the elementary school day begins and ends as well as during rush hour. The addition of a turn lane at this intersection will improve the flow of traffic during these times and when development occurs at the former Cone Mills Site.

Finally, the FY 22 Budget has \$350,000 programmed in it to begin investigating putting in a greenway system from the McCullough neighborhood to Jack Hughes Park. This project was identified in the Mobility Study as a project that was high on citizens wants as well as one that if constructed will impact traffic the least. Given these factors it ranked high on the priority list within the plan. This investigation will begin with getting a feasibility study, costing matrix, and engineered drawings for the project.

Organization Excellence. The town is in the midst of a joint project with Mecklenburg County to construct a combination Town Hall and Library. The project, which is a total of 40,000 sqft., isn't slated to be complete until the summer of 2022, however interest only debt payments will begin this year. This is a large project for the Town of Pineville and will increase services that the town can provide to citizens. The town sees this as not only an amenity for citizens, but also an economic development tool for the Town.

Arts and Cultural Resources. Town Council has been committed to the Arts scene for many years. This year is no different. Included is funding for the ASC, additional funding for Pineville Players, and increased involvement in bringing arts and cultural activities to the town throughout the year. These investments provide Pineville citizens with a wide array of quality-of-life activities that are necessary for a top-class municipality to provide.

Economic Development and Innovation. As stated above the town is investing in a new town hall and library building that will promote economic development downtown. This also comes with still actively promoting the Cone Mills Site. A new economic feasibility analysis will be presented to Council late summer 2021 and a process forward will be discussed then. The Town is also working with a developer to complete an economic development project in our downtown core area which will bring housing, commercial, and retail development to downtown.

Finally, the backbone of any good organization is great employees. Town Council has committed to providing employees with a 2% COLA and a 2.5% average merit increase in FY 22. This along with the great benefits package that the town provides employees shows how much Council cares about providing a great work environment. The upcoming fiscal year also saw an increase in spending for police officers and telecommunicators. Entry level police officers will see a 10% increase in pay that will get the town in the top third of communities in the area. Officers that are higher in rank will also get a pay increase but will be stepped down from the 10%. Telecommunicators will also see a pay increase of 10%. Hopefully these increases will allow the town to hire qualified individuals easier in areas where pay has typically lagged and filling vacancies has been hard.

Enterprise Funds

The Enterprise Funds of the Town of Pineville consists of the Electric Fund and the ILEC and CLEC Funds for the operation of Pineville Communication System (PCS). PCS is a locally owned internet, television, and telephone company that serves areas of Pineville. These funds are self-sustaining meaning that no General Fund dollars are used to augment their operation. Revenues received through services are used to fund expenditures.

Electric Fund

The Town owns and operates an electric distribution system, provides electric services to a portion of Pineville, and contracts with Electricities of NC to manage its daily operations. Participation in the North Carolina Municipal Power Agency #1 for decades has provided a consistent power source for our customers that is majority from nuclear power. For FY 22 there was an internal deliberation of a possible system rate increase but that was not presented to Town Council. It was determined to wait a year as a large industrial development is happening within town limits and will be fed by the Town. This, hopefully, will increase revenues enough where a rate increase will not have to take place. FY 22 continues a new multi-year capital plan to allocate resources for much needed system upgrades and deferred maintenance that will enhance reliability and allow for growth, including pole repair and replacement, substation upgrades, and a load balancing study. There is also money for the buildout of three subdivisions that are currently either in the building or permitting stages.

There is an NC statute REPS (Renewable Energy and Energy Efficiency Portfolio Standard) Rider rate change that is anticipated to result in a four-cent increase per month charge for residential customers that will become effective July 1, 2021. This rate change will result in a minimal cost impact to the Town's residential customers and a small increase in the REPS Rider charges to commercial and industrial rate payers.

