



VILLAGE OF MARVIN

10004 New Town Road | Marvin, NC | 28173 | Tel: (704) 843-1680 | Fax: (704) 843-1660 | www.marvinnc.org

PLANNING BOARD MEETING MINUTES

Tuesday, June 15, 2021 – 6:30pm
Village Hall, 10004 New Town Road
Regular Meeting (Virtual Meeting)

AGENDA ITEM

1. Call to Order

Chairman Jones called the meeting to order at 6:33pm.

2. Determine Quorum

Chairman Jones determined a quorum was present.

Present: Chairman Jones, Malinda Daniel

Present Virtually on Webex: Vice-Chair Cates, Michael Lavelle, Ken Marino, Kent Renner, Councilman Marcollese (Council Liaison)

Absent: None (1 Vacant Seat)

Staff Present: Rohit Ammanamanchi, Austin W. Yow

3. Adoption of the Agenda

MOTION: Chairman Jones moved to adopt the agenda as presented. Malinda Daniel seconded the motion.

VOTE: The motion passed unanimously, 6-0.

4. Adoption of the Minutes for: 5/18/21, 3/16/21 (No Quorum)

MOTION: Vice-Chair Cates moved to adopt the minutes as presented. Malinda Daniel seconded the motion.

VOTE: The motion passed unanimously, 6-0.

5. Public Comment Period

Austin W. Yow, Village Clerk & Assistant to the Manager, read aloud the following comment:

Waylon Hinson, 1109 Meadowlark Lane; Jeff and Pat Sauser, 1210 Meadowlark Lane; Gary and Lisa Rose, 1209 Larkridge Court; and Casie and Keith Svonovec, 1110 Meadowlark Lane:

“As homeowners next to the proposed Marvin Heritage District (“MHD”), we have closely watched the planning process since the conclusion of the public survey completed in June 2019. We appreciate the efforts of the Marvin Heritage District Strategy Plan Committee, Town staff and Planning Board for their time and attention to this important effort. While we are not fully supportive of proposed plan, we realize there is an on-going process in place to modify and approve The Marvin Heritage District Form-Based Code Final Draft Dated June 9, 2021.

Currently the Mixed-Use Core Heritage District (MU-HD) and Residential Only (RO-HD) allows MU & RO Suburban Residential .5-acre lot minimum houses to be built next to existing “rural residential” neighborhoods. There are five properties (Hinson, Feeney, Rose, Sauser and Svonovec) which abut the MHD in the Farms of Meadowlark which is a rural residential neighborhood of 19 houses, each on a minimum of four acres. This area is quintessential Marvin with horse pastures, pastoral settings, and quiet enjoyment. There are three surrounding large plots of undeveloped property (Lett, Odell and Pribas) in the proposed MHD which are contiguous to our neighborhood. These plots are beautiful, wooded properties with only the Lett property having a residential structure which is a farmhouse built in 1841.

In the spirit of cooperation, we ask the current plan be revised in the following manner:

- Only “Larkridge style” homesites (four acre minimum) be allowed to abut the five properties mentioned above (Hinson, Feeney, Rose, Sauser and Svonovec). We feel this would be an appropriate buffer for the MHD, satisfying the needs of both the current property owners and potential developers. At one point in the planning process, this buffer was part of the draft planning document for the Odell property. We ask this to be returned to the plan.

Thank you in advance for your consideration and the opportunity for our voices to be heard.”

ITEMS OF DISCUSSION

TIME STAMP 6:25

1. **Perform the function of the Design Review Board to Discuss and Consider the Wayfinding Signs for the 7-Eleven at Marvin Gardens** *(See attached documents, Item 1, which are included as references in these minutes).*

Rohit Ammanamanchi, Planning & Zoning Administrator, explained that the 7-Eleven has submitted the revised plans for their proposed direction signage. The plans were revised so that the signs would not be internally lit, as well as to include additional landscaping.

MOTION: Michael Lavelle to approve the wayfinding signs as submitted. Vice-Chair Cates seconded the motion.

VOTE: The motion passed unanimously, 6-0.

TIME STAMP 16:30

2. **Discussion of Planning Board Representation on the Marvin Heritage District Strategic Plan Committee**

Michael Lavelle lamented his inability to attend recent meetings of the Marvin Heritage District Strategic Plan Committee. He asked if any other Planning Board members would be willing to take his place on the Committee. No members were able to fill the position.

TIME STAMP 20:00

3. **Discussion and Recommendation of Miscellaneous Staff Text Amendments** *(See attached documents, Item 3, which are included as references in these minutes).*

- a. **Amend to Remove Large Tract/Small Tract Classification in Various Sections**

Mr. Ammanamanchi explained that this amendment is to rework convoluted language to more simple terms. “Small tract” would be replaced with “minor subdivision” and “large tract” would be replaced with “conservation subdivision” or “major subdivision.”

MOTION: Ken Marino moved to recommend approval of the text amendment. Michael Lavelle seconded the motion.

VOTE: The motion passed unanimously, 6-0.

- b. **Amend to Add Definition of Small-Scale Retail in section §151.016 “Definitions”**

Mr. Ammanamanchi explained that this consideration of this amendment should be deferred indefinitely.

MOTION: Malinda Daniel moved to defer consideration of Item 3.b. indefinitely. Vice-Chair Cates seconded the motion.

VOTE: The motion passed unanimously, 6-0.

- c. **Amend to Remove Village Center District Signage in §151.145(D) “Village Center District or commercial centers”**

Mr. Ammanamanchi explained that the Board should consider recommending removal of this section, as the existing Village Center District Signage section in the Village’s ordinances will be outdated with the adoption of the zoning district for the Marvin Heritage District.

MOTION: Ken Marino moved to recommend approval of the text amendment. Michael Lavelle seconded the motion.

VOTE: The motion passed unanimously, 6-0.

TIME STAMP 31:10

4. **Discussion and Recommendation of the Final Draft of the Marvin Heritage District Form-Based Code** *(See attached memo, Item 4, which is included as a reference in these minutes. Drafts of the form-based code are available by request).*

Mr. Ammanamanchi reviewed the draft of the form-based code page-by-page. Board members gave feedback for revisions. These changes included adding a restriction on the percentage of residential development allowed on mixed-use properties, revising lot sizes, replacing Marvin vernacular housing type with large lot suburban home, adding vape shops to the list of prohibited uses, increasing the fee-in-lieu for reduced open space from \$50,000 per acre to \$70,000 per acre, decreasing the allowable open space reduction from 20 percent to 25 percent.

MOTION: Chairman Jones moved to recommend approval of the Marvin Heritage District Zoning District as amended, including a statement of consistency that the Marvin Heritage District zoning is consistent with the Land Use Plan. Kent Renner seconded the motion.

VOTE: The motion passed unanimously, 6-0.

TIME STAMP 2:46:50

- 5. **Discussion and Recommendation of Rezoning Application #21-12663, Municipal Rezoning of Properties to Marvin Heritage District Zoning** *(See attached application, Item 5, which is included as a reference in these minutes).*
Mr. Ammanamanchi explained that this is the administrative step to rezone the properties in question to the zoning districts proposed in the form-based code.

The Board discussed in depth the process for recommending approval or denial of the rezoning application in relation to the Village Council considering the adoption of the zoning district at their July 13 regular meeting.

MOTION: Michael Lavelle moved to approve the rezoning based on the ordinance with a consistency statement that the rezoning is consistent with the Land Use Plan. Ken Marino seconded the motion.

VOTE: The motion passed 5-1. Chairman Jones, Malinda Daniel, Michael Lavelle, Ken Marino, and Kent Renner voted "Aye." Vice-Chair Cates voted "No."

AGENDA ITEMS

TIME STAMP 3:09:15

- 1. **Review of Action Items**

- Mr. Ammanamanchi will send the revised draft of the MHD zoning district to the Planning Board and will forward the draft on to Council at their June 24 work session and then the MHD Strategic Plan Committee at their July 1 meeting.
- Mr. Ammanamanchi will investigate the circumference of the trees and root systems for 7-Eleven at Marvin Gardens.

TIME STAMP 3:11:55

- 2. **Board Member Comments**

Chairman Jones: He reflected on the decorum of the Planning Board; he highlighted that while members may disagree, there is no animosity present. He welcomes Ken Marino to the Board.

Vice-Chair Cates: She expressed her disappointment on the previous vote. She thanked everyone for their hard work on this process. She thanked her neighborhood, Meadowlark Farms, for their feedback on the zoning district.

Malinda Daniel: She reflected on the previous discussion on the rezoning application. She encouraged everyone to share their opinions on the Marvin Heritage District in advance of the consideration of the district and the rezoning.

Michael Lavelle: He welcomed Ken Marino to the Board.

Ken Marino: He stated he was happy to serve on the Board.

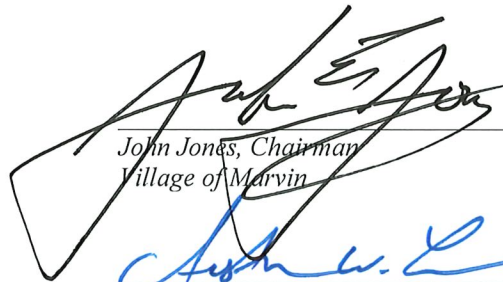
Councilman Marcolese: He reflected on his observations from being the Board's Council Liaison. He welcomed Ken Marino to the Board and thanked the Board for their hard work.

ADJOURNMENT


MOTION: Michael Lavelle moved to adjourn the meeting at 9:53pm. Malinda Daniel seconded the motion.

VOTE: The motion passed unanimously, 6-0.

Adopted: 7-20-21



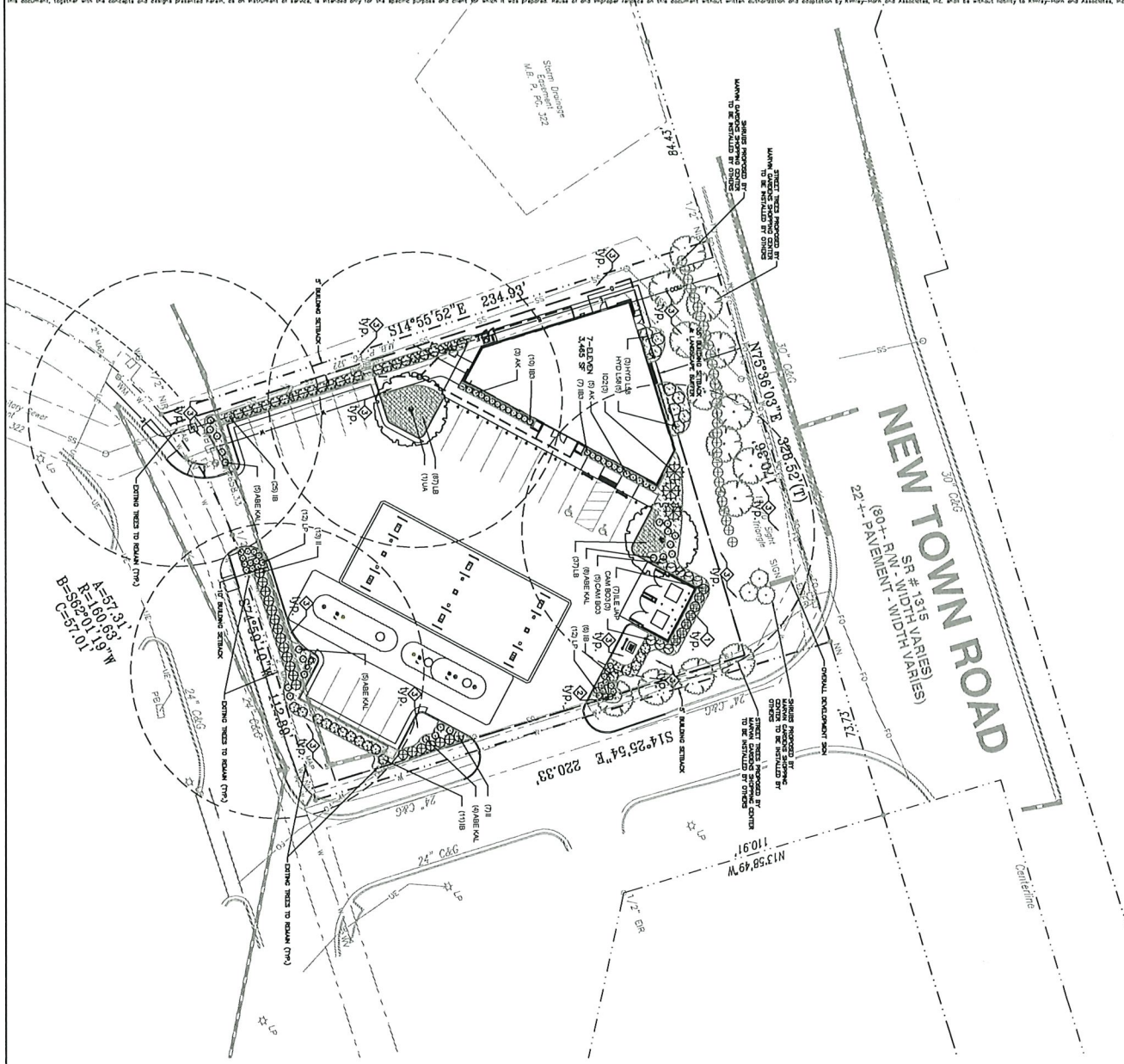
 John Jones, Chairman
 Village of Marvin



