



**WORK SESSION**  
**TOWN HALL COUNCIL CHAMBERS**  
**MONDAY, FEBRUARY 24, 2025 AT 6:00 PM**

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## **AGENDA**

### **CALL TO ORDER**

### **DISCUSSION ITEMS**

1. Pineville Neighbors Place Update (*Staci McBride*)
2. ADU Text Amendment (*Travis Morgan*)
3. MEDIC discussion (*Chief Gerin*)
4. Clarification on Food Trucks (*Travis Morgan*)
5. Greenway Timeline (*Ryan Spitzer*)
6. Budget Session Priorities (*Chris Tucker*)
7. Parking discussion (*Ryan Spitzer*)

### **ADJOURN**

If you require any type of reasonable accommodation as a result of physical, sensory, or mental disability in order to participate in this meeting, please contact Lisa Snyder, Clerk of Council, at 704-889-2291 or [lsnyder@pinevillenc.gov](mailto:lsnyder@pinevillenc.gov). Three days' notice is required.

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# Workshop Meeting



**To:** Town Council

**From:** Travis Morgan

**Date:** 2/24/2025

**Re:** **Stumpf Text Amendment for Accessory Dwelling Units** (*Informational Item*)

**UPDATED PLANNING BOARD RECOMMENDATION:**

Planning Board had the opportunity to review legal opinion letter and discuss with Town Attorney at the 2/20/2025 Planning Board Meeting. The Planning Board recommended the same amendment as before with two additions 1) clarification that an accessory dwelling can be built right away but before both primary and secondary could be rented the owner had to live on the property for 24 consecutive months and 2) The owner has to sign an affidavit stating they will live on the property for 24 consecutive months before both units were rented.

Accessory Dwelling Unit name change text amendment was recommended and the revision of the owner occupant definition and section (F) restriction of the below ordinance to:

**The property owner(s) shall occupy at least one (1) of the dwelling units on the premises, unless the property owner has resided on the property for a period of not less than twenty-four (24) consecutive months, prior to having both units occupied by non-owners AND (G) Any applicant for an accessory dwelling unit, shall submit an affidavit form swearing/affirming that they reside at the residence at the time of their zoning application, zoning review and approval by the Zoning Department**

**REQUEST:**

Michael Stumpf requests your consideration for a text amendment to revise the Zoning Ordinance owner occupied restrictions for secondary dwelling units (otherwise called mother-in-law suites or accessory dwelling units)

**STAFF COMMENT:**

After reviewing Town legal opinion, current and pending (HB409) state law, League of Municipalities advice, and existing legal case precedent; I recommend removing ownership related restrictions from Town Zoning. North Carolina case law seems to be adamant that ownership should not be a criteria for zoning. Who resides in a residence and how long is hard to verify as well. I recommend other clear and more legally upheld enforcement options.

I would encourage the negatives from rentals be addressed not through ownership but through those that are within the Town's ability to enforce with current, or more strict revisions to current ordinances such as: police nuisance enforcement, zoning trash/debris, parking on the lawn, high grass, street parking, or similar. We can review these ordinances at any time. Recommendations are welcomed.

**SUMMARY:**

Zoning ordinance section 3.3 and 6.5.35 are the relevant sections see below:

**Existing Text:**

P. 60 Definitions

**Dwelling, ~~Secondary~~ Accessory Dwelling Unit**

An accessory dwelling either attached or part of the principal residential use or separate from the principal use in the form of a guest house or garage apartment provided that such dwelling meets this ordinance and provided that no accessory building containing such use is constructed on a lot until the construction of the main building has commenced. Secondary dwellings shall be inseparable from the principal residential use for the purposes of subdivision or sale. ~~The principal dwelling on the lot containing the private residential quarters shall be owner-occupied.~~

**6.5.35 Dwelling, ~~Secondary~~ Accessory Dwelling Unit**

Secondary dwelling units or "in-law suites" within residential districts are permitted to meet housing needs following the requirements of this section and within this ordinance.

- A) Any secondary dwelling unit shall be located in the rear yard or above a garage of a single-family residential lot or single-family residential use and be subordinate in height and size to the primary dwelling.
- B) Secondary dwelling units may be created behind or as a second story within detached garages provided that the height of the accessory unit and/or garage does not exceed the height of the principal structure on the lot. Not more than one (1) secondary dwelling unit is permitted. There shall be a two (2) story height maximum.
- C) The secondary dwelling unit may not be larger than fifty (50) percent of the gross heated floor area of the principal structure or eight hundred (800) square feet, whichever is less.
- D) At least one (1) additional parking space shall be provided.
- E) Secondary dwelling units shall be located, designed, constructed, landscaped and decorated in such a manner to match the appearance of the principal building.
- F) **The property owner(s) shall occupy at least one (1) of the dwelling units on the premises, unless the property owner has resided on the property for a period of not less than twenty-four (24) consecutive months, prior to having both units occupied by non-owners.**
- G) **Owner(s) Any applicant for an accessory dwelling unit, shall submit an affidavit form swearing/affirming that they reside at the residence at the time of their zoning application, zoning review and approval by the Zoning Department.**

**PROCEDURE:**

This is a proposed text amendment to the Zoning Ordinance. This follows regular legislative process of simple majority for recommendations or votes. A future public hearing needs to be scheduled before any final vote on the proposal.

**MEMORANDUM**

**TO: Travis Morgan for the Planning Board**  
**FROM: M. Janelle Lyons**  
**OUR FILE: 08251.0000001**  
**SUBJECT: TOWN OF PINEVILLE**  
**DATE: February 6, 2025**

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**Introduction and Background**

My understanding is that the Planning Board has considered a zoning application to amend the zoning ordinance to no longer require that the principal dwelling on a lot containing a private residential quarter be owner-occupied. The Planning Board advises the Mayor and Town Council on zoning and land use decisions in the Town.

