



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

November 16, 2021 – 6pm
Village Hall, 10004 New Town Road
Regular Meeting (Virtual Meeting)

AGENDA ITEMS

1. Call to Order

Chairman Jones called the meeting to order at 6pm.

2. Determine Quorum

Chairman Jones determined a quorum was present.

Present: Chairman Jones, Vice-Chair Cates, Malinda Daniel, Richard Holzberg (*joined at 6:05pm*), Michael Lavelle

Present via Webex: Ken Marino, Kent Renner

Absent: None

Staff Present: Hunter Nestor, Austin W. Yow, Tom Weitnauer

3. Adoption of the Agenda

Board Members requested to make the following changes:

- Remove Item of Discussion: “Discuss and Consider Recommendation of Text Amendment for Additional Marvin Gardens Signage.”

MOTION: Vice-Chair Cates moved to adopt the agenda as amended. Michael Lavelle seconded the motion.

VOTE: The motion passed unanimously, 6-0.

Richard Holzberg was not present at the time of this vote.

4. Adoption of the Minutes for: 10/19/21

MOTION: Malinda Daniel moved to adopt the minutes as presented. Michael Lavelle seconded the motion.

VOTE: The motion passed unanimously, 6-0.

Richard Holzberg was not present at the time of this vote.

5. Public Comment Period

No comments were given.

Richard Holzberg joined the meeting at 6:05.

ITEMS OF DISCUSSION

TIME STAMP 3:25

1. Discussion of New Agenda & Meeting Management System

Austin W. Yow, Village Clerk & Assistant to the Manager, informed the Board that a new agenda and meeting management software will be in place by January 2022. He stated that Board Members will receive their agenda packets through an online portal and that they will receive their login information next month. He added that training will also be available to all members.

TIME STAMP 4:50

2. Discuss and Consider Recommendation of the Marvin Heritage District Form-Based Code (*See attached Item 2, which is included as a reference in these minutes*).

Hunter Nestor, Planning & Zoning Administrator and Tom Weitnauer, Planning Consultant, explained the process by which rezonings and development would work under the regulations of the form-based code. They then explained the various changes made to the form-based code by staff and the MHD Strategic Plan Committee since the Planning Board last recommended approval in July. The Planning Board discussed the changes in depth and made additional revisions.

Prior to the Board considering a motion, Mr. Nestor reviewed all the recommended changes with the Board. The Board then agreed by consensus that Mr. Nestor covered all the recommendations.

MOTION: Michael Lavelle moved to recommend approval of the Marvin Heritage District Form-Based Code as amended. Chairman Jones seconded the motion.

VOTE: The motion passed unanimously, 7-0.

Mr. Nestor then explained that the public hearing for the form-based code would likely be held in January.

AGENDA ITEMS

TIME STAMP 2:53:35

1. Review of Action Items

- Mr. Nestor will revise the form-based code as recommended by the Board and then will submit it to the Village Council.

TIME STAMP 2:54:00

2. Board Member Comments

Chairman Jones: He thanked everyone for their work on the Marvin Heritage District.

Vice-Chair Cates: She stated that she is passionate about protecting current residents' way of life. She thanked Mr. Weitnauer for including additional language on tree buffers.

Malinda Daniel: She encouraged residents to attend meeting and share their opinions during the public comments.

Richard Holzberg: He thanked staff for their hard work. He thanked the Board for the productive discussion.

Councilman Marcolese: He thanked everyone for their productive conversations and work on the Marvin Heritage District. He then reflected on the misinformation being spread amongst residents about the Marvin Heritage District during the election season.

ADJOURNMENT

MOTION: Michael Lavelle moved to adjourn the meeting at 9:01pm. Vice-Chair Cates seconded the motion.

VOTE: The motion passed unanimously, 7-0.


Adopted: _____

12-21-2021





John Jones, Planning Board Chairman
Village of Marvin



Austin W. Yow
Village Clerk & Assistant to the Manager

VILLAGE OF MARVIN



Marvin Heritage District Form-Based Code

Adopted: _____

FINAL DRAFT #4.2.3
December 1, 2021

Prepared by the Village of Marvin Planning Department

Note (to be removed upon adoption): *This document (including exhibits), once adopted will become part of the Village of Marvin, NC Code of Ordinances and will be later codified into Title XV: Land Usage. Also upon adoption, the Official Zoning Map, as shown in this document, will receive the following additions: Note 1; the Heritage District Eligible Areas inset map; and the Heritage District legend will be added to the currently adopted Official Zoning Map. Since the Heritage District Eligible Area offers an optional conditional zoning district available for property owners to voluntarily submit rezoning applications for conditional zoning to the Heritage District, these additions to the Map do NOT rezone the current zoning district of Residential (R) nor amend any design and development standards in the Village of Marvin NC Code of Ordinances applicable to parcels in the Residential (R) zoning district.*

Note (to remain after adoption): *This document (including exhibits), has been adopted as part of the Village of Marvin, NC Code of Ordinances and will be codified into Title XV: Land Usage.*

After adoption, the Official Zoning Map that appears in this document will be removed from this document to avoid redundancy and avoid users from unintentionally being misled from a map which may later become outdated. On the page where the Official Zoning Map appears, the map will be replaced with a note that reads. **“Contact the Village of Marvin Planning Department to obtain the most currently amended version of the Official Zoning Map.”**

The Table of Uses and The Table of Prohibited Uses which appear in this document are in the process of being reformatted into one table.

A C K N O W L E D G E M E N T S

VILLAGE COUNCIL

Joseph E. Pollino, Jr., Mayor
Kim Vandenberg, Mayor Pro Tempore
Wayne Deatherage, Council Member
Bob Marcolese, Council Member
Jamie Lein, Council Member
Andy Wortman, Council Member

PLANNING BOARD

John Jones, Chair
Kelly Cates, Vice Chair
Richard Holzberg
Michael Lavelle
Kent Renner
Malinda Daniel
Kenneth Marino

Village Council Liaison: Bob Marcolese
Special Thanks to: Paul Cappiello and Mark Petersen

MARVIN HERITAGE DISTRICT STRATEGIC PLAN COMMITTEE

John Jones
Michael Lavelle
Malinda Daniel
Tim Fincher
TJ Philbrick
Will Owens
Jake Fehling
Village Council Liaison: Andy Wortman
Previous Committee Members:
Dorota Clegg
Sherri Albano
Emma Lane, Facilitator

PARKS, RECREATION, AND GREENWAYS BOARD

John Baresich, Chair
Kristyna Culp, Vice Chair
Bob Nunnenkamp
Dan Wilson
Previous Board Member: Sherri Albano

STAFF

Christina Amos, Manager
Hunter Nestor, Planning and Zoning Administrator
Austin Yow, Clerk and Assistant to the Manager
Tom Weitnauer, AICP, FBCI, N-Focus, Inc.
Previous Staff Member: Rohit Ammanamanchi, Planner

TABLE OF CONTENTS

GENERAL PROVISIONS

Short Title	1
Purpose	1
Authority and Enactment	1
Applicability	2
Village of Marvin Official Zoning Map	3
Heritage District Conditional Zoning District – Eligible Area Map	4
Regulating Plan	5

USES

Uses	6
Table of Uses	6
Table of Prohibited Uses.....	7
Special Uses	8

SUBDISTRICT STANDARDS, BUILDING TYPES, AND GENERAL STANDARDS AND USES

Subdistrict Classifications	12
Residential Only District (HD-RO)	13
Mixed Use Core District (HD-MU)	14
Commercial Only District (HD-CO)	15
Civic District (HD-Civic)	16
Building Types.....	17
General Standards for All Buildings	17
Large Lot – Estate House	18
Medium Lot – Suburban House	19
Small Lot – Cluster House	20
Cottage Commercial	21
Village House	22
Greek Revival/Southern Colonial	23
Bungalow	24
Conventional Square Commercial	25
General Standards	26
Allowable Adjacent Uses and Buffer Standards Between Existing and Proposed Uses	26
Allowable Adjacent uses and Buffer Matrix	28
Adjacent Existing Subdivisions Buffer Map.....	29
Streetscape.....	30
Major Road Cross Section	30

Residential and Internal Commercial Cross Section	31
Parking.....	33
Street Network Design	35
Signage	36
Lighting.....	37
Historic Preservation	38
Tree Protection and Mitigation	38
Exceptions.....	39

PUBLIC SPACE STANDARDS

Public Open Space Standards and Requirements	39
Open Space Type Matrix.....	41
Pedestrian Amenities and Connectivity	41

ADMINISTRATION

Administration	44
Application Procedure and Requirements.....	44
Development Agreements.....	44
Additional Requirements	46
Amendments to the District.....	46

GLOSSARY 47

MAPS

Village of Marvin Official Zoning Map	3
Heritage District Conditional Zoning District – Eligible Area Map	4
Heritage District Regulating Plan	5
Marvin Heritage District Adjacent Existing Subdivisions Buffer Map	29
Terminate Vista Map	59
Pedestrian and Greenway Plan.....	60
Alignment of the Marvin Loop Trail	63

EXHIBITS

Exhibit A:	Photos of Existing Buildings in Heritage District.....	52
Exhibit B:	Photos of Bluffton, S.C.	53
Exhibit C:	Photos of Other Examples	54
Exhibit D:	Terminate Vista Map	55
Exhibit E:	Pedestrian & Greenway Plan	56
	Pedestrian & Greenway Plan Route Summary Matrix...	57
Exhibit F:	Alignment of the Marvin Loop Trail	59
Exhibit G:	Precedent Imagery of Buffer Types	60

GENERAL PROVISIONS

Short Title

This section shall be known and may be cited as the Marvin Heritage District Form-Based Code of the Village of Marvin, North Carolina.

Purpose

The purpose of these Form-Based Code standards is to provide guidance and consistency for required design and development standards within the Heritage District boundary for properties where property owners have voluntarily applied for conditional zoning and received rezoning approval to one or more of the Heritage District's subdistricts. A form-based code is a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. An expanded definition and educational website links are provided in the glossary. This chapter shall be used to regulate infill development, adaptive reuse, and preservation of structures in the Marvin Heritage District to promote the public health, safety and general welfare and to promote alterations of existing development and new development that reflects the character of the Village of Marvin.

This chapter identifies a set of principles in order to maintain this quality of environment that has made Marvin so desirable and to encourage infill to follow this desired pattern. This chapter defines guidelines for design and materials similar to that of existing structures within the Heritage District boundary.

The purpose of the Marvin Heritage District is to promote the educational, cultural, and general welfare of the public through the creation of a community center that preserves, protects, and enhances of the old, historic, and/or architecturally worthy structures of the historical center of the Village of Marvin; and to maintain such structures as visible reminders of the history and cultural heritage of the Village. Another purpose of this chapter is to maximize pedestrian connectivity and preservation of open space in this area. Furthermore, a purpose of this chapter is to protect adjacent existing neighborhoods by requiring transitional density of residential areas, and large, opaque buffers between commercial areas and existing neighborhoods.

Authority and Enactment

North Carolina General Statutes: The enactment of this chapter is authorized under state law. In addition to other sections of the North Carolina General Statutes, G.S. § 160D-703(1)(3) authorizes local governments to regulate zoning districts through form-based districts, or development form controls, which address the physical form, mass and density of structures, public spaces and streetscapes. Therefore, the Village Council hereby adopts form-based code standards governing the physical form, mass and density of structures, public spaces and streetscapes of new developments, and alterations to previous developments on private property.

Village of Marvin 2020 Land Use Plan, adopted November 10, 2020: This Form-Based Code was prepared and adopted to help implement Goal D of the Village of Marvin 2020 Land Use Plan, to **“Facilitate a Uniquely Identifiable Village Center that Promotes Marvin’s Heritage.”** The Land Use Plan provided: the Heritage District’s vision, goals, and policies; and identified the general location and future land uses of the Heritage District (referenced in the Nov. 10, 2020 Plan as the “Village Center”).

Village of Marvin 2020 Land Use Plan – Addition of the Heritage District Small Area Plan. The Village of Marvin 2020 Land Use Plan, adopted November 10, 2020, was amended in late 2021 to add the Heritage District Small Area Plan. The Small Area Plan provides updated and expanded data and analysis for the Heritage District. Two planning documents were also incorporated into the Heritage District Small Area Plan.

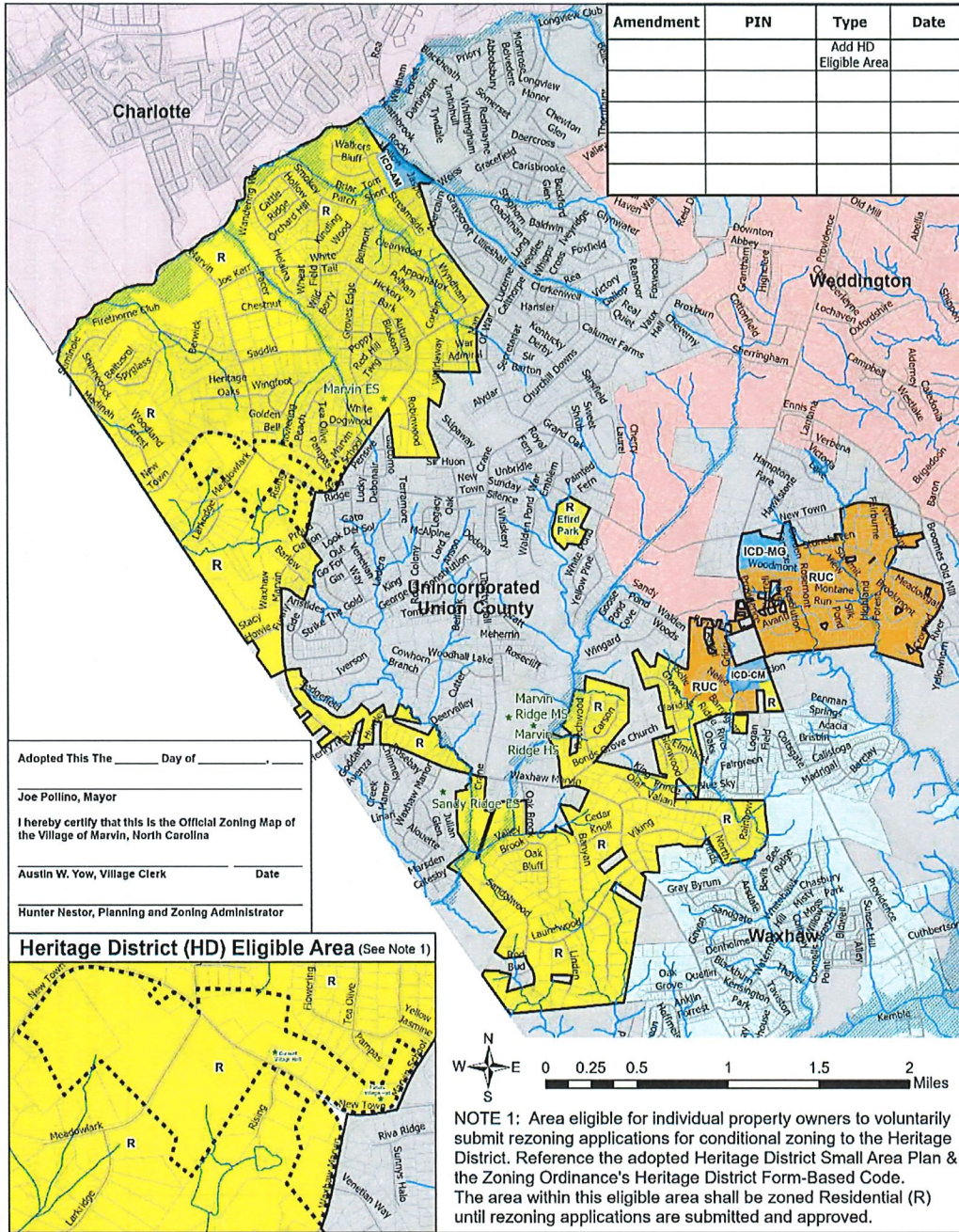
Applicability

This section shall govern the design and permitting of construction of land lying within the village’s Heritage District area as shown on the official zoning map of the village for properties where property owners have voluntarily applied for conditional zoning and received rezoning approval to one or more of the Heritage District’s subdistricts. This section is applicable to all land, building sites and land development of all properties zoned with a Heritage District (HD) suffix zoning designation, except in Exceptions below. Traditional design conventions have been applied to create a palette of Zoning subdistricts and streetscapes that form the framework for the Heritage District.

In the event any provisions of these form-based code regulations conflict with any other provisions of this chapter or other village ordinances, then the provisions of these form-based codes shall control. Other provisions in the village ordinances not in conflict with the form-based code regulations remain in effect. All applications are subject to the following standards. The images contained in this Code are meant to demonstrate the character intended for the Marvin Heritage District but are for illustrative purposes only. The accompanying text and numbers are rules that govern permitted development, where if pictures and text conflict, the text prevails.

After property has been voluntarily rezoned to Heritage District zoning districts, exterior modifications made to repair damages following an event, or additions proposed to existing buildings which predate adoption of such rezoning, shall comply with architectural standards set forth in this Code where such exterior architectural repairs or new construction will be visible from a public right-of-way. Exterior routine repair and maintenance of buildings that predate adoption of rezonings to the Heritage District’s conditional zoning districts shall not be subject to comply with architectural standards set forth in this Code.