 Austin W. Yow
 Village Clerk & Assistant to the Manager



Item 1



PLANT SCHEDULE

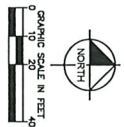
SYMBOL	PLANT	QUANTITY	DATE	BY
1	1.00' ROUND PINE	10	04/20/2021	JM
2	2.00' ROUND PINE	10	04/20/2021	JM
3	3.00' ROUND PINE	10	04/20/2021	JM
4	4.00' ROUND PINE	10	04/20/2021	JM
5	5.00' ROUND PINE	10	04/20/2021	JM
6	6.00' ROUND PINE	10	04/20/2021	JM
7	7.00' ROUND PINE	10	04/20/2021	JM
8	8.00' ROUND PINE	10	04/20/2021	JM
9	9.00' ROUND PINE	10	04/20/2021	JM
10	10.00' ROUND PINE	10	04/20/2021	JM

LANDSCAPE NOTES

1. ALL AREAS DISTURBED BY CONSTRUCTION THAT ARE NOT OTHERWISE PLANNED BEING RESEED SHALL BE RESEED WITH PERMANENT LAWN GRASS TO MATCH THE SHOPPING CENTER LAWN GRASS SPECIES.
2. ALL SHRUB BEDS AND TREE RUNS ARE TO BE MULCHED WITH 3" OF PINE STRAW MULCH.
3. CONTRACTOR SHALL COORDINATE WITH OWNER TO VERIFY IF OWNER SHALL PROVIDE A DESIGN BUILT IRRIGATION SYSTEM. CONTRACTOR SHALL PROVIDE TO INSTALLING PAVEMENT BASE MATERIALS OR PAVEMENT WORK SHALL BE COORDINATE WITH OTHER DISCIPLINES.
4. SEE SHEET LP201 FOR LANDSCAPE SPECIFICATIONS AND DETAILS.

KEY NOTES

- 1. MULCH ALL SHRUB BEDS IN THEIR ENTIRETY WITH 3" OF PINE STRAW MULCH.
- 2. PROPOSE MULCH RING ACCORDING TO THE DETAILS ON SHEET LP201. AROUND THE BASE OF ALL EXISTING NEW TREES WHICH IS NOT TO BE FIELD UP.
- 3. MULCH THE TRUNK OF THE TREE AND SHALL NOT COME WITHIN 6" OF THE SEED WITH PERMANENT LAWN GRASS. SEE SEEDING NOTES SHEET LP201 AND LANDSCAPE NOTES THIS SHEET.

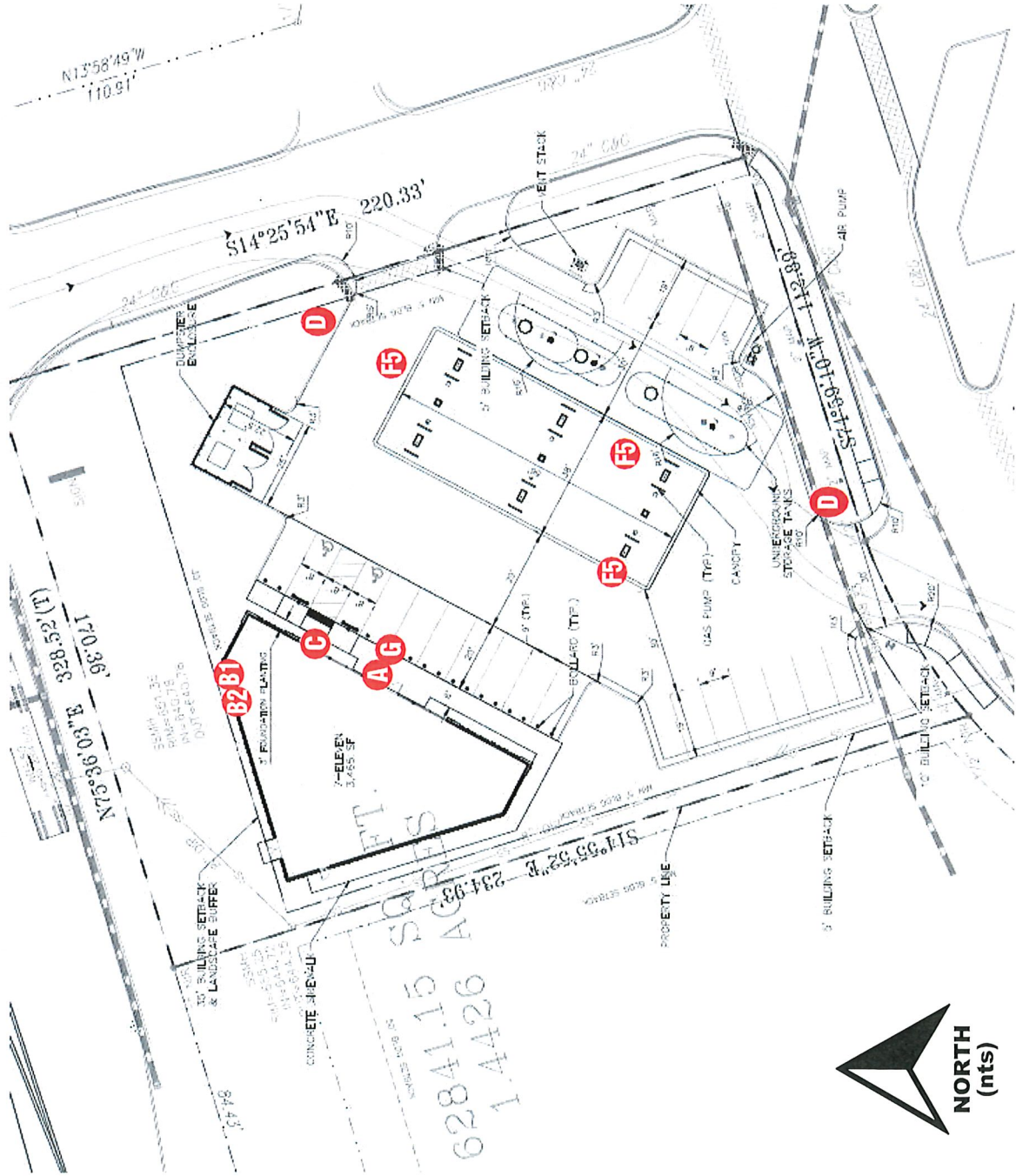


<p>7-ELEVEN MARVIN PREPARED FOR VERDAD REAL ESTATE, INC. MARVIN NORTH CAROLINA</p>	<p>LANDSCAPE PLAN</p>	<p>KHA PROJECT 116678005 DATE 04/20/2021 SCALE AS SHOWN DESIGNED BY DRAWN BY CHECKED BY</p>		<p>Kimley-Horn © 2021 KIMLEY-HORN AND ASSOCIATES, INC. 4525 MAIN STREET, SUITE 1000, WINGHAM BEACH, NC 28429 PHONE: 757-213-6600 FAX: 757-213-6601 WWW.KIMLEY-HORN.COM</p>	<table border="1"> <thead> <tr> <th>NO.</th> <th>REVISIONS</th> <th>DATE</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	REVISIONS	DATE	BY				
NO.	REVISIONS	DATE	BY										

SITE PLAN

PRODUCT LIST		
SQ. FT.	QTY	ITEM
EXTERIOR BUILDING SIGNS		
50	1	CHANNEL LETTER SET (HALO)
36	1	SF KEYSTONE WALL SIGN
18	1	SF FUEL PRICE WALL SIGN
INTERIOR WINDOW SIGNS & VINYL		
3.2	1	ATM HANGING SIGN
N/A	14	WINDOW VINYL SET
EXTERIOR GROUND SIGNS		
6	2	DIRECTIONAL
FUEL CANOPY SIGNS		
22.17	3	CHANNEL LETTER SETS (HALO)

A **B1** **B2** **C** **G** **D** **F5**

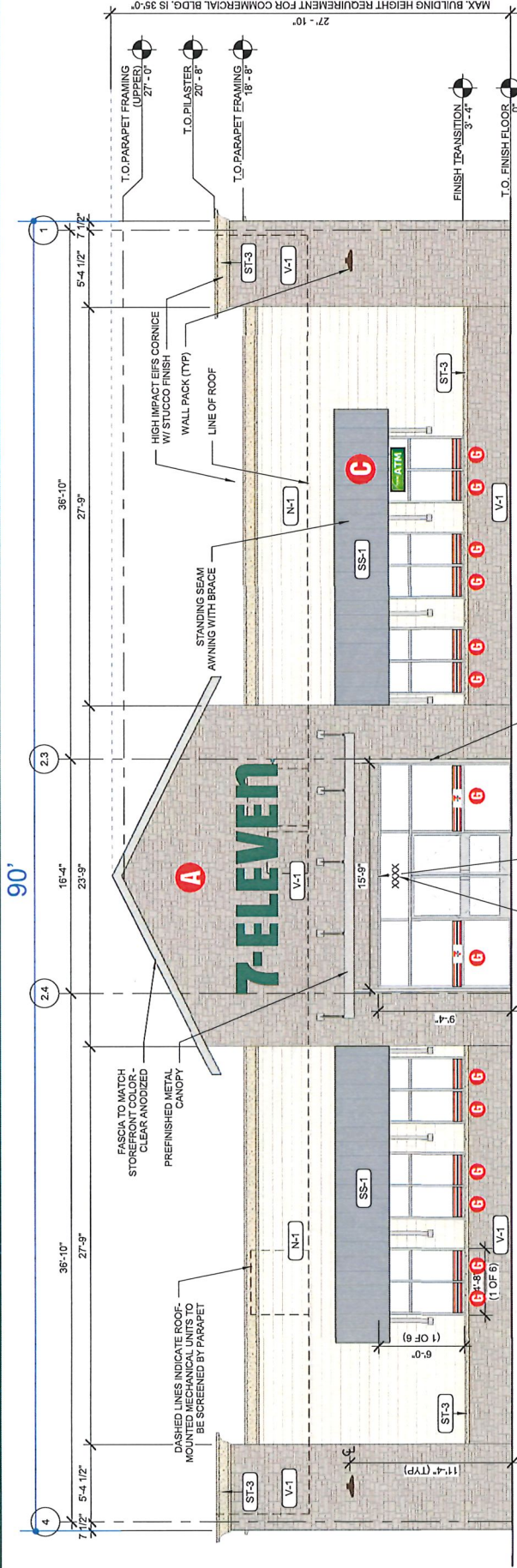


D-ORDER# 101987.12 TDP/WSJ
 Project Mgr.: Hannah McMillion
 hannah.mcmillion@cummingsigns.com
 Page: 1 of 9