My understanding is also that Mr. Morgan has spoken to the Board regarding the prodigy of cases that find zoning decisions based upon ownership are illegal, and that recent down-zoning restrictions in S.B. 382 make it unlawful to down-zone without written consent from all impacted owners.

The Planning Board desires to recommend that Council either:

1. require owner occupation of the primary dwelling for a consecutive period of time prior to allowing non-owner occupation of the primary dwelling, or
2. to no longer allow accessory units

Town Council has asked the Planning Board to reconsider their recommendations. Mr. Morgan has asked me to give the Planning Board a lengthier legal opinion at the next Planning Board Meeting, which tends to meet the last Thursday of the month at 4 pm.

**Legal Opinion on Proposed Recommendations****Executive Summary**

It is my opinion that both of the Planning Board's recommendations are in violation of current NC state law.

**Local Government Authority to Zone**

North Carolina local governments are created by the state and derive all their powers by delegation from it. The North Carolina Supreme Court has stated, "It is a well-established principle that municipalities, as creatures of statute, can exercise only that power which the

legislature has conferred upon them.” BellSouth Telecommunications, Inc. v. City of Laurinburg, 168 N.C. App. 75, 80, 606 S.E.2d 721, 724 (2005) citing Bowers v. City of High Point, 339 N.C. 413, 417, 451 S.E.2d 284, 287 (1994); Homebuilders Assn. of Charlotte v. City of Charlotte, 336 N.C. 37, 41–42, 442 S.E.2d 45, 49 (1994).

Further N.C. Gen. Stat. Ann. § 160A-4 states:

It is the policy of the General Assembly that the cities of this State should have adequate authority to execute the powers, duties, privileges, and immunities conferred upon them by law. To this end, the provisions of this Chapter and of city charters shall be broadly construed and grants of power shall be construed to include any additional and supplementary powers that are reasonably necessary or expedient to carry them into execution and effect: Provided, that the exercise of such additional or supplementary powers shall not be contrary to State or federal law or to the public policy of this State.

N.C. Gen. Stat. Ann. § 160A-4

“The original zoning power of the State reposes in the General Assembly[,]it has delegated this power to the ‘legislative body’ of municipal corporations.” Allred v. City of Raleigh, 277 N.C. 530, 540, 178 S.E.2d 432, 437 (1971) (internal citation omitted).

N.C. Gen.Stat. § 160D-701 titled Purposes of Zoning Regulations sets out the authority of cities and towns to engage in zoning:

Zoning regulations shall be made in accordance with a comprehensive plan and shall be designed to promote the public health, safety, and general welfare. To that end, the regulations may address, among other things, the following public purposes: to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to lessen congestion in the streets; to secure safety from fire, panic, and dangers; to facilitate the efficient and adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and to promote the health, safety, morals, or general welfare of the community. The regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the local government's planning and development regulation jurisdiction. The regulations may not include, as a basis for denying a zoning or rezoning request from a school, the level of service of a road facility or facilities abutting the school or proximately located to the school.

See Nash-Rocky Mount Bd. of Educ. v. Rocky Mount Bd. of Adjustment, 169 N.C. App. 587, 588–89, 610 S.E.2d 255, 257 (2005)

N.C. Gen.Stat. § 160D-702 titled Grant of Power sets out the authority of cities and towns to engage in zoning:

A zoning regulation may regulate and restrict the height, number of stories, and size of buildings and other structures; the percentage of lots that may be occupied; the size of yards, courts, and other open spaces; the density of population; the location and use of buildings, structures, and land.

Zoning decisions are subject to review and interpretation by the court, if sought by an aggrieved landowner, because zoning boards/administrators are sitting in a quasi-judicial capacity when making decisions. See N.C. Gen.Stat. § 160D-406 titled Quasi-judicial procedures.

(a) Process Required. - Boards shall follow quasi-judicial procedures in determining appeals of administrative decisions, special use permits, certificates of appropriateness, variances, or any other quasi-judicial decision.

(b) Notice of Hearing. - Notice of evidentiary hearings conducted pursuant to this Chapter shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land abutting the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the local development regulation. In the absence of evidence to the contrary, the local government may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the local government shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way. The board may continue an evidentiary hearing that has been convened without further advertisement. If an evidentiary hearing is set for a given date and a quorum of the board is not then present, the hearing shall be continued until the next regular board meeting without further advertisement.

(c) Administrative Materials. - The administrator or staff to the board shall transmit to the board all applications, reports, and written materials relevant to the matter being considered. The administrative materials may be distributed to the members of the board prior to the hearing if at the same time they are distributed

to the board a copy is also provided to the appellant or applicant and to the landowner if that person is not the appellant or applicant. The administrative materials shall become a part of the hearing record. The administrative materials may be provided in written or electronic form. Objections to inclusion or exclusion of administrative materials may be made before or during the hearing. Rulings on unresolved objections shall be made by the board at the hearing.

(d) Presentation of Evidence. - The applicant, the local government, and any person who would have standing to appeal the decision under G.S. 160D-1402(c) shall have the right to participate as a party at the evidentiary hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the board.

Objections regarding jurisdictional and evidentiary issues, including, but not limited to, the timeliness of an appeal or the standing of a party, may be made to the board. The board chair shall rule on any objections, and the chair's rulings may be appealed to the full board. These rulings are also subject to judicial review pursuant to G.S. 160D-1402. Objections based on jurisdictional issues may be raised for the first time on judicial review.