Pineville Communications System

Pineville Communications Systems (PCS) is an abnormal business activity for a local government to undertake. PCS operates under the assumption that it is a for profit business and must compete in a highly competitive and saturated market. With the factors that are uncommon in a public setting PCS has worked hard over the last year to increase fiber uptake. Staff has stayed after hours to make phone calls, have reached out to customers while in the field, and have increased social media and other marketing methods. At the end of this fiscal year PCS will be 12 customers away from their goal of 1000 customers.

In July of 2020 PCS did away with television. This allowed PCS and the town to move the company towards fiber and internet services that will be growing in the future. Focusing on these services are crucial to the future viability of PCS. This industry is fast changing and PCS needs to stay nimble in its availability to change, which is often not a core function on how governments are supposed to work. Over the past year, PCS has been keeping track of services purchased by customers. As can be expected with the current industry trends, internet has been the service that has grown. This is buoyed by the fact that PCS has been growing areas where they can offer gig service to customers throughout town.

The operating budget of PCS will be similar to previous year's budget, where general operating and capital requests are funded by revenue generated by the sale of services. For capital projects, it is

anticipated to pull from the reserve funds, although at a lower level than last year. It is anticipated that PCS will spend \$773,700 on plant under construction to keep up with growth in Pineville as well as to get high-speed internet in areas that currently is not at. These capital projects are to keep up with current and future demand for services because if the infrastructure is not deployed at the beginning of projects, then customer uptake becomes harder and buildout becomes more expensive.

Lastly, In this year's budget we are also making a commitment to employees in the Electric Department and PCS, just like we are in the General Fund. Without our employees we could not provide the high level of service that we do.

Closing Remarks

I would like to thank each of the Department Managers, as they have been an integral part of the budget development process. Each department manager really looked at their respective budgets and presented to me items that were necessary for the daily operation of their department. I would also like to thank our Finance Director, Mr. Richard Dixon, for his assistance with the creation of the proposed budget. Richard works hard on putting the information together and getting all of the changes positioned in to the document.

I would also like to thank each of the Town Council members for their direction and insight into how they envision both the short and long-term future of the Town. Your knowledge and input has been a tremendous resource for us as we worked through the development of the proposed budget. We are excited about the new details provided in this budget, and we feel confident that the Town is taking steps forward and improving upon what is truly a great place to live, work, and play.

Respectfully,

Ryan Spitzer, ICMA-CM
Town Manager
Town of Pineville

**TOWN OF PINEVILLE, NORTH CAROLINA
BUDGET ORDINANCE
FY22**

BE IT ORDAINED by the Governing Board of the Town of Pineville, North Carolina:

Section 1. The following amounts are hereby appropriated in the General Fund at the function level for the operation of the town government and its activities for the fiscal year beginning July 1, 2021, and ending June 30, 2022:

General Government	\$ 2,509,796
Public Safety	7,086,761
Transportation/Public Works	1,368,018
Environmental Protection	1,318,257
Recreation/Cultural/Tourism	1,969,214
Contingency Appropriation	<u>100,000</u>
	\$ 14,352,046

Section 2. It is estimated that the following revenues will be available in the General Fund for the fiscal year beginning July 1, 2021, and ending June 30, 2022:

Current year Ad Valorem Taxes - Property	\$ 8,100,000
Current year AD Valorem Taxes – DMV	347,502
Payment in Lieu of Taxes	40,000
Powell Bill Funds	200,000
Franchise Taxes	1,000,000
Local Option Sales Tax	1,516,000
Storm Water Funds	450,000
Room Occupancy Tax	250,000
Prepared Food Tax	650,000
U Drive It Tax	225,000
Other Revenues	1,093,044
Appropriated General Fund -Police Restricted Funds	320,000
Powell Bill Reserves	100,000
Interest on Investments	<u>60,500</u>
	\$ 14,352,046

Section 3. The following amounts are hereby appropriated at the fund level in the Emergency Telephone System Fund for the operation of the emergency telephone operations for the fiscal year beginning July 1, 2021, and ending June 30, 2022:

Emergency System Operations & Capital Outlay	\$ <u>155,058</u>
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Section 4. It is estimated that the following revenues will be available in the Emergency Telephone System Fund for the fiscal year beginning July 1, 2021, and ending June 30, 2022

Appropriated Fund Balance	\$ 154,758
Interest on Investments	<u>300</u>
	\$ 155,058

Section 5. The following amounts are hereby appropriated at the fund level in the Electric Fund for the operation of the electric utility for the fiscal year beginning July 1, 2021, and ending June 30, 2022:

Electric Operations and Capital Outlay	\$ 13,526,372
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Section 6. It is estimated that the following revenues will be available in the Electric Fund for the fiscal year beginning July 1, 2021, and ending June 30, 2022:

Electric Usage Charges	\$13,012,200
Electric Reserves	444,172
Interest on Investments	10,000
Rental Income	30,000
Other Income	<u>30,000</u>
	\$13,526,372

Section 7. The following amounts are hereby appropriated at the fund level in the ILEC Telephone Fund for the operation of the telephone utility for the fiscal year beginning July 1 2021, and ending June 30, 2022:

Telephone Operations & Capital Outlay/ILEC	\$ 1,608,200
Transfer to CLEC	<u>384,550</u>
	\$ 1,992,750

Section 8. It is estimated that the following revenues will be available in the ILEC Telephone Fund for the fiscal year beginning July 1, 2021, and ending June 30, 2022:

ILEC	\$ 1,246,320
Interest on investments	360
Telephone Reserves	<u>746,070</u>
	\$ 1,992,750

Section 9. The following amounts are hereby appropriated at the fund level in the CLEC Telephone Fund for the operation of the telephone utility for the fiscal year beginning July 1, 2021, and ending June 30, 2022:

Telephone Operations & Capital Outlay/CLEC	\$ 1,206,300
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Section 10. It is estimated that the following revenues will be available in the CLEC Telephone Fund for the fiscal year beginning July 1, 2021, and ending June 30, 2022:

CLEC	\$ 821,750
Transfer from ILEC	<u>384,550</u>
	<u>\$ 1,206,300</u>

Section 11. The following amounts are hereby appropriated at the fund level in the Rate Stabilization Fund for the fiscal year beginning July 1, 2021, and ending June 30, 2022:

Rate Stabilization Operations	\$ 1,000
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Section 12. It is estimated that the following revenues will be available in the Rate Stabilization Fund for the fiscal year beginning July 1, 2021, and ending June 30, 2022:

Interest on investments	\$ 1,000
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Section 13. There is hereby levied a tax at the rate of thirty-three cents (\$0.33) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2021, for the purpose of raising the revenue listed as "Current year's taxes" in the General Fund in Section 2 of this ordinance. This rate is based on a total valuation of property for the purposes of taxation of \$2,626,739,226 and an estimated rate of collection of approximately 97.0%.


Section 14. The Budget Officer and/or Finance Director are hereby authorized to transfer appropriations as contained herein under the following conditions:

- a. Amounts may be transferred between line item expenditures within a function without limitation and without a report being required. These changes should not result in increases in recurring obligations such as salaries.
- b. Amounts up to \$50,000 may be transferred between functions, including contingency appropriations, within the same fund. An official report on such transfers must be made at the next regular meeting of the Governing Board.

c. Amounts may not be transferred between funds, except as approved by the Governing Board in the Budget Ordinance as amended.

Section 15. Copies of this Budget Ordinance shall be furnished to the Clerk to the Governing Board and to the Budget Officer and Finance Officer to be kept on file by them for their direction in the disbursement of funds.

Adopted this 22nd day of June, 2021.