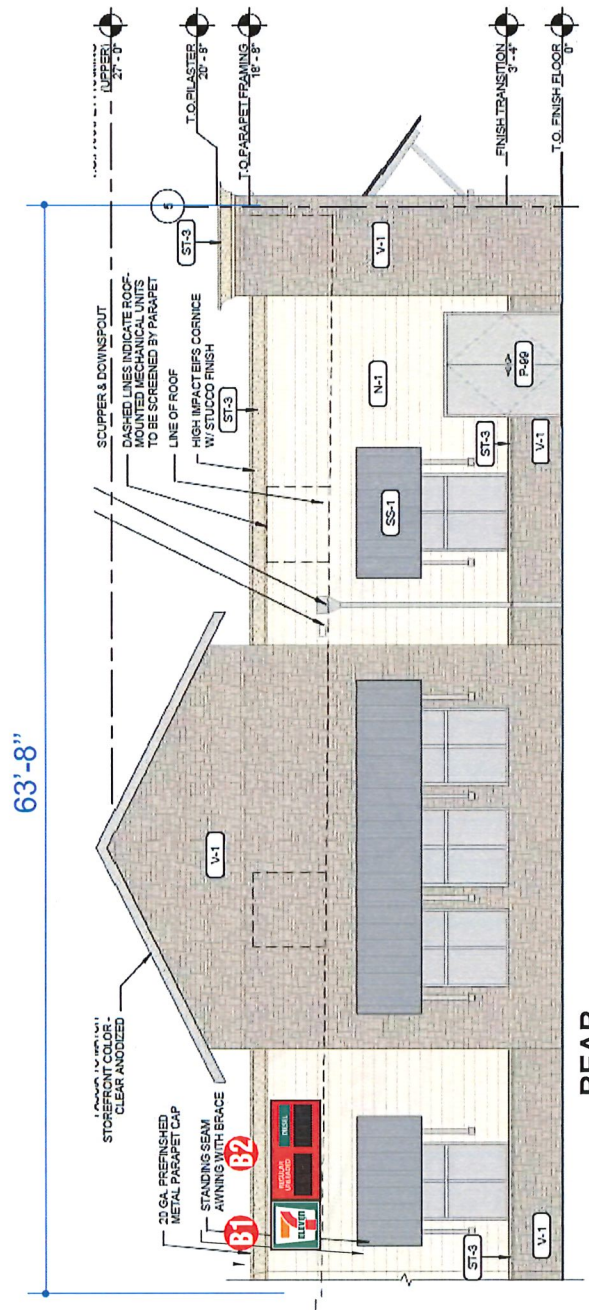
Job Location: 1045559
 Marvin Gardens & New Town Rd.,
 Waxhaw, NC 28173
 Date: May 30, 2021

SCALE: 3/32" = 1'-0"

ELEVATION - WALL SIGNAGE



FRONT ENTRANCE



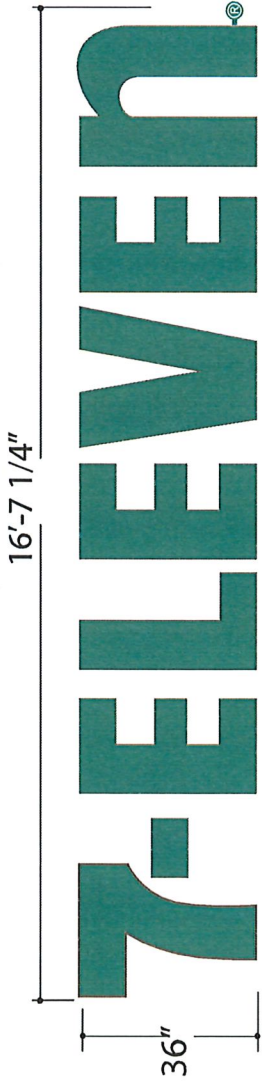
REAR

Job Location: 1045559
 Marvin Gardens & New Town Rd.,
 Waxhaw, NC 28173
 Date: May 30, 2021



D-ORDER# 101987.12 TDP/WSJ
 Project Mgr.: Hannah McMillion
 hannah.mcmillion@cummingsigns.com
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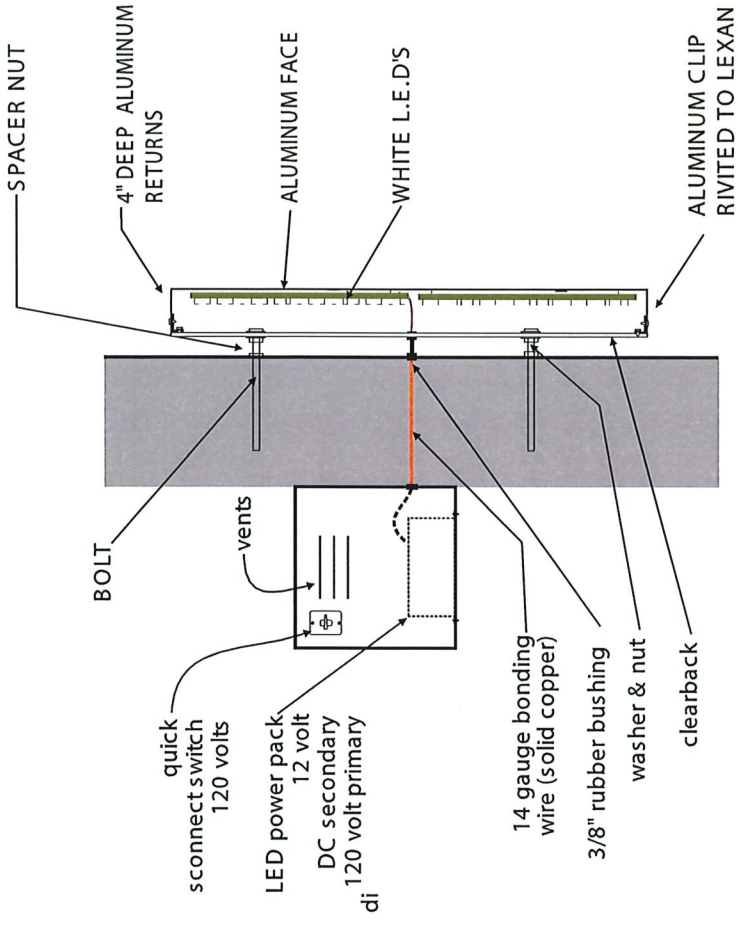
A



50 SQ. FT.

- LED ILLUMINATED REVERSE CHANNEL LETTER SETS.
- ALUMINUM FACES & 4" RETURNS.
- CLEAR POLYCARBONATE BACKS.
- LETTERS PAINTED.
- REGISTRATION MARK DISC TO BE DECORATED WITH 1ST SURFACE VINYL

■ PMS 341C



Job Location: 1045559

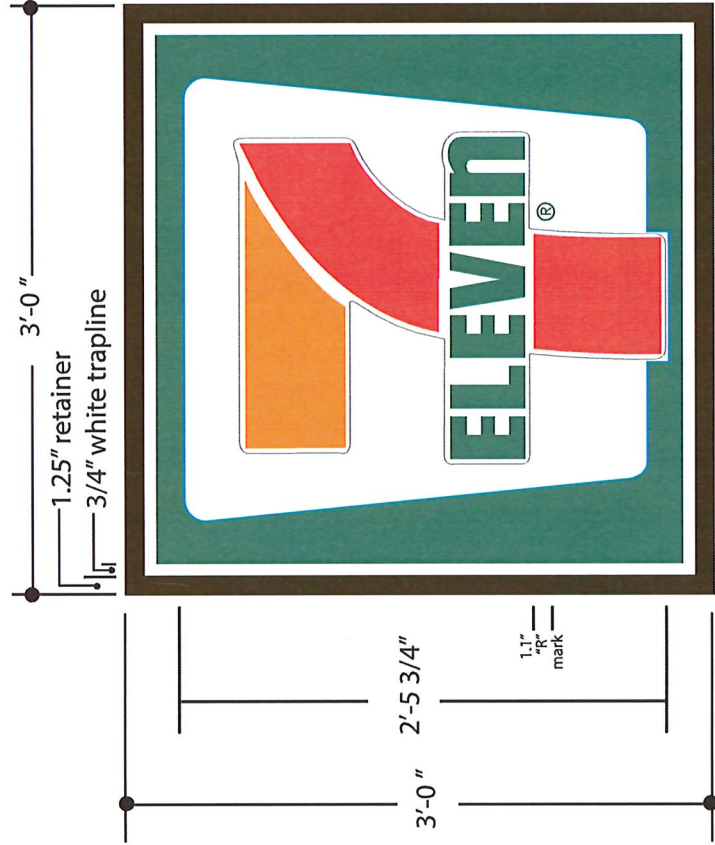
Marvin Gardens & New Town Rd.,
Waxhaw, NC 28173

Date: March 30, 2021



CUMMINGS

B1



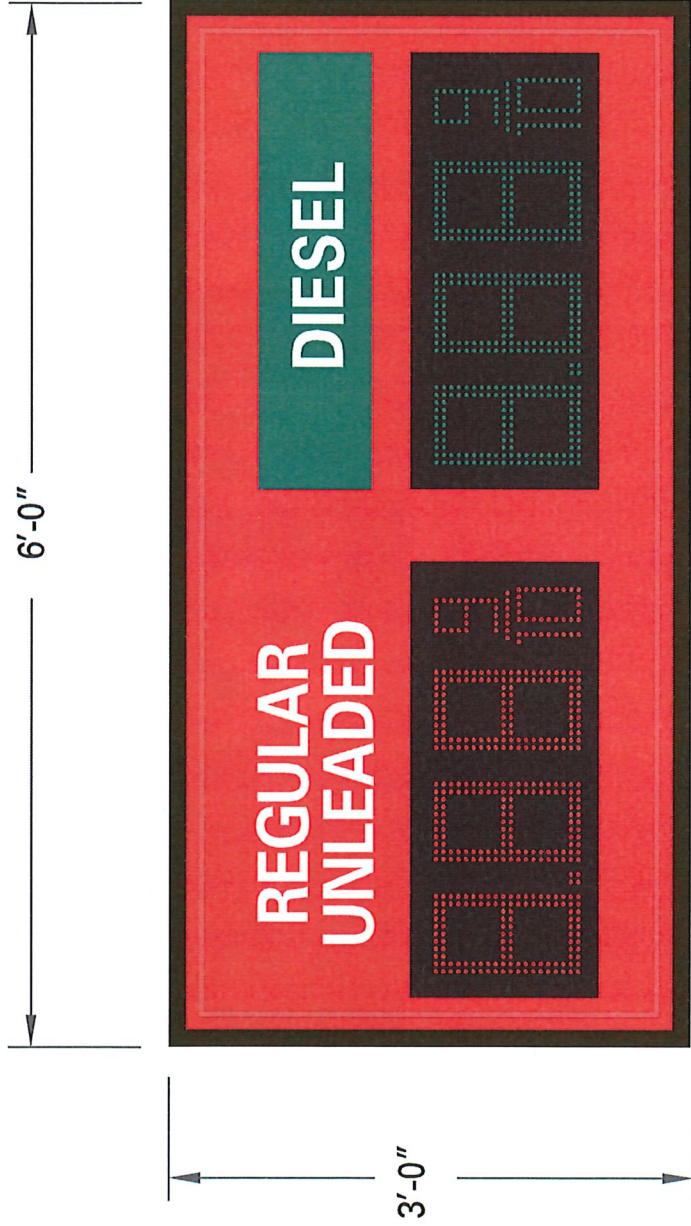
- SINGLE FACE INTERNALLY ILLUMINATED WALL SIGN.
 - LED ILLUMINATION.
 - 5 1/2" EXTRUDED ALUMINUM CABINET & RETAINERS PAINTED BRONZE.
 - FORMED POLYCARBONATE FACES WITH EMBOSSED GRAPHICS.
 - TRAPLINE PROPORTIONAL TO LOGO FIELD.
- Material callouts:
- 3M 3630-26 (Green)
 - 3M 3630-33 (Red)
 - 3M 3630-44 (Orange)
 - WHITE
 - BRONZE

Job Location: 1045559
Marvin Gardens & New Town Rd.,
Waxhaw, NC 28173
Date: March 30, 2021



CUMMINGS

D-ORDER# 101987.12 TDP/WSJ
Project Mgr.: Hannah McMillion
hannah.mcmillion@cummingsigns.com
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- SINGLE FACE INTERNALLY ILLUMINATED SIGN CABINET.
- EXTRUDED ALUMINUM CABINET & RETAINERS PAINTED DURANODIC BRONZE.
- PAN FORMED CLEAR ACRYLIC FACE BACK SPRAYED PMS 485 RED.
- WHITE COPY.
- WHITE LED ILLUMINATION
- DIGITAL PRICER -
- 10" RED LED *CUSTOM SIZE*
- 10" GREEN LED *CUSTOM SIZE*
- ELECTRICAL NOTES:
- TOTAL AMPS - T.B.D.
- TOTAL CIRCUITS - (1) 20 AMP REQUIRED
- VOLTS - 120



Display Square Footage (Cabinets): 18

INTERIOR SINGLE FACE WINDOW SIGN

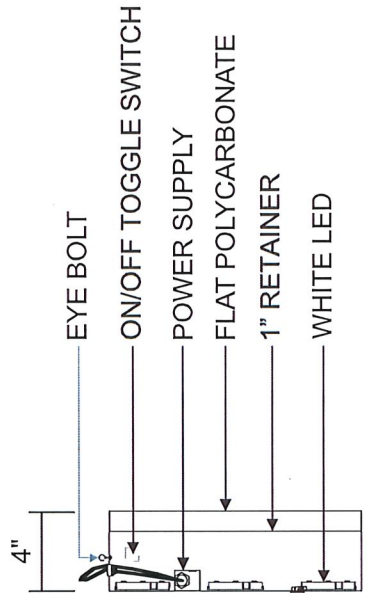


SPECIFICATIONS
 SF INTERNALLY ILLUMINATED HANGING
 SIGN (INTERIOR)

CABINET:
 EXTRUDED ALUMINUM PAINTED DURANODIC
 BRONZE 313E

FACE:
 3/16" THICK FLAT WHITE POLYCARBONATE
 WITH 1ST SURFACE DIGITAL PRINT IMAGE.

ILLUMINATION:
 GE WHITE LED



**SHOWN FOR PERMITTING PURPOSES
 ONLY. SIGN PROVIDED BY FCTI.**

Display Square Footage (Cabinet): 3.2

Job Location: 1045559

Marvin Gardens & New Town Rd.,
 Waxhaw, NC 28173

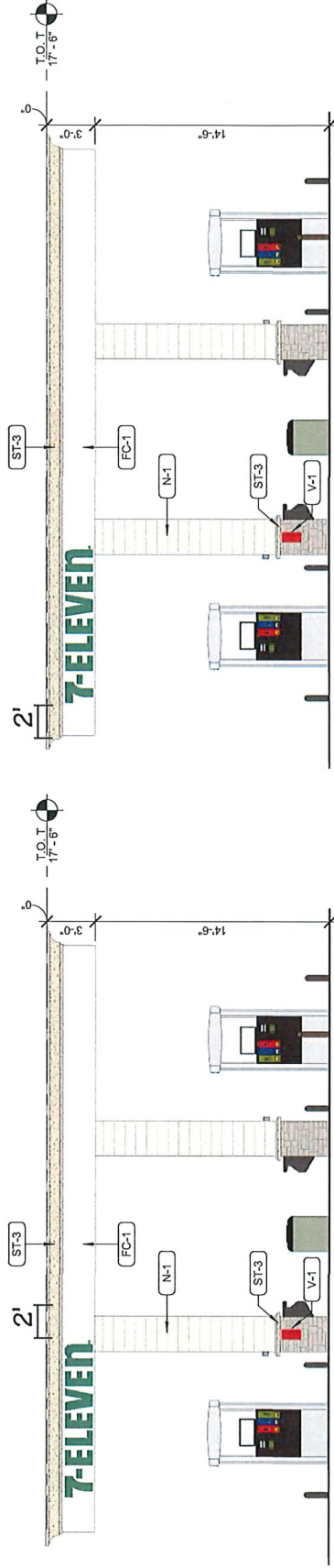
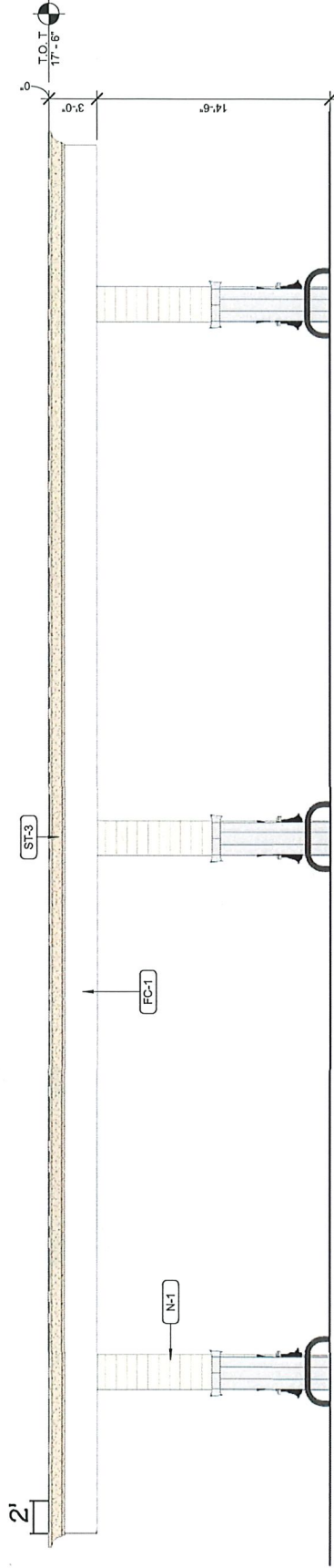
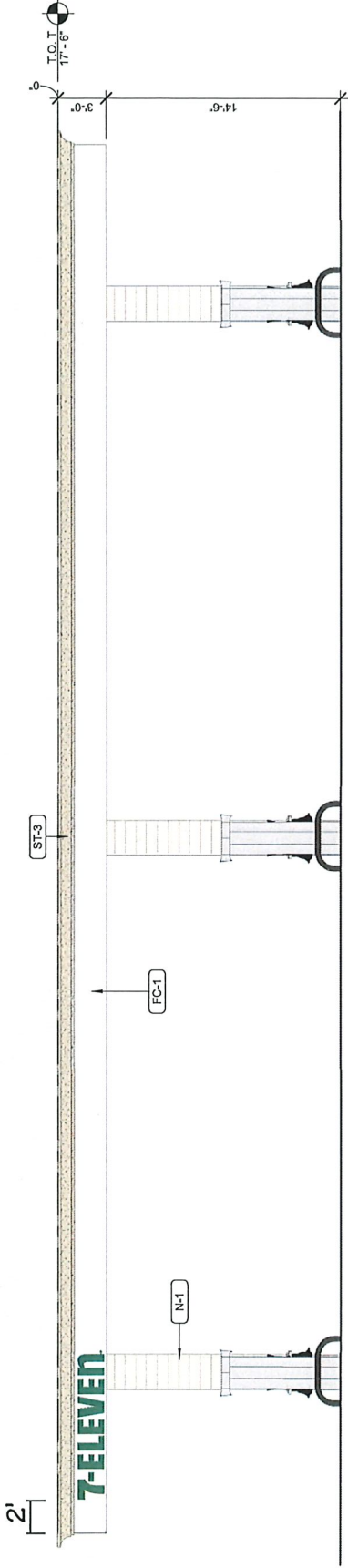
Date: March 24, 2021



CUMMINGS

D-ORDER# 101987.010 **TDP/WSJ**
Project Mgr.: Hannah McMillion
 hannah.mcmillion@cummingsigns.com
Page: 6 of 9

FUEL CANOPY FASCIA CHANNEL LETTERS & ACM STRIPES



Job Location: 1045559

Marvin Gardens & New Town Rd.,

Waxhaw, NC 28173

Date: March 24, 2021



CUMMING'S

D-ORDER# 101987.010 TDP/WSJ

Project Mgr.: Hannah McMillion

hannah.mcmillion@cummingsigns.com

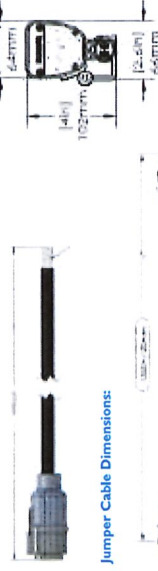
Page: 8 of 9



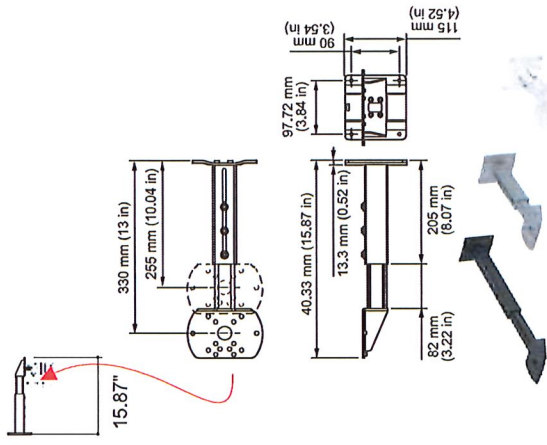
PHILIPS
 Vaya Linear MP, White & Mono
 1.2m (4ft) Length



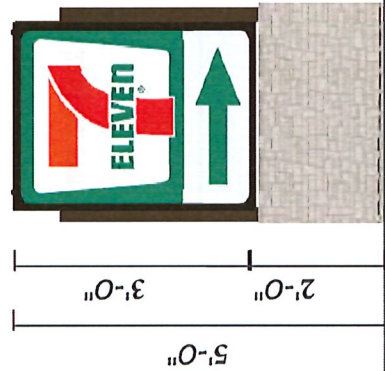
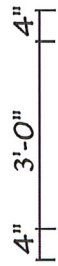
Leader Cable Dimensions:



Jumper Cable Dimensions:



	PMS 341C		WHITE		BRONZE
	PMS 485C		PMS 165C		



Directional signage to be up-lit (lighting provided by others.)
 Base to match building materials provided by others

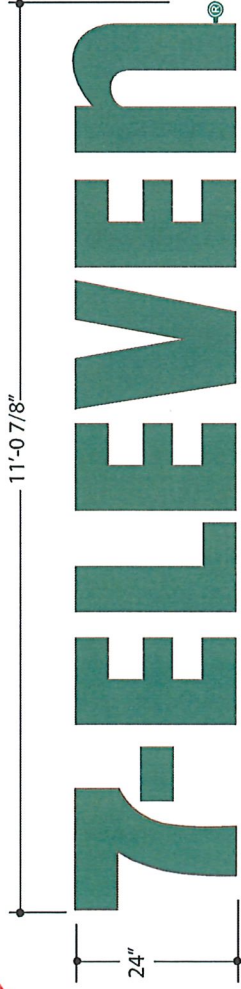
Job Location: 1045559
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 hannah.mcmillion@cummingsigns.com
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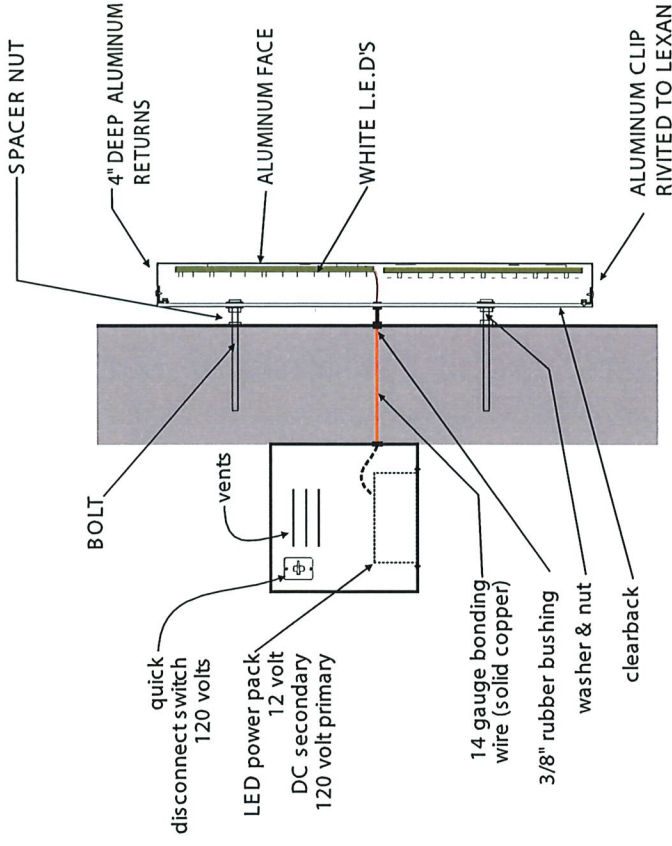
24" REVERSE PAN CHANNEL LETTERS (HALO)

F5



- LED ILLUMINATED REVERSE CHANNEL LETTER SETS.
- ALUMINUM FACES & 4" RETURNS.
- CLEAR POLYCARBONATE BACKS.
- LETTERS PAINTED.
- REGISTRATION MARK DISC TO BE DECORATED WITH 1ST SURFACE VINYL

■ PMS 341C



22.17 SQ. FT.

Job Location: 1045559

Marvin Gardens & New Town Rd.,
Waxhaw, NC 28173

Date: March 24, 2021



CUMMINGS

D-ORDER# 101987.010 TDP/WSJ
Project Mgr.: Hannah McMillion
hannah.mcmillion@cummingsigns.com
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VILLAGE OF MARVIN

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TO: Planning Board

FROM: Rohit Ammanamanchi, Village Planning & Zoning Administrator

SUBJECT: Discussion and Consideration of Text Amendment to remove the Village Center District Signage from Signs §151.145(D)

DATE: June 8, 2021

Sections

§151.145 (D) *Village Center District or commercial centers.*
 (E) *Commercial Corridor Conditional District. (to renumber to (D))*

Current

§ 151.145 FREESTANDING SIGNS.

(D) *Village Center District or commercial centers.* The regulations outlined herein pertain to nonresidential developments in the Village Center District.

- (1) *General provisions.* Where standards outlined herein conflict with other sign standards in §§ [151.140](#) through [151.152](#), or the Marvin Code, the stricter of the two standards shall apply.
- (2) *Illumination.* See permitted illumination in Table 01, § [151.144](#)(F).
- (3) *Sign plans and approval.* All nonresidential uses or mixed-use developments must provide a master sign plan pursuant to §§ [151.151](#) and [151.251](#). All signs for nonresidential uses or mixed-use developments must receive design review and approval pursuant to § [151.215](#).
- (4) *Signs per tenant.* If more than one tenant or establishment is permitted on a lot in the district, the following signs shall be permitted, subject to all regulations.
 - (a) One attached identification sign per establishment.
 - (b) One double post and panel sign per street frontage.
 - (c) Window signs, pursuant to the provisions of §§ [151.140](#) through [151.152](#).
- (5) *Permitted sign types and provisions.*
 - (a) *Attached identification sign.*
 1. *Description.* Any attached sign used to identify the name of an establishment.
 2. *Illumination.* See permitted illumination in Table 01, § [151.144](#)(F).



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3. *Area permitted.* One square foot of aggregate area per linear foot of the principal building street frontage, up to a maximum of 64 square feet per lot.

4. *Number permitted.* One attached identification sign per public street front, with a maximum of two signs subject to sign area restrictions.

5. *Additional standards.* All regulations for attached signs, pursuant to § [151.147](#).

(b) *Ground or freestanding identification sign.*

1. *Sign types permitted.* One double post and panel sign per street frontage, pursuant to the standards in § [151.146](#), or one monument sign pursuant to § [151.148](#).

2. *Description.* Ground or freestanding identification signs permitted shall be used to identify the name of the establishment(s) or business(es) permitted.

3. *Illumination.* See permitted illumination in Table 01, § [151.144\(F\)](#).

4. *Maximum number.* One sign per public street front, with a maximum of two signs. No other ground or freestanding signs shall be permitted.

5. *Maximum area.* Twenty square feet per side.

6. *Maximum height.* Five feet.

7. *Additional standards.* All regulations in § [151.146](#), for freestanding signs, and in § [151.148](#), for ground signs, apply.

(c) *Directional and wayfinding signs.* Pursuant § [151.149](#) and §§ [151.140](#) through [151.152](#).

(E) *Commercial Corridor Conditional District.*

Redlines

§ 151.145 FREESTANDING SIGNS.

~~(D) Village Center District or commercial centers. The regulations outlined herein pertain to nonresidential developments in the Village Center District.~~

~~— (1) General provisions. Where standards outlined herein conflict with other sign standards in §§ [151.140](#) through [151.152](#), or the Marvin Code, the stricter of the two standards shall apply.~~

~~— (2) Illumination. See permitted illumination in Table 01, § [151.144\(F\)](#).~~

~~— (3) Sign plans and approval. All nonresidential uses or mixed-use developments must provide a master sign plan pursuant to §§ [151.151](#) and [151.251](#). All signs for nonresidential uses or mixed-use developments must receive design review and approval pursuant to § [151.215](#).~~

~~— (4) Signs per tenant. If more than one tenant or establishment is permitted on a lot in the district, the following signs shall be permitted, subject to all regulations.~~

~~— (a) One attached identification sign per establishment.~~

~~— (b) One double post and panel sign per street frontage.~~

~~— (c) Window signs, pursuant to the provisions of §§ [151.140](#) through [151.152](#).~~

~~— (5) Permitted sign types and provisions:~~

~~— (a) Attached identification sign:~~

~~— 1. Description. Any attached sign used to identify the name of an establishment.~~

~~— 2. Illumination. See permitted illumination in Table 01, § [151.144\(F\)](#).~~



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~~3. Area permitted. One square foot of aggregate area per linear foot of the principal building street frontage, up to a maximum of 64 square feet per lot.~~

~~4. Number permitted. One attached identification sign per public street front, with a maximum of two signs subject to sign area restrictions.~~

~~5. Additional standards. All regulations for attached signs, pursuant to § 151.147.~~

~~(b) Ground or freestanding identification sign.~~

~~1. Sign types permitted. One double post and panel sign per street frontage, pursuant to the standards in § 151.146, or one monument sign pursuant to § 151.148.~~

~~2. Description. Ground or freestanding identification signs permitted shall be used to identify the name of the establishment(s) or business(es) permitted.~~

~~3. Illumination. See permitted illumination in Table 01, § 151.144(F).~~

~~4. Maximum number. One sign per public street front, with a maximum of two signs. No other ground or freestanding signs shall be permitted.~~

~~5. Maximum area. Twenty square feet per side.~~

~~6. Maximum height. Five feet.~~

~~7. Additional standards. All regulations in § 151.146, for freestanding signs, and in § 151.148, for ground signs, apply.~~

~~(c) Directional and wayfinding signs. Pursuant § 151.149 and §§ 151.140 through 151.152.~~

~~(E) (D) Commercial Corridor Conditional District.~~

New Code

§ 151.145 FREESTANDING SIGNS.

(D) Commercial Corridor Conditional District.

Reason

In the Marvin Code of Ordinances Signs Sections, there is a subsection that has been adopted to regulate signs in the Village Center. However, the vision for the Village Center is outdated from when this ordinance was passed, makes references to many other sections instead of being its own section, and furthermore, a sign subsection is intended to go in the overall Marvin Heritage District Zoning Section which will be quaint and fitting, yet more flexible and simpler to regulate. Therefore, the existing adopted sign ordinance for the Village Center District is unnecessary.



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TO: Planning Board

FROM: Rohit Ammanamanchi, Village Planning & Zoning Administrator

SUBJECT: Discussion and Consideration of Text Amendment to remove the Large Tract/Small Tract system of classifying subdivisions.

DATE: June 8, 2021

Sections

§93.06, §93.22 Tree sections

§150.015, §151.016 Definitions

§151.046 Landscaping

§151.080 R-Marvin Zoning

§151.081 Large Tract Subdivision Standards (Proposed to be called Conservation Subdivision Standards)

Proposed Revisions

Remove all references to Large Tract and Small Tract Subdivisions by:

- Adding to §151.016 DEFINITIONS: "CONSERVATION SUBDIVISION. A type of Major Subdivision that reserves conservation areas and may have lots smaller than one acre in size as regulated in §151.081"
- Changing instances of "Large Tract Subdivision" to "Conservation Subdivision" (or "Major Subdivision" when the more general term is appropriate)
- Changing instances of "Small Tract Subdivision" to "Minor Subdivision"
- Remove "Large or Small Tract" in all instances of "Large or Small Tract Subdivisions"



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Current

1. Chapter 93 Titles:

“§ 93.22 LARGE AND SMALL TRACT SUBDIVISIONS.”

2. §93.06 Definitions.

SUBDIVISION, LARGE TRACT. A use with the clear principal purpose to provide single-family dwelling units, located on a tract that is greater than ten acres in area prior to the subdivision taking place. A large tract subdivision is not considered a permissible use in order to construct incidental structures, accessories or other land improvements which are incidental to the provision of single-family dwelling units. Any **LARGE TRACT SUBDIVISION** shall be considered a major subdivision per the village subdivision regulations. For purposes of this chapter, tract areas that existed at the time of adoption of this definition (October 19, 2004) shall be used in determining the area of the tract, irrespective of any subsequent changes to the lot area. Thus, if a tract were 50 acres in area and was subsequently subdivided into five ten-acre tracts, each of those ten-acre tracts would need to be developed to large tract subdivision standards.

SUBDIVISION, MAJOR. A subdivision that is characterized by any of the following conditions:

- (1) Involves more than four lots on an existing approved street;
- (2) Involves the construction of a new street or prospectively requiring a new street for access to interior property;
- (3) Requires extension of public sewage or water lines or creation of new drainage easements through lots to serve property at the rear;
- (4) Creates new or residual parcels not conforming to the requirements of these regulations and related ordinance;
- (5) Any large tract subdivision (as herein defined); or
- (6) Any small tract subdivision (as herein defined) that is built to large tract subdivision specifications.

SUBDIVISION, SMALL TRACT. A use with the clear principal purpose to provide single-family dwelling units, located on a tract that is ten acres or less in area prior to the subdivision taking place. A small tract subdivision is not considered a permissible use in order to construct incidental structures, accessories or other land improvements which are incidental to the provision of single-family dwelling units. For purposes of this chapter, tract areas that existed at the time of adoption of this definition (October 19, 2004) shall be used in determining the area of the tract, irrespective of any subsequent changes to the lot area. Thus, if a tract were 50 acres in area and was subsequently subdivided into five ten-acre tracts, each of those ten-acre tracts would need to be developed to large tract subdivision standards. Tracts that were ten acres or less on (October 19, 2004) can either developed as a small tract or large tract subdivision.



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VIEWSHED BUFFER. The portion of a large or small tract subdivision that is required to be undisturbed (except as otherwise called for in the village zoning and subdivision regulations) and which has a depth of up to 285 feet as measured back from and parallel to an adjoining major or minor road.

3. § 93.22 LARGE AND SMALL TRACT SUBDIVISIONS.

(A) *Generally.* This section shall apply to new single-family subdivisions only and not to individual lots of record. Notwithstanding the language of this section, small tract subdivisions are exempted from the interior preservation area requirements shown below. Furthermore, small tract subdivisions on tracts of land less than five acres in size (prior to subdivision taking place) are exempted from the continuous exterior perimeter preservation strip requirement shown below.

4. §150.015 Definitions.

VIEWSHED BUFFER. The portion of a large or small tract subdivision that is required to be undisturbed, except as may be provided in § [151.081](#)(G) of the zoning regulations, and which has a depth of up to 285 feet as measured back from and parallel to an adjoining major or minor road.

5. Chapter 151 Titles:

§ [151.081](#) Standards for developments located in large tract subdivisions

6. §151.016 Definitions:

AMENITIES, COMMON. Those areas within a large tract subdivision that are located on conservation land and are primarily for the enjoyment and use of residents of that subdivision. Examples of **COMMON AMENITIES** include ballfields, benches, playgrounds, trails, paths and the like.

SUBDIVISION, LARGE TRACT RESIDENTIAL. A use with the clear principal purpose to provide single-family dwelling units, on a tract that is greater than ten acres in area prior to the subdivision taking place. A large tract subdivision is not considered a permissible use in order to construct incidental structures, accessories or other land improvements which are incidental to the provision of single-family dwelling units. Any **LARGE TRACT SUBDIVISION** shall be considered a major subdivision per the subdivision regulations in [Chapter 150](#). For purposes of this chapter, tract areas that existed at the time of adoption of this definition (October 19, 2004) shall be used in determining the area of the tract, irrespective of any subsequent changes to the lot area. Thus, if a tract were 50 acres in area at the time of adoption of this definition, and was subsequently subdivided into five ten-acre tracts, each of those ten-acre tracts would need to be developed to large tract subdivision standards.



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SUBDIVISION, SMALL TRACT RESIDENTIAL. A use with the clear principal purpose to provide single-family dwelling units, on a tract that is ten acres or less in area prior to the subdivision taking place. A small tract subdivision is not considered a permissible use in order to construct incidental structures, accessories or other land improvements which are incidental to the provision of single-family dwelling units. For purposes of this chapter, tract areas that existed at the time of adoption of this definition (October 19, 2004) shall be used in determining the area of the tract, irrespective of any subsequent changes to the lot area. Thus, if a tract were 50 acres in area at the time of adoption of this definition, and was subsequently subdivided into five ten-acre tracts, each of those ten-acre tracts would need to be developed to large tract subdivision standards. Tracts that were ten acres or less on (October 19, 2004) can either be developed as a small tract or large tract subdivision.

VIEWSHED BUFFER. The portion of a large or small tract subdivision that is required to be undisturbed (except as may be provided in § [151.081\(G\)](#)) and which has a depth of up to 285 feet as measured back from and parallel to an adjoining major or minor road.

7. §151.080 (B) Permitted Uses.

- (12) Large tract subdivision;
- (13) Small tract subdivision and

8. §151.080 (D) Yard and design regulations.

(D) *Yard and design regulations.* The following regulations shall apply only to uses and developments other than in large tract subdivisions. Dimensional and development regulations and requirements for large tract subdivisions are found in § [151.081](#). Irrespective of the yard regulations contained herein, a viewshed buffer shall be required on all lots that front on major or minor roads as herein defined. These requirements are located in division (D)(7) below.

(1) *Minimum lot area.*

<i>Use</i>	<i>Area</i>
All other uses	43,560 square feet
Cemeteries and essential services, class III	5 acres
Churches	3 acres
Communication towers	5 acres
Elementary and secondary schools	5 acres



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Single-family dwellings	43,560 square feet, except for lots that are located in subdivisions developed to large tract subdivision standards; if built to large tract subdivision standards, 30,000 square feet, except up to 20% of the lots within the subdivision may have an area of no less than 25,000 square feet
Note: Subdivisions may be developed using small tract or large tract subdivision guidelines. If a subdivision is developed to large tract subdivision specifications, the guidelines contained in § 151.081 shall apply to the subdivision and to lots located within the subdivision.	

9. §151.081 STANDARDS FOR DEVELOPMENTS LOCATED IN LARGE TRACT SUBDIVISIONS

(A) *Ownership.* When conservation land in a large tract subdivision is held in multiple ownership, it shall be planned and designed as a single entity for purposes of this chapter.

(B) *Density standards.*

(1) The number of lots designed for single-family residential uses in a large tract subdivision shall be computed by using the following formula:

(C) *Minimum required conservation land.*

(4) Certain portions of any tract being developed as a large tract subdivision shall be required to be included as conservation land. They include:

(D) *Dimensional standards.*

(8) *Maximum residential density within a large tract subdivision.* See division (B) above.

(E) *Viewshed buffers.*

(1) *Location and required minimum depth.*

(a) In addition, for any large tract subdivision, viewshed buffers shall be required on both sides of minor or major roads, where the subdivision includes land on either side of the road.

(F) *Design standards.*

(1) Each building lot within the large tract subdivision must share at least one lot line with another lot in the subdivision.

(2) (a) In the absence of a berm:

1. If a residential structure is visible from a major or minor road that abuts the periphery of the large tract subdivision, the architectural front of the structure shall be visible from the major road; and



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(G) *Conservation land uses.* Except as provided herein, most types of structural development are not allowed on designated conservation land and/or viewsheds or viewshed buffers within a large tract subdivision. Uses allowed within designated conservation land, viewsheds and viewshed buffers are limited to the following:

(I) *Permanent conservation land protection through conservation easements.*

(1) Subject to the provisions of divisions (I)(1)(b) and (I)(1)(c) below, conservation land contained in the large tract subdivision may be retained by the applicant or may be conveyed to another party, including a homeowners' association, but must be and remain subject to a conservation easement.

(4) Any homeowners' association that is a holder of a conservation easement as provided in division (I)(3) above, shall be subject to and comply with all applicable requirements for homeowners' associations as governed by local, state or federal law. In addition, the following criteria shall be met:

(a) The applicant for large tract subdivision approval shall provide the village a description of the organization of the proposed association, including its articles of incorporation, by-laws, and all documents governing ownership, maintenance and use restrictions for common facilities;

(b) The proposed homeowners' association shall be established by the large tract subdivision applicant and shall be operating (with financial underwriting by the applicant, if necessary) before the sale of any dwelling units in the development;

(c) Membership in the homeowners' association shall be mandatory for all purchasers of lots within the large tract subdivision and their successors in title;

(f) Any proposed changes to the conservation easement that affect the usage, location or maintenance of conservation land within the large tract subdivision must first be consented to and approved by the Village Council.

(J) *Maintenance plans and maintenance agreement.*

(3) The maintenance plan shall be submitted with an application for sketch plan approval of a large tract subdivision, and shall be in accordance with the following requirements:

10. §151.046 (E) *Overview of on-lot landscaping and buffer requirements.*

(1) *Overview.*

(e) Required sidewalks. Planted street trees may be planted in a double row, staggered and offset on either side of required sidewalks or greenways. A sidewalk, a minimum of five feet wide, or if required per the greenway plan, a meandering sidewalk, a minimum width of eight feet.



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**Table 2: Overview of On-Lot Landscaping and Buffer Requirements
(or New Development Landscaping)**

Buffer/Landscape Type	Residential Large Tract Uses	CC-CD and Non-Residential Uses	Village Small Business District		
A - Street Trees, Greenways or Sidewalks			Yes	Yes	Yes
A - Thoroughfare Buffers (Major & Minor Roads & Collector Streets)			Yes	Yes	Yes
B - Private Frontage Buffers			No	No	Yes
B - Foundation Landscaping			No	Yes	Yes
Parking Area Landscaping			Yes	Yes	Yes
C - Perimeter Parking Islands			Yes	Yes	Yes
D - Tree Islands and Peninsulas			Yes	Yes	Yes
E - Landscaped Medians			Yes	Yes	Yes
Perimeter Bufferyards § 151.046(I)			Yes	Yes	Yes
Minimum Screening § 151.046(J)			Yes	Yes	Yes

11. §151.046 (I) *Perimeter bufferyards.*

(8) *Perimeter bufferyard matrix.*

(b) *Higher density residential tract.* The term 'Higher Density Residential Tract' shall refer to any residential subdivision tract which is not developed in accord with the R- or Large Tract Districts requiring a density of one home per 0.86 acres of land.



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Redlines

1. Chapter 93 Titles:

“§ 93.22 ~~LARGE~~MAJOR AND ~~SMALL~~MINOR TRACT SUBDIVISIONS.”

2. §93.06 Definitions.

~~**SUBDIVISION, LARGE TRACT.** A use with the clear principal purpose to provide single-family dwelling units, located on a tract that is greater than ten acres in area prior to the subdivision-taking place. A large tract subdivision is not considered a permissible use in order to construct incidental structures, accessories or other land improvements which are incidental to the provision of single-family dwelling units. Any **LARGE TRACT SUBDIVISION** shall be considered a major subdivision per the village subdivision regulations. For purposes of this chapter, tract areas that existed at the time of adoption of this definition (October 19, 2004) shall be used in determining the area of the tract, irrespective of any subsequent changes to the lot area. Thus, if a tract were 50 acres in area and was subsequently subdivided into five ten-acre tracts, each of those ten-acre tracts would need to be developed to large tract subdivision standards.~~

SUBDIVISION, MAJOR. A subdivision that is characterized by any of the following conditions:

- (1) Involves more than four lots on an existing approved street;
- (2) Involves the construction of a new street or prospectively requiring a new street for access to interior property;
- (3) Requires extension of public sewage or water lines or creation of new drainage easements through lots to serve property at the rear; or
- (4) Creates new or residual parcels not conforming to the requirements of these regulations and related ordinance.;
- ~~— (5) Any large tract subdivision (as herein defined); or~~
- ~~— (6) Any small tract subdivision (as herein defined) that is built to large tract subdivision specifications.~~

~~**SUBDIVISION, SMALL TRACT.** A use with the clear principal purpose to provide single-family dwelling units, located on a tract that is ten acres or less in area prior to the subdivision-taking place. A small tract subdivision is not considered a permissible use in order to construct incidental structures, accessories or other land improvements which are incidental to the provision of single-family dwelling units. For purposes of this chapter, tract areas that existed at the time of adoption of this definition (October 19, 2004) shall be used in determining the area of the tract, irrespective of any subsequent changes to the lot area. Thus, if a tract were 50 acres in area and was subsequently subdivided into five ten-acre tracts, each of those ten-acre tracts would need to be developed to large tract subdivision standards. Tracts that were ten acres or less on (October 19, 2004) can either developed as a small tract or large tract subdivision.~~



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VIEWSHED BUFFER. The portion of a ~~large or small tract~~ subdivision that is required to be undisturbed (except as otherwise called for in the village zoning and subdivision regulations) and which has a depth of up to 285 feet as measured back from and parallel to an adjoining major or minor road.

3. § 93.22 ~~LARGE AND SMALL TRACT~~ MAJOR AND MINOR SUBDIVISIONS.

(A) Generally. This section shall apply to new single-family subdivisions only and not to individual lots of record. Notwithstanding the language of this section, ~~small tract minor~~ subdivisions are exempted from the interior preservation area requirements shown below. Furthermore, ~~small tract minor~~ subdivisions on tracts of land less than five acres in size (prior to subdivision taking place) are exempted from the continuous exterior perimeter preservation strip requirement shown below.

4. §150.015 Definitions.

VIEWSHED BUFFER. The portion of a ~~large or small tract~~ subdivision that is required to be undisturbed, except as may be provided in § [151.081](#)(G) of the zoning regulations, and which has a depth of up to 285 feet as measured back from and parallel to an adjoining major or minor road.

5. Chapter 151 Titles:

§ [151.081](#) Standards for developments located in ~~large tract~~ Conservation subdivisions

6. §151.016 Definitions

AMENITIES, COMMON. Those areas within a ~~large tract~~ subdivision that are located on conservation land and are primarily for the enjoyment and use of residents of that subdivision. Examples of **COMMON AMENITIES** include ballfields, benches, playgrounds, trails, paths and the like.

“CONSERVATION SUBDIVISION. A type of Major Subdivision that reserves conservation land and may have lots smaller than one acre in size as regulated in §151.081“

~~**SUBDIVISION, LARGE TRACT RESIDENTIAL.** A use with the clear principal purpose to provide single-family dwelling units, on a tract that is greater than ten acres in area prior to the subdivision-taking place. A large tract subdivision is not considered a permissible use in order to construct incidental structures, accessories or other land improvements which are incidental to the provision of single-family dwelling units. Any **LARGE TRACT SUBDIVISION** shall be considered a major-~~



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~~subdivision per the subdivision regulations in Chapter 150. For purposes of this chapter, tract areas that existed at the time of adoption of this definition (October 19, 2004) shall be used in determining the area of the tract, irrespective of any subsequent changes to the lot area. Thus, if a tract were 50 acres in area at the time of adoption of this definition, and was subsequently subdivided into five ten-acre tracts, each of those ten-acre tracts would need to be developed to large tract subdivision standards.~~

~~**SUBDIVISION, SMALL TRACT RESIDENTIAL.** A use with the clear principal purpose to provide single family dwelling units, on a tract that is ten acres or less in area prior to the subdivision taking place. A small tract subdivision is not considered a permissible use in order to construct incidental structures, accessories or other land improvements which are incidental to the provision of single family dwelling units. For purposes of this chapter, tract areas that existed at the time of adoption of this definition (October 19, 2004) shall be used in determining the area of the tract, irrespective of any subsequent changes to the lot area. Thus, if a tract were 50 acres in area at the time of adoption of this definition, and was subsequently subdivided into five ten-acre tracts, each of those ten-acre tracts would need to be developed to large tract subdivision standards. Tracts that were ten acres or less on (October 19, 2004) can either be developed as a small tract or large tract subdivision.~~

VIEWSHED BUFFER. The portion of a ~~large or small tract~~ subdivision that is required to be undisturbed (except as may be provided in § 151.081(G)) and which has a depth of up to 285 feet as measured back from and parallel to an adjoining major or minor road.