(e) Appearance of Official New Issues. - The official who made the decision or the person currently occupying that position, if the decision maker is no longer employed by the local government, shall be present at the evidentiary hearing as a witness. The appellant shall not be limited at the hearing to matters stated in a notice of appeal. If any party or the local government would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the board shall continue the hearing.

(f) Oaths. - The chair of the board or any member acting as chair and the clerk to the board are authorized to administer oaths to witnesses in any matter coming before the board. Any person who, while under oath during a proceeding before the board determining a quasi-judicial matter, willfully swears falsely is guilty of a Class 1 misdemeanor.

(g) Subpoenas. - The board making a quasi-judicial decision under this Chapter through the chair or, in the chair's absence, anyone acting as chair may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, the applicant, the local government, and any person with standing under G.S. 160D-1402(c) may make a written request to the chair explaining why it is necessary for certain witnesses or evidence to be compelled. The chair shall

issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chair may be immediately appealed to the full board. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the board or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

(h) Appeals in Nature of Certiorari. - When hearing an appeal pursuant to G.S. 160D-947(e) or any other appeal in the nature of certiorari, the hearing shall be based on the record below, and the scope of review shall be as provided in G.S. 160D-1402(j).

(i) Voting. - The concurring vote of four-fifths of the board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter under G.S. 160D-109(d) shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

(j) Decisions. - The board shall determine contested facts and make its decision within a reasonable time. When hearing an appeal, the board may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The board shall have all the powers of the official who made the decision. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing, reflect the board's determination of contested facts and their application to the applicable standards, and be approved by the board and signed by the chair or other duly authorized member of the board. A quasi-judicial decision is effective upon filing the written decision with the clerk to the board or such other office or official as the development regulation specifies. The decision of the board shall be delivered within a reasonable time by personal delivery, electronic mail, or first-class mail to the applicant, landowner, and any person who has submitted a written request for a copy prior to the date the decision becomes effective. The person required to provide notice shall certify to the local government that proper



notice has been made, and the certificate shall be deemed conclusive in the absence of fraud.

(k) Judicial Review. - Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to G.S. 160D-1402. Appeals shall be filed within the times specified in G.S. 160D-1405(d). The governing board of the local government that is a party to the judicial review of the quasi-judicial decision shall have the authority to settle the litigation, subject to Article 33C of Chapter 143 of the General Statutes. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d); 2021-168, s. 3(a).)

A reviewing superior court “sits in the posture of an appellate court” and “does not review the sufficiency of evidence presented to it but reviews that evidence presented to the town board.” Mann Media, Inc. v. Randolph Cnty. Plan. Bd., 356 N.C. 1, 12, 565 S.E.2d 9, 17 (2002) citing Coastal Ready–Mix Concrete Co. v. Board of Comm'rs of Nags Head, 299 N.C. at 626–27, 265 S.E.2d at 383. The proper standard for judicial review will depend upon the particular issues presented by an aggrieved landowner, but generally the court will:

- (1) Review the record for errors in law,
- (2) Insure that procedures specified by law in both statute and ordinance are followed,
- (3) Insure that appropriate due process rights of a petitioner are protected including the right to offer evidence, cross-examine witnesses, and inspect documents,
- (4) Insure that decisions of town boards are supported by competent, material and substantial evidence in the whole record, and
- (5) Insure that decisions are not arbitrary and capricious.

Mann Media, Inc. v. Randolph Cnty. Plan. Bd., 356 N.C. 1, 13, 565 S.E.2d 9, 17 (2002)

### **Zoning Issues Before the Board**

**The first recommendation is illegal based upon the prodigy of cases that ownership cannot be considering in zoning decisions.**

In North Carolina, local governments may use development regulations to regulate the use and division of land, but not to regulate the ownership of land. In Graham Court Assocs. v. Town Council of Chapel Hill, 53 N.C. App. 543, 281 S.E.2d 418 (1981), the North Carolina Court of Appeals ruled that zoning may regulate land use, but not the form of ownership. In that case, the town’s ordinance regulated multifamily rental apartments distinctly from multifamily owner-occupied condominiums. After a property owner was denied a permit to convert an apartment to a condominium, they challenged the ordinance. The court ruled that the multifamily development would have the same impacts whether it is occupied by renters or owners. As such, zoning cannot legally distinguish between the

two, nor require extra permits to change from renter-occupied to owner-occupied. The North Carolina Court of Appeals reaffirmed that rule in *City of Wilmington v. Hill*, 189 N.C. App. 173, 657 S.E.2d 670 (2008). A Wilmington ordinance required that, in order for a residential property to have an accessory apartment (e.g., a garage apartment or in-law suite), the owner of the property must reside on site, either in the principal residence or the accessory residence. The court ruled the requirement for owner-occupancy was an unconstitutional regulation of ownership and beyond the scope of delegated zoning authority.

**The second recommendation is “down-zoning”, and illegal pursuant to current NC S.B. 382.**

Article 6, Development Regulations, N.C. Gen.Stat. § 160D-601 titled Procedure for adopting, amending, or repealing development regulations specifically states:

(d) Down-Zoning. - No amendment to zoning regulations or a zoning map that down-zones property shall be initiated nor is it enforceable without the written consent of all property owners whose property is the subject of the down-zoning amendment, unless the down-zoning amendment is initiated by the local government. For purposes of this section, "down-zoning" means a zoning ordinance that affects an area of land in one of the following ways:

(1) By decreasing the development density of the land to be less dense than was allowed under its previous usage.

(2) By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, ss. 12, 50(a), 51(a), (b), (d).)

An amendment to the Zoning Ordinance which would no longer allow accessory dwellings, when they have been previously allowed, would be considered “down zoning,” reducing the permitted uses, in violation of NC statutes.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

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HOUSE BILL 409  
Committee Substitute Favorable 4/20/23  
Committee Substitute #2 Favorable 4/25/23

Short Title: Regulation of Accessory Dwelling Units. (Public)

Sponsors:

Referred to:

March 20, 2023

1 A BILL TO BE ENTITLED  
2 AN ACT TO INCREASE AFFORDABLE HOUSING BY ALLOWING FOR THE  
3 CONSTRUCTION OR SITING OF ACCESSORY DWELLING UNITS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1.(a) Part 1 of Article 9 of Chapter 160D of the General Statutes is  
6 amended by adding a new section to read:

7 **"§ 160D-917. Accessory dwelling units.**

8 (a) A local government shall allow the development of at least one accessory dwelling  
9 unit which conforms to the North Carolina Residential Code for One- and Two-Family  
10 Dwellings, including applicable provisions from fire prevention codes, for each single-family  
11 detached dwelling in areas zoned for residential use that allow for development of single-family  
12 detached dwellings. An accessory dwelling unit may be built or sited at any time before,  
13 concurrently, or after the primary single-family detached dwelling has been constructed or sited.  
14 Nothing in this section shall prohibit a local government from permitting accessory dwelling  
15 units in any area not otherwise required under this section.

16 (b) In permitting accessory dwelling units under this section, a local government shall  
17 not do any of the following:

- 18 (1) Require owner-occupancy of the accessory dwelling unit.
- 19 (2) Require placement in a conditional zoning district.
- 20 (3) Establish minimum parking requirements or other parking restrictions,  
21 including imposition of additional parking requirements where an existing  
22 structure is converted for use as an accessory dwelling unit.
- 23 (4) Prohibit the connection of the accessory dwelling unit to existing utilities  
24 systems serving the primary single-family detached dwelling unit, provided  
25 the utility service to that primary single-family detached dwelling unit has  
26 capacity to serve both dwellings.
- 27 (5) Charge any fees in excess of those charged for the permitting of a  
28 single-family detached dwelling similar in nature.

29 (c) A local government may impose a setback minimum for accessory dwelling units of  
30 10 feet or the setback minimum imposed generally upon lots in the same zoning classification,  
31 whichever is less.

32 (d) Except as otherwise provided in this section, a local government may regulate  
33 accessory dwelling units pursuant to this Chapter and nothing in this section shall be construed  
34 to impair the authority of a local government to adopt and enforce ordinances pursuant to Part 2



1 of this Article to comply with State and federal law, rules, and regulations, or permits consistent  
2 with the interpretations and directions of the State or federal agency issuing the permit.

3 (e) Nothing in this section shall apply to any of the following:

4 (1) The validity or enforceability of private covenants or other contractual  
5 agreements among property owners related to dwelling type restrictions.

6 (2) Properties located in a historic preservation district established pursuant to  
7 Part 4 of this Article.

8 (3) Properties designated as a National Historic Landmark by the United States  
9 Department of Labor.

10 (f) For the purposes of this section, the term "accessory dwelling unit" means an attached  
11 or detached residential structure that is used in connection with, or that is accessory to, a primary  
12 single-family detached dwelling and that has less total square footage than the primary  
13 single-family detached dwelling."

14 **SECTION 1.(b)** This section becomes effective October 1, 2023, and applies to  
15 applications for accessory dwelling unit permits submitted on or after that date.

16 **SECTION 2.** Local governments shall adopt development regulations and amend  
17 their comprehensive plan to implement the provisions in this act no later than October 1, 2023.

18 **SECTION 3.** Except as otherwise provided, this act is effective when it becomes  
19 law.

# Workshop Meeting

# Pineville

PLANNING & ZONING

**To:** Town Council

**From:** Travis Morgan

**Date:** 2/24/2025

**Re:** Food Truck and Temporary Event Permit Update (*Informational Item*)

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## **REQUEST:**

General review and update to temporary event permit and section of the Zoning Ordinance. This is an opportunity to discuss Food Truck location and length of time and general administration.

Zoning Ordinance section:

### **7.8 TEMPORARY STRUCTURES AND USES**

Temporary structures, **businesses, activities, zoning uses, and similar** when in compliance with all applicable provisions of this Ordinance, and all other ordinances of the Town of Pineville **requirements such as food and health code, building code, fire code, North Carolina ABC Commission, and similar may be allowed with an approved Town of Pineville temporary event permit.**

#### **7.8.1** The following temporary structures and uses shall be permitted:

Certain outdoor uses or activities ~~other than~~ **excluding** Town of Pineville events that are of a temporary nature are permitted in every zoning district so long as a temporary event permit has been submitted and approved by the planning director or their designee and must meet both the specific conditions listed on the temporary event permit and the general regulations below:

- A) The proposed use will not materially endanger the public, health, welfare and safety.
- B) The proposed use will not have a substantial negative effect on adjoining properties.
- C) Activities located in any right-of-way or sight triangle are prohibited.
- D) Handicap access shall be maintained at all times.
- E) Additional commercial signage is prohibited.
- F) A temporary event permit application that has been approved by the Town
- G) Failure to satisfy all requirements will automatically void any approved permit.
- H) Violations shall be computed daily:
  - First Citation \$50.00
  - Second Citation \$200.00
  - Third and Subsequent Citations \$500.00

## **STAFF COMMENT:**

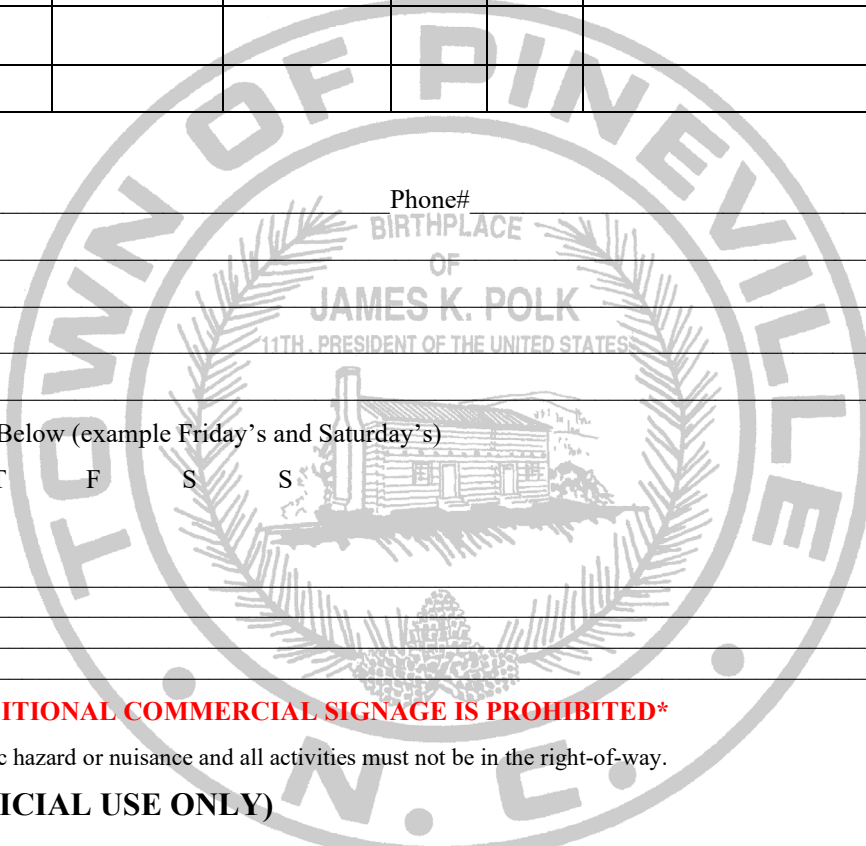
Current maximum food truck days are limited to 56 days per year per property. Biggest concerns we have heard are competition with permanent brick and mortar long term Town businesses and location on vacant parcels that prevent or discourage permanent business on site and don't improve the property to current zoning requirements.

**PROCEDURE:**

This is a standard legislative process workshop meeting to hear the initial request. The temporary event permit is an administration document. A public hearing is needed for any text change to the ordinance.

## Temporary Event Permit

Event*	✓	Resident or Town Business y/n	Non-Resident or Town Business y/n	Tent y/n	Tent size	Miscellaneous
<b>Yard Sale</b> (Residential)						
<b>Commercial Sales</b> (Merchandise Sales, Sidewalk Sales, etc...)						
<b>Mobile Food Sales</b>						
<b>Holiday Limited Events</b> (Christmas Trees, Pumpkin Sales, Fireworks, etc...)						
<b>Charitable Events (NFP)</b>						
<b>Carnivals</b>						



Applicant(print): \_\_\_\_\_ Phone# \_\_\_\_\_

Business Name: \_\_\_\_\_

Address of Event: \_\_\_\_\_

Hours of Event: \_\_\_\_\_

Dates of Event: \_\_\_\_\_

For Repetitive Days Circle Below (example Friday's and Saturday's)

M    T    W    T    F    S    S

Description of Activities:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**\*TEMPORARY OR ADDITIONAL COMMERCIAL SIGNAGE IS PROHIBITED\***

\*No event may present a public hazard or nuisance and all activities must not be in the right-of-way.

**Fee Calculation (OFFICIAL USE ONLY)**

Event	Flat Rate	Tent Size	SQFT	Price/SQFT	Subtotal	Total

Signature of Town Official \_\_\_\_\_ Date \_\_\_\_\_

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

I (the above signed) have read and understand the requirements of this permit and will follow them as directed. Failure to do so will result in the revoking of this permit, fines, and/or other corrective measures.

Applicant shall, at the time the application is made, present any additional information (maps, drawings, statements, certifications, etc.) requested by the Town necessary to determine that the issuance of the Permit will be in the best interest of the Town and will not materially endanger the public health or safety if granted. **The approval of this permit should not be interpreted as the Town of Pineville accepting responsibility for any action or liability resulting from any action related to the establishment and activities related to the issuance of this permit.**

# Temporary Event Permit Details

Town of Pineville staff shall issue permits for temporary structures and outdoor activities after review and all local, state and federal requirements have been met. Handicap accessibility must be maintained at all times. Property owner permission must be secured before permit approval. Charitable events must show non-profit or charitable status such as through 501(c)(3) or similar. ~~Each permit shall be for a period of time not to exceed 14 operational days per permit (yard sales limited to 1 day between the hours of 7am and 5pm at a maximum of 1 per quarter yearly).~~ Below is a table explaining the use and the associated costs if applicable. If the use is not listed, staff will determine the appropriate classification. ***Town business license and all other County, State, and Federal laws apply.***

Fees listed below are cumulative and accrue through such items as with or without a tent *in addition* to other fees listed per category where applicable.

Event*	Current Pineville Resident or Business Owner	Non-Resident or Business Owner	With Tent (per square foot)	Per Day without Tent	Miscellaneous
Yard Sale (Residential)	n/a	n/a	No Charge	No Charge	Limit 1 every three months 7am-5pm
Commercial Sales (Merchandise Sales, Sidewalk Sales, or other commercial event.)	\$50 Per Permit	\$100 Per Permit	\$.00/100 SF \$.25/101-1000 SF \$.15/1001+ SF	n/a (base price listed)	See Additional Requirements
Mobile Food Sales	\$5 Per Permit	\$5 Per Permit	n/a	n/a	See Additional Requirements
Holiday Limited Events (Christmas Trees, Pumpkin Sales, Fireworks, etc...)	\$5 Per Day	\$5 Per Day	No Charge	No Charge	Limit 4 per year per property
Charitable Events (NFP) Church Events, Fundraisers, Governmental/Civic Activities	No Charge	No Charge	No Charge	No Charge	See Additional Requirements
Carnivals	\$100 Per Day	\$100 Per Day	n/a	n/a	See Additional Requirements
Outdoor Band/Music**	No Charge	No Charge	No Charge	No Charge	See Additional Requirements

***\*Outdoor rated decorative home and garden goods for sale such as plants and outdoor seating are exempt from this permit provided items maintain handicap accessibility and do not contain obvious signage visible to drivers on public roads. All businesses except home and garden centers must have approved outdoor rated items located directly adjacent to the building façade and not within any parking lot. Home and garden centers are permitted additional outdoor rated items such as grills and garden sheds provided minimum parking, screening and safety are met.***

***\*\*Outdoor bands or music are permitted without a temporary event permit provided all other permit provisions are met. Music must be for the benefit of customers already visiting an existing establishment such as a restaurant, is not destination event such as a concert, and is not a noise nuisance to surrounding locations.***



## ADDITIONAL REQUIREMENTS

- Additional commercial signage prohibited.
- Signage attached to decorative lamps or streetlights are subject to immediate confiscation and fines of \$50 plus painting and repair costs.
- Outdoor music permitted provided a nuisance or noise violation is not created at any time.
- Mobile vendors (*Prepared Food Carts*) must provide a Valid Mecklenburg County Permit, a Health Department Permit and list days of operation. Must provide consent from property owner and must operate during the business hours of the business.
- Temporary Events are limited to a total of 4 events per year per property **for a total of 56 days per calendar year excluding residential yard sales.**
- **Residential yard sales limited to 1 day between the hours of 7am and 5pm at a maximum of 1 per quarter per calendar year.** Parking shall not block emergency vehicles or street traffic.
- Residential yard sales are permitted 1 on site and 3 off site signs at a maximum of 4 square feet each and must be removed no later than 24 hours after the event is over. No signs are allowed on town property.
- Downtown businesses on Main Street are not required to apply for temporary permits so long as the event is on a public sidewalk and a minimum of 5 feet of clear sidewalk passage is maintained for pedestrian and handicap accessibility.
- Alcohol sales must provide ABC Permits and all other required permits.
- ~~Business Licenses are *not* included in the cost of the event.~~
- Not for Profit Businesses must provide Federal Exemption ID: 501(c)(3).

## TEMPORARY PERMIT DEFINITIONS

### Alcohol Permit

Staff shall issue permits for alcohol use at temporary events after review and approval from businesses with an existing valid ABC permit. ***All other necessary permits must also be secured by the applicant prior to the issuance of the Town's temporary permit.***

### Home and Garden Center

A business that is primarily engaged in the selling of both home and garden goods including plants, garden tools, garden equipment, construction materials, paint, and appliances.

### Temporary Permits - Outdoor Activity

Issues considered by staff shall include but not be limited to: Access to public streets, on-site parking, location and safety of structure, hours of operation, public safety concerns. Permits shall last no longer than fourteen (14) operational days, at which time they expire and a new permit is needed. Any permit issued may still be subject to other federal, state, or local ordinances. Permits may be revoked at any time for false information or violations.

### Vendor Carts (Prepared Foods)

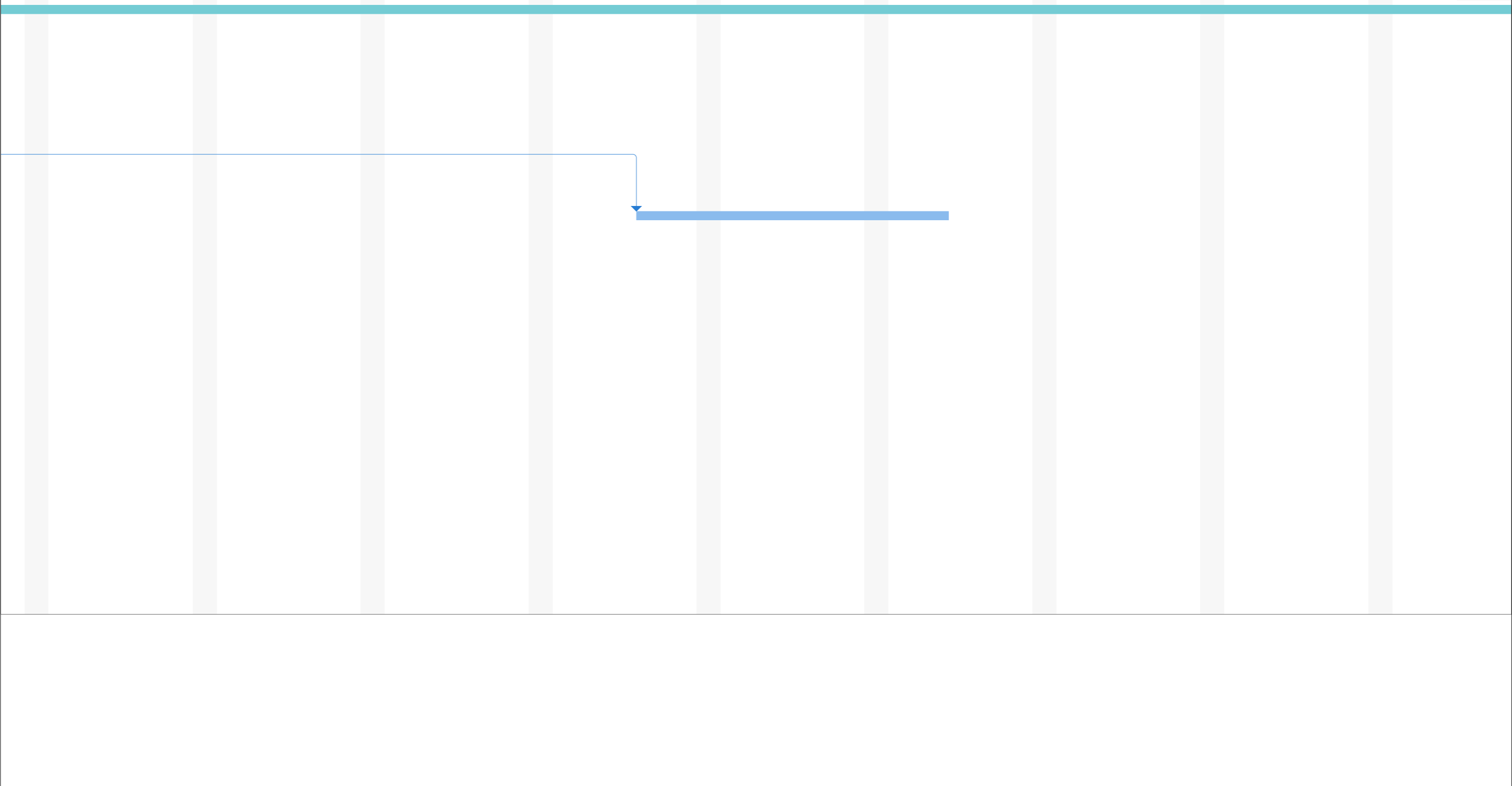
Staff shall issue permits for temporary structures and outdoor activities after review and approval. All vendors and related equipment must be located outside of the street right-of-way. All vendors must meet any and all federal, state, and local regulations regarding the sale of prepared food.

Applicant shall, at the time the application is made, present any additional information (maps, drawings, statements, certifications, etc.) requested by the Town necessary to determine that the issuance of the Permit will be in the best interest of the Town and will not materially endanger the public health or safety if granted. **The approval of this permit should not be interpreted as the Town of Pineville accepting responsibility for any action or liability resulting from any action related to the establishment and activities related to the issuance of this permit.**

ID	Task Mode	Task Name	Duration	Start	Finish	Predecessors	May 2024												June 2024												Item 5.
							30	2	4	6	8	10	12	14	16	18	20	22	24	26	28	30	1	3	5	7	9	11	13	15	
1		<b>McCullough Creek Greenway (365 Days)</b>	262 days	Mon 1/8/24	Tue 1/7/25																										
2		Mobilization	5 days	Mon 1/8/24	Fri 1/12/24																										
3		Survey and Layout	2 days	Thu 12/21/23	Fri 12/22/23																										
4		Temp. Erosion Control	3 days	Thu 12/21/23	Mon 12/25/23																										
5		Demolition	1 day	Mon 4/1/24	Mon 4/1/24																										
6		Clearing and Grubbing	7 days	Wed 3/20/24	Thu 3/28/24																										
7		Rough Grading	20 days	Fri 3/29/24	Thu 4/25/24																										
8		Aggregate Base Course	3 days	Fri 4/26/24	Tue 4/30/24																										
9		Geogrid	3 days	Fri 4/26/24	Tue 4/30/24																										
10		Temporary Seeding	1 day	Wed 5/1/24	Wed 5/1/24	8,9																									
11		Prefabricated Bridge Pile Installation	20 days	Mon 8/19/24	Fri 9/13/24	8																									
12		Pile Encasement / CIP Concrete Abutments	15 days	Mon 2/17/25	Fri 3/7/25																										
13		Class B Rip Rap	1 day	Mon 3/10/25	Mon 3/10/25	12																									
14		Site Prep / Crane Pad	5 days	Wed 6/12/24	Tue 6/18/24																										
15		Bridge Delivery	1 day	Wed 6/19/24	Wed 6/19/24	14																									
16		Prefabricated Bridge Installation	2 days	Mon 3/24/25	Tue 3/25/25																										
17		CIP Bridge Deck	7 days	Wed 3/26/25	Thu 4/3/25	16																									
18		Boardwalk Framing (Neighborhood Side)	10 days	Tue 4/1/25	Mon 4/14/25																										
19		Galv. Angle / Deckpan	2 days	Tue 4/15/25	Wed 4/16/25	18																									
20		CIP Concrete Deck	2 days	Thu 4/17/25	Fri 4/18/25	19																									
21		Boardwalk Handrail (Neighborhood Side)	10 days	Tue 4/29/25	Mon 5/12/25																										
22		Boardwalk Framing (Park Side)	10 days	Tue 4/15/25	Mon 4/28/25																										
23		Boardwalk Handrail (Park Side)	20 days	Tue 5/13/25	Mon 6/9/25	21																									
24		6" Concrete Fiber Reinforced	2 days	Tue 6/10/25	Wed 6/11/25	23																									
25		Condition ABC	5 days	Thu 6/12/25	Wed 6/18/25	24																									
26		Asphalt Surface Course	3 days	Thu 6/19/25	Mon 6/23/25	25																									
27		Fine Grading and Backfill	5 days	Tue 6/24/25	Mon 6/30/25	26																									
28		Permanent Seeding	2 days	Tue 7/1/25	Wed 7/2/25	27																									
29		Pavement Marking Lines	1 day	Thu 7/3/25	Thu 7/3/25	28																									
30		Collapsible Bollard	1 day	Thu 7/3/25	Thu 7/3/25	28																									

