

**ZEPSA CAPITAL, LLC**

**REZONING PETITION: CONDITIONAL ZONING (CZ) 2023-1**

**DEVELOPMENT STANDARDS**

**SITE DEVELOPMENT DATA:**

**--ACREAGE:** ± 1.518 ACRES

**--TAX PARCEL #:** 06-225-009A

**--EXISTING ZONING:** MARVIN RESIDENTIAL I (R-I)

**--PROPOSED ZONING:** HD-CO (HERITAGE DISTRICT COMMERCIAL ONLY)

**--EXISTING USES:** RESIDENTIAL/VACANT

**--PERMITTED USES:** THE PROPERTY MAY BE DEVOTED TO ALL USES PERMITTED BY RIGHT (EXCEPT THRIFT OR SECOND HAND STORES (PROVIDED THAT CONSIGNMENT STORES ARE STILL PERMITTED WITH A SPECIAL USE PERMIT)) IN THE COMMERCIAL ONLY SUBDISTRICT OF THE HERITAGE DISTRICT FORM-BASED CODE ("HD-CO DISTRICT"), PLUS THE FOLLOWING THREE (3) SPECIAL USES: BREWERY/MICRO BREWERY, RESTAURANT SERVING ALCOHOL, AND VETERINARY CLINIC (WITHOUT BOARDING) WHICH ARE SPECIFICALLY APPROVED AS PART OF THE CONDITIONAL REZONING APPROVAL AND THEREFORE PERMITTED BY RIGHT. THE THREE (3) SPECIAL USES APPROVED AS PART OF THE CONDITIONAL REZONING ARE LIMITED TO ONE USE FOR EACH CATEGORY (I.E. ONE RESTAURANT SERVING ALCOHOL), AND SUBJECT TO COMPLIANCE WITH APPLICABLE LAW INCLUDING SUPPLEMENTAL STANDARDS AS SET FORTH IN THE HERITAGE DISTRICT FORM BASE CODE. FOR AVOIDANCE OF DOUBT, ADDITIONAL USES FOR EACH CATEGORY OF SPECIAL USES APPROVED AS PART OF THE CONDITIONAL REZONING MAY BE ALLOWED ON THE PROPERTY WITH A SPECIAL USE PERMIT. ALL OTHER SPECIAL USES ALLOWED IN THE HD-CO DISTRICT SHALL REQUIRE A SPECIAL USE PERMIT.

**--MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT:** AN EXISTING 1,950 SF FARM HOUSE BUILDING WHICH WILL BE CONVERTED TO COMMERCIAL USE, AND UP TO 21,550 SQUARE FEET OF ADDITIONAL GROSS BUILDING AREA TO INCLUDE A COMMERCIAL KITCHEN ADDITION OF APPROXIMATELY 1550 SF TO SERVE THE EXISTING BUILDING, AND TWO SEPARATE 2 STORY COMMERCIAL BUILDINGS OF APPROXIMATELY 10,000 SF EACH.

**-MAXIMUM BUILDING HEIGHT:** 2 STORIES OR ORDINANCE MAXIMUM (35 FEET).

**-MAXIMUM NUMBER OF BUILDINGS:** 3 (EXISTING BUILDING WITH ADDITION, AND TWO NEW COMMERCIAL BUILDINGS).

**--PARKING:** THE NUMBER OF PARKING SPACES MAY BE REDUCED FROM THE 57 DESIGNATED ON THE MASTER PLAN PROVIDED THAT EITHER: I) OFF-PREMISES PARKING IS SECURED, OR (II) AS APPROVED BY THE VILLAGE PLANNING DIRECTOR; PROVIDED HOWEVER, THAT THE PLANNING DIRECTOR SHALL APPROVE ANY REDUCTION OF PARKING SPACES DETERMINED BY DEVELOPER AS REASONABLY

NECESSARY TO FACILITATE PRESERVATION OF TREES OR BETTER OVERALL SITE DESIGN AND TRAFFIC CIRCULATION.

**1. GENERAL PROVISIONS:**

**A. SITE LOCATION.** THESE DEVELOPMENT STANDARDS, REZONING SITE PLAN (AKA “MASTER PLAN”) AND LANDSCAPE PLAN, DEVELOPMENT AGREEMENT, AND OTHER GRAPHICS, IF ANY, SET FORTH ON SHEET C-1-1 FORM THIS REZONING PLAN (COLLECTIVELY REFERRED TO AS THE “REZONING PLAN”) ASSOCIATED WITH THE REZONING APPLICATION FILED BY ZEPSA CAPITAL, LLC (“APPLICANT”) TO ACCOMMODATE THE DEVELOPMENT OF A COMMERCIAL VILLAGE TO INCLUDE USES ALLOWED IN THE HD-CO ZONING DISTRICT ON AN APPROXIMATELY 1.518 ACRE SITE LOCATED AT 9908 NEW TOWN ROAD IN THE VILLAGE OF MARVIN (“VILLAGE”), (UNION COUNTY) NORTH CAROLINA (THE “SITE”).

**B. ZONING DISTRICTS/ORDINANCE.** DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN AS WELL AS THE APPLICABLE PROVISIONS OF THE VILLAGE OF MARVIN ZONING CODE AND VILLAGE OF MARVIN HERITAGE DISTRICT FORM BASED CODE, AS AMENDED (EITHER OR BOTH, THE “ORDINANCE”). ANY DEVIATION REQUIRES A WRITTEN STATEMENT OF JUSTIFICATION PREPARED BY THE APPLICANT FOR CONSIDERATION AND APPROVAL BY THE VILLAGE COUNCIL. UNLESS THE REZONING PLAN ESTABLISHES DIFFERENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE VILLAGE OF MARVIN HERITAGE DISTRICT CODE SHALL GOVERN.

**C. GRAPHICS AND ALTERATIONS.** THE SCHEMATIC DEPICTIONS OF THE USES, PARKING AREAS, SIDEWALKS, STRUCTURES AND BUILDINGS, DRIVEWAYS, AND OTHER DEVELOPMENT MATTERS AND SITE ELEMENTS (COLLECTIVELY THE “DEVELOPMENT/SITE ELEMENTS”) SET FORTH ON THE REZONING PLAN SHOULD BE REVIEWED IN CONJUNCTION WITH THE PROVISIONS OF THESE DEVELOPMENT STANDARDS. THE LAYOUT, LOCATIONS, SIZES AND FORMULATIONS OF THE DEVELOPMENT/SITE ELEMENTS DEPICTED ON THE REZONING PLAN ARE GRAPHIC REPRESENTATIONS OF THE DEVELOPMENT/SITE ELEMENTS PROPOSED. CHANGES TO THE REZONING PLAN NOT ANTICIPATED BY THE REZONING PLAN WILL BE REVIEWED AND APPROVED AS ALLOWED BY §151.251(D) OF THE ORDINANCE.

**2. ACCESS AND TRANSPORTATION:**

**A.** ACCESS TO THE SITE WILL BE FROM NEW TOWN ROAD IN THE MANNER GENERALLY DEPICTED ON THE REZONING PLAN.

**B.** THE PLACEMENT AND CONFIGURATION OF THE VEHICULAR ACCESS POINT(S) ARE SUBJECT TO ANY MINOR MODIFICATIONS REQUIRED TO ACCOMMODATE FINAL SITE DEVELOPMENT AND CONSTRUCTION PLANS AND TO ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY NCDOT IN ACCORDANCE WITH APPLICABLE PUBLISHED STANDARDS.

**C.** SHOULD THE ADJACENT PROPERTY OWNERS ELECT TO DEVELOP THEIR PROPERTIES AND PURSUE A CONNECTION BETWEEN THEIR PROPERTIES AND THE SITE IN THE FUTURE, THE OWNER OF THE SITE AGREES TO GRANT SAID ADJACENT OWNER(S) A CROSS ACCESS EASEMENT UPON MUTUALLY AGREEABLE TERMS AND CONDITIONS AS SET FORTH IN AN EASEMENT AGREEMENT; PROVIDED HOWEVER, THAT ALL COSTS RELATED TO THE CONSTRUCTION OF THE CONNECTION INTO THE SITE WILL BE BORN SOLELY BY THE RESPECTIVE ADJACENT PROPERTY OWNER.

D. OWNER SHALL CONVEY AN EASEMENT FOR THE PUBLIC CONSTRUCTION, USE AND MAINTENANCE OF AN EIGHT (8) FOOT WIDE SIDEWALK ALONG THE SITE'S FRONTAGE ON NEW TOWN ROAD TO THE EXTENT NECESSARY TO ALLOW THE SIDEWALK TO MEANDER OUT OF THE EXISTING RIGHT OF WAY TO AVOID PHYSICAL AND ENVIRONMENTAL CONSTRAINTS. APPLICANT SHALL HAVE NO OBLIGATION TO MAINTAIN, REPAIR OR REPLACE SAID SIDEWALK.

E. INTERNAL SIDEWALKS AND PEDESTRIAN CONNECTIONS SHALL BE PROVIDED ON THE SITE AS GENERALLY DEPICTED ON THE REZONING PLAN. THE INTERNAL SIDEWALKS MAY MEANDER TO SAVE EXISTING TREES AND AVOID OTHER TOPOGRAPHICAL CONSTRAINTS.

F. APPLICANT SHALL CONSULT WITH NCDOT ON POTENTIAL ROAD IMPROVEMENTS ALONG NEW TOWN ROAD.

**3. PERMITTED USES & DEVELOPMENT AREA LIMITATION:**

A. THE SITE MAY BE DEVELOPED AS A COMMERCIAL DEVELOPMENT TO INCLUDE UP TO 23,500 SQUARE FEET OF EXISTING AND NEW GROSS FLOOR AREA DEVOTED TO COMMERCIAL USE AS SET FORTH HEREIN, TOGETHER WITH ANY ACCESSORY USES AS ALLOWED IN THE HD-CO ZONING SUBDISTRICT. FOR AVOIDANCE OF DOUBT, GROSS SQUARE FOOT AREA SHALL NOT INCLUDE DRIVE AISLE(S), LOADING SPACES, SURFACE PARKING FACILITIES, OPEN SPACE AREAS, AND OUTDOOR AMENITIES.

B. AS THE PROJECT DEVELOPS, APPLICANT RESERVES THE RIGHT TO USE AREAS INTENDED FOR DEVELOPMENT AS TEMPORARY PARKING UNTIL FULL BUILD OUT.

**4. BUFFERS AND LANDSCAPING; PARKING:**

A. ALONG THE REAR OF THE SITE, APPLICANT WILL SCREEN THE SITE AND PARKING LOT FROM ADJACENT RESIDENTIAL USE BY PROVIDING A BUFFER COMPRISED OF A 20 FOOT UNDISTURBED BUFFER YARD, A SEVEN (7) FOOT HIGH SOLID WOODEN FENCE, AND ROW OF EVERGREENS AS GENERALLY DEPICTED ON THE REZONING PLAN. SAID EVERGREENS SHALL BE MINIMUM 6 FEET IN HEIGHT AT TIME OF INSTALLATION.

B. APPLICANT SHALL PROVIDE A 7 FOOT HIGH SOLID WOODEN FENCE ALONG A PORTION OF THE PROPERTY LINE BETWEEN THE SITE AND ADJACENT PARCEL ID# 06225008 AND HAVING AN ADDRESS OF 9914 NEW TOWN ROAD, IN THE LOCATION AS GENERALLY DEPICTED ON THE MASTER PLAN.

C. APPLICANT RESERVES THE RIGHT TO USE STONE, GRAVEL OR TURF FOR THE DRIVEWAY AND NON-ADA ACCESSIBLE PARKING SPACES. APPLICANT SHALL PROVIDE BICYCLE SPACES AS REQUIRED BY ORDINANCE.

D. IN LIEU OF A DESIGNATED LOADING SPACE. LOADING AND UNLOADING TO SERVICE USES ON THE SITE WILL BE PERFORMED FROM THE DRIVEWAY. APPLICANT SHALL POST SIGNAGE DESIGNATING TWO PARKING SPACES AS LOADING ZONES DURING DESIGNATED HOURS OF THE DAY. SAID PARKING SPACES MAY BE USED FOR PARKING DURING ALL OTHER HOURS NOT DESIGNATED FOR LOADING.

E. NON-ADA PARKING SPACES PROVIDING PARKING FOR THE DEVELOPMENT/SITE ELEMENTS ON THE SITE SHALL BE 9' WIDE X 18' DEEP.

- F. APPLICANT SHALL PROVIDE VERTICAL CURBING MATERIAL AROUND THE PERIMETER OF THE PARKING LOT TO CONTAIN GRAVEL OR OTHER PARKING SURFACE MATERIAL.
- G. PARKING SPACES WITHIN THE PARKING LOT SHALL BE STRIPED ON PAVEMENT, OR WHEEL STOPS ON GRAVEL.
- H. APPLICANT SHALL PAVE DRIVEWAY ENTRANCE FROM EXISTING ROADWAY PAVEMENT TO THE EDGE OF RIGHT OF WAY OR BACK OF PROPOSED SIDEWALK, WHICHEVER IS GREATER.
- I. A TREE REMOVAL/PRESERVATION PLAN SHALL BE PROVIDED PRIOR TO LAND DISTURBING ACTIVITIES.
- J. A MAINTENANCE PLAN AND AGREEMENT FOR MAINTENANCE OF LANDSCAPING, AMENITY AREAS AND PARKING LOT SHALL BE PROVIDED AS PART OF CONSTRUCTION DOCUMENT AND DESIGN REVIEW APPROVAL.
- K. NO TRASH FROM USES/TENANTS MAY BE LEFT OUTSIDE, OR OUT BACK OF BUILDINGS FOR A PERIOD OF LONGER THAN TWENTY FOUR HOURS.
- L. APPLICANT SHALL PROVIDE A LANDSCAPE PLAN FOR THE SITE AS PART OF CONSTRUCTION DOCUMENT AND DESIGN REVIEW APPROVAL.

**5. ARCHITECTURAL STANDARDS:**

- A. APPLICANT SHALL FENCE ANY AREA WITHIN THE VIEWSHED PLAZA USED FOR PLAYGROUND.

**6. LIGHTING:**

- A. APPLICANT SHALL SUBMIT A LIGHTING PLAN CONSISTENT WITH ORDINANCE REQUIREMENTS.
- B. APPLICANT SHALL PROVIDE A PHOTOMETRIC PLAN. LIGHT TRESSPASSING SHALL NOT EXCEED ONE (1.0) FOOT-CANDLE AT ANY PROPERTY LINE THAT ADJOINS RESIDENTIAL USES OR PROPERTY ZONED FOR RESIDENTIAL USES.

**7. AMENDMENTS TO THE REZONING PLAN:**

- A. FUTURE AMENDMENTS TO THE REZONING PLAN (WHICH INCLUDES THESE DEVELOPMENT STANDARDS) MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE PORTION OF THE SITE AFFECTED BY SUCH AMENDMENT IN ACCORDANCE WITH THE PROVISIONS OF THE ORDINANCE.

**8. BINDING EFFECT OF THE REZONING APPLICATION:**

- A. IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO THE DEVELOPMENT OF THE SITE IMPOSED UNDER THE REZONING PLAN WILL, UNLESS AMENDED IN THE MANNER PROVIDED UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF THE APPLICANT, OWNER, AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST OR ASSIGNS.