7. §151.080 (B) Permitted Uses.

- (12) ~~Large tract~~ Major subdivision including conservation subdivision;
- (13) ~~Small tract~~ Minor subdivision and

8. §151.080 (D) Yard and design regulations.

(D) *Yard and design regulations.* The following regulations shall apply only to uses and developments other than in ~~large tract conservation~~ subdivisions. Dimensional and development regulations and requirements for ~~large tract conservation~~ subdivisions are found in § 151.081. Irrespective of the yard regulations contained herein, a viewshed buffer shall be required on all lots that front on major or minor roads as herein defined. These requirements are located in division (D)(7) below.

- (1) *Minimum lot area.*

Use	Area
All other uses	43,560 square feet
Cemeteries and essential services,	5 acres



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class III	
Churches	3 acres
Communication towers	5 acres
Elementary and secondary schools	5 acres
Single-family dwellings	43,560 square feet, except for lots that are located in subdivisions developed to large tract subdivision standards; if built to large tract subdivision standards, 30,000 square feet, except up to 20% of the lots within the subdivision may have an area of no less than 25,000 square feet
<p>Note: Subdivisions may be developed using small tract or large tract major, minor, or conservation subdivision guidelines. If a subdivision is developed to large tract conservation subdivision specifications, the guidelines contained in § 151.081 shall apply to the subdivision and to lots located within the subdivision.</p>	

9. §151.081 STANDARDS FOR DEVELOPMENTS LOCATED IN **LARGE TRACT CONSERVATION** SUBDIVISIONS

(A) *Ownership.* When conservation land in a **large tract conservation** subdivision is held in multiple ownership, it shall be planned and designed as a single entity for purposes of this chapter.

(B) *Density standards.*

(1) The number of lots designed for single-family residential uses in a **large tract conservation** subdivision shall be computed by using the following formula:

(C) *Minimum required conservation land.*

(4) Certain portions of any tract being developed as a **large tract conservation** subdivision shall be required to be included as conservation land. They include:

(D) *Dimensional standards.*

(8) *Maximum residential density within a **large tract conservation** subdivision.* See division (B) above.

(E) *Viewshed buffers.*

(1) *Location and required minimum depth.*

(a) In addition, for any **large tract conservation** subdivision, viewshed buffers shall be required on both sides of minor or major roads, where the subdivision includes land on either side of the road.



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(F) *Design standards.*

- (1) Each building lot within the **large-tract conservation** subdivision must share at least one lot line with another lot in the subdivision.
- (2) (a) In the absence of a berm:
 1. If a residential structure is visible from a major or minor road that abuts the periphery of the **large-tract conservation** subdivision, the architectural front of the structure shall be visible from the major road; and

(G) *Conservation land uses.* Except as provided herein, most types of structural development are not allowed on designated conservation land and/or viewsheds or viewshed buffers within a **large-tract conservation** subdivision. Uses allowed within designated conservation land, viewsheds and viewshed buffers are limited to the following:

(I) *Permanent conservation land protection through conservation easements.*

(1) Subject to the provisions of divisions (I)(1)(b) and (I)(1)(c) below, conservation land contained in the **large-tract conservation** subdivision may be retained by the applicant or may be conveyed to another party, including a homeowners' association, but must be and remain subject to a conservation easement.

(4) Any homeowners' association that is a holder of a conservation easement as provided in division (I)(3) above, shall be subject to and comply with all applicable requirements for homeowners' associations as governed by local, state or federal law. In addition, the following criteria shall be met:

(a) The applicant for **large-tract conservation** subdivision approval shall provide the village a description of the organization of the proposed association, including its articles of incorporation, by-laws, and all documents governing ownership, maintenance and use restrictions for common facilities;

(b) The proposed homeowners' association shall be established by the **large-tract conservation** subdivision applicant and shall be operating (with financial underwriting by the applicant, if necessary) before the sale of any dwelling units in the development;

(c) Membership in the homeowners' association shall be mandatory for all purchasers of lots within the **large-tract conservation** subdivision and their successors in title;

(f) Any proposed changes to the conservation easement that affect the usage, location or maintenance of conservation land within the **large-tract conservation** subdivision must first be consented to and approved by the Village Council.

(J) *Maintenance plans and maintenance agreement.*

(3) The maintenance plan shall be submitted with an application for sketch plan approval of a **large-tract conservation** subdivision, and shall be in accordance with the following requirements:



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10. §151.046 (E) *Overview of on-lot landscaping and buffer requirements.*

(1) *Overview.*

(e) Required sidewalks. Planted street trees may be planted in a double row, staggered and offset on either side of required sidewalks or greenways. A sidewalk, a minimum of five feet wide, or if required per the greenway plan, a meandering sidewalk, a minimum width of eight feet.

**Table 2: Overview of On-Lot Landscaping and Buffer Requirements
(or New Development Landscaping)**

Buffer/Landscape Type	Residential Large-Tract Conservation Subdivision Uses	CC-CD and Non-Residential Uses	Village Small Business District	
A - Street Trees, Greenways or Sidewalks		Yes	Yes	Yes
A - Thoroughfare Buffers (Major & Minor Roads & Collector Streets)		Yes	Yes	Yes
B - Private Frontage Buffers		No	No	Yes
B - Foundation Landscaping		No	Yes	Yes
Parking Area Landscaping		Yes	Yes	Yes
C - Perimeter Parking Islands		Yes	Yes	Yes
D - Tree Islands and Peninsulas		Yes	Yes	Yes
E - Landscaped Medians		Yes	Yes	Yes
Perimeter Bufferyards § 151.046(I)		Yes	Yes	Yes
Minimum Screening § 151.046(J)		Yes	Yes	Yes

11. §151.046 (I) *Perimeter bufferyards.*

(8) *Perimeter bufferyard matrix.*

(b) *Higher density residential tract.* The term 'Higher Density Residential Tract' shall refer to any residential subdivision tract which is not developed in accord with the R-Marvin [Major Subdivision](#) or [Large-Tract Districts Conservation Subdivision](#) requiring a density of one home per 0.86 acres of land.



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New Code

1. Chapter 93 Titles
“§ 93.22 MAJOR AND MINOR TRACT SUBDIVISIONS.”

2. §93.06 Definitions.

SUBDIVISION, MAJOR. A subdivision that is characterized by any of the following conditions:

- (1) Involves more than four lots on an existing approved street;
- (2) Involves the construction of a new street or prospectively requiring a new street for access to interior property;
- (3) Requires extension of public sewage or water lines or creation of new drainage easements through lots to serve property at the rear; or
- (4) Creates new or residual parcels not conforming to the requirements of these regulations and related ordinance.

VIEWSHED BUFFER. The portion of a subdivision that is required to be undisturbed (except as otherwise called for in the village zoning and subdivision regulations) and which has a depth of up to 285 feet as measured back from and parallel to an adjoining major or minor road.

3. § 93.22 MAJOR AND MINOR SUBDIVISIONS.

(A) Generally. This section shall apply to new single-family subdivisions only and not to individual lots of record. Notwithstanding the language of this section, minor subdivisions are exempted from the interior preservation area requirements shown below. Furthermore, minor subdivisions on tracts of land less than five acres in size (prior to subdivision taking place) are exempted from the continuous exterior perimeter preservation strip requirement shown below.

4. §150.015 Definitions.

VIEWSHED BUFFER. The portion of a large or small tract subdivision that is required to be undisturbed, except as may be provided in § [151.081](#)(G) of the zoning regulations, and which has a depth of up to 285 feet as measured back from and parallel to an adjoining major or minor road.

5. Chapter 151 Titles:

§ [151.081](#) Standards for developments located in Conservation subdivisions

6. §151.016 Definitions.



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AMENITIES, COMMON. Those areas within a subdivision that are located on conservation land and are primarily for the enjoyment and use of residents of that subdivision. Examples of **COMMON AMENITIES** include ballfields, benches, playgrounds, trails, paths and the like.

“CONSERVATION SUBDIVISION. A type of Major Subdivision that reserves conservation land and may have lots smaller than one acre in size as regulated in §151.081“

VIEWSHED BUFFER. The portion of a subdivision that is required to be undisturbed (except as may be provided in § [151.081\(G\)](#)) and which has a depth of up to 285 feet as measured back from and parallel to an adjoining major or minor road.

7. §151.080 (B) Permitted Uses.

- (12) Major subdivision including conservation subdivision;
- (13) Minor subdivision and

8. §151.080 (D) Yard and design regulations.

(D) *Yard and design regulations.* The following regulations shall apply only to uses and developments other than in conservation subdivisions. Dimensional and development regulations and requirements for conservation subdivisions are found in § [151.081](#). Irrespective of the yard regulations contained herein, a viewshed buffer shall be required on all lots that front on major or minor roads as herein defined. These requirements are located in division (D)(7) below.

(1) *Minimum lot area.*

Use	Area
All other uses	43,560 square feet
Cemeteries and essential services, class III	5 acres
Churches	3 acres
Communication towers	5 acres
Elementary and secondary schools	5 acres
Single-family dwellings	43,560 square feet
Note: Subdivisions may be developed using major, minor, or conservation subdivision guidelines. If a subdivision is developed to conservation subdivision specifications, the guidelines contained in § 151.081 shall apply to the subdivision and to lots located within the subdivision.	



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9. §151.081 STANDARDS FOR DEVELOPMENTS LOCATED IN CONSERVATION SUBDIVISIONS

(A) *Ownership.* When conservation land in a conservation subdivision is held in multiple ownership, it shall be planned and designed as a single entity for purposes of this chapter.

(B) *Density standards.*

(1) The number of lots designed for single-family residential uses in a conservation subdivision shall be computed by using the following formula:

(C) *Minimum required conservation land.*

(4) Certain portions of any tract being developed as a conservation subdivision shall be required to be included as conservation land. They include:

(D) *Dimensional standards.*

(8) *Maximum residential density within a conservation subdivision.* See division (B) above.

(E) *Viewshed buffers.*

(1) *Location and required minimum depth.*

(a) In addition, for any conservation subdivision, viewshed buffers shall be required on both sides of minor or major roads, where the subdivision includes land on either side of the road.

(F) *Design standards.*

(1) Each building lot within the conservation subdivision must share at least one lot line with another lot in the subdivision.

(2) (a) In the absence of a berm:

1. If a residential structure is visible from a major or minor road that abuts the periphery of the conservation subdivision, the architectural front of the structure shall be visible from the major road; and

(G) *Conservation land uses.* Except as provided herein, most types of structural development are not allowed on designated conservation land and/or viewsheds or viewshed buffers within a conservation subdivision. Uses allowed within designated conservation land, viewsheds and viewshed buffers are limited to the following:

(I) *Permanent conservation land protection through conservation easements.*

(1) Subject to the provisions of divisions (I)(1)(b) and (I)(1)(c) below, conservation land contained in the conservation subdivision may be retained by the applicant or may be conveyed to another party, including a homeowners' association, but must be and remain subject to a conservation easement.

(4) Any homeowners' association that is a holder of a conservation easement as provided in division (I)(3) above, shall be subject to and comply with all applicable requirements for



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homeowners' associations as governed by local, state or federal law. In addition, the following criteria shall be met:

(a) The applicant for conservation subdivision approval shall provide the village a description of the organization of the proposed association, including its articles of incorporation, by-laws, and all documents governing ownership, maintenance and use restrictions for common facilities;

(b) The proposed homeowners' association shall be established by the conservation subdivision applicant and shall be operating (with financial underwriting by the applicant, if necessary) before the sale of any dwelling units in the development;

(c) Membership in the homeowners' association shall be mandatory for all purchasers of lots within the conservation subdivision and their successors in title;

(f) Any proposed changes to the conservation easement that affect the usage, location or maintenance of conservation land within the conservation subdivision must first be consented to and approved by the Village Council.

(J) *Maintenance plans and maintenance agreement.*

(3) The maintenance plan shall be submitted with an application for sketch plan approval of a conservation subdivision, and shall be in accordance with the following requirements:

10. §151.046 (E) *Overview of on-lot landscaping and buffer requirements.*

(1) *Overview.*

(e) Required sidewalks. Planted street trees may be planted in a double row, staggered and offset on either side of required sidewalks or greenways. A sidewalk, a minimum of five feet wide, or if required per the greenway plan, a meandering sidewalk, a minimum width of eight feet.

**Table 2: Overview of On-Lot Landscaping and Buffer Requirements
(or New Development Landscaping)**

Buffer/Landscape Type	Residential Conservation Subdivision Uses	CC-CD and Non-Residential Uses	Village Small Business District		
A - Street Trees, Greenways or Sidewalks			Yes	Yes	Yes
A - Thoroughfare Buffers (Major & Minor Roads & Collector Streets)			Yes	Yes	Yes
B - Private Frontage Buffers			No	No	Yes
B - Foundation Landscaping			No	Yes	Yes
Parking Area Landscaping			Yes	Yes	Yes
C - Perimeter Parking Islands			Yes	Yes	Yes
D - Tree Islands and Peninsulas			Yes	Yes	Yes



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E - Landscaped Medians	Yes	Yes	Yes
Perimeter Bufferyards § 151.046(I)	Yes	Yes	Yes
Minimum Screening § 151.046(J)	Yes	Yes	Yes

11. §151.046 (I) *Perimeter bufferyards.*

(8) *Perimeter bufferyard matrix.*

(b) *Higher density residential tract.* The term 'Higher Density Residential Tract' shall refer to any residential subdivision tract which is not developed in accord with the R-Marvin Major Subdivision or Conservation Subdivision requiring a density of one home per 0.86 acres of land.

Reason

In the Marvin Code of Ordinances, there are two systems of classifying subdivisions, which often conflict and confuse both developers and staff. These systems are the Large/Small Tract Subdivisions, and the Major/Minor/Rural Subdivisions. Large Tract/Small Tract is defined as greater than or less than 10 acres, whereas Major/Minor is greater than 4 lots for Major with the ability to have roads and utility extensions, and up to 4 lots for Minor with no roads or utility extensions. The Large and Small Tract largely (but not entirely) overlap with the purpose of Major and Minor (and Rural) Subdivisions, however, only the latter set are defined in terms of procedure of development, thus rendering the former vestigial. Therefore, Staff proposes to completely do away with the concept of Large and Small Tract within the ordinance. At the same time, the subdivision standards that regulate what has been colloquially called a "Conservation Subdivision" can at last be officially named as such, and defined as a sub-category of the major subdivision.



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TO: Planning Board

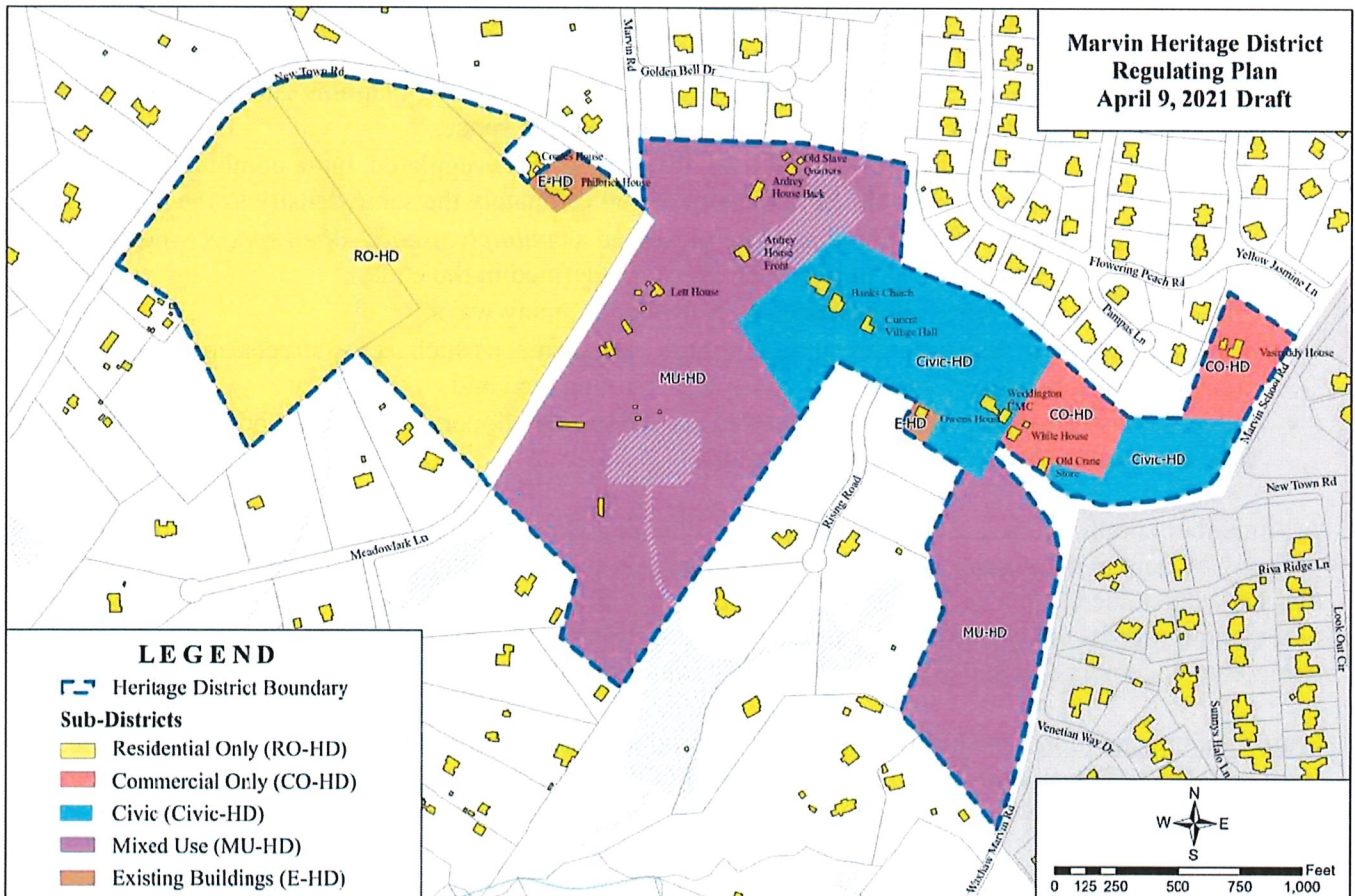
FROM: Rohit Ammanamanchi, Village Planning & Zoning Administrator

SUBJECT: Discussion and Recommendation of Final Draft of the Marvin Heritage District Form Based Code and Discussion and Recommendation of Municipal-Initiated Rezoning of Parcels to MHD Zoning

DATE: June 9, 2021

Background

The Village of Marvin has sought to preserve our rural roots, while envisioning a mixed-use downtown district that creates a sense of place and community. With the Marvin Heritage District, we hope to accomplish just that. The District allows for commercial buildings that look like houses, some residential areas that will allow only detached single-family houses and about 1 per acre in total, a hefty requirement of 30% of land preserved for publicly usable open space, and a heavy focus on the pedestrian experience.





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Analysis

	Existing Land Use	Zoning Designations
Subject Property	Wooded, Farm, Houses, Churches, Village Hall	R-Marvin Residential
North	Residential Suburban (Preserve at Marvin)	R-Marvin Residential
South	Residential Rural (Meadowlark, Three Pond Acres)	R-Marvin Residential
East	Residential Suburban (Gates at Ansley, Providence Downs South)	R-40 Union County Residential
West	Residential Rural (Various independent houses on New Town Road)	R-Marvin Residential

General: Developing a Village Center has been a concept discussed for the Village of Marvin since the inaugural Land Use Plan in 2004, and carried over in greater detail in the current Land Use Plan of 2020. The properties chosen to be in this district and in which sub-districts, were selected though Staff interviews with property owners. The final district boundary matches the boundary in the Future Land Use Map.

The general concept for the Form-Based Code of the Village Center is to facilitate an area where:

- All buildings look like houses or agricultural buildings similar to those in the district and region,
- Limited commercial uses were carefully selected by Committee and Planning Board, with the main criteria being that uses are conducive for a central gathering space,
- The density of buildings and residential uses are not explicitly regulated, but a combination of lot sizes and use distributions causes a de-facto density of approximately the same density as the Marvin area,
- An intentionally large 30% of land must be preserved as *publicly useable open space*, where standards for being able to count land as public open space are defined in the code,
- The pedestrian experience is prioritized over driving in many ways,
- The rural feeling of Marvin is preserved through various means such as the streetscape, landscaping, tree preservation, historic preservation, signage, lighting etc., and
- More details of development can be worked out when a developer submits a proposal, but the code lays out much of the foundational regulations.

A 9-member committee was formed consisting of Planning Board Members, one PR&G Board Member, property owners in the district, and members of Marvin at Large in order to deliberate the details of the district. Matter such as housing types, commercial types, amount of open space and parking, etc. were asked to the committee by survey, and that process helped transform this concept from a one-paragraph vision to a completed document that satisfies all of Marvin’s values and will result in a top-quality Village Center.

Staff Recommendation: The MHD code is truly a product of the community and boards, just as much as it is from the effort of Staff. Staff recommends approval of the district code and rezoning application, including a statement of consistency that the MHD Code and Rezoning are Consistent with the Land Use Plan.

Phone: (704) 843-1680 Fax: (704) 843-1660	VILLAGE OF MARVIN ZONING CHANGE APPLICATION	10004 New Town Rd Marvin, NC 28173
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Application #: 21-12663 Application Date: 6/7/21
 Zoning Map Change: Yes: R to MHD Zoning Text Change: Yes: Add new district
 Applicant's Name: Village of Marvin Telephone Number: 704-843-1680
 Applicant's Mailing Address: 10004 New Town Road
Marvin, NC 28173 Email: manager@marvinncc.gov
 Property Owner's Name: various Telephone Number: _____
 Property Owner's Mailing Address: _____

Email: _____
 Property Location: On New Town Road, Marvin Road, Marvin School Road
 Property Identification Number (If the property Identification Number is not available, a legal description of the property(ies) will be necessary)

20 properties, see attached
 Existing Zoning: R Proposed Zoning: MHD

If zoning text changes, section(s) of text proposed to be changed? Add new section for Marvin Heritage District Zoning

Existing Text Wording: none

Proposed Text Wording: Attached

Reason for Text Change: Create Marvin Heritage District Zoning.

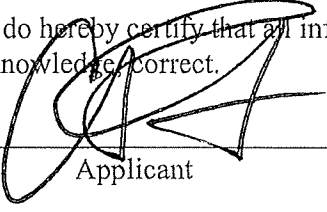
Attach additional pages if needed.

20 Parcel #'s:

- 06 240005 : Pribas
- 06 225 022 : O'Dell
- 06 225 003C : Lett
- 06 225 003A : Philbrick
- 06 225 021 : Lett
- 06 225 007A } Mangalampalli /
- 06 225 007D } Chilumula
- 06 225 007E } (Old Ardrey)
- 06 225 007 60 } Banks Presbyterian Church
- 06 225 007 70 } Current Village Hall
- 06 225 018 : Owens
- 06 225 008 } Weddington UMC
- 06 225 009 } Marvin Campus
- 06 225 009A : White
- 06 225 009B : Marvin Historic Trust (Crane Store)
- 06 225 017 } : Fincher
- 06 228 005A } : Fincher
- 06 225 010 } : Village of Marvin
- 06 225 390A } : New Village Hall
- 06 225 012 : Vasireddy

An application shall not be complete unless it is accompanied by all required information and a fee in accordance with fee schedule adopted by the Village Council.

I do hereby certify that all information which I have provided for this application is, to the best of my knowledge, correct.



Applicant

10/8/21

Date

Zoning Administrator

Date

For Village Use

Reviewed by Planning Board on _____.

Planning Board Action: _____

Reviewed by Village Council on _____.

Village Council Action: _____

Public Hearing Notice Filed in _____ on _____
(Newspaper affidavit attached) Name of newspaper date published

Notification of Adjacent Property Owners Mailed: _____
(Certification of notification is attached)

Village Council Public Hearing Held: _____

Village Council Action: _____