Project: McCullough Greenway  
Date: Mon 2/10/25

Task		Project Summary		Manual Task		Start-only		Deadline	
Split		Inactive Task		Duration-only		Finish-only		Progress	
Milestone		Inactive Milestone		Manual Summary Rollup		External Tasks		Manual Progress	
Summary		Inactive Summary		Manual Summary		External Milestone			



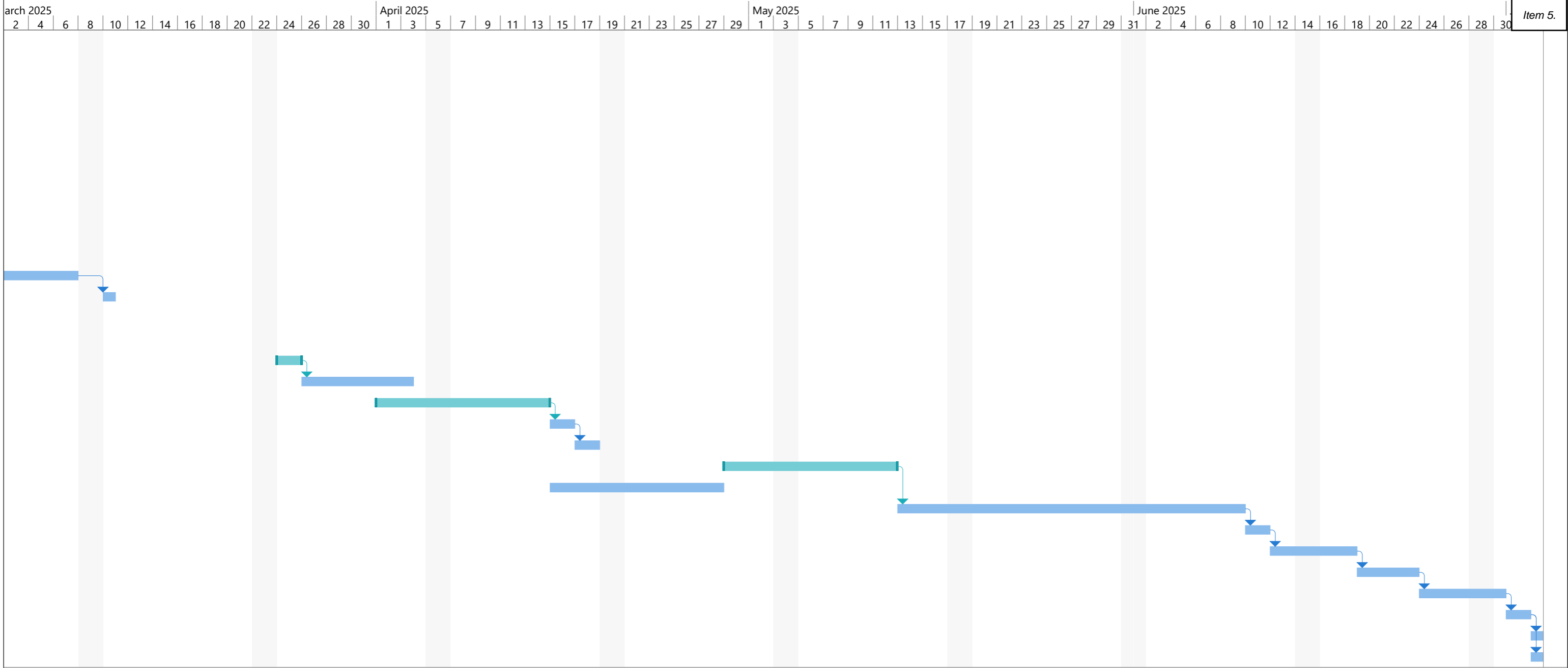
Project: McCullough Greenway  
Date: Mon 2/10/25

Task		Project Summary		Manual Task		Start-only		Deadline	
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Summary		Inactive Summary		Manual Summary		External Milestone			



Project: McCullough Greenway  
Date: Mon 2/10/25

Task		Project Summary		Manual Task		Start-only		Deadline	
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Project: McCullough Greenway  
Date: Mon 2/10/25

Task		Project Summary		Manual Task		Start-only		Deadline	
Split		Inactive Task		Duration-only		Finish-only		Progress	
Milestone		Inactive Milestone		Manual Summary Rollup		External Tasks		Manual Progress	
Summary		Inactive Summary		Manual Summary		External Milestone			



## TOWN COUNCIL AGENDA ITEM

**MEETING DATE: February 21, 2025**

Agenda Title/Category:	<b>FY26 Budget Work Session #1</b>			
Staff Contact/Presenter:	<b>Christopher Tucker, Finance Director</b>			
Meets Strategic Initiative or Approved Plan:	<b>Yes</b>	<b>No</b>	If yes, list:	<b>Financial Policies</b>
	<b>X</b>			
Background:				
Discussion:	<p><b>Budget Session #1 will provide a quick recap of the funds and the budget process.</b></p> <p><b>We will discuss budget pressures and priorities.</b></p>			
Fiscal impact:	<p><b>The annual budget is the Council’s most effective policy-making tool. Key decisions include the tax rate, compensation strategies, and capital additions</b></p>			
Attachments:				
Recommended Motion to be made by Council:	<b>No action, Discussion only.</b>			