While the Marvin Heritage District is envisioned as an integrated seamless grouping of land uses and building types, the geographic area of the overall district and regulations contained herein, are organized into the following 4 subdistricts, and depicted in the Marvin Heritage District Regulating Plan: Heritage District-Residential Only (HD-RO); Heritage District-Mixed Use (HD-MU); Heritage District-Commercial Only (HD-CO); and Heritage District-Civic (HD-Civic).



Village of Marvin Official Zoning Map

Adopted August 12, 2020
See Table for Amendments

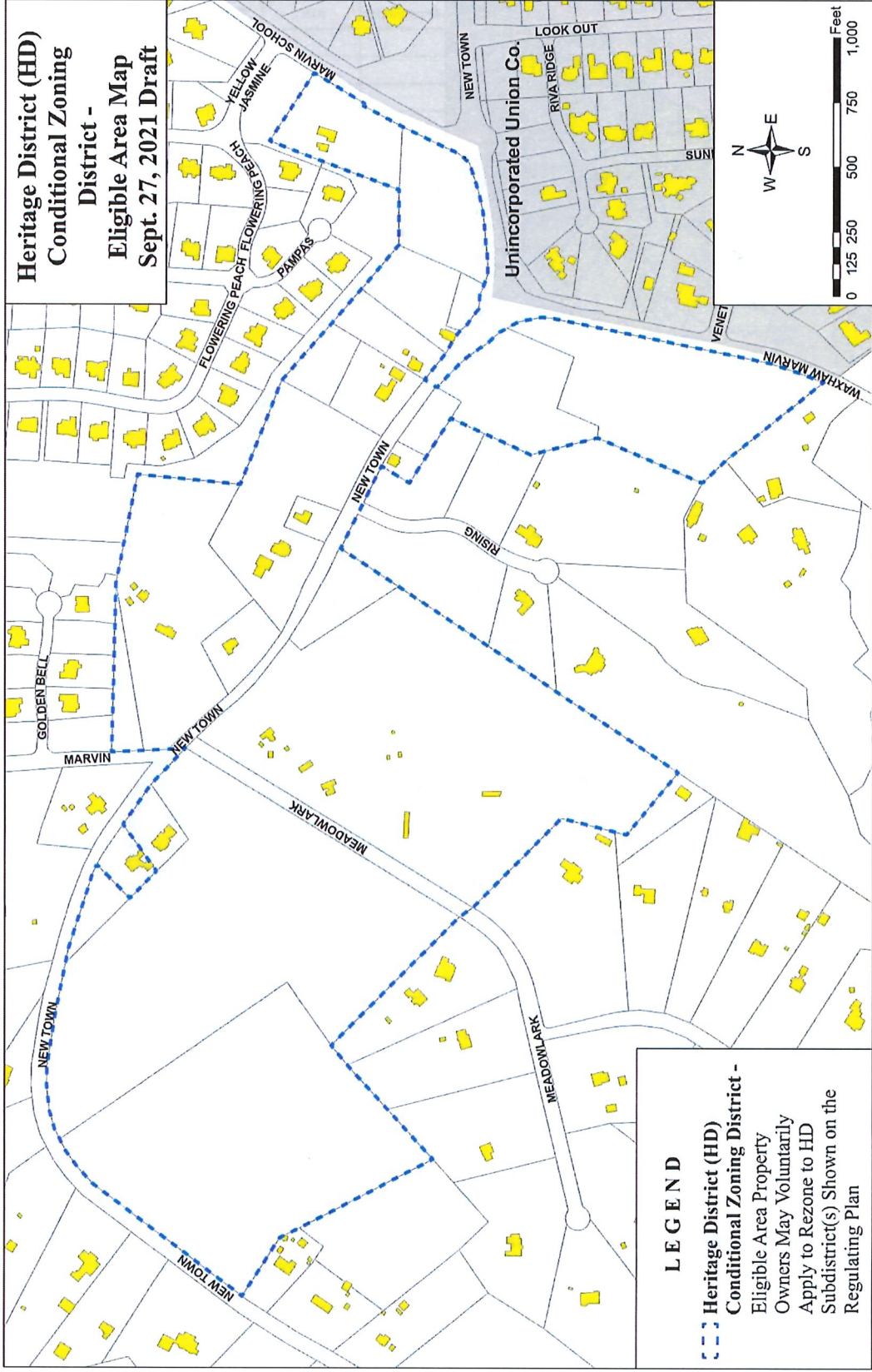
LEGEND

- Village of Marvin
- Streams
- FEMA Floodplain (2014)
- Union County - Uninc.
- Waxhaw
- Weddington
- Charlotte

ZONING DISTRICTS

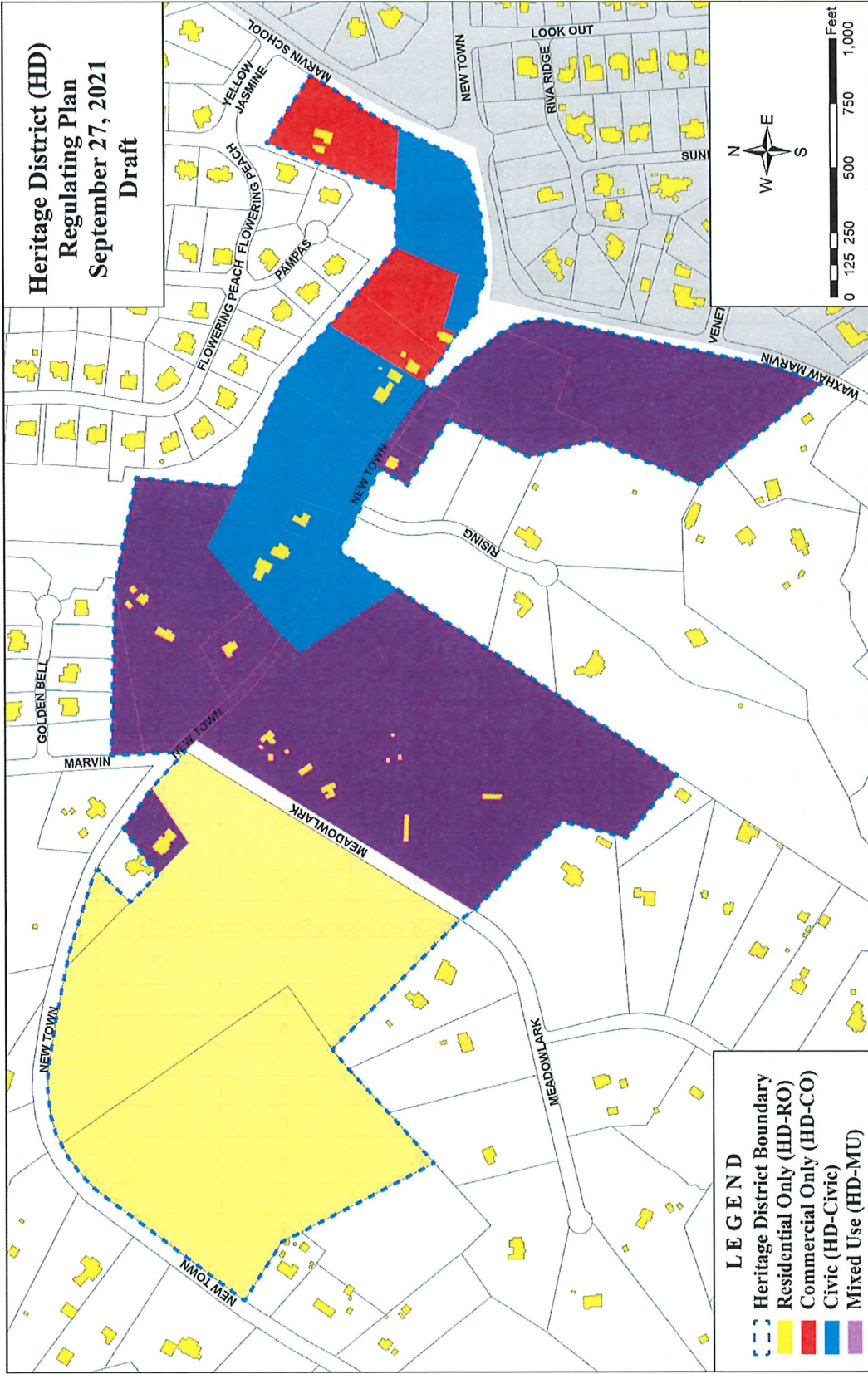
- Residential (R)
- Residential Union County (RUC)
- Individual Conditional Zoning Districts (ICD)
 - Courtyards at Marvin (ICD-CM)
 - Amber Meadow (ICD-AM)
 - Marvin Gardens (ICD-MG)

- Heritage District (HD) Eligible Area (See Note 1)
 - Residential Only (HD-RO)
 - Commercial Only (HD-CO)
 - Civic (HD-Civic)
 - Mixed Use (HD-MU)



Note: The Heritage District (HD) boundary has been adopted on the Official Zoning Map as an eligible area for property owners within the HD boundary to voluntarily apply for rezoning to HD Conditional Zoning District(s) shown on the Regulating Plan. The area within the HD eligible area, already zoned Residential (R), shall remain Residential (R) until rezoning applications for one of the HD conditional zoning subdistricts or any other conventional zoning district listed in the Zoning Ordinance are submitted and adopted. This HD boundary does not invoke additional regulations on properties within the HD eligible area prior to rezoning to one of the HD subdistricts.

**Heritage District (HD)
Regulating Plan
September 27, 2021
Draft**



Note: Only the exterior boundary of the Heritage District (HD) (shown with the blue dashed lines) has been adopted on the Official Zoning Map as an eligible area for property owners within the HD boundary to voluntarily apply for rezoning to HD Conditional Zoning District(s) shown on this Regulating Plan. The area within the HD eligible area, already zoned Residential (R), shall remain Residential (R) until rezoning applications for one of the HD conditional zoning subdistricts or any other conventional zoning district listed in the Zoning Ordinance are submitted and adopted. The HD boundary does not invoke additional regulations on properties within the HD eligible area prior to rezoning to one of the HD subdistricts.

USES

Uses. The Table of Uses indicate uses permitted in each subdistrict of the Heritage District with the letter 'P' for permitted uses and with the letter 'S' for special Uses. Uses that are prohibited throughout all of the Heritage District are listed after the Table of Uses.

Table of Uses

P – Permitted Use (Only requires Zoning Permit) S – Special Use (Requires Special Use Permit)

Uses	HD-RO	HD-MU	HD-CO	HD-CIVIC
Art Gallery/Studio		P	P	
Brewery, Microbrewery		S	S	
Consignement/thrift/second-hand merchandise		S	S	
Cosmetic Services (max. 1,200 s.f.)		P	P	
Doctor's Office		P	P	
Drop off only Post Office in Pharmacy		P	P	
Essential Services, Class I	P	P	P	P
Essential Services, Class II	S	S	S	S
Family Care, Day Care up to 6 people	P	P	P	P
Farmer's Market (Indoor or Outdoor)		S	S	S
Fitness Studio		P	P	
Gourmet Grocery Store (max. 15,000 s.f.)		S		
Government Building		S	S	P
Home Occupations	P	P		P
Ice Cream, Coffee Shop, Café		P	P	
Maker Space/ Artisan Retail		P	P	
Music Lessons and Sales		P	P	
Non-Public Office Rental Space (max. 1,500 s.f.)		P	P	
Professional Services		P	P	
Public Park/Open Space	Refer to Public Open Space Standards & Reg's			
Religious Institutions (Church, Synagogue, Mosque or Place of Worship)	P	P	P	P
Restaurant, Dine-in		P	P	
Restaurant serving alcohol		S	S	
Single-Family Dwelling Unit	P	P		
Small Retail Sales (max. 3,000 s.f.)		P	P	
Specialty Food Market		P	P	
Tailor (may include drop-off cleaning, no on-site)		P	P	
Therapeutic Services		P	P	
Veterinary Clinic (without boarding)		S	S	

Table of Prohibited Uses

Uses Expressly Prohibited: The following uses are expressly prohibited in this zoning district.

Prohibited Uses in all Heritage District's Subdistricts	
<ol style="list-style-type: none"> 1. ABC store 2. Adult bookstore, entertainment, novelty shop 3. Amusement gallery, electronic gaming operation 4. Auto parts or service store 5. Auto sale, lease or rent (exclusive of auto lease by a travel agency, not kept on site) 6. Bail bond service 7. Banks 8. Bingo parlor 9. Bowling alley 10. Carwash 11. Convenience Store/Mini Mart/Express Fuel 12. Department store 13. Dry cleaning on-site 14. Flea market 15. Funeral chapel 	<ol style="list-style-type: none"> 16. Electronic Gaming Operation 17. Mattress Store 18. Movie theatre or cinema 19. Night club 20. Pawn shop 21. Pool hall, billiards parlor 22. Tattoo or piercing parlor 23. Uses having drive-through 24. Vape shop 25. Warehouse, storage, self-storage 26. YMCA 27. No other use shall be permitted, unless expressly permitted herein.

Special Uses.

Purpose. Certain uses, which, due to their size and/or operation, have impacts that could adversely impact neighboring uses or the community as a whole. Due to the potential impacts of these uses, they must meet certain conditions to ensure that they do not adversely impact neighboring uses or the community as a whole. This section identifies the uses that require conditions and establishes the conditions they must meet in order to receive approval special use permits. A Special Use Permit must be granted for these uses in accordance with the procedures set forth in the Zoning Ordinance.

Special Uses Established. The following Special uses and the minimum conditions they must meet are hereby established.

Brewery, Microbrewery.

Zoning Districts identified in the Table of Uses where special use permits are required for this use shall comply with the following additional standards.

A. Standards:

1. The principal use is the production of malt beverages for retail sales for on-premises and off-premises consumption in accordance with ABC permit requirements set forth in G.S. 18B-1001 as amended and issuance of on-premises malt beverage permit for breweries as authorized by G.S. 18B-1104 as amended and all other laws pursuant to G.S. 18B, as amended.
2. Accessory uses may include and be limited to only: retail sales; food and beverage consumption; entertainment; games; a tasting room; event room; and loading area.
3. A minimum of 30% of the microbrewery's floor area shall have operating brewing equipment that produces beer for retail sales. This percentage shall be satisfied at the time a Certificate of Occupancy inspection is conducted and shall be maintained thereafter.
4. Exterior guest areas shall not have amplified equipment.
5. A microbrewery shall not require a membership, cover or minimum charge for admittance or service.

Consignment/thrift/second-hand merchandise.

Zoning Districts identified in the Table of Uses where special use permits are required for this use shall comply with the following additional standards.

A. Standards:

1. No outdoor storage or display of merchandise or goods.
2. Five hundred (500) feet of separation between consignment/thrift/second-hand merchandise businesses, measured in a straight line between front door entrances (inclusive of rights of way).

Essential Services, Class II (Publicly or privately owned facilities or systems for booster stations, pumping stations, switching facilities, substations, lift stations or other similarly required facilities in connection with telephone, electric, steam, water, water storage, sewer or other similar utilities).

Zoning Districts identified in the Table of Uses where special use permits are required for this use shall comply with the following additional standards.

A. Standards:

1. Use shall comply with all federal and state standards. Verification of compliance or ability to comply shall be provided with the application submitted to the Village of Marvin.
2. All above-ground equipment shall be buffered from view of adjacent properties and public streets with two staggered rows of evergreens with 2 inch calipers upon planting 6 feet on center and an opaque fence.
3. Use shall be managed and operated by a municipality, county, or other governmental entity.

Farmer's Market (Indoor or Outdoor).

Zoning Districts identified in the Table of Uses where special use permits are required for this use shall comply with the following additional standards.

A. Standards:

- 1) A Farmers' Market shall have a designated market director who is responsible for submitting the Special Use Permit Application.
- 2) A site plan, operational information, including hours and days of operation, a parking plan, trash and recycling plan is required for review and approval.
- 3) A Farmers' Market is permitted to have one temporary sign or banner, which is nonilluminated and no greater than 50 square feet in size. Such sign or banner must be located on the premises and may only be displayed when the market is in operation.
- 4) Hours of operation for farmers' markets shall be restricted from 7 a.m. to sunset.
- 5) Any specific farmers' market may not operate more than two days per calendar week.
- 6) Temporary canopies may be allowed in order to provide protection from the elements for both operators and products.

Gourmet Grocery Store (max. 15,000 s.f.).

Zoning Districts identified in the Table of Uses where special use permits are required for this use shall comply with the following additional standards.

A. Standards:

Provide for the screening and buffering along all perimeters of area(s) designated for any outdoor storage of equipment or merchandise on an approved site plan except where the site itself abuts an adjacent zoning district requiring the provision buffer in accordance with this Ordinance.

Government Building.

Zoning Districts identified in the Table of Uses where special use permits are required for this use shall comply with the following additional standards.

A. Standards:

- 1) Overflow parking (in addition to required parking) must be designed on the site plan and be kept available to handle all traffic from special events such as outdoor concerts.

Public Park/Open Space.

Zoning Districts identified in the Table of Uses where special use permits are required for this use shall comply with the following additional standards.

A. Standards:

- 1) Overflow parking (in addition to required parking) must be designed on the site plan and be kept available to handle all traffic from special events such as softball tournaments and outdoor concerts.
- 2) All parks greater than ten (10) acres shall have primary access to a collector or higher capacity street.
- 3) Lighting, with the exception of lighting for ball fields and tennis courts, shall be full cut-off fixtures.

Restaurant Serving Alcohol.

Zoning Districts identified in the Table of Uses where special use permits are required for this use shall comply with the following additional standards.

A. Standards:

- 1) The special use permit shall be issued to the property owner as listed on the tax records of the county. When the ownership of any property, which has a special use permit for a restaurant which serves alcohol establishment, is transferred to a new owner by sale or other means, the new owner shall sign and file with the Planning and Zoning Administrator

an acknowledgment of the rights, conditions and responsibilities of the special use permit prior to operation of the use under the permit. The acknowledgment shall be made on forms provided by the Planning Department.

- 2) The owner(s) and operator(s) of the restaurant shall collect and properly dispose of all litter and debris generated by their establishment or patrons immediately following the closure of business or not later than 7:00 a.m. each morning following any period of operation. All litter or debris shall be collected from within the boundaries of the establishment, associated parking areas, adjacent sidewalks and public rights-of-way or other adjacent public property open to the public.
- 3) Exterior guest areas shall not have amplified music.
- 4) A lighting plan shall be submitted to the Planning and Zoning Administrator for review and approval, and lighting fixtures shall be installed and maintained pursuant to the approved plan which illuminates all exterior portions of the building, lot area and parking lot as determined appropriate by the Planning and Zoning Administrator. Lighting shall be located and shielded to prevent the light cone of all exterior fixtures from encroaching beyond the property boundary line and into any adjacent public right-of-way, property or dwelling.

Veterinary Clinic (without boarding).

Zoning Districts identified in the Table of Uses where special use permits are required for this use shall comply with the following additional standards.

A. Standards:

- 1) Pens, runs, and/or other facility for the outdoor containment of animals shall be at least 400 feet from abutting property located in a residential or mixed-use district.
- 2) Pens, runs, and/or other facility for the outdoor containment of animals shall be buffered from abutting property in a residential or mixed-use district with two staggered rows of evergreens with 2 inch calipers upon planting 6 feet on center and an opaque fence.

SUBDISTRICT STANDARDS, BUILDING TYPES, GENERAL STANDARDS AND USES

Subdistrict Classifications

Minimum design standards were carefully selected from current and historic characteristics of the Marvin area for each subdistrict. Additional standards that apply to all subdistricts in the Heritage District are located at the end of this subsection.

Each of the four subdistrict design standards set forth specifications related to building placement (lot size, lot width, setbacks, and building size) and building type illustrated on the following pages. All new buildings and modifications to existing buildings in the Marvin Heritage District must meet the criteria of a designated building type outlined in this Section, and therefore must follow the prescribed minimum design standards set forth for that type, within the respective subdistricts.

The Planning and Zoning Administrator may consider alternative architectural style and details of residential building types when proposed alternatives meet or exceed the intent of the subdistrict design standards. The minimum design standards contain regulations for properties in the Marvin Heritage District, based upon the following subdistricts:

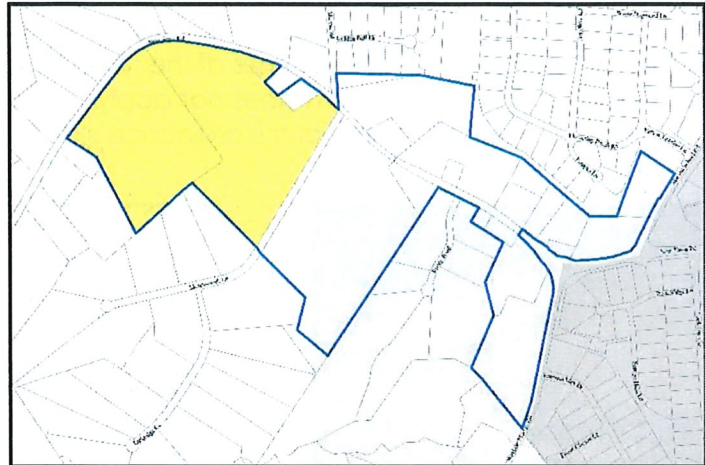
- A. Heritage District-Residential Only (HD-RO);
- B. Heritage District-Mixed Use (HD-MU);
- C. Heritage District-Commercial Only (HD-CO); and
- D. Heritage District-Civic Heritage District (HD-Civic).

A. Heritage District-Residential Only (HD-RO)

Heritage District-Residential Only (HD-RO): A subdistrict intended for solely residential buildings. This subdistrict is intended to provide additional housing to boost the vibrancy and walkability of the District as a whole, and must have 100% residential uses.



(HD-RO) Precedent Imagery



(HD-RO) Regulating Plan

Residential Only Building Type Requirements:

Min. Lot Size (s.f.)	Lot Width	Front Setback	Rear Setback	Side Setback
-------------------------	-----------	---------------	--------------	--------------

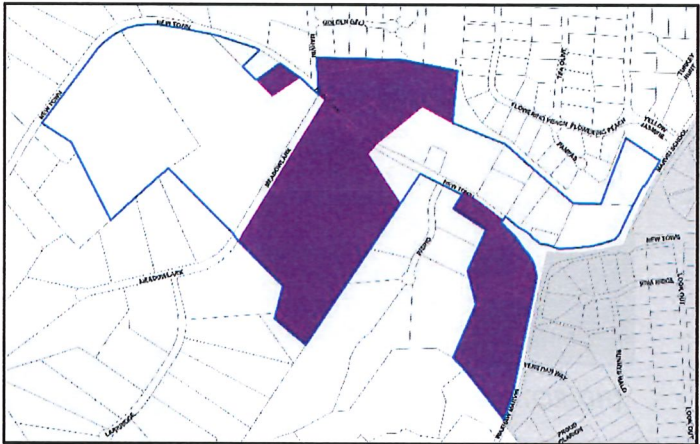
Large Lot Home/ Village House	43,560	130'	50'	75'	20'
Medium Lot Homes	20,000	100'	40'	40'	10'
Small Lot Homes	10,000	70'	25'	25'	5'

B. Heritage District-Mixed Use (MU-HD)

Heritage District-Mixed Use (HD-MU): A subdistrict intended to be the bulk of the central area of the District. These parcels have residential in the back and commercial on the major road side. Developments in this district must meet the intent of Mixed-Use and shall have no more than 30% of the total area be residential uses, which shall be defined as the total area that consists of a private residential lot. The 30% residential maximum does not apply to the two parcels on New Town Road, which had existing homes at the time of this ordinance's adoption. Due to their small lot size, this residential maximum does not apply to the two parcels on New Town Road, which had existing homes at the time of this ordinance's adoption.



(HD-MU) Precedent Imagery



(HD-MU) Regulating Plan

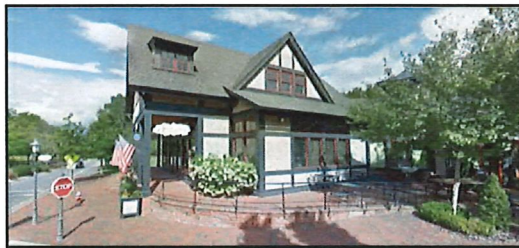
Mixed Use Building Type Requirements:

	Min. Lot Size (s.f.)	Lot Width	Front Setback	Rear Setback	Side Setback	Building Size (s.f.)
Large Lot Home	43,560	130'	50'	75'	20'	No min. No max.
Medium Lot Homes	20,000	100'	40'	40'	10'	No min. No max.
Small Lot Homes	10,000	70'	25'	25'	5'	No min. No max.
Village house • Commercial Uses Only	10,000	57'	10'	20'	5'	1,000- 5,000
Cottage Commercial	8,000	57'	10'	20'	5'	600- 3,000
Greek Revival / Southern Colonial • Commercial Uses Only	21,780	110'	10'	40'	5'	3,000- 7,000
Conventional Square Commercial*	None	None	85'	100'	50'	10,000- 15,000

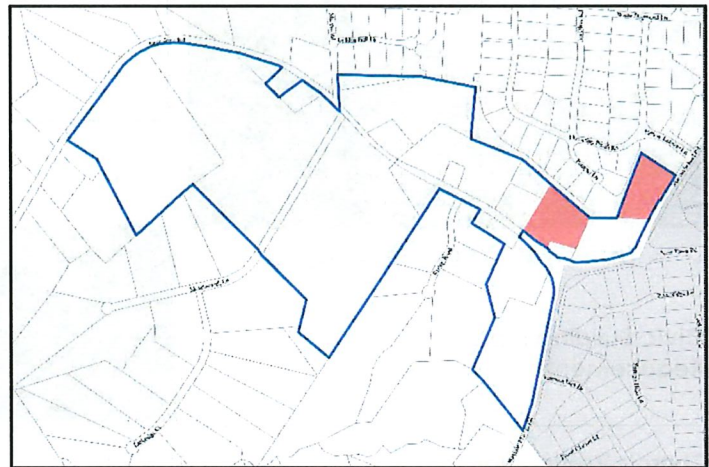
This Heritage District-Mixed Use (HD-MU) subdistrict also includes two small properties whose location tends to support commercial use, but are too small to provide a 100-foot buffer from existing uses. These properties shall be allowed to have commercial, but shall have more limited commercial uses allowed and a different approach to buffering than the other subdistricts that allow commercial uses. Developments in this district must meet the intent of Mixed-Use and shall have no more than 30% of the total area be residential uses, which shall be defined as the total area that consists of a private residential lot.

C. Heritage District-Commercial Only (HD-CO)

Heritage District-Commercial Only (HD-CO): A subdistrict intended to host only commercial uses. The proximity to Village Hall and narrow properties tend to favor commercial uses, and these uses shall be buffered significantly from existing residential uses.



(HD-CO) Precedent Imagery



(HD-CO) Regulating Plan

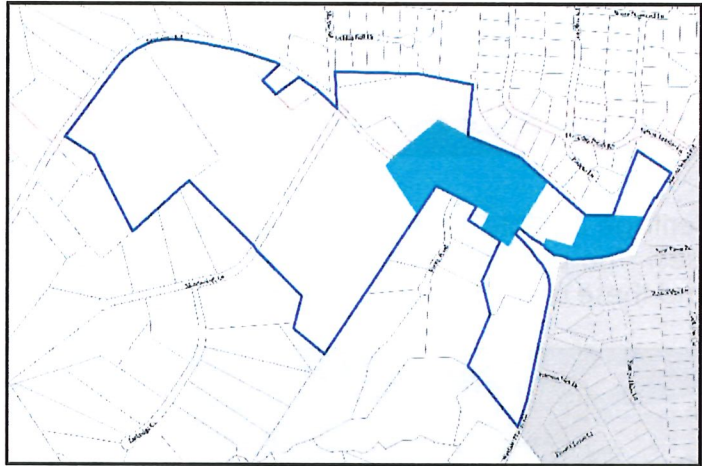
Commercial Only Building Type Requirements:	Min. Lot Size (s.f.)	Lot Width	Front Setback	Rear Setback	Side Setback	Building Size (s.f.)
Village house	8,000	57'	10'	20'	5'	1,000-5,000
Cottage Commercial	8,000	57'	10'	20'	5'	600-3,000
Greek Revival / Southern Colonial	21,780	110'	10'	40'	5'	3,000-7,000

D. Heritage District-Civic (HD-Civic)

Heritage District-Civic Heritage District (HD-Civic): This subdistrict holds the historic churches and site of the new Marvin Village Hall. These properties shall be limited to civic uses and similar building vernacular to the churches and Village Hall or other similarly civic vernacular.



(HD-Civic) Precedent Imagery



(HD-Civic) Regulating Plan

Civic Building Type Requirements:

Min. Lot Size (s.f.)	Lot Width	Front Setback	Rear Setback	Side Setback	Building Size (s.f.)
-------------------------	-----------	---------------	--------------	--------------	-------------------------

Church Vernacular*	130,680	130'	75'	40'	50'	1,000-10,000
Government Vernacular*	43,560	130'	75'	40'	50'	1,000-10,000
	*All new buildings shall match the character of the existing buildings on the property. Any architectural proposal shall be reviewed by the Design Review Board.					

Building Types

The house types were carefully selected from the current and historic character of the Marvin area. Characteristics of the Large Lot-Estate House and Medium Lot-Suburban House type were derived from homes currently in the Heritage District and neighborhoods such as Weddington Chase, Providence Downs South, and Ladera. The Cluster House type was derived from the Amber Meadows and Courtyards at Marvin neighborhoods, (but this is not intended to convey that houses of these types must be age-restricted), Ardrey and Ardrey Commons off of Wade Ardrey Road. The Greek Revival/Southern Colonial House type uses the same dimensions of the Estate House type, but emphasize the architectural significance of former and existing houses along New Town Road, such as the McIlwain-Suggs House and the J. J. Rone House. The Cottage and Bungalow House types reflect existing buildings in the District, and similar buildings in the region.

General Standards for All Buildings:

- All districts shall have a 50' building setback minimum along Major Roads and from the District's rear boundary
- All buildings shall have a maximum height of 35'
- The primary façade of the building shall face the main pedestrian travelway whenever possible, with a secondary façade facing the parking lot. Buildings are encouraged to have two entrances if the parking lot and pedestrian routes are on different sides of the building. (Example: Five Guys, Cold Stone in Blakeney)
- Special Consideration must be given to the "Terminate Vista" Locations, which are across from the Southbound Marvin Road approach, the Northbound Waxhaw-Marvin Road approach, and the Westbound and Eastbound New Town Road Approaches. See Exhibit D for the locations of Terminate Vistas
- Only Larger Lot Houses (Colonial, and Village House Building Types) can be built adjacent to existing Rural Neighborhoods
- ADA-Accessible entrances shall be available on all buildings intended for commercial use
- Residential Buildings shall be one dwelling unit. Additional Dwelling Units that are accessory to a primary dwelling unit, whether attached or detached, shall be prohibited. Dwelling Units that are accessory to a building whose primary use is commercial may be considered with a Special Use Permit.
- Accessory Use Structures shall be permitted per 151.054(B). Outdoor Swimming Pools for individual houses and Agricultural Buildings intended to house animals shall not be permitted on lots less than half an acre in size.
- Equipment and outdoor storage shall be screened to be fully opaque from every reasonable pedestrian travelway and public right-of-way. Mechanicals and waste collection shall not be located in the front yard of any building or between the building and a major road.

Large Lot – Estate House

General: Detached Residential Building.

Size Range: 7,000 sq. ft. Maximum

Footprint (No max., No min.)

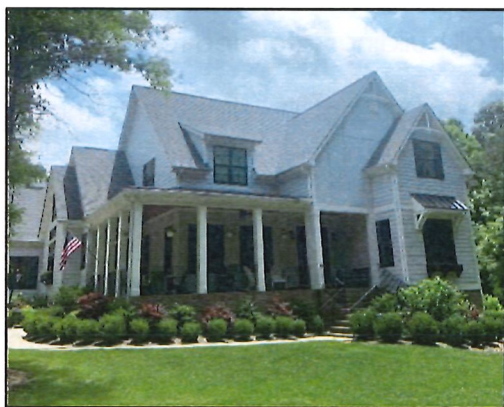
Height: 2 – 2.5 stories.

Notes:
 Modeled after homes in and adjacent to the district, and Marvin at large
 Varying roof pitches, wall offsets, and façade materials.
 Can be in residential or commercial zones
 Should avoid front-facing garages



HD-MU ●
HD-CO
HD-RO ●
HD-CIVIC

Large Lot Building Precedent Imagery



*Precedent images are for illustrative purposes only, with no regulatory effect. They are provided as examples, and shall not imply that every element in the photograph is permitted.

Medium Lot - Suburban House

General: Detached Mixed Use Building.

Size Range: [redacted] sq. ft. Maximum

Maximum Footprint: No Max./No. Min.

Height: 1.5-2.5 stories.

Notes:

Modeled after homes adjacent /located in Marvin with a small total footprint

Varying roof pitches, wall offsets, and façade materials.

Can be in residential or commercial zones

Should avoid front-facing garages

HD-MU



HD-CO

HD-RO



HD-CIVIC

Medium Lot Building Precedent Imagery

*Precedent images are for illustrative purposes only, with no regulatory effect. They are provided as examples, and shall not imply that every element in the photograph is permitted.

Small Lot – Cluster House

General: Detached Residential Building.

Size Range: 5,000 sq. ft. Maximum

Maximum Footprint (not including porches):
3,000 sq. ft.

Height: 1-2 stories.

Notes:

Modeled after a Marvin area small lot home;
can be bungalow or cottage style

Can have porches

Can have 1, 1.5, or 2 stories



HD-MU



HD-CO

HD-RO



HD-CIVIC

Small Lot Home Precedent Imagery



*Precedent images are for illustrative purposes only, with no regulatory effect. They are provided as examples, and shall not imply that every element in the photograph is permitted.

Cottage Commercial

General: Detached Commercial Building.

Size Range: 600 – 3,000 sq. ft.

Maximum Footprint (not including porches):
3,000 sq. ft.

Height: 1 – 1.5 stories.

Notes:

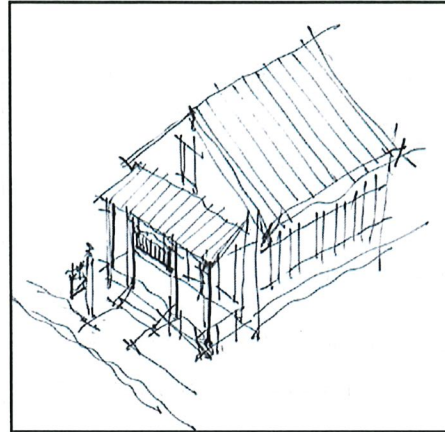
A shopfront building.

Similar to the historic Crane Store on New Town Road (top left).

Typically 18' – 30' wide, but may vary.

Unenclosed arcades, porches, awnings and/or similar are required.

Characterized by front gable roof.



HD-MU ●
HD-CO ●
HD-RO
HD-CIVIC

Commercial Cottage Precedent Imagery



*Precedent images are for illustrative purposes only, with no regulatory effect. They are provided as examples, and shall not imply that every element in the photograph is permitted.

Village House

General: Detached Commercial Building.

Size Range: 1,000 – 5,000 sq. ft.

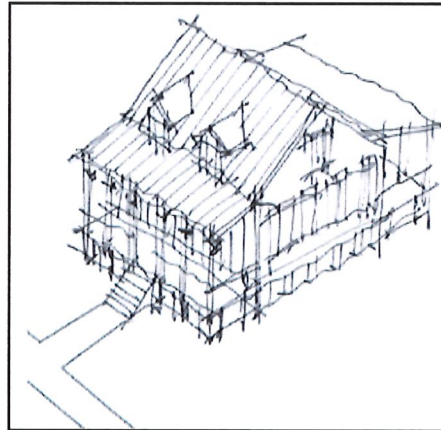
Maximum Footprint (not including porches):
5,000 sq. ft.

Height: 1 – 2.5 stories.

Notes:

A shopfront building, can have multiple "fronts".

Porches, arcades, varying pitch directions, and Tudor or Victorian features are typical.



HD-MU



HD-CO



HD-RO

HD-CIVIC

Village House Precedent Imagery



*Precedent images are for illustrative purposes only, with no regulatory effect. They are provided as examples, and shall not imply that every element in the photograph is permitted.

Greek Revival/Southern Colonial

General: Detached Mixed Use Building.

Size Range: 3,000 – 7,000 sq. ft.

Maximum Footprint (not including porches): 5,000 sq. ft.

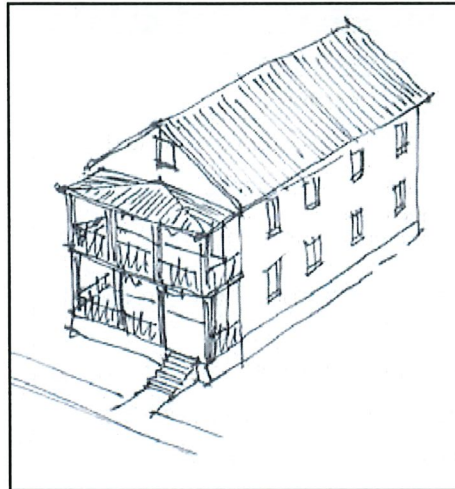
Height: 2 – 2.5 stories.

Notes:

Modeled after the McIlwain-Suggs house (bottom left) and Rone House on Marvin Road (top right)

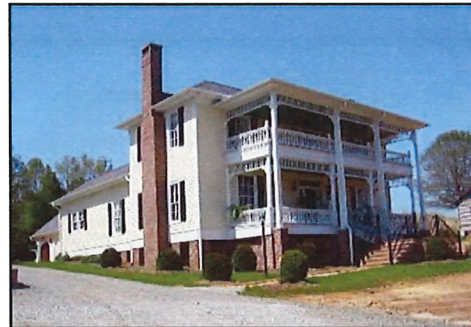
Typically two stories with a flat front, columns, porch, and balcony on second floor.

May have external staircase to access second floor commercial.



HD-MU	●
HD-CO	●
HD-RO	●
HD-CIVIC	
HD-CIVIC	

Greek Revival/Southern Colonial Precedent Imagery



*Precedent images are for illustrative purposes only, with no regulatory effect. They are provided as examples, and shall not imply that every element in the photograph is permitted.

Bungalow

General: Detached Mixed Use Building.

Size Range: 1,000 – 1,500 sq. ft.

Maximum Footprint (not including porches): 1,500 sq. ft.

Height: 1 – 1.5 stories.

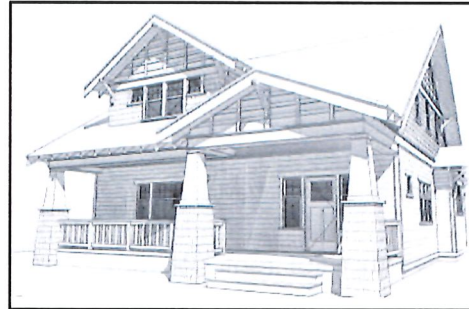
Notes:

Modeled after the 1900's bungalow on New Town Road (top right)

Characteristics include a small footprint, full front porch, side gable or hip roof, dormers, verandas, and an open floor plan.

Second story built into the sloped roof.

This housing type is intentionally generic.



HD-MU



HD-CO

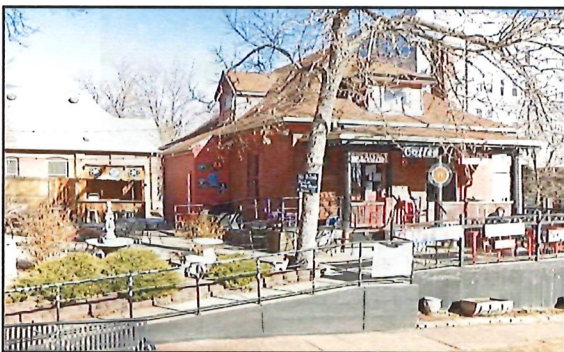
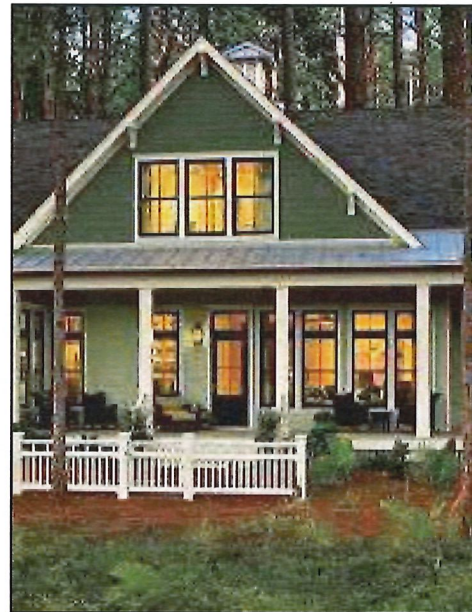


HD-RO



HD-CIVIC

Bungalow Precedent Imagery



*Precedent images are for illustrative purposes only, with no regulatory effect. They are provided as examples, and shall not imply that every element in the photograph is permitted.

Conventional Square Commercial

General: Detached Commercial Building.

Size Range: up to 15,000 sq. ft.

Maximum Footprint (not including porches):
15,000 sq. ft.

Height: 1 – 1.5 stories.

Notes:

This building is meant to facilitate limited 10,000-15,000 s.f. uses.

Must be 3 or 4-sided, with varying wall depths, windows, and limited blank massing

Pitched roof and barn vernacular is required



HD-MU



HD-CO

HD-RO

HD-CIVIC

Square Commercial Precedent Imagery



(Example used for architecture, not size)



*Precedent images are for illustrative purposes only, with no regulatory effect. They are provided as examples, and shall not imply that every element in the photograph is permitted.

GENERAL STANDARDS

In addition to subdistrict standards, the following general standards are applicable to all properties and subdistricts within the Heritage District.

Allowable Adjacent Uses and Buffer Standards Between Existing and Proposed Uses

Generally, this section serves the two purposes of:

- Defining which uses in the Heritage District are allowed or not allowed to be adjacent to existing uses, and
- Defining the minimum landscape buffer or viewshed plaza depth between these uses.

Adjacent uses are defined as the use whose property line shares a border. In the context of this district, uses across the major road are not considered adjacent, but rather, the major road itself is the adjacent use. If a proposed use is separated from an existing use by a natural or created public open space of at least 100' depth, then the proposed use shall not be considered adjacent. See precedent imagery in Exhibit G for examples of buffer types.

The existing uses immediately adjacent to the district are divided into three categories as outlined below. The buffers and allowable adjacent uses are defined by considering the different characters of these existing uses and the transitional density/intensity of uses needed to preserve that character. Three categories and their character needs are defined as follows and depicted in the map below.

- a. Rural Residential. The "Rural Residential" use consists of the Meadowlark and Three Pond Acres neighborhoods as well as properties on New Town Road to the west and south-east of the District. A no cut tree/vegetation buffer width of 75 feet shall be preserved. If existing trees do not provide a fully opaque buffer, vegetative screening must be installed and maintained to enhance the buffer within the 75 foot buffer width. The following items shall be the required implementation for any no cut buffer considered.
 1. Identified no cut buffer areas shall be clearly provided on any plans. Metes and Bounds shall be required for any proposed no cut buffer. Proposed easement, deed restriction or general restrictions language shall be provided on the proposed plan as well as any required separate documentation. Any adjacent clearing and grading limits shall be provided in concert with the no-cut buffer upon plans provided for final review.
 2. Upon any approval, no cut buffers shall be clearly delineated on site by installing orange 4ft. tall heavy duty plastic snow or safety fencing securely attached to steel (14 gauge min.) U channel fence posts spaced no greater than 25 ft. apart at all clearing facing or publicly accessible frontage prior to commencing any grading or construction and shall remain through completion of construction. The location of fencing shall be established on plan prior to any action.
 3. Signage printed on laminate or otherwise protected from weather of at least 8 1/2"x 11" noting "No tree cutting or disturbance permitted at any point. More information can be obtained from the Village of Marvin Planning and Zoning Administrator." The

signage shall be posted at minimum every 50 feet along all fencing.

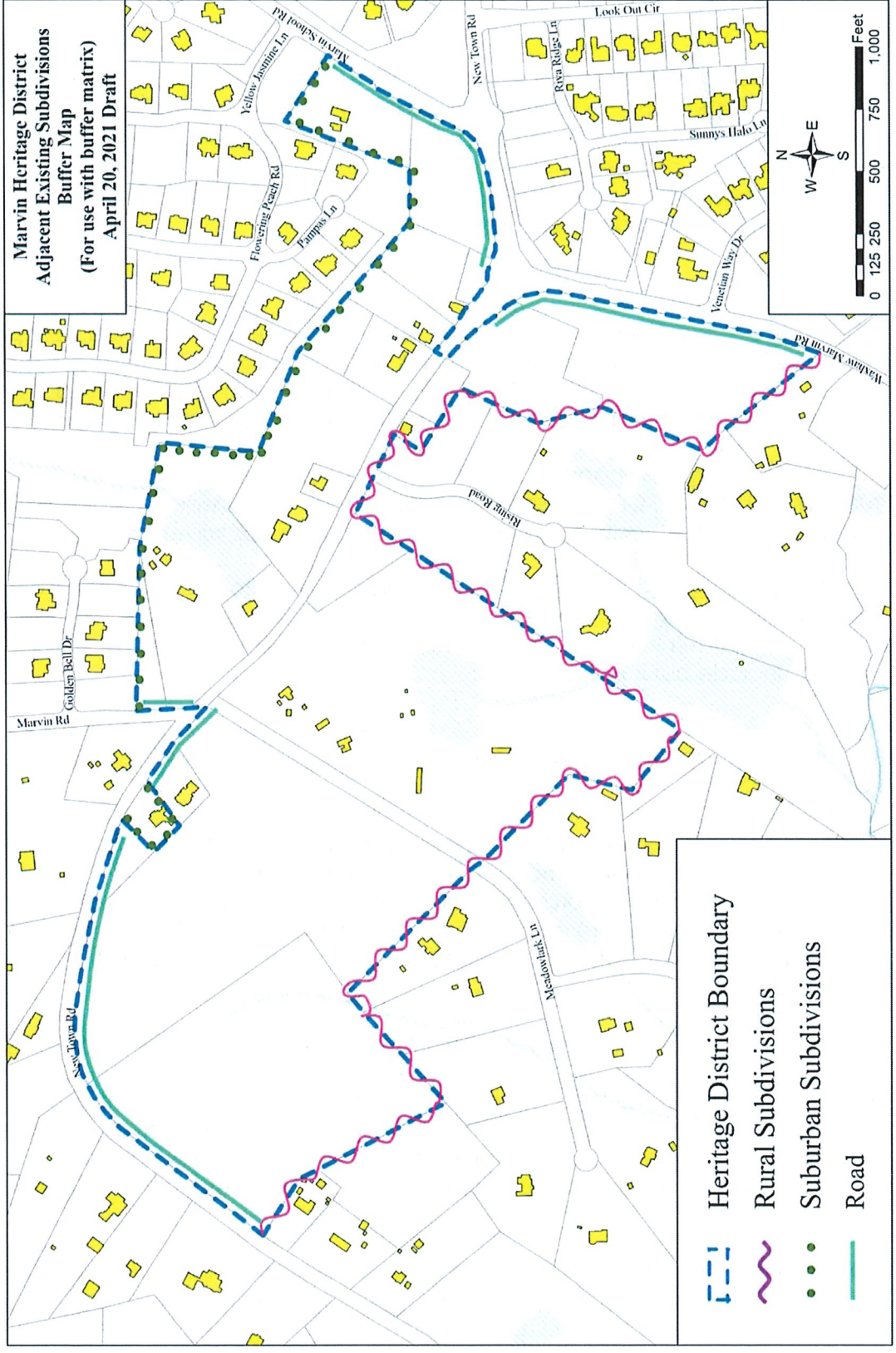
4. The no cut buffer shall be shown on final site plans and/or subdivision plats.
 5. Should a site with a no cut buffer be sold or conveyed to another party, proof of the new owner's acceptance of the requirement to preserve the no cut buffer is required to be provided to the Planning and Zoning Administrator. Such correspondence should include all relevant project information including Tax Parcel ID and a copy of the most recent plans as an attachment.
 6. Refer to the section entitled, "General Standards, Tree Protection and Mitigation" for penalties when trees are removed in the no cut buffer that are 30" or more in diameter at breast height (dbh) without consultation with the Urban Forester.
- b. Suburban Residential: The "Suburban Residential" existing use consists of the Preserve at Marvin neighborhood and the Coates' House at 10213 New Town Road. The properties in this use can have cluster residential adjacent, but that cluster residential must serve as a buffer between this existing use and commercial in the MU subdistrict. This use is buffered from commercial in the CO subdistrict by a 100' buffer as it is consistent with the buffer from other commercial Zoning Districts in Marvin.
- c. Major Road. Most properties in the District front a major road. Downtown districts typically have commercial buildings abutting the road with just a sidewalk in between, however, there is a prevailing sentiment to preserve the rural feeling while driving down the major roads. Therefore, the viewshed buffer/viewshed plaza depth shall be at least 50' and the residential viewshed shall be at least 85' deep for suburban-size lots and 100' deep for cluster-style lots.

Allowable Adjacent Uses and Buffer Matrix

PROPOSED USE	EXISTING USE		
	Rural Residential	Suburban Residential	Major Road
MU & RO Large Lot Suburban Residential (1 acre lot minimum)	25 foot tree buffer	25 foot tree buffer	85 foot tree buffer
MU & RO Medium Lot Residential (20,000 s.f. lot minimum)	50 foot tree buffer	25 foot tree buffer	85 foot tree buffer
MU & RO Small Lot Cluster Residential (10,000 s.f. lot minimum)	A No-Cut tree/vegetation buffer width of 75 feet shall be preserved. If existing trees do not provide a fully opaque buffer, vegetative screening must be installed and maintained to enhance the buffer within the 75 foot buffer width.	25 foot tree buffer	100 foot tree buffer
MU – Commercial	<i>Not Allowed to be Directly Adjacent</i>	<i>Not allowed to be Directly Adjacent</i>	50 foot viewshed/ public plaza space
CO – Commercial	<i>Not Allowed to be Directly Adjacent</i>	100 foot tree buffer from new buildings and as much depth as possible for existing buildings and 1 row of evergreens	50 foot viewshed/ public plaza space (existing buildings exempt from min. depth)
MU – Existing	2+ Rows of Evergreens and Opaque Fence	1 Rows of Evergreens and Opaque Fence	1 row of canopy trees 40' apart
Civic – All Uses	50 foot tree buffer	50 foot tree buffer, more may be considered as minimum for special uses	50 foot viewshed/ public plaza space
All Districts – Open Spaces	25 foot tree buffer	25 foot tree buffer	25 foot tree buffer

Notes:

- Tree species for landscaping shall be chosen from the Appendices of Chapter 93 or reviewed by the Planning and Zoning Administrator or Urban Forester.
- Fences shall be between 5' and 8' in height and have natural themes (brick, wood, no chain-link) and variation in relief and height across the expanse.



Streetscape:

The streetscape is a vital component of the District, and so the construction of amenities and features along the Major Roads should be coordinated between the Village and potential developers. At minimum, the typical streetscape of the Major Road shall have at least 50' of depth between the edge of pavement and the front face of buildings, and shall consist of the components below, whose widths can be negotiated beyond the ranges listed by at most 50% width up or down based on special circumstances.

Major Road Cross Section.

Travel Lane (10' width): The existing 10' wide travel lanes should not be widened, so as not to encourage vehicle users to drive faster. Travel Lanes may be paved with different materials either throughout the district or at pedestrian crossings. Signs or banners extending over and above the lanes are permitted at a height appropriate for vehicular traffic to pass safely.

Drainage Ditch (5' – 8' width): Drainage ditches are required along the major roads to preserve the current rural typical section. Grassed shoulders with at most a 1:2 slope shall be required for a few feet to prevent accidents caused by drivers straying out of the travel lane.

Street Furniture and Landscaping (6' – 10' width): This area of the streetscape is meant to both buffer the pedestrian travelway from the vehicle travel lane, and provide amenities to enhance the experience. The street furniture must include landscaping and trees at least one every 40 linear feet and may include but is not limited to:

- Benches
- Planters/other landscaping approved by the Parks, Recreation, and Greenways Board
- Trash Cans
- Lamp posts
 - seasonal/event signage/flags/banners hanging from lamp posts allowed if approved by the Planning Board or relevant MHD Review Board
- Wayfinding signs and kiosks, approved by the Planning Board or MHD Review Board
 - Electronic, digital, or interactive wayfinding kiosks are permitted if designed with muted materials and inward facing lighting and dimmed or off past midnight
- Bike repair station
- Drinking Fountain
- Historical Marker Signs, approved by the Planning Board or relevant MHD Review Board

Trail or Sidewalk (6' – 10' width): The pedestrian trail is a crucial part of the streetscape and shall be designed with the pedestrian experience in mind. This experience involves distance and buffer from the travel lane, interaction with street furniture, avoidance of utilities, access to viewshed plazas and other pedestrian paths, proper alignment of pedestrian crossings and curb cuts, for example.

Street furniture and the front of the viewshed plaza shall be designed to interface with the trail. The trail may also meander around existing heritage trees, signs, and buildings in such a manner that the widths of the street furniture and viewshed plaza areas can be negotiated for the sake

of preservation and improvement of the pedestrian experience. This is intended to be a multi-use path that can comfortably fit pedestrians and slow cyclists simultaneously.

Viewshed Plaza (12' – 20' width): The area between the sidewalk and the face of the building shall provide direct pedestrian paths from the trail and the buildings. Public Spaces along a major road must be visible from the road but buffered with distance, street furniture, and landscaping. The Viewshed Plaza shall be activated for outdoor enhancement and enjoyment of the building's use, in ways including but not limited to:

- Seating for restaurants
- Playground or passive park
- Limited display of merchandise (displays that are intended to advertise and draw attention but are not related to the products sold, such as animated machines or inflatables are prohibited)
- Landscaped lawn
- Temporary outdoor dining enclosures can be in the front by Special Use Permit

Balcony, Patio, Awnings, Arcades, etc. (up to 15' from the face of building, can extend into the viewshed plaza): This section refers to any covered or open architectural feature attached to the building and intended to provide a space for enjoyment of the use in the building. These features can extend and overlap the depth of the viewshed plaza up to 15'.

Residential and Internal Commercial Cross Section.

The Residential and Internal Commercial Cross Sections can be flexible depending on the needs and design of the development but shall consist generally of the components below.

Travel Lane (10' – 12' width): The travel way can be one-way or two-way depending on the design of the neighborhood. There shall only be one lane per direction on any street in the district unless specified by NCDOT or the Village Engineer.

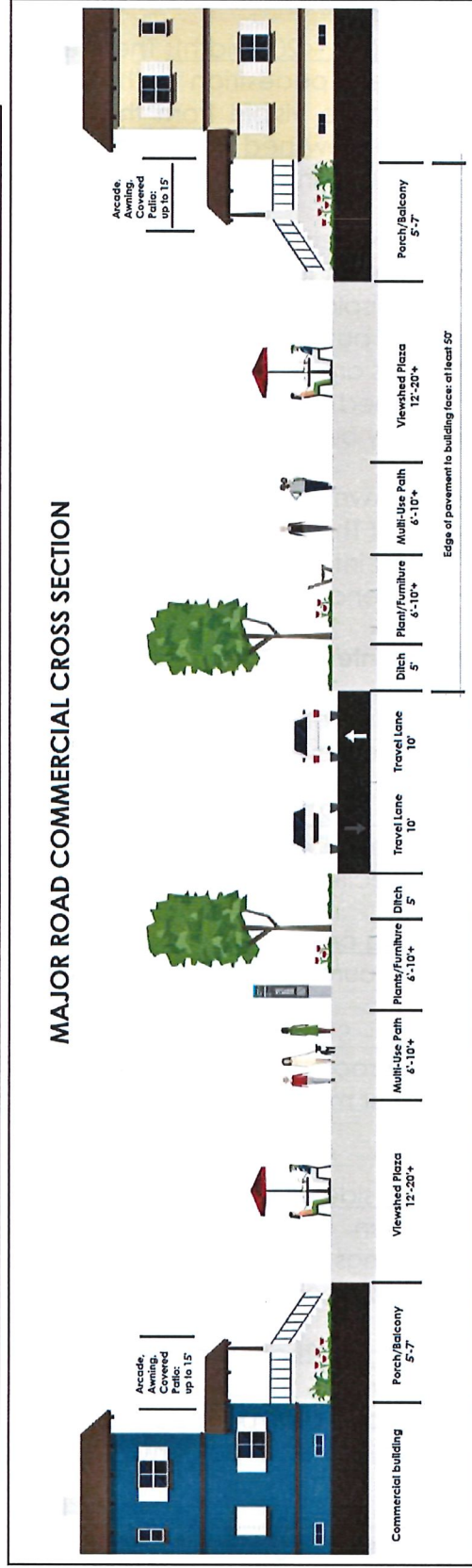
On street parking on one side only (7' – 9' width incl. Curb and Gutter (1' – 2')). This is optional and can be encouraged based on the design of the site to help with traffic calming.

Planting Strip (2' – 5'): Trees and planting strip width should be considered in tandem such that there is enough room for roots to grow depending on the species. Tree pits, Rubbery asphalt, pavers, and other methods should be considered to protect the long-term health of trees in the planting strip.

Sidewalk on any side of the street that has buildings (5' – 8'): The pedestrian experience shall be considered when deliberating the cross section and pedestrian travel routes. Materials, minimized crossings, landscaping, raised crossings, etc. shall all be considered in the design phase to maximize pedestrian safety and comfort.

Lawns and Porches. There shall be no minimum or maximum depth for lawns and balconies in this section, however, the building type front setback shall still apply. For the purposes of this district, the setback shall be measured from the front face of the building to the edge of the right-of-way. Any porch or balcony may extend past the building front setback line.

The following cross sections are representative of acceptable cross sections, but not the exact or only allowed cross section.



Parking

Minimum Parking Spaces by Land Use. In significant contrast to a conventional zoning district, this form-based code shall not regulate a minimum number of parking spaces by land use throughout the Heritage District, except to have Americans with Disability Act (ADA) compliance. This District is envisioned to host unique types and combinations of land uses and development patterns in a rural-type environment, which does not lend itself to an otherwise conventional suburban-type minimum parking space requirement. Therefore, the minimum number of parking space proposed for development is voluntary. Instead, the parking regulations shall focus on the appearance and functionality.

ADA Compliance minimum spaces. To achieve compliance with the ADA, the number of parking spaces required to comply with ADA must be in accordance with the table below based on the number of parking spaces proposed.

Accessible Parking Space Requirements				
Total Parking Spaces Provided	Min. No. of Accessible Spaces Required	Minimum Number Required By Type		
		Regular (8 ft. + 5 ft.)	Van (8 ft. + 8 ft.)	Side-Loading Van
1 to 025	1	0	1	0
26 to 050	2	1	1	0
51 to 075	3	2	1	0
76 to 100	4	3	1	0
101 to 150	5	3	2	0
151 to 200	6	4	2	0
201 to 300	7	5	2	0
301 to 400	8	6	2	0
401 to 500	9	6	2	1
501 to 1000	2% of total	Required total less van spaces	1 in 4 total accessible spaces	1 for every 3 van spaces
1001 and Over	20 plus 1 for each 100 over 1000	Required total less van spaces	1 in 4 total accessible spaces	1 for every 3 van spaces

Note: Refer to 4.1.2(5) of the American with Disabilities Act (ADA) and 4.1.2(5)(d) for medical care facilities

Maximum Number of Parking Spaces. The maximum number of parking spaces that can be proposed is 1 parking space per 200 s.f. of buildings in total. Additional parking spaces can be

considered up to 1 space per 150 s.f. with a shared parking agreement with different developments.

Location of Parking Lots. Parking lots (including stacking lanes, loading areas, service areas and parking stalls) shall be located behind the established front building line of the structure closest to the major road. Parking is only allowed on the side or rear of buildings.

Parking Surfaces. Parking surfaces of parking lots having more than 10 parking spaces must be paved. To achieve compliance with the ADA, accessible parking spaces and accessibility routes to buildings must be paved. When pavement is not used for the remainder of the parking lot, gravel, stone or turf may be used, but parking stalls must be delineated with wheel stops at the outer limit of each intended parking space. If an unpaved surface is shown to cause issues with materials spreading out of the property, the Village may require the property owner to pave the parking lot.

Screening Parking Lots. All parking lots shall be screened with 95% opaque landscaping and agriculturally themed fencing to screen lots from view of major roads and all existing uses. Parking lots must be screened from view of existing and planned greenway trails with landscaping and/or fencing.

Internal Landscaping. Parking Lots with vast expanses shall be avoided. Parking lots and stalls shall be designed and divided by landscaping per the standards in §151.165(H) and (I).

Connection of Parking to Buildings. Walkways shall be installed between parking areas and building entrances through the installation of hardscape surfaces such as concrete and/or pavers. ADA accessible routes from accessible parking spaces to main entrances must not exceed a distance of distance 200 feet.

Bicycle Racks. Bicycle racks that are designed to accommodate four bicycles are required at each retail land use near main entrances.

Plug-in Electric Vehicle (PEV) Charging Stations. The installation of PEV charging stations are encouraged in restaurant parking lots within a designated parking space.

Shared Parking and Ownership. All Parking spaces not on the lot of a commercial use building shall be shared parking and on a common-ownership lot.

Street Network Design

The following design factors shall be incorporated into the street network design and traffic patterns to mitigate for increased traffic and improve pedestrian and vehicular flow.

No Left Turns in or out on New Town Road between Marvin Road and Marvin School Road: Traffic wanting to turn into a driveway on their left must go to the next roundabout for a U-Turn and turn right into that driveway. Also, traffic exiting a driveway wanting to turn left must turn right and take a U-Turn at the next roundabout. Rising Road and Church driveways may be exempted from No Lefts In and Out.

Comment from NCDOT: "If the driveway will be right-in/right-out only it could be within about 100 feet [from a roundabout]. If the driveway will be full movement, several hundred feet (400-600' minimum) would be typical.

Shared driveway of Old Crane Store, Scott White's Property, Vasireddy property, and future Village Hall should be **considered as a fourth leg of Waxhaw-Marvin Roundabout:** Driveways to these properties where they currently are would be too close to the roundabouts for full-movement given commercial use. The site plan for each of these properties should show connectivity between their parking lots in the rear to reduce the number of individual driveways on New Town Road and prevent driveways too close to the roundabouts.

Sidewalks on both sides of New Town Road, Commercial Area: Will increase trips generated by walking/biking, thus reducing trips generated by vehicle

Trails built around lakes: Shall provide pedestrian access and feature two beautiful lakes in our Village Center area and further incentivize people to walk to Heritage District instead of drive. Houses may front the lake behind the trail, but must not have driveways that cross the trails that encircle lakes.

No Public Driveway from Private Roads; Meadowlark Lane and Rising Road: To protect Meadowlark and Three Pond Acres neighborhoods' rural character and prevent external vehicular traffic on those streets, there shall be no public driveway to any MHD property from the Private portion of Meadowlark Lane or Rising Road. However, pedestrian connectivity shall be encouraged. A turnaround/cul-de-sac built shortly down the road from the roundabout on Meadowlark Lane may be encouraged to allow people to turn around without intruding in private property.

Request NCDOT to Reduce the speed limit on New Town Road to 25 MPH. Then, consider speed humps.

Cross walks shall be added at roundabouts.

Viewshed depth, streetscape, and speed limit should be coordinated together.

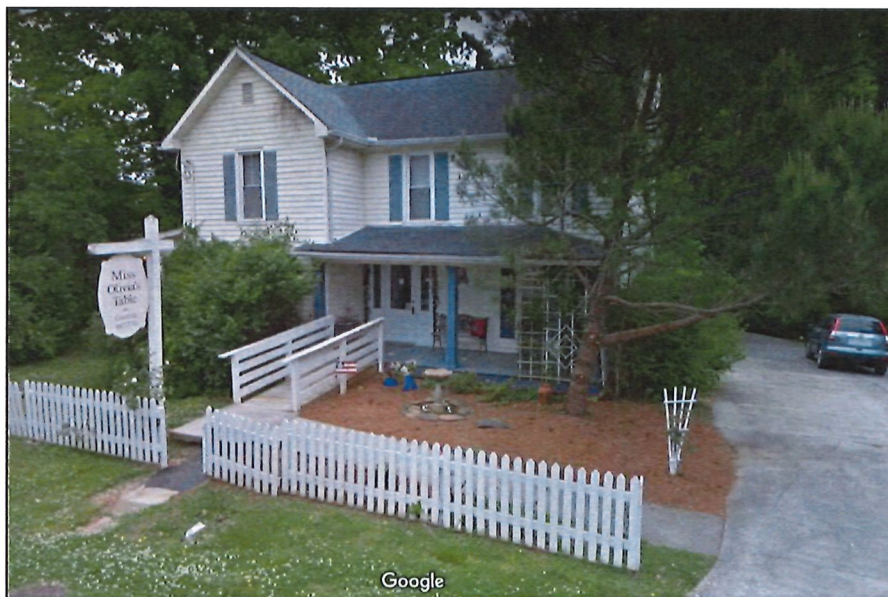
Parks and Greenways Master Plan must be fulfilled: Not necessarily along the exact route drawn on the plan, but the end-to-end connections must be satisfied using a path of at least 6' width and asphalt material.

Site plans shall anticipate connectivity to adjacent plans. Both vehicular and pedestrian stub outs shall be incorporated where applicable to connect development proposals to adjacent HD properties, even if that adjacent property is not developed or developing.

Signage

The regulations outlined herein pertain to nonresidential developments in the Heritage District. Signs in residential-only areas must be built in accordance with the relevant sign ordinance in Sections 151.140 through 151.152 and, if for a Home Occupation, per Section 151.045(J).

- a. Freestanding signs shall be no higher than eight (8) feet.
- b. Signs attached to buildings shall be no higher than twelve (12) feet.
- c. Signs shall be constructed of natural materials (such as wood, brick, or stone) or constructed of materials that successfully simulate these natural materials.
- d. Signs must not be internally lit and the bulb(s) of proposed lighting must not be seen directly by motorists or adjacent residential property owners.
- e. The maximum area of freestanding signs is calculated as twenty-five percent (25%) of the linear property frontage. For example, a property that is 60' wide may have a freestanding sign up to 15 sf. Freestanding signs shall not exceed twenty (20) square feet. Total signage area shall not exceed fifty (50) square feet regardless of property frontage.

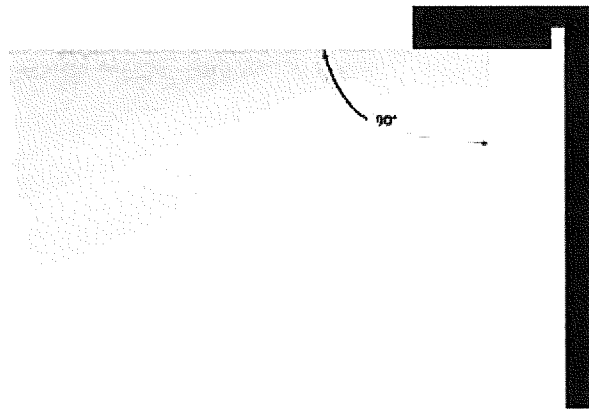


Miss Olivia's Table in Maryville, TN Historic District demonstrates the above sign regulations.

Lighting

Outdoor lighting requirements applicable throughout the Village of Marvin, including property within the Heritage District shall comply with Chapter 152: Outdoor Lighting. In addition, to requirements in Chapter 152, the following outdoor lighting requirements are applicable to property within the Heritage District.

- a. (Light posts: Light posts that will be visible from adjacent residential properties shall not exceed fifteen (15) feet in height and shall have a dark finished paint color such as dark gray, dark brown, dark green or black.
- b. Light fixtures that permit light to project up are prohibited. All outdoor light fixtures should be full-cutoff fixtures which do not allow light to be emitted above ninety degrees (90°) (see illustration below).



- c. Light fixtures used for architectural lighting, such as I, feature, landscape and sign lighting, shall be aimed or directed to preclude light projection beyond immediate objects intended to be illuminated.
- d. External wall or roof mounted flood lights shall not be installed on walls that face abutting residential uses without landscaping or other means to shield the view of such lights from residential properties.
- e. Neon and bare fluorescent light tubes in any form on the exterior of a building or any other structure is prohibited.
- f. Animated lights: Flashing, blinking, strobe, neon, and searchlights are prohibited. Neon lights that are located either inside and/or outside of windows and doors are prohibited. Temporary Seasonal or Holiday lighting is permitted which meets Marvin's Outdoor Lighting ordinance, not to be installed for more than 30 days.
- g. Photometric plans shall be required by the Planning and Zoning Administrator to ensure lighting shall not affect surrounding residential uses. Light trespassing shall not exceed one (1.0) foot-candle at any property line that adjoins residential uses or property zoned for residential uses.

Historic Preservation

Applicability. This section includes all existing structures fronting New Town Road at the time of adoption of this Form-Based Code.

Requirements.

- a. Property owners of buildings that front New Town Road which have historic character are encouraged to retain, renovate, and where appropriate, repurpose the buildings' use to uses permitted within the Heritage District.
- b. Exteriors of alterations and additions shall be consistent and reinforce the historic architectural character of the entire structure and shall comply with standards herein.
- c. New additions and exterior alterations shall not destroy historic materials that characterize the property. New work may be differentiated from the old. To protect historic integrity, any new work shall be compatible with the massing, size, scale and architectural features of the property.
- d. The removal of distinctive materials or alteration of features that characterize a structure shall be avoided.
- e. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design.
- f. Existing churches are to be emphasized in connectivity, adjacent infill, and open space.
- g. Property owners of existing buildings and places having historically-contributing character are encouraged to apply for National Historic Landmark (NHL) or National Register of Historic Places (NR) designation with the National Trust for Historic Preservation managed by the National Park Service.
- h. The Current Village Hall at 10004 New Town Road is exempted from the historic preservation requirements of this section, as the proposal to demolish the building upon completion of the construction of the new Village Hall precedes the adoption of the Heritage District.

Tree Protection and Mitigation

All requirements and procedures of tree preservation provisions in Chapter 93 are applicable throughout the Village of Marvin Heritage District along with additional requirements in this Form-Based Code. Trees in the Heritage District that have been determined by the Village of Marvin Urban Forester to be healthy trees that are 30" or more in diameter at breast height (dbh) shall not be removed unless a fee-in-lieu is paid of \$5,000 plus \$500 per inch dbh greater than 30". If the Urban Forester is not consulted before the removal of trees that are 30" dbh or more, the fee shall be doubled. The fee-in-lieu shall be used for the preservation and creation of open spaces in the Village of Marvin. Refer to additional no cut tree buffer protection requirements in the General Standards section.

Exceptions

The following general exceptions are to be considered when reviewing a development proposal:

- All existing buildings shall not be subject to new setback requirements, and additions may be permitted so long as the addition does not increase any nonconformity.

PUBLIC SPACE STANDARDS

Public Open Space Standards and Requirements.

All developed parcels shall provide at least 30% common open space for each parcel or where there are multiple parcels developed as a single project, provided on each parcel or on common open space areas.

The acreage of unique and vast natural areas, such as lakes, shall be counted as part of the 30% requirement because of their value as a natural asset, so long as the site plan incorporates public accessibility and enjoyment of these areas.

The land dedicated as open space shall be platted as such with permanent conservation. Areas platted to meet the open space requirement shall be on a property owned by a common entity (such as an HOA or local non-profit) or dedicated to the Village, and thus cannot be used to meet the minimum lot sizes of commercial or residential buildings.

All public open spaces, parks, and trails must be constructed at minimum to the standards of the Parks and Greenways Master Plan. Additional amenities and wider trails are encouraged.

All public open spaces throughout the district must be accessible and connected by pedestrian trails or sidewalks, and from parking lots where applicable.

All open spaces with amenities shall be either free to access or the membership fee is equal in cost for both the residents of the neighborhood and all residents of Marvin.

A fee-in-lieu shall be considered at no less than \$70,000 per acre to reduce the 30% open space requirement. The open space requirement shall not be reduced to any less than 25% of the parcel of the proposed development.

The following spaces shall be counted as open space if the respective condition is met:

- **Viewshed Buffers:** Must be designed as plaza spaces in the MU and CO districts, which can be enjoyed either independently or in conjunction with commercial uses.
- **Lake areas:** Must be accessible to the public, for example having an encircling trail and/or fishing pier.

- **Wetland areas:** Must be designed to be accessible to the public having for example boardwalk trails and/or a wetland park or nature preserve park. See for example McAlpine Creek and McMullen Creek Greenways in Charlotte.
- **Stormwater Detention Pond Trail/Park:** Must have a trail encircling the Detention Pond, and have a park area designed to enjoy the view of the pond, and the pond must be designed with decorative features such as retaining walls, fountains, and other features that may be proposed to meet this requirement. See for example Pineville Lake Park.
- **Cemeteries and Native Burial Grounds:** The Village shall commit to build sidewalks to access the Banks Presbyterian Church and Marvin UMC Cemeteries. Historic existing features such as graves, fences, landscaping, and plaza areas shall not be disturbed.
- **Church Groves:** These are currently open space but they may be developed into related religious/civic uses later.
- **Unbuilt areas of Village Hall property:** Must be developed as an active and flexible public open space use such as a Farmer's Market or Outdoor Amphitheater.
- **Neighborhood Clubhouse/Amenity Center:** Shall not be counted as public open space unless it is fully accessible by the general public. Reservations of facilities for private events are permitted so long as that ability is available to all Marvin residents.
- **Any other created or natural open space listed in the Open Space Type Matrix:** Shall be accessible by pedestrians from the edge of the property without obstruction (during reasonable hours of the day). Linear Parks and Trails shall count towards the requirement as the acreage (length x width) of the trail and surrounding landscaping.



Example of trail around stormwater detention pond at Pineville Lake



Example of a Wetland Trail/Park at McAlpine Creek Greenway Lake Park

Open Space Type Matrix

R- Required where applicable

P- Permitted

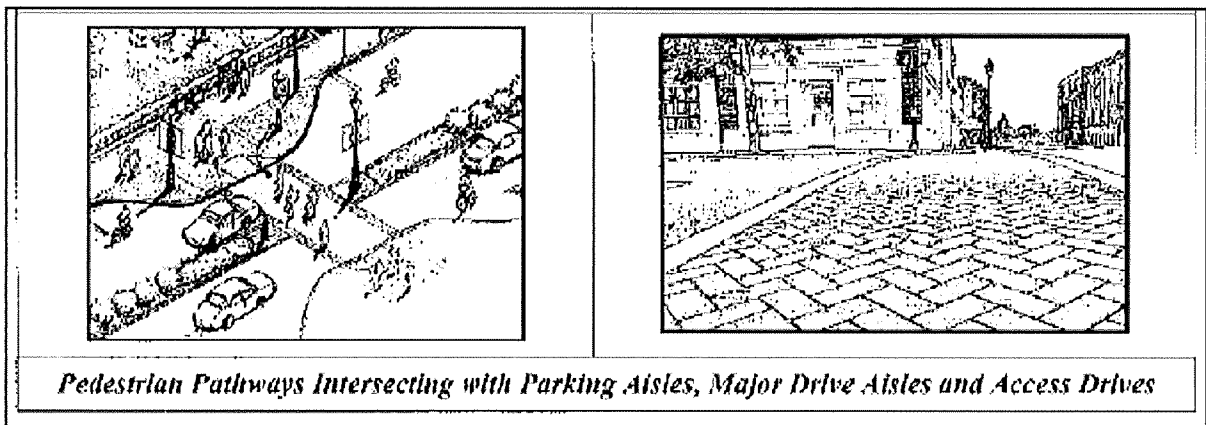
S- Special Use Permit

Open Space Type	HD-RO	HD-MU	HD-CO	HD-Civic
Playground	P	P	P	P
Pocket Park	P	P	P	P
Viewshed Plaza		R	R	P
Large Passive Park	R	P	P	P
Wetland Park/ Lake Trail Park	P	R	P	P
Stormwater Detention Pond Trail/Park	P	P	P	P
Linear Park / Greenway Park	P	P	P	P
Dog Park	P	S	S	
Active Park		S	S	
Farmer's Market		S	S	S
Amphitheater		S	S	S
Neighborhood Clubhouse/Amenity Center	S	S		
Food Truck Plaza				S
Cemetery (Existing do not require special permit)	S	S	S	S

Pedestrian Amenities and Connectivity (funding, phasing, operation and maintenance)

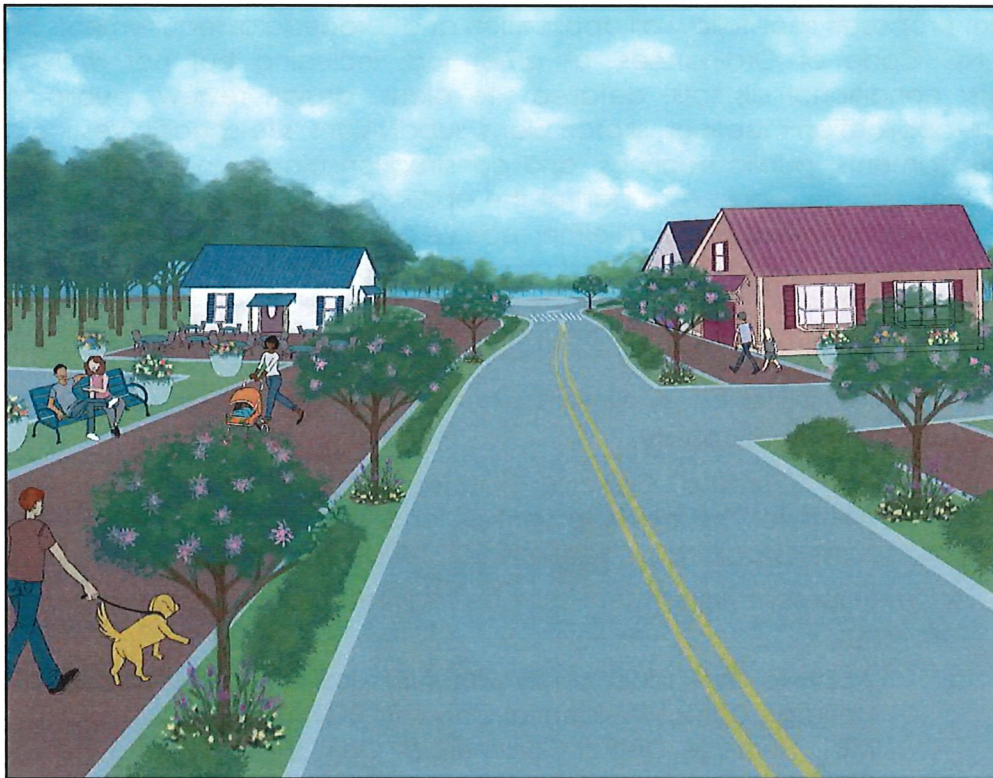
- Connectivity Standards
 - Developments with trail networks on the Parks and Greenways Master Plan must provide the trail connection from one side of the property to the other.
 - Developments must provide stubs for driveways and trails to neighboring properties wherever reasonable to maintain continuity of travel through properties that have not been developed yet.
 - Pedestrian travel routes must be prioritized from each entryway and parking lot to each use, and the number of driveways that cross pedestrian travelways must be minimized.

- Amenity Standards
 - The Pedestrian and Cyclist experience shall be prioritized over driving, and that experience must be considered when deliberating site specific design plans.
 - Traffic Calming methods shall be considered and included in roads, drive aisles, and parking aisles within the site plan, and along the major road, including but not limited to:
 - Speed humps,
 - Raised Crosswalks and raised intersections,
 - Pedestrian beacons/push-buttons (on major roads, not within developments)
 - Pedestrian-friendly materials. Materials used in pedestrian-oriented spaces shall be attractive, durable and slip-resistant. Materials must be compatible in terms of themes, colors, textures and patterns with a development project's design. Surfaces in pedestrian circulation areas shall be constructed from materials that provide a hard, stable surface and permit comfortable maneuverability for people of all abilities.
 - Pedestrian walkways separating parking from on-site buildings. All vehicular use areas shall be separated at least ten feet from building façades by sidewalks and landscaping.
 - Where pedestrian pathways intersect drive aisles. Wherever a pedestrian pathway crosses vehicular pavement the pathway shall be made identifiable with a grading change at required curbs, curb ramps, the installation of colored, textured pavers or stamped surface material. The material used must clearly differentiate the pedestrian pathway from vehicular areas. Unless otherwise specified, pedestrian crossings shall be at least six feet wide.



- Funding and Phasing
 - The Marvin Loop Trail (North side of New Town Road, with crosswalks across New Town Road in some places) is a federally-funded project and shall be incorporated in all applicable site plans in the District. Furthermore, developers shall be required to fund their proportionate portion of the local match or construct that section of the trail. Developments shall be required to create an easement or create a property which shall be dedicated to the Village for the Loop Trail. See Exhibit G for a map of the Marvin Loop Trail alignment.

- Other grants may be pursued by the Village to fund trails and open spaces; developers are invited to assist with the applications for grants as desired.
- Operation and Maintenance
 - The Village shall operate and maintain all trails and public spaces dedicated to the Village.
 - Public Open Spaces not dedicated to the Village must be maintained privately and obligated by a Maintenance Plan and Agreement signed by the owner and the Village.
- Fishing
 - Any natural lake, pond, or stormwater detention pond designed and maintained to have fish shall be open to the public and accessible per the open space standards of this chapter.
 - Areas intended for fishing shall be covered under a Maintenance Plan and Agreement between the property owner and the Village.



Concept Rendering of Major Road Streetscape

ADMINISTRATION

Administration.

The Heritage District (HD) boundary has been adopted on the Official Zoning Map as an eligible area for property owners within the HD boundary to voluntarily apply for rezoning to HD Conditional Zoning District(s) shown on the Regulating Plan. The area within the HD eligible area, already zoned Residential I, shall remain Residential I until rezoning applications for one of the HD conditional zoning subdistricts or any other conventional zoning district listed in the Zoning Ordinance are submitted and adopted. This HD boundary does not invoke additional regulations on properties within the HD eligible area prior to rezoning to one of the HD subdistricts.

Application Procedure and Requirements.

Voluntary rezoning to one of the Marvin Heritage Districts and concurrent and subsequent development proposals shall follow all application and procedural requirements in the Village of Marvin, NC Code of Ordinances, as amended, including but not limited to zoning amendments: conditional districts, detailed site plans, design review, public involvement meetings, pre-application meetings, sketch plans, subdivisions, site-specific vesting plans, multi-phased developments, public hearings, and construction plans. In addition, development agreements shall also be required as part of the application process as set forth in this Code. New or changing commercial uses shall either receive a commercial zoning permit per §151.182 or a special use permit per §151.100 based on which permit is needed according to the Table of Use matrix in this section.

Development Agreements.

Authorization and Applicability.

1. The North Carolina General Statutes authorize the use of Development Agreements for the development of land in accordance with the criteria and procedures established in sections G.S. 160D-1001 through G.S. 160D-1012.
2. A Development Agreement shall be required as part of any application for the following:
 - a. Apply to, and concurrently with, submittal of all rezoning applications to the Heritage District-Residential Only (HD-RO), Heritage District-Mixed Use (HD-MU), Heritage District-Commercial Only (HD-CO), and Heritage District-Civic (HD-Civic) conditional zoning districts;
 - b. Apply to, and concurrently with, all new development projects within the Heritage District-Residential Only (HD-RO), Heritage District-Mixed Use (HD-MU), Heritage District-Commercial Only (HD-CO), and Heritage District-Civic (HD-Civic) conditional zoning districts; and
 - c. Apply to, and concurrently with, subdivisions within the Heritage District-Residential Only, Heritage District-Mixed Use, Heritage District-Commercial Only, and Heritage District-Civic conditional zoning districts where new street infrastructure will be developed.

Content of Development Agreement

1. The development agreement shall establish the period of time for completion of the development and construction of the project subject to the agreement.
2. The development agreement shall establish the property to which the agreement shall apply by metes and bounds description attached to the agreement as "Exhibit A".
3. The development agreement shall cite all terms and conditions applicable to the development of the land subject to the agreement including standards and/or specifications that differ from the provisions of this Ordinance.
4. The development agreement shall provide that the delivery date of such public facilities will be tied to successful performance by the developer in implementing the proposed development.

Procedures for Entering into Development Agreements

1. The development agreement shall be drafted in a format as directed by the Planning and Zoning Administrator. The development agreement shall then be presented to the Planning Board for a formal recommendation at a regularly scheduled meeting. Said meeting shall be held prior to notification for a legislative hearing by the Village Council.
2. The development agreement and the Planning Board recommendation shall be published for public inspection and notification shall be made in accordance with the provisions of G.S. 160D-601.
3. The notice for the legislative hearing must specify the location of the property subject to the development agreement, the development uses proposed on the property, and must specify a place where a copy of the proposed development agreement can be obtained.
4. The development agreement shall be presented at a legislative hearing allowing an opportunity for the public to comment on the proposed development agreement. The information presented at the legislative hearing shall be considered by the Village Council in formulating its decision on the approval of an ordinance authorizing approval of said agreement.
5. Upon finding that said agreement is in the best interest of the Village of Marvin, the Village Council may by adoption of an ordinance adopting the development agreement and authorizing its execution by the Mayor, approve such agreement to be administered in full force and effect by the Planning and Zoning Administrator.
6. The development agreement shall be recorded in the office of the Union County Register of Deeds within fourteen (14) days of execution and prior to the issuance of any development permits authorizing development activities to commence.

Administration of Development Agreements and Termination for Material Breach

1. The development agreement shall run with the land obligating the parties to the agreement to any and all stipulations therein and may only be amended in accordance with the laws of North Carolina governing such agreements.
2. The Planning and Zoning Administrator shall conduct a periodic review at least every 12 months, at which time the developer is required to demonstrate good faith compliance with the terms of the development agreement. If, as a result of a periodic review, the Planning and Zoning Administrator finds and determines that the developer has committed a material breach of the terms or conditions of the agreement, the Planning and Zoning Administrator shall serve notice in writing, within a reasonable time after the periodic review, upon the developer setting forth with reasonable particularity the nature of the breach and the evidence supporting the finding and determination, and providing the developer a reasonable time in which to cure the material breach.
3. If the developer fails to cure the material breach within the time given, then the Village of Marvin may unilaterally terminate or modify the development agreement. In accordance with G.S. 160D-1008(c) the notice of termination or modification may be appealed to the Board of Adjustment in the manner provided by G.S. 160D-405.
4. A development agreement adopted pursuant to this Section shall not exempt the property owner or developer from compliance with the State Building Code or State or local housing codes that are not part of this Ordinance.

Additional Requirements. In addition to the application requirements of the Sketch Plan and Construction Plan, the following shall be required in Sketch Plans and Construction Plans:

1. Elevations of all sides of proposed buildings, where precedent imagery is acceptable in the Sketch Plan phase;
2. Setbacks of all parking facilities from all property lines and description of materials proposed for surface and wheel stops;
3. Samples of exterior materials proposed for all structures;
4. Locations and schematics showing dimensions, appearance, and landscaping for all signs and fences proposed;
5. Clearly depicted pedestrian routes from all entrance points and parking areas to all buildings.

Amendments to the District. Amendments to approved construction plans shall follow the process outlined in Section §151.251(F). The Planning and Zoning Administrator shall use their discretion to determine whether the amendment can be processed as an Administrative Amendment or shall require review and approval by the Planning Board and Village Council based on, but not limited to, factors such as:

1. Materials and features of buildings, landscaping, pedestrian connectivity, utility locations, or any amendments proposed based on requirements from other governmental agencies being equal or superior to the original plans in relation to factors addressed in the Land Use Plan;
2. Setbacks of buildings, vehicular use areas, and appurtenances not being reduced from the original plans; and/or
3. Minor changes to commercial uses approved by special use permit which do not noticeably alter the feel or function of the use.

GLOSSARY

This section provides definitions of terms, phrases, and land uses for application in the Heritage District Form-Based Code and that are technical or specialized, or that may not reflect common usage. For all other definitions, see the Village of Marvin Zoning Ordinance, Chapter 93 Trees, Section 93.06, Chapter 150 Subdivisions, Section 150.015, and Chapter 151 Zoning, Section 151.016.

ABC Store (Listed in Table of Prohibited Uses). An establishment primarily engaged in the retail sale of alcoholic spirits, beer or wine.

Adult Bookstore, entertainment, novelty shop (Listed in Table of Prohibited Uses). A bookstore which: (A.) receives a majority of its gross income during any calendar year from the sale of publications (including books, magazines and other periodicals) which are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or anatomical area; or (B.) has a preponderance of its publications, books, magazines and other periodicals distinguished or characterized by their emphasis on matter depicting or relating to sexual activities or anatomical areas.

Amusement gallery, electronic gaming operation (Listed in Table of Prohibited Uses). Any business enterprise, whether as a principal or accessory use, where persons utilize electronic machines, including, but not limited to computers and gaming terminals to conduct games including but not limited to sweepstakes, lotteries, games, and/or games of chance, and where cash or merchandise, or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds, which have a finite pool of winners. The term includes, but is not limited to internet sweepstakes, video sweepstakes, or cybercafés. This definition does not include any lottery endorsed, approved, or sponsored by the State of North Carolina, or arcade games of skill.

Architectural Feature. An architectural element, which alone or as part of a pattern, embodies the style, design, or general arrangement of the exterior of a building or structure, including but not limited to the kind, color, and texture of building materials, and style and type of windows, doors, lights, porches, and signs.

Auto parts or service store (Listed in Table of Prohibited Uses). An establishment primarily engaged in one or more of the following activities: 1) retail sales of automobile parts, or 2)

diagnostic service, tune-ups, and repair of automobiles.

Auto sale, lease or rent (exclusive of auto lease by a travel agency, not kept on site) (Listed in Table of Prohibited Uses). An establishment primarily engaged retail sales, lease or rent of automobiles.

Awning. A roof or cover that projects from the wall of a building over a door or window, and made of canvas, aluminum or a similar material, which may be fixed in place or retractable for the purpose of shielding a doorway or window from the elements.

Balcony. A platform that projects from the wall of a building and is enclosed by a parapet or railing.

Brewery, Microbrewery. A facility that prepares handcrafted natural beer with consumption on the premises.

Building Entrance. The place of pedestrian ingress and egress to a building most frequently used by the public.

Building Form. The overall shape and dimensions of a building.

Building, Main Body. The primary massing of a building.

Building Type. A structure defined by a combination of its configuration, placement on a lot, and function.

Civic. A term defining not-for-profit organizations that are dedicated to arts, culture, education, recreation, government, transit, and public parking facilities.

Common Open Space. Open space that is (1) owned in common and maintained by the owners of lots in a subdivision (i. e., a homeowner's association), or (2) owned by a private individual or entity but managed and maintained for common use by residents, occupants or customers of the development.

Courtyard. An unroofed area that is completely or partially enclosed by walls or buildings and often shared by multiple residential units or commercial spaces.

Dark Skies. To minimize the light pollution impacts of artificial lighting by selecting light fixtures that point light downward and use shields to reduce lighting beyond their intended areas.

Development Agreement. An agreement between the Village of Marvin and a developer pursuant to Article 10 of G.S. 160D for a large-scale development with a lengthy build-out period and having a public-private partnership component involving mutual financial interests.

Façade, Primary. The exterior wall of a building facing a primary street.

Façade, Secondary. The exterior wall of a building facing a secondary street or side street.

Form-Based Code. A form-based code is a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. Form-based codes address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The regulations and standards are presented in both words and diagrams keyed to a regulating plan that designates the appropriate form and scale (and therefore, character) of development, rather than only distinctions in land-use types. This approach contrasts with conventional zoning's focus on the micromanagement and segregation of land uses, and the control of development intensity through abstract and uncoordinated parameters (e.g., floor area ratios, dwellings per acre, setbacks, parking ratios, traffic levels of service), to the neglect of an integrated built form. Not to be confused with design guidelines or general statements of policy, form-based codes are regulatory, not advisory.

Electronic Gaming Operation (Listed in Table of Prohibited Uses). Any business enterprise, whether as a principal or accessory use, where persons utilize electronic machines, including, but not limited to computers and gaming terminals to conduct games including but not limited to sweepstakes, lotteries, games, and/or games of chance, and where cash or merchandise, or other items of value are redeemed or otherwise distributed, whether or not the value of such distribution is determined by electronic games played or by predetermined odds, which have a finite pool of winners. The term includes, but is not limited to internet sweepstakes, video sweepstakes, or cybercafés. This definition does not include any lottery endorsed, approved, or sponsored by the State of North Carolina, or arcade games of skill.

Glazing. The windows and other openings in a building in which glass is installed.

Greenway. A linear space that may be defined by tree-lined streets, which tends to have narrow dimensions that support passive use and can serve as a green connector between destinations.

Ground Floor. The floor of a building located nearest to the level of the ground around the building.

Mixed-Use. A single building containing more than one type of land use or a single development of more than one building and use including, but not limited to, residential, office, retail, recreation, public, or entertainment uses, where the different land use types are in close proximity, planned as a unified complementary whole, and shared pedestrian and vehicular access and parking areas are functionally integrated. Mixed-uses may be integrated vertically (i.e. two or more different uses occupy the same building usually on different floors) or horizontally (i.e. two or more different types of uses are placed next to each other on the same parcel, planned as a unit, and connected together with pedestrian and vehicular access).

Night Club (Listed in Table of Prohibited Uses). An establishment primarily engaged in the retail sale of alcoholic spirits, beer or wine for consumption on the premises.

Parapet. A low wall along the edge of a roof or the portion of a wall that extends above the roof line.

Public Facilities. Major capital improvements, including, but not limited to, transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational, and health systems and facilities.

Regulating Plan. The map of an area designating the locations of subdistrict zones and identifying key elements such as required retail frontages and civic spaces. A regulating plan is typically incorporated into the Village's official Zoning Map.

Restaurant serving alcohol. An establishment primarily engaged in the retail sale of prepared food for on-premises consumption and holds ABC permits for on-premises sale consumption of alcoholic spirits, beer or wine.

Shopfront. A type of frontage, typically for commercial and retail use, where the façade is aligned close to the frontage line with the building entrance at the level of the sidewalk.

Sidewalk. The portion of a right-of-way that is paved and intended exclusively for pedestrian use, and often installed between the curb and adjacent property lines.

Street Frontage. The lot line(s) of a lot fronting a thoroughfare or other public way, or a civic space.

Thoroughfares. A right-of-way for use by vehicular, pedestrian, and bicycle traffic that provides access to lots and open spaces, and that incorporates vehicular lanes and public frontages.

Utility Equipment. Electric transformers, switch cabinets, traffic signal cabinets, telephone or television/ cable cabinets, heating and cooling equipment, and similar devices.

Walkway. A paved way located on one or more lots used for pedestrians and for the exclusive use of the lot owner(s), their guests, and invitees.

EXHIBITS

- Exhibit A: Photos of Existing Building in Marvin Heritage District
- Exhibit B: Photos of Bluffton, S.C.
- Exhibit C: Photos of Other Examples
- Exhibit D: Terminate Vistas Map
- Exhibit E: Pedestrian and Greenway Map
- Exhibit F: Alignment of the Marvin Loop Trail
- Exhibit G: Precedent Imagery of Buffer Types

EXHIBIT A: Photos of Existing Buildings in Marvin Heritage District



McIlwain-Suggs House (Windle House)



Crane General Store



Wilma and William Crane House (Owens House)



Philbrick House



Reasons (Rajan) Barn



J.J. Rone House

EXHIBIT B: Photos of Bluffton, S.C.



Commercial Cottage Style



Commercial Bungalow Style



Village House with Professional Office

EXHIBIT C: Photos of Other Examples



Savannah, GA



Middle: Long Grove, IL



Kennebunkport, ME

EXHIBIT D: Terminate Vista Map

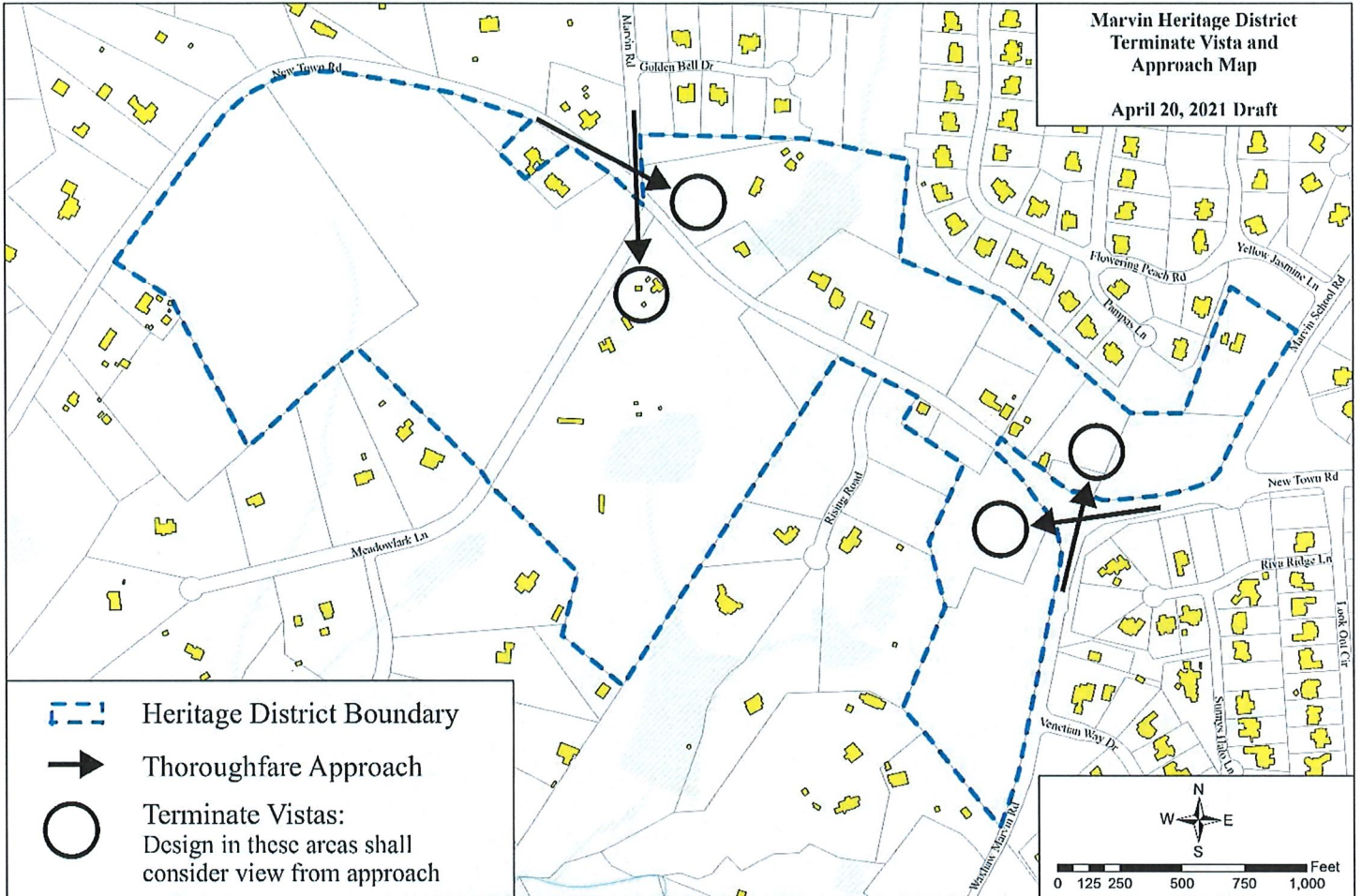
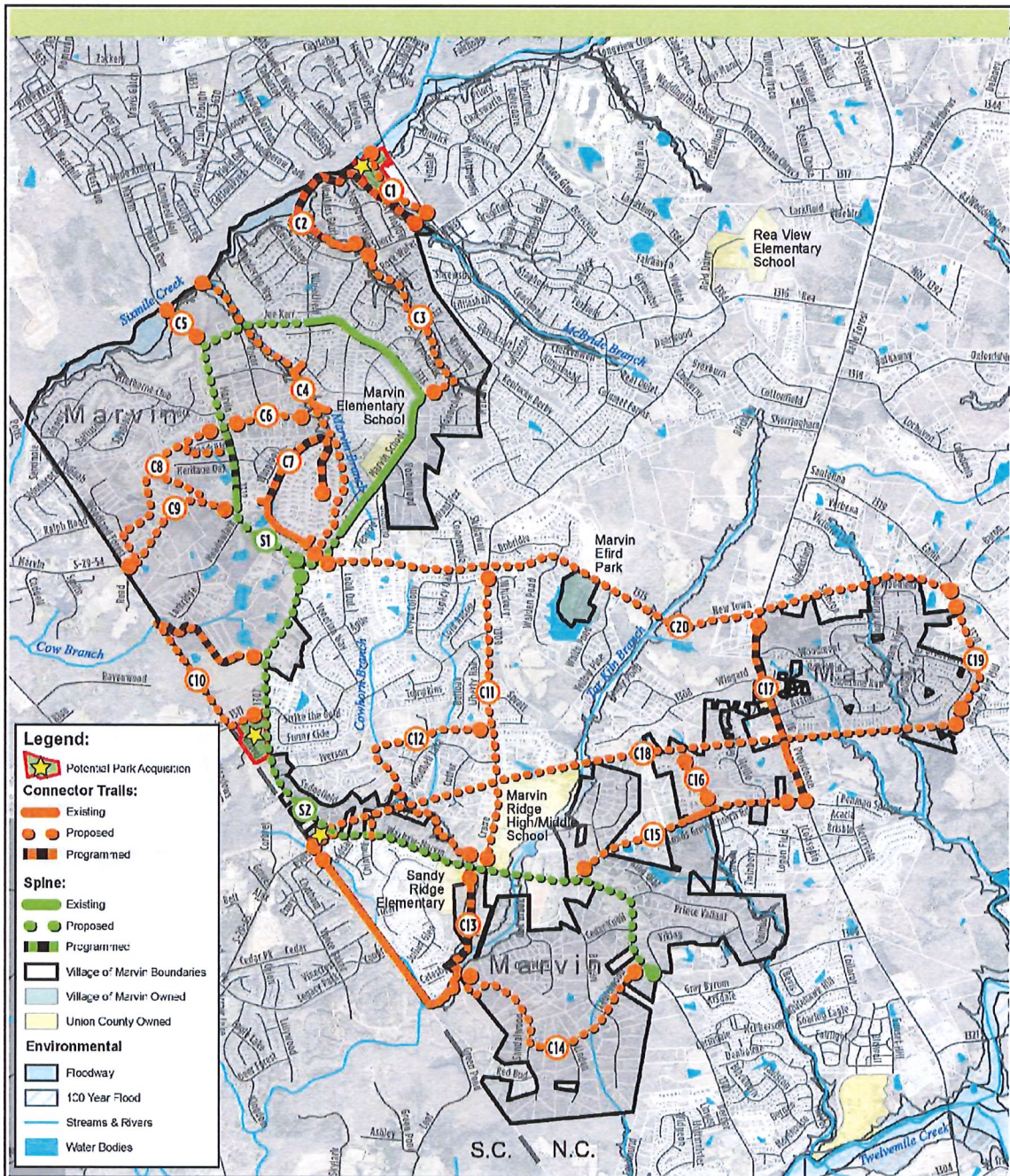
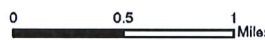


EXHIBIT E: Pedestrian and Greenway Plan



Conceptual Greenway Plan
 Village of Marvin
 Union County, North Carolina



DESTINATION
BY DESIGN
 PLANNING ENGINEERING COMMUNICATIONS



ROUTE SUMMARY MATRIX

Trail Segment	Name	Trail Type	Length (linear feet)	Length (miles)	Location
S1	Marvin Loop	DOT Sidepath/ Typical Greenway	19,715	3.73	Along Marvin School, Joe Kerr, Marvin, and New Town Roads
S2	Waxhaw Marvin Greenway	DOT Sidepath/ Typical Greenway	18,676	3.54	Along Waxhaw Marvin Road
C1	North McBride Branch Greenway	Crushed Stone Path	2,337	0.44	Along north side of McBride Branch
C2	Tullamore Trail	Crushed Stone Path	6,568	1.25	Off road
C3	Wyndham Hall Greenway	DOT Sidepath/ Crushed Stone Path	6,042	1.14	Riparian corridor and along Marvin School Road
C4	Marvin Branch Greenway	Crushed Stone Path	10,252	1.94	Along Marvin Branch
C5	Six Mile Creek Connector	DOT Sidepath	1,508	0.29	Along Marvin Road
C6	Saddle Avenue Connector	Sharrow - on road	2,521	0.48	Along/on Saddle Avenue
C7	Preserve Trail	Crushed Stone Path	6,408	1.22	Off road
C8	Woodland Forest Connector	DOT Sidepath/ Typical Greenway/ Crushed Stone Path	8,622	1.63	Off road and along Woodland Forest Road
C9	Marvin Loop Connector	DOT Sidepath/ Typical Greenway	4,201	0.80	Along New Town Road
C10	Broadmoor Greenway	DOT Sidepath/ Typical Greenway/ Crushed Stone Path	8,169	1.55	Off road and along Stacy Howie Road
C11	Crane Road Greenway	DOT Sidepath	8,277	1.57	Along Crane Road
C12	Cowhorn Branch Greenway	Crushed Stone Path	8,788	1.66	Off road
C13	Chimneys Trail	Natural Surface Trail	9,823	1.86	Off road
C14	Tar Kln Branch Connector	Natural Surface Trail/ Sharrow - on road	7,556	1.43	Off road and along Sandalwood and Laurelwood Lanes
C15	Bonds Grove Church Greenway	DOT Sidepath and Typical Greenway	6,753	1.29	Along Bonds Grove Church Road
C16	Belle Grove Trail	Crushed Stone Path	2,052	0.39	Off road
C17	Providence Road Greenway	DOT Sidepath and Typical Greenway	5,525	1.04	Along Providence Road
C18	Powerline Trail	Natural Surface Trail	18,530	3.51	Duke Power ROW and along Henry Nesbit Road
C19	Broomes Old Mill Connector	DOT Sidepath	3,852	0.73	Along Broomes Old Mill Road
C20	New Town Road Greenway	DOT Sidepath	17,827	3.38	Along New Town Road

Total Length (miles)

34.86

EXHIBIT F: Alignment of the Marvin Loop Trail

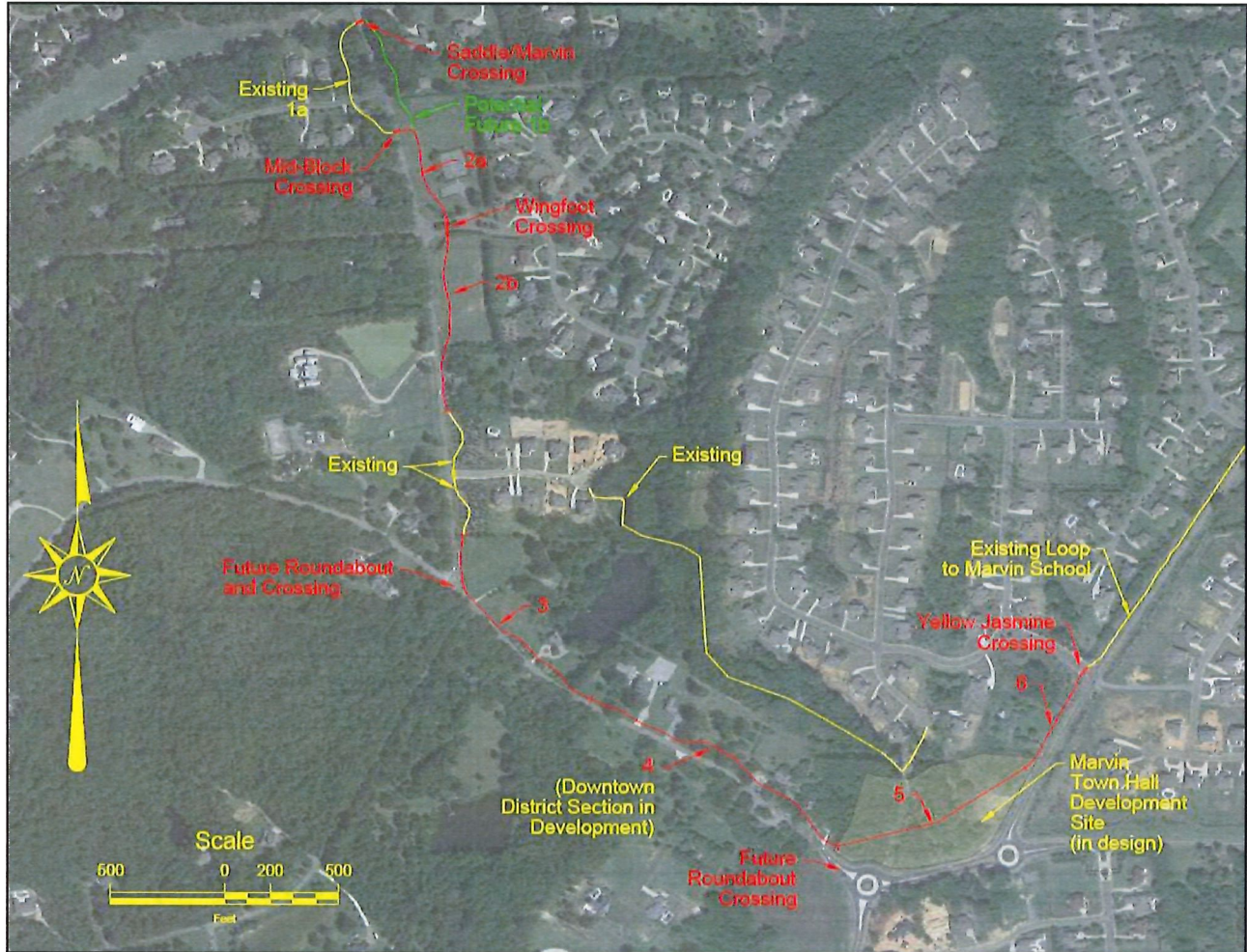
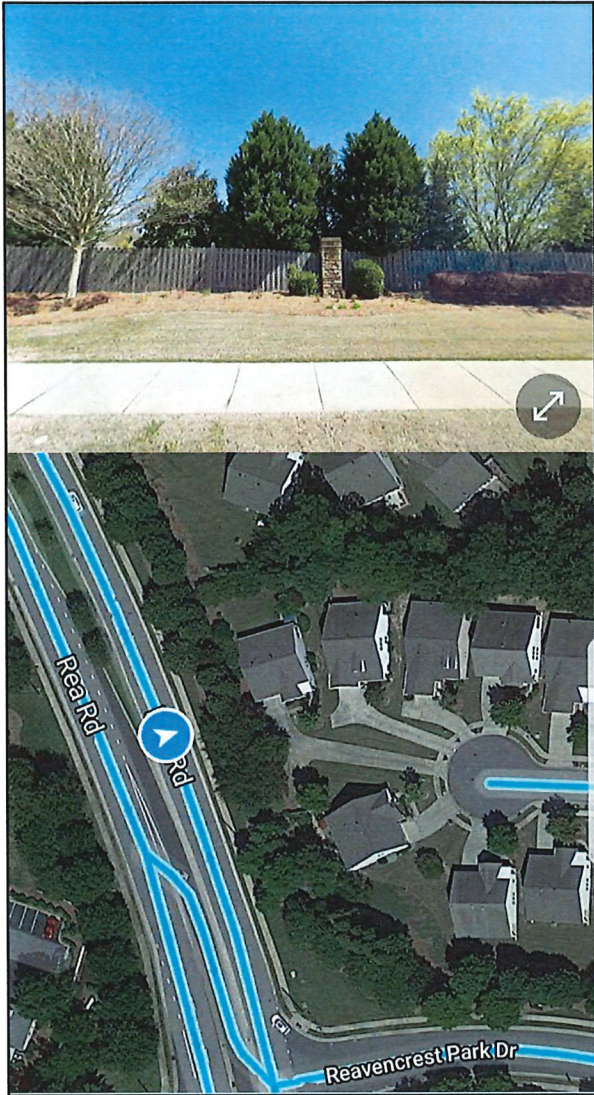
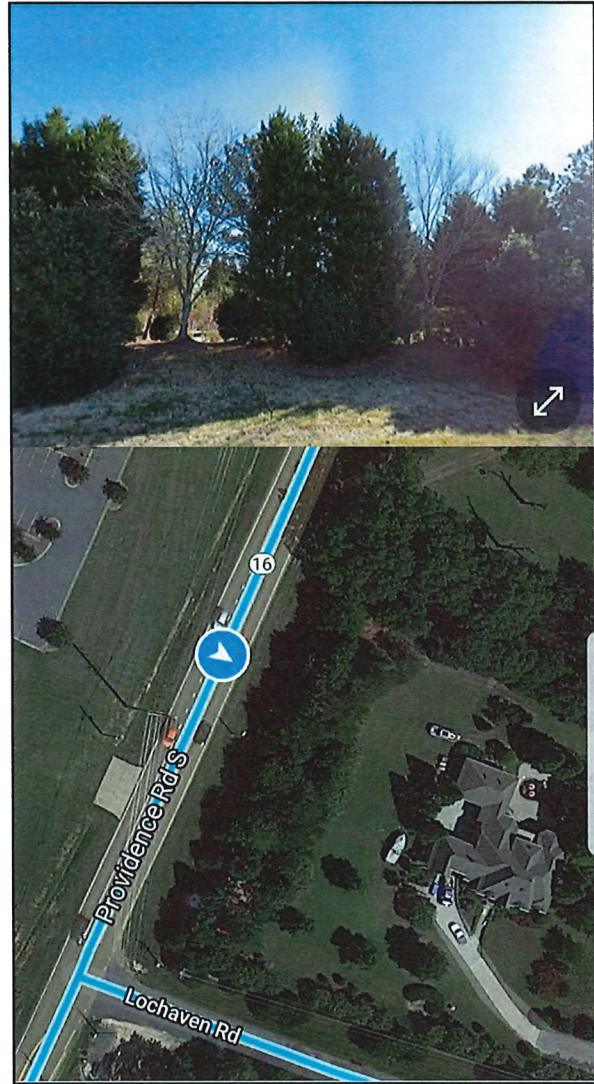


EXHIBIT G: Precedent Imagery of Buffer Types

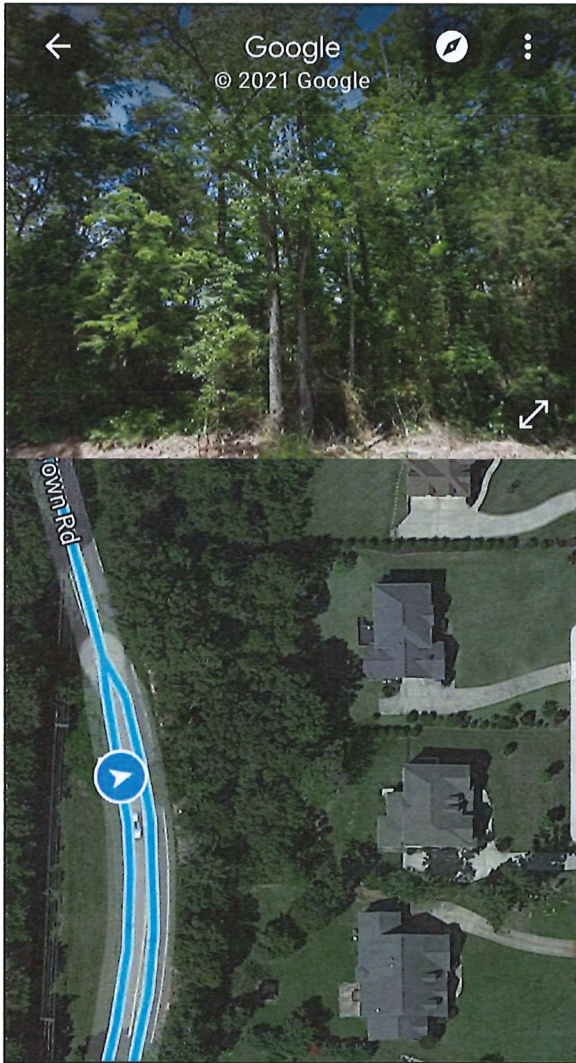


Fence + Rows of Evergreens and Canopies

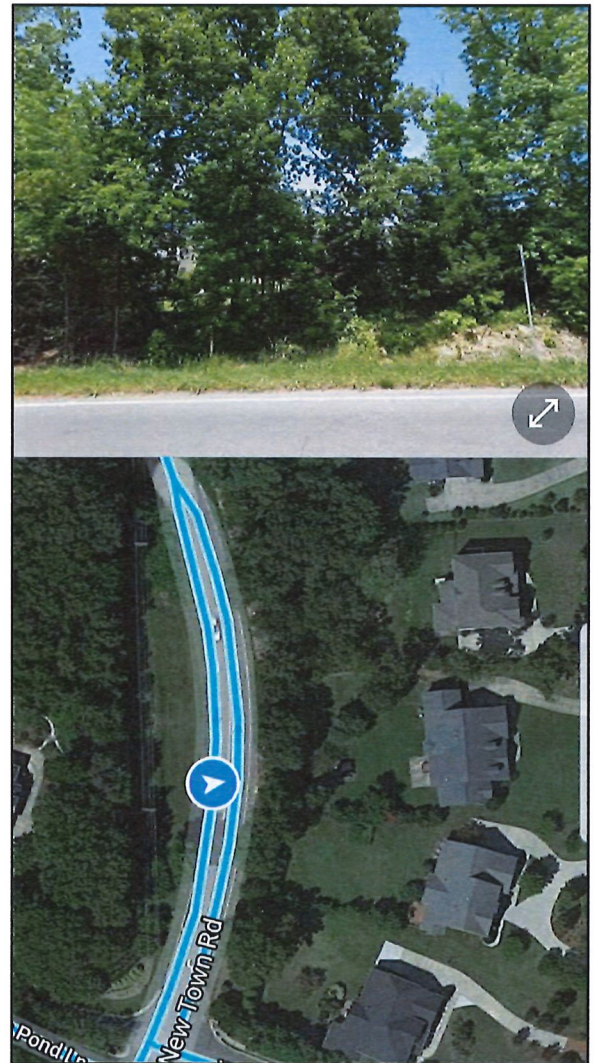


Two Rows of Evergreen Trees

EXHIBIT G (Continued): Precedent Imagery of Buffer Types



100 foot depth of mature trees



~60 feet depth of mature trees