John Edwards, Mayor



Barbara Monticello, Town Clerk

Town of Pineville

Schedule of Fees

Administration

Notary – \$3
Copies (8.5 x 11) – \$.15 per page
Audio/Information on CD – \$5
Returned Check – \$35

Planning and Land Development

Sign Permit – \$25
Zoning Verification – \$30
Copies (8.5 x 11) – \$.15 per page
Plotted Maps – \$10
Standard Maps (printed from regular printer) – \$3
Large Format Scans – \$20/page
Subdivision Ordinance – 50 pages, \$7.50
Zoning Ordinance – 234 pages, \$35
Overlay District (color) – 60 pages, \$30
Information on CD- \$5
Returned Check- \$35

Subdivision

Preliminary Plan Residential (Major) – \$500 plus \$5 per lot/unit
Preliminary Plan Residential (Minor) – \$150 plus \$5 per lot
Preliminary Plan Commercial, Mixed-Use, and All Other – \$800 plus \$5 per lot
Lot Recombination – \$50

Final Plats

Final Residential Subdivision Plat (Major)- \$150
Final Residential Subdivision Plat (Minor) – \$150
Final Plat All Others – \$150
Revisions to Final Plats – \$50

Variances and Appeals

Subdivision Variance or Appeal – \$350
Residential Variance or Appeal (Individual Homeowner) – \$150
Commercial, Mixed-Use, and All Other Variance or Appeals – \$350

Rezoning and Conditional Uses

Rezoning - \$1,000

Conditional Site Specific Zoning and Rezonings - \$1,000

Text Amendments

Text Amendments- \$400

Site Plan Review

Sketch Plan Review- \$0

Class I All Individual Residential Permits (where required) such as accessory structures, additions, etc. – \$30

Class II Accessory Non-Residential Permits (where required) such as ATM's, dumpsters, walls, fences, etc.- \$75

Class III parking lots, façade modifications, canopies, change of uses, and expansions up to 5,000 sqft.- \$100

Class IV Construction and Expansion from 5,000 to 30,000 sqft. - \$200

Class V Construction, Expansion, and Similar over 30,000 sqft.- \$500

Re-Review Fee (3rd and subsequent reviews) – \$50/hour

Utilities

Deposits

Residential (Rental only)- electric: \$125
telephone: \$60 per line

Business- electric: \$400
telephone: \$60 per line

Restaurant/Lounge- electric: \$1,000
telephone: \$60 per line

Reconnect Fees

Residential- electric: \$50
Residential : Telephone & Internet Reconnect Fee: \$5

Business- electric: \$200
telephone: \$5, Internet \$5.00

Meter Tampering- \$150

Returned Check- electric: \$35 telephone: \$35

Copies- electric: \$.15/page telephone: \$.15/page

1. Electric Deposits will be returned upon Termination of Service. Telephone Deposits are returned after 1 year of uninterrupted service plus 8% interest.
2. Electric reconnect fees will be required for businesses for up to two disconnects. Upon the third disconnection, a reconnect fee and an additional deposit will be required.
3. The minimum refund will be \$5.00.

Pineville Communication Systems

Residential Phone Line – 27.00 (not including tax, toll, features or long distance)

Business Line Rates – 37.00 (Single - not including tax, toll, features or long distance)

Broadband residential new rate packages:

50M	\$ 45.95
100M	\$ 55.95
200M	\$ 75.95
300M	\$ 92.95
1GIG	\$ 105.95

Broadband business new rate packages:

50M	\$ 100.95
100M	\$ 125.95
200M	\$ 165.95
300M	\$ 200.95
1GIG	\$ 299.95

Police

Report Copies – \$2 per
copy

Fingerprinting – \$15
per card

Commercial Vehicle
Permit – \$25 per day
(M-F)/\$50 Saturday

Golf Cart Permit - \$25

Returned Check – \$35

Gold Exchange Permit:

Fingerprinting per

Employee - \$38

Parks and Recreation

Hut Rental Fees (all
fees include a \$100
refundable deposit)

Wedding Package

Resident - \$1,000,

w/backyard \$1,100

Non-resident - \$1,200,

w/backyard 1,400

Hut Weekday Rental Fees

city resident: \$350

non-resident: \$550

Hut Weekend Rental Fees

city resident:

5 hr= \$450

8 hr= \$600

extra hour= \$50

backyard= \$150

non-resident: