

## **ARTICLE 8**

### **DISTRICTS** *(Amended June 10, 2025)*

#### **8.1 Purpose**

In order to provide for the orderly development of Marvin, preserve existing development patterns that contribute to the character and sense of place of the community, and to allow for creativity in the planning for future development, the Village hereby establishes districts and their associated standards and specifications.

#### **8.2 Districts Created**

The following Primary General-Use Districts are hereby created. This listing is in order of intensity of development listed within the district, from least intense to most intense:

- (1.) Rural Residential (RR)
- (2.) Single-Family Residential (SFR-1)
- (3.) Single-Family Residential (SFR-2)
- (4.) Single-Family Residential (SFR-3)
- (5.) Main Street (MS)
- (6.) Civic (CIV)
- (7.) Mixed Use (MU-1)
- (8.) Mixed Use (MU-2)
- (9.) NC Highway 16 Commercial District (C-16)
- (10.) Vehicle Service and Repair (VSR)
- (11.) Industrial (IND)

In addition to the Primary General-Use Districts above, the following Overlay Districts are created to provide for more creativity in the development of land and/or to protect unique environmental features of the Village.

- (12.) Traditional Neighborhood Development Overlay (TNDO)
- (13.) Scenic Corridor Overlay (SCO)
- (14.) Heavy Industry Overlay (HIO)
- (15.) Mini Farm Overlay (MFO)
- (16.) Manufactured Home Overlay (MHO)
- (17.) Heritage District (HD)

### **8.3 Description of Each District Purpose and Intent**

The purpose and intent of districts created by this Ordinance are described as follows:

The Rural Residential District (RR) is established to protect lands used for low-density residential uses in traditional rural settings and includes agricultural production, agriculturally based businesses and related activities. The Rural Residential District can also be used to preserve open spaces.

The Single-Family Residential Districts (SFR-1, SFR-2 and SFR-3) provide for the completion of existing residential neighborhoods and the development of new residential neighborhoods. Allowed building/lot types in the Single-Family Districts are Detached House. Listed uses are restricted to Single-Family, including duplex (two-family), homes and their accessory uses. Neighborhoods in these districts are the dominant land use in Marvin and are a major element in defining the character of the community. Standards for the Single-Family Residential Districts promote that new development maintains the character of the community. The Single-Family Residential Districts permit the completion and conformity of conventional residential subdivisions already existing or approved in sketch plan form by the Village of Marvin prior to the effective date of these regulations.

The Main Street District (MS) provides for new development, revitalization, reuse, and infill development in Marvin's core downtown. A broad array of uses is listed to enable the needs of residents and visitors to be met. Allowed building/lot types in this district are Urban Workplace, Shop-front, Detached House, Attached House, Multi-family Building, and Civic Building. The development pattern seeks to integrate shops, restaurants, services, workplaces, civic, educational, and higher density housing in a compact, pedestrian-oriented environment. The Main Street District serves as the hub of the surrounding neighborhoods and of the broader community. The Main Street District may be expanded over time to meet the needs of the growing community for downtown facilities and services. Expansion of the Main Street District shall be contiguous and not separated from the primary district area.

The Civic District (CIV) provides a location for educational, medical, governmental, religious, and other institutional uses. Large developments in the Civic District are encouraged to provide a master plan to the Village. Institutional uses in the Civic District are required to provide pedestrian connections on their campuses and, to the extent possible, develop an internal street system with structures fronting on the streets. Parking should not be the dominant visible element of the campuses developed for institutional uses. Providing a unique district for civic uses will establish uniform standards.

The Mixed-Use Districts (MU-1 and MU-2) are established to provide opportunities for both compatible and sustainable re-development where underutilized commercial properties already exist as well as infill sites where site specific land planning of new development creates opportunities for businesses and various housing designs sharing community amenities and enhancements. Existing auto-oriented street, lot, and building designs can create uncomfortable pedestrian environments; however, with careful site planning these areas will allow a greater number of residents to walk or bike to businesses and services with an interconnected network of streets and sidewalks. Allowed building/lot types are Highway Commercial, Urban Workplace, Shop-front, Detached House, Attached House, and Multi-family. Dominant uses in this district are residential, retail and office. The Mixed-Use Districts are expected to serve Marvin residents as well as persons who travel from surrounding communities. The development pattern in this district acknowledges the role of the automobile, with parking and access provided to promote safety for the motoring public. Development standards in the Mixed-Use Districts promote the creation of a pleasant pedestrian-friendly auto-oriented environment while enabling a compatible transition to uses in adjacent neighborhood districts.

The NC Highway 16 Commercial District (C-16) is established to provide opportunities for compatible, resilient and sustainable development along the NC Highway 16 corridor. Development standards in the C-16 district acknowledge that the automobile is the primary mode of transportation. Development and design standards encourage pedestrian scale development along a secondary street network serving larger projects. Goals of the C-16 district include providing a pleasant calm environment for motorists, a safe environment for pedestrians within a network of streets and pedestrian facilities; promoting the safety of motorists, cyclists and pedestrians; and preserving the capacity of the transportation network outside the core area as shown in the adopted Village Plan. Uses in this district include commercial goods & services, employment, and some limited small-scale industrial. Allowed building/lot types include Highway Commercial, Urban Workplace, and Shop-front.

The Vehicle Service and Repair District (VSR) is established to provide locations for specific uses that, due to their unique characteristics and importance to the community, and the traveling public, require different criteria and specifications than typical commercial development. Development standards in the Vehicle Service and Repair District acknowledge that the automobile is the primary mode of transportation in suburban communities and there is a vital need for such businesses to be located in close proximity to one another. Uses within the Vehicle Service and Repair District are buffered from adjacent uses. The dominant uses in this district are vehicle oriented and/or dependent and include vehicle-based services, vehicle repair shops and disabled vehicle storage areas. The Vehicle Service and Repair District is reserved for uses which

require broad maneuvering spaces and avoid pedestrian interaction with potentially hazardous conditions. Goals of the Vehicle Service and Repair District include providing a pleasant environment for motorists, a safe environment for pedestrians along the network of streets and pedestrian facilities; promoting the safety of motorists and pedestrians; and preserving the capacity of Main Street and its interconnecting network of streets outside the core area as shown in the adopted Village Plan. Uses in this district include heavy commercial goods and services for motor vehicles, and some limited industrial. Allowed building/lot type is Highway Commercial.

The Industrial District (IND) is established to provide locations for industrial uses that, due to the scale of the buildings and/or the nature of the use, cannot be integrated into the community. Uses within the Industrial District are buffered from adjacent uses. The dominant uses in this district are manufacturing and warehouse storage. Small scale manufacturing and storage that is compatible with less intensive uses can and should be located in other non-residential or mixed-use districts. The Industrial District is reserved for uses which require very large buildings and/or large parking and loading facilities.

The Traditional Neighborhood Development Overlay District (TNDO) provides an alternative opportunity applicable only upon request for a Zoning Map Amendment for the development of new neighborhoods and the revitalization or extension of existing neighborhoods. These neighborhoods are structured upon a fine network of interconnecting pedestrian-oriented streets and other public spaces. Traditional Neighborhood Developments (TND's) provide a mixture of housing types and prices, prominently sited civic or community building(s), stores/offices/workplaces, and churches to provide a balanced mix of activities. A Traditional Neighborhood Development (TND) has a recognizable center and clearly defined edges; optimum size is a quarter mile from center to edge. A TND is urban in form, is typically an extension of the existing developed area of the Village and has an overall residential density of up to eleven (11) dwelling units per acre. TNDO districts should have a significant portion of land dedicated to improved open spaces, and reserve un-improved open spaces where environmentally sensitive areas are located.

The Scenic Corridor Overlay District (SCO) is established to protect the pastoral scenes and open spaces that provide a sense of arrival for residents and visitors traveling the major entrance roads and gateways to the Village. The pastoral scenes and undeveloped property along the entrance roads and gateways contribute significantly to Marvin's community character and sense of place. The Scenic Corridor Overlay District provides development options for the owners of the property abutting the entrance roads and gateways. The goal of this district is to protect the scenic value of the corridors through a mix of incentives and development standards. These standards will preserve the suburban character of the Village by maintaining the sense of a suburban corridor in an urban environment; provide an aesthetically appealing experience for those traveling the

corridor; provide multi-modal transportation options for travel; and promote a safe transportation corridor for motorists, bicyclists, and pedestrians.

The Heavy Industry Overlay District (HIO) is established to protect all environments from the negative impacts of certain activities and types of development. It is the intent of this district to provide and permit certain public and private heavy industrial uses and facilities that incorporate hazardous materials and/or scientific technology, including wholesale, distribution, storage, processing, manufacturing and production. However, it is required that industries in this district take all necessary actions including but not limited to installation of apparatus and technological equipment available to prevent negative impacts on the environment and the community from the emissions of smoke, dust, fumes, noise and vibrations and other activities and/or products resulting from such hazardous industrial activities in accordance with federal, state and local regulations.

The Mini Farm Overlay District (MFO) permits buildings to be grouped on a site, parcel, or property in order to optimize the use of land and resources for both residential and agricultural purposes. By clustering development at a density no greater than 1.15 units per developed acre, projects developed in accordance with these standards can obtain density bonuses while preserving unique natural features for agricultural use. The Mini Farm Overlay District mandates the dedication of both agricultural land and open space with density bonuses provided as an incentive for adhering to the standards. It is the intent of this district to be used for new development in undeveloped outlying areas of the Village. Allowed building/lot type is Detached House.

The Manufactured Home Overlay District (MHO) is established to protect the standard of living and neighborhood conditions. Established standards that will enable the use of innovative manufactured homes with a higher aesthetic standard will invigorate these communities. Non-conforming manufactured home parks that have not received approval for continuation would be amortized over a period of time to allow the owner/operator to meet reasonable financial payback expectations in accordance with accepted practices in North Carolina. Existing parks could be limited to less fundamental standards and specifications, while new parks are required to meet a higher standard. These parks may be ideally suited for alternative designs such as Tiny House, Park Model and other styles of housing where installation standards are considered temporary. The overlay could be expanded to apply to permanent installations of innovative manufactured housing in subdivisions or parks in accordance with G.S. 160D-909.

The Heritage District (HD) 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 is to maximize

pedestrian connectivity and preservation of open space in this area. Furthermore, a purpose is to protect adjacent existing neighborhoods by requiring transitional density of residential areas, and large, opaque buffers between commercial areas and existing neighborhoods.

#### 8.4 **District Development Standards and Permitted Uses Listed for Each District**

Development standards are established for each of the following Primary General-Use Districts to promote the orderly development of the Village of Marvin. The uses listed for each district, are as specified in Table 8.1, Sections 1-3 appearing at the end of this Article for each of the three categories of use listings as follows:

- 1) Listed Use - Where a use is listed in a given district, the symbol “L” is entered in the corresponding district column for the specific use.
- 2) Use Listed with Additional Standards - Where a use requiring supplemental standards and specifications in accordance with Section 10.1 of this Ordinance is listed in a district, the symbol “A” is entered in the corresponding district column for the specific use along with the reference number for the applicable supplemental standard(s).
- 3) Special Use - Where a use is listed in a given district, upon satisfaction of the requirements established in Section 10.2 of this Ordinance, the symbol “S” is entered in the corresponding district column for the specific use.

Where a use is not listed within a given Primary General-Use District, such use shall not be permitted.

##### 8.4-1 Rural Residential District (RR)

(A.) Intent. The Rural Residential District (RR) is established to protect lands used for low-density residential uses in traditional rural settings and includes agricultural production, agriculturally based businesses and related activities. The Rural Residential District can also be used to preserve open spaces.

(B.) Listed Uses:

- (1.) Uses listed by right: See Table of Uses (Table 8.1) of this Article
- (2.) Uses listed with additional standards: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.1
- (3.) Uses listed with conditions: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.2

(C.) Listed Building and Lot Types: Detached House and Agricultural Buildings

(D.) Residential Density Limit, excluding Accessory Dwellings meeting the

limitations of and in accordance with Article 10, Section 10.1-3: 0.34 units/acre

(E.) General Standards & Specifications:

- (1.) Building placement, parking placement, building type, access, and lot arrangement shall be controlled by the lot and building type standards (Article 9) for the lot and building type listed in the Rural Residential District.
- (2.) Lot lines are exempt from the provisions of Article 16, sub-section 16.2-3(D).
- (3.) In addition to the requirements established by the lot type standards and building type standards, the following dimensional standards shall apply in the Rural Residential District:

<b>Minimum Lot Size</b>	<b>Minimum Lot Width</b>	<b>Minimum Front Street Setback</b>	<b>Minimum Rear Yard Setback</b>	<b>Minimum Side Yard Setback</b>	<b>Minimum Corner Lot Side Street Setback</b>
2.5 acres	144'	50'	40'	16'	25'

(F.) Open Space. The provision and design of open space shall comply with the requirements set forth in Article 21.

(G.) Parking & Landscaping. Parking shall comply with the requirements set forth in Article 12. Landscaping shall comply with the requirements set forth in Article 11.

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#### 8.4-2 Single-Family Residential Districts (SFR-1, SFR-2 and SFR-3)

(A.) Intent. The Single-Family Residential Districts (SFR-1, SFR-2 and SFR-3) provide for the completion of existing residential neighborhoods and the development of new residential neighborhoods. Allowed building/lot types in the Single-Family Districts are Detached House. Listed uses are restricted to Single-Family, including duplex (two-family), homes and their accessory uses. Neighborhoods in these districts are the dominant land use in Marvin and are a major element in defining the character of the community. Standards for the Single-Family Residential Districts promote that new development maintains the character of the community. The Single-Family Residential Districts permit the completion and conformity of conventional residential subdivisions already existing or approved in sketch plan form by the Village of Marvin prior to the effective date of these regulations.

(B.) Listed Uses:

- (1.) Uses listed by right: See Table of Uses (Table 8.1) of this Article
- (2.) Uses listed with additional standards: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.1
- (3.) Uses listed with conditions: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.2

(C.) Listed Building and Lot Types: Detached House

(D.) Gross Residential Density Limit, excluding Accessory Dwellings meeting the limitations of and in accordance with Article 10, Section 10.1-3:

- (1.) SFR-1: 1.00 unit/acre
- (2.) SFR-2: 2.00 units/acre
- (3.) SFR-3: 3.00 units/acre

(E.) General Standards & Specifications:

- (1.) Building placement, parking placement, building type, access, and lot arrangement shall be controlled by the lot and building type standards set forth in Article 9 for the lot and building types listed in the Single-Family Residential Districts.
- (2.) In addition to the requirements established by the lot type standards and building type standards, the following dimensional standards shall apply in the Single-Family Residential Districts:

	<b>SFR-1</b>	<b>SFR-2</b>	<b>SFR-3</b>
<b>LOT DIMENSIONS</b>			
Minimum Lot Size (gross square feet)	34,900	17,450	11,600
Minimum Lot Width measured at Front Street Setback	130'	72'	60'
<b>PRINCIPAL STRUCTURES</b>			
Minimum Front Street Setback measured from Street Right-of-way	50'	33'	20'
Minimum Rear Yard Setback	40'	30'	20'
Minimum Side Yard Setback	16'	9'	5'
Minimum Corner Lot Side Street Setback measured from Street Right-of- way	25'	21'	17'
<b>ACCESSORY STRUCTURES</b>			
Minimum Front Street Setback measured from Street Right-of-way	102'	73'	60'
Minimum Rear Yard Setback	10'	5'	5'
Minimum Side Yard Setback	10'	5'	5'
Minimum Corner Lot Side Street Setback measured from Street Right-of- way	26.5'	22.5''	18.5'
<b>MINIMUM REQUIRED PARKING, WHETHER ENCLOSED OR NOT</b>			
Minimum Front Street Setback measured from Street Right-of-way	65' or as specified by structure type whichever is greater	36.5'	23.5'
Minimum Corner Lot Side Street Setback measured from Street Right-of- way	47' or as specified by structure type whichever is greater	22.5'	18.5'

(F.) Open Space. The provision and design of open space shall comply with the requirements set forth in Article 21.

(G.) Parking & Landscaping. Parking shall comply with the requirements set forth in Article 12. Landscaping shall comply with the requirements set forth in Article 11.

#### 8.4-3 Main Street District (MS)

(A.) Intent. The Main Street District (MS) provides for new development, revitalization, reuse, and infill development in Marvin's core downtown. A broad array of uses is listed to enable the needs of residents and visitors to be met. Allowed building/lot types in this district are Urban Workplace, Shop-front, Detached House, Attached House, Multi-family Building, and Civic Building. The development pattern seeks to integrate shops, restaurants, services, workplaces, civic, educational, and higher density housing in a compact, pedestrian-oriented environment. The Main Street District serves as the hub of the surrounding neighborhoods and of the broader community. The Main Street may be expanded over time to meet the needs of the growing community for downtown facilities and services. Expansion of the Main Street District shall be contiguous and not separated from the primary district area.

(B.) Listed Uses:

- (1.) Uses listed by right: See Table of Uses (Table 8.1) of this Article
- (2.) Uses listed with additional standards: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.1
- (3.) Uses listed with conditions: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.2

(C.) Listed Building and Lot Types: Urban Workplace, Shop-front, Detached House, Attached House, Multi-family Building, and Civic Building

(D.) Residential Density Limit, excluding Accessory Dwellings meeting the limitations of and in accordance with Article 10, Section 10.1-3: 24 units/acre

(E.) General Standards & Specifications:

- (1.) Building placement, parking placement, building type, urban form, access, and lot arrangement shall be controlled by the lot and building type standards (Article 9) for the lot and building types listed in the Main Street District.
- (2.) In addition to the requirements established by the lot type standards and building type standards, the following dimensional standards shall apply in the Main Street District:

Minimum Lot Size	Minimum Lot Width	Build-to-Line from any street	Minimum Rear Yard Setback	Minimum Side Yard Setback
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0 SF	0'	9'-3" or 14'-3" off back-of-curbing at street-side edge-of-sidewalk (exclusive of curb bump-outs) per Section 13.6-1 of this Ordinance, or the average alignment of existing buildings within the same block and same side of the street, provided that buildings with greater than six (6) feet of deviation shall not be considered in this computation. Under no conditions shall a building be permitted within the public right-of-way.	8'	0'
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(F.) Open Space. The provision and design of open space shall comply with the requirements set forth in Article 21.

(G.) Parking & Landscaping. Parking shall comply with requirements set forth in Article 12. Landscaping shall comply with the requirements set forth in Article 11.

#### 8.4-4 Civic District (CIV)

Intent: The Civic District (CIV) provides a location for educational, medical, governmental, religious, and other institutional uses. Large developments in the Civic District are encouraged to provide a master plan to the Village. Institutional uses in the Civic District are required to provide pedestrian connections on their campuses and, to the extent possible, develop an internal street system with structures fronting the streets. Parking should not be the dominant visible element of the campuses developed for institutional uses. Providing a unique district for civic uses will establish uniform standards.

(A.) Parking should not be the dominant visible element of the campuses developed for institutional uses.

(B.) Listed Uses:

- (1.) Uses listed by right: See Table of Uses (Table 8.1) of this Article
- (2.) Uses listed with additional standards: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.1
- (3.) Uses listed with conditions: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.2

(C.) Listed Building and Lot Types: Urban Workplace, Detached House, Attached House, Multi-family, and Civic Building

(D.) Residential Density Limits, excluding Accessory Dwellings meeting the

limitations of and in accordance with Article 10, Section 10.1-3:

- (1.) Single-Family Detached: 2 units/acre
- (2.) Dormitory for student population only: 16 dormitory beds/acre

(E.) General Standards & Specifications:

- (1.) Building placement, parking placement, building type, urban form, access, and lot arrangement shall be controlled by the lot and building type standards (Article 9) for the lot and building types listed in the Civic District.
- (2.) In addition to the requirements established by the lot type standards and building type standards, the following dimensional standards shall apply in the Civic District:

<b>Minimum Lot Size</b>	<b>Minimum Lot Width</b>	<b>Minimum Front Street Setback</b>	<b>Minimum Rear Yard Setback</b>	<b>Minimum Side Yard Setback</b>	<b>Minimum Side Street Setback, Corner Lot</b>
20,000 SF	96'	12'	12' or as required by buffering standards and/or building type whichever is greater	12' or as required by buffering standards and/or building type whichever is greater	12' or as required by buffering standards and/or building type whichever is greater

(F.) Open Space. The provision and design of open space shall comply with the requirements set forth in Article 21.

(G.) Parking, Landscaping and Buffers. Parking shall comply with the requirements set forth in Article 12. Landscaping, including required buffers, shall comply with the requirements set forth in Article 11.

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#### 8.4-5 Mixed Use Districts (MU-1 and MU-2)

- (A.) Intent. The Mixed-Use Districts (MU-1 and MU-2) are established to provide opportunities for both compatible and sustainable re-development where underutilized commercial properties already exist as well as infill sites where site specific land planning of new development creates opportunities for businesses and various housing designs sharing community amenities and enhancements. Existing auto-oriented street, lot, and building designs can create uncomfortable pedestrian environments; however, with careful site planning these areas will allow a greater number of residents to walk or bike to businesses and services with an interconnected network of streets and sidewalks. Allowed building/lot types are Highway Commercial, Urban Workplace, Shop-front, Detached House, Attached House, and Multi-family. Dominant uses in this district are residential, retail and office. The Mixed-Use Districts are expected to serve Marvin residents as well as persons who travel from surrounding communities. The development pattern in this district acknowledges the role of the automobile, with parking and access provided to promote safety for the motoring public. Development standards in the Mixed-Use Districts promote the creation of a pleasant pedestrian-friendly auto-oriented environment while enabling a compatible transition to uses in adjacent districts.
- (B.) A Development Agreement, established pursuant to Section 7.15 of this Ordinance, shall be required as part of all Mixed Use (MU-1 and MU-2) District applications and shall apply to all projects within the MU-1 and MU-2 Districts.
- (C.) Listed Uses:
- (1.) Uses listed by right: See Table of Uses (Table 8.1) of this Article
  - (2.) Uses listed with additional standards: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.1
  - (3.) Uses listed with conditions: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.2
- (D.) Listed Building and Lot Types: Highway Commercial, Urban Workplace, Shop-front, Detached House, Attached House, and Multi-family
- (E.) Residential Density Limits, excluding Accessory Dwellings meeting the limitations of and in accordance with Article 10, Section 10.1-3:
- (1.) Single-Family Detached: 7 unit/acre
  - (2.) Single-Family Attached: 12 units/acre
  - (3.) Multifamily: 19 units/acre

(F.) General Standards & Specifications:

- (1.) Building placement, parking placement, building type, urban form, access, and lot arrangement shall be controlled by the lot and building type standards (Article 9) for the lot and building types listed in the Mixed-Use Districts.
- (2.) In addition to the requirements established by the lot type standards and building type standards, the following dimensional standards shall apply in the Mixed-Use Districts:

<b>Minimum Lot Size</b>	<b>Minimum Lot Width</b>	<b>Build-to-Line from “Main Street” type streets and intersecting streets (see Sect. 13.6-1)</b>	<b>Build-to-Line from street(s) other than the “Main Street” type street</b>	<b>Minimum Rear Yard Setback</b>	<b>Minimum Side Yard Setback</b>
6,000 SF for all types except Single-family Attached Townhouse at 1600 SF	120’ on NC Hwy 16  0’ on a “Main Street” type street,  24’ on all other streets for all types except Single-family Attached Townhouse at 16’	14’-3” or 9’-3” off back-of-curb at street-side edge-of-sidewalk (exclusive of curb bump-outs) per Section 13.6-1 of this Ordinance, or the average alignment of existing buildings within the same block and same side of the street, provided that buildings with greater than six (6) feet of deviation shall not be considered in this computation. Under no conditions shall a building be permitted within the public right-of-way.	Maximum of 24’ from r/w or as required by buffering standards and/or building type whichever is greater	12’ or as required by buffering standards and/or building type whichever is greater	0’ or as required by buffering standards and/or building type whichever is greater unless specified by development agreement(s) for all types except interior lot lines of Single-family Attached Townhouse at 0’

(G.) Open Space. The provision and design of open space shall comply with the requirements set forth in Article 21.

(H.) Parking, Landscaping and Buffers. Parking shall comply with the requirements set forth in Article 12. Landscaping, including required buffers, shall comply with

the requirements set forth in Article 11.

#### 8.4-6 NC Highway 16 Commercial District (C-16)

(A.) Intent: The NC Highway 16 Commercial District (C-16) is established to provide opportunities for compatible, resilient and sustainable development along the NC Highway 16 corridor. Development standards in the C-16 district acknowledge that the automobile is the primary mode of transportation. Development and design standards encourage pedestrian scale development along a secondary street network serving larger projects. Goals of the C-16 district include providing a pleasant calm environment for motorists, a safe environment for pedestrians within a network of streets and pedestrian facilities; promoting the safety of motorists, cyclists and pedestrians; and preserving the capacity of the transportation network outside the core area as shown in the adopted Village Plan. Uses in this district include commercial goods & services, employment, and some limited small-scale industrial. Allowed building/lot types include Highway Commercial, Urban Workplace, and Shop-front.

(B.) Listed Uses:

- (1.) Uses listed by right: See Table of Uses (Table 8.1) of this Article
- (2.) Uses listed with additional standards: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.1
- (3.) Uses listed with conditions: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.2

(C.) Listed Building and Lot Types: Highway Commercial, Urban Workplace, Shop-front, and Civic Building

(D.) Residential Density Limit: 0

(E.) General Standards & Specifications:

- (1.) Building placement, parking placement, building type, urban form, access, and lot arrangement shall be controlled by the lot and building type standards (Article 9) for the lot and building types listed in the NC Highway 16 Commercial District (C-16).
- (2.) In addition to the requirements established by the lot type standards and building type standards, the following dimensional standards shall apply in the NC Highway 16 Commercial District (C-16):

<b>Minimum Lot Size</b>	<b>Minimum Lot Width</b>	<b>Minimum Street Setback from r/w of NC Hwy 16</b>	<b>Minimum Street Setback from r/w of any street other than NC Hwy 16</b>	<b>Minimum Rear Yard Setback</b>	<b>Minimum Side Yard Setback</b>
7,200 SF	120' on Primary/State Highways, or 40' on all other streets	24'	16' or as required by buffering standards and/or building type whichever is greater	12' or as required by buffering standards and/or building type whichever is greater	0' or as required by buffering standards and/or building type whichever is greater

(F.) Open Space. The provision and design of open space shall comply with the requirements set forth in Article 2.

(G.) Parking, Landscaping and Buffers. Parking shall comply with the requirements set forth in Article 12. Parking may be placed in between a building and NC Highway 16. However, parking shall not be in the required setback between a building and NC Highway 16. Landscaping, including required buffers, shall comply with the requirements set forth in Article 11.

(H.) When a building is in between a secondary street and the NC Highway 16, that building shall front the secondary street.

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#### 8.4-7 Vehicle Service and Repair District (VSR)

(A.) Intent: The Vehicle Service and Repair District (VSR) is established to provide locations for specific uses that, due to their unique characteristics and importance to the community, and the traveling public, require different criteria and specifications than typical commercial development. Development standards in the Vehicle Service and Repair District acknowledge that the automobile is the primary mode of transportation in suburban communities and there is a vital need for such businesses to be located in close proximity to one another. Uses within the Vehicle Service and Repair District are buffered from adjacent uses. The dominant uses in this district are vehicle oriented and/or dependent and include vehicle-based services, vehicle repair shops and disabled vehicle storage areas. The Vehicle Service and Repair District is reserved for uses which require broad maneuvering spaces and avoid pedestrian interaction with potentially hazardous conditions. Goals of the Vehicle Service and Repair District include providing a pleasant environment for motorists, a safe environment for pedestrians along the network of streets and pedestrian facilities; promoting the safety of motorists and pedestrians; and preserving the capacity of Main Street and its interconnecting network of streets outside the core area as shown in the adopted Village Plan. Uses in this district include heavy commercial goods and services for motor vehicles, and some limited industrial. Allowed building/lot type is Highway Commercial.

#### (B.) Listed Uses:

- (1.) Uses listed by right: See Table of Uses (Table 8.1) of this Article
- (2.) Uses listed with additional standards: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.1
- (3.) Uses listed with conditions: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.2

#### (C.) Listed Building and Lot Type: Highway Commercial

#### (D.) Residential Density Limit: 0

#### (E.) General Standards & Specifications:

- (1.) Building placement, parking placement, building type, urban form, access, and lot arrangement shall be controlled by the lot and building type standards (Article 9) for the lot and building types listed in the Vehicle Service and Repair District.
- (2.) In addition to the requirements established by the lot type standards and building type standards, the following dimensional standards shall apply

in the Vehicle Service and Repair District:

<b>Minimum Lot Size</b>	<b>Minimum Lot Width</b>	<b>Minimum Street Setback from NC Hwy 16 r/w</b>	<b>Build-to-Line from r/w of any street other than NC Hwy 16</b>	<b>Minimum Rear Yard Setback</b>	<b>Minimum Side Yard Setback</b>
12,000 SF	120' on any Primary/State Highway, or 80' on any other street	24'	24' or as required by buffering standards and/or building type whichever is greater	12' or as required by buffering standards and/or building type whichever is greater	12' or as required by buffering standards and/or building type whichever is greater

(F.) Open Space. The provision and design of open space shall comply with the requirements set forth in Article 2.

(G.) Parking, Landscaping and Buffers. Parking shall comply with the requirements set forth in Article 12. Parking may be placed in between a building and Main Street. However, parking shall not be in the required setback between a building and Main Street. Landscaping, including required buffers, shall comply with the requirements set forth in Article 11. See Image 8.4-2 below.

(H.) When a building is in between a secondary street and NC Highway 16, that building shall front the secondary street.

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#### 8.4-8 Industrial District (IND)

(A.) Intent: The Industrial District (IND) is established to provide locations for industrial uses that, due to the scale of the buildings and/or the nature of the use, cannot be integrated into the community. Uses within the Industrial District are buffered from adjacent uses. The dominant uses in this district are manufacturing and warehouse storage. The Industrial District is reserved for uses which require very large buildings and/or large parking and loading facilities.

(B.) Listed Uses:

- (1.) Uses listed by right: See Table of Uses (Table 8.1) of this Article
- (2.) Uses listed with additional standards: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.1
- (3.) Uses listed with conditions: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.2

(C.) Listed Building and Lot Types: Highway Commercial

(D.) Residential Density Limit: 0

(E.) General Standards & Specifications:

- (1.) Building placement, parking placement, building type, urban form, access, and lot arrangement shall be controlled by the lot and building type standards (Article 9) for the lot and building types listed in the Industrial District.
- (2.) In addition to the requirements established by the lot type standards and building type standards, the following dimensional standards shall apply in the Industrial District:

<b>Lot Size</b>	<b>Lot Width</b>	<b>Front Street Setback</b>	<b>Rear Yard Setback</b>	<b>Side Yard Setback</b>	<b>Corner Lot Side Street Setback</b>
32,400 SF	180'	80'	16'	16'	80'

(F.) Open Space. The provision and design of open space shall comply with the requirements set forth in Article 21.

(G.) Parking, Landscaping and Buffers. Parking shall comply with the requirements set forth in Article 12. Landscaping, including required buffers, shall comply with the requirements set forth in Article 11.



## 8.5 Overlay Districts

The following Overlay Districts supersede the underlying primary general use zoning districts where additional listed uses and/or requirements and/or standards and/or conditions are established by the Overlay District. All other provisions of the Primary General-Use District shall apply where no superseding provisions of the Overlay Districts are established.

Development standards are established for each of the following Overlay Districts to promote the orderly development of the Village of Marvin. The uses listed for each district, are as specified in Table 8.1, Sections 1-3 appearing at the end of this Article for each of the three categories of use listings as follows:

- 1) Listed Use - Where a use is listed in a given district, the symbol “L” is entered in the corresponding district column for the specific use.
- 2) Use Listed with Additional Standards - Where a use requiring supplemental standards and specifications in accordance with Section 10.1 of this Ordinance is listed in a district, the symbol “A” is entered in the corresponding district column for the specific use along with the reference number for the applicable supplemental standard(s).
- 3) Special Use - Where a use is listed in a given district, upon satisfaction of the requirements established in Section 10.2 of this Ordinance, the symbol “S” is entered in the corresponding district column for the specific use.

Where a use is not listed within a given Overlay District or underlying Primary General-Use District, such use shall not be permitted.

*(This space left blank intentionally.)*

#### 8.5-1 Traditional Neighborhood Development Overlay (TNDO)

(A.) Intent: The Traditional Neighborhood Development Overlay District (TNDO) provides an alternative opportunity applicable only upon request for a Zoning Map Amendment for the development of new neighborhoods and the revitalization or extension of existing neighborhoods. These neighborhoods are structured upon a fine network of interconnecting pedestrian-oriented streets and other public spaces. Traditional Neighborhood Developments (TND's) provide a mixture of housing types and prices, prominently sited civic or community building(s), stores/offices/workplaces, and churches to provide a balanced mix of activities. A Traditional Neighborhood Development (TND) has a recognizable center and clearly defined edges; optimum size is a quarter mile from center to edge. A TND is urban in form, is typically an extension of the existing developed area of the Village and has an overall residential density of up to eleven (11) dwelling units per acre. TNDO districts should have a significant portion of land dedicated to improved open spaces, and reserve un-improved open spaces where environmentally sensitive areas are located.

(B.) A Development Agreement, established pursuant to Section 7.15 of this Ordinance, shall be required as part of all Traditional Neighborhood Development Overlay (TNDO) District applications and apply to all projects within the TNDO District. Application for a TNDO District shall serve as consent per G.S. 160D-702(b) to the standards & specifications applicable to TNDO District development.

(C.) Listed Uses:

- (1.) Uses listed by right: See Table of Uses (Table 8.1) of this Article
- (2.) Uses listed with additional standards: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.1
- (3.) Uses listed with conditions: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.2

(D.) Listed Building and Lot Types: Urban Workplace, Shop-front Commercial, Multi-family Building, Detached House, Attached House and Civic Building

(E.) Residential Density Limits, excluding Accessory Dwellings meeting the limitations of and in accordance with Article 10, Section 10.1-3:

- (1.) Single-Family Detached: 7 units/acre
- (2.) Single-Family Attached: 12 units/acre
- (3.) Multifamily: See 10.1-24 B.(2) for Multifamily limits

(F.) General Standards & Specifications:

- (1.) Building placement, parking placement, building type, urban form,

access, and lot arrangement shall be controlled by the lot and building type standards (Article 9) for the lot and building types listed in the Traditional Neighborhood Development Overlay District and by the standards set forth in section 8.5-1.(F) below.

(2.) Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.

(a.) New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.

(b.) New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume.

(3.) On new streets, allowable building and lot types will establish the development pattern.

(4.) A master site development plan in compliance with Traditional Neighborhood Development standards of this Ordinance Section 8.5-1 shall be provided with both the application for a Zoning Map Amendment and the Zoning Compliance Permit Submittal for a TNDO. The master plan shall include a topographic survey and shall show the location and hierarchy of streets and public open spaces, location of residential, commercial, and civic building lots, street sections and/or plans, a master sign program, an outline of any additional regulatory intentions, phasing, and any other information, including building elevations, which may be required to evaluate both the internal pedestrian environment and conditions at project edges.

(5.) A grading plan shall be provided for review and approval in accordance with the procedures of Article 7 of this Ordinance to demonstrate both positive drainage characteristics and smooth grade transitions to avoid abrupt “v” ditches, swales and other disruptions to the landscape, particularly between dwellings. The use of either crawl-space and/or stem-wall construction techniques, or professional landscape design is required to meeting this characteristic of site development.

(6.) Minimum Development Size: 10 acres

(7.) Maximum Development Size: none.

(G.) TND Design Standards & Specifications:

(1.) Neighborhood Form:

(a.) The descriptions of Traditional Neighborhood Building and Lot types in

Article 9 will determine the general arrangement and distribution of elements in a TND.

- (b.) The area of the TND shall be divided into blocks, streets, lots, and open space. Grading of blocks shall not produce abrupt “v” ditches, swales and other disruptions to the landscape between dwellings on either individual lots or the same lot.
- (c.) Similar land uses shall generally front across each street. Dissimilar categories shall generally abut at rear lot lines. Corner lots which front on streets of dissimilar use shall generally observe the setback established on each fronting street.

(2.) Streets, Alleys and Blocks:

- (a.) Public streets shall provide access to all tracts and lots.
- (b.) Streets and alleys shall, wherever practicable, terminate at other streets within the neighborhood and connect to existing and projected streets outside the development.
- (c.) Cul-de-sacs shall not exceed 250 feet in length, must be accessed from a street providing internal or external connectivity, shall be permanently terminated by a vehicular turnaround, and are permitted only where topography makes a street connection impracticable. In most instances, a “close” or “eyebrow” is preferred to a cul-de-sac.
- (d.) Vehicular turnarounds of various configurations are acceptable so long as emergency access is adequately provided.
- (e.) Pedestrian connections should be provided as extensions of terminating streets where not precluded by topography or other physical constraints.
- (f.) The average perimeter of all blocks within the TND shall not exceed 2,400 feet. No block face shall have a length greater than 750 feet without a dedicated alley or pathway providing through access.
- (g.) A continuous network of rear alleys is recommended for all lots in a TND; however, rear alleys shall provide vehicular access to all lots 49 feet or less in width to reduce traffic conflicts with vehicles operating in reverse.
- (h.) Utilities may run along alleys provided that a permanent access and utility easement is recorded for the full length of alley being used for utilities or public services such as garbage collection.
- (i.) TND streets shall be organized according to a hierarchy based on function, size, capacity, and design speed; streets and rights-of-way are therefore expected to differ in dimension. The proposed hierarchy of streets shall be indicated on the submitted site plan. Each street type in a TND shall be separately detailed. Street types shall meet or exceed the minimum

requirements of the Village of Marvin Standards and Specifications Manual Standard 1.01. Alley and/or Lane Street types shall have a minimum 16'-0" total width of hard surface(s) and meet the minimum pavement section standard for streets per Village of Marvin Standards and Specifications Manual Standard 1.01. Required elements that are combined to meet the purposes of TND neighborhood streets:

1. building placement line,
2. optional utility allocation,
3. 5'-0" to 14'-0" sidewalk widths,
4. planting strip for sidewalks less than 9'-0" in width,
5. street trees on all streets,
6. curb and gutter,
7. optional parallel parking per Village of Marvin Standards and Specifications Manual Standard 2.02 , and
8. travel lane(s) not exceeding 11'-0" in width unless excess width is marked for either shared or dedicated bicycle lanes.

Alternative methods of assembling the required street elements will be considered to allow neighborhood street designs that are most appropriate to setting and use by *Special Use Permit* per Article 7 of this Ordinance.

(j.) To prevent the buildup of vehicular speed, disperse traffic flow, and create a sense of visual enclosure, long uninterrupted segments of straight streets should be avoided. Methods to achieve this interruption include:

- a. A street can be interrupted by intersections designed to calm the speed and disperse the flow of traffic (see Village of Marvin Standards and Specifications Manual) and terminate vistas with a significant feature (building, park, natural feature);
- b. a street can be terminated with a public monument, specifically designed building facade, or a gateway to the ensuing space;
- c. perceived street length can be reduced by a noticeable street curve where the outside edge of the curve is bounded by a building or other vertical element that hug the curve and deflect the view; and
- d. other traffic calming configurations are acceptable so long as emergency access is adequately provided.

(3.) Buildings and Lots:

- (a.) All lots shall share a frontage line with a street or square; lots fronting a square shall be provided rear alley access.
- (b.) No minimum lot size, width, or setback dimensions are required. Lot configurations and setback criteria shall be as denoted on the approved

Major Site Development Plan approved for the project, provided all design criteria of Section 8.5-1, and applicable provisions of Article 9 are met.

- (c.) Consistent build-to lines shall be established along all streets and public space frontages; build-to lines determine the width and ratio of enclosure for each public street or space. A minimum percentage build-out at the build-to line shall be established on the plan along all streets and public square frontages.
- (d.) Building and lot types shall comply with the descriptions provided in Article 9.
- (e.) Large-scale, single use facilities (conference spaces, theaters, athletic facilities, etc.) shall generally occur behind or above smaller scale uses of pedestrian orientation. Such facilities may exceed maximum first floor area standards if so sited.
- (4.) Open Space: The provision and design of open space shall comply with the requirements set forth in Article 21.
- (5.) Driveways, Parking, Landscaping and Buffers: Driveways to individual lots shall be separated a minimum of 47 linear feet, measured at the right-of-way along streets, within the TNDO. Parking shall comply with the requirements set forth in Article 12. Landscaping, including required buffers, shall comply with the requirements set forth in Article 11.

#### 8.5-2 Scenic Corridor Overlay (SCO)

(A.) Intent. The Scenic Corridor Overlay District (SCO) is established to protect the pastoral scenes and open spaces that provide a sense of arrival for residents and visitors traveling the major entrance roads and gateways to the Village. The pastoral scenes and undeveloped property along the entrance roads and gateways contribute significantly to Marvin's community character and sense of place. The Scenic Corridor Overlay District provides development options for the owners of the property abutting the entrance roads and gateways. The goal of this district is to protect the scenic value of the corridors through a mix of incentives and development standards. These standards will preserve the suburban character of the Village by maintaining the sense of a suburban corridor in an urban environment; provide an aesthetically appealing experience for those traveling the corridor; provide multi-modal transportation options for travel; and promote a safe transportation corridor for motorists, bicyclists, and pedestrians.

(B.) Types. Three (3) types of scenic corridors are hereby created:

- (1.) Suburban Scenic Corridor – A corridor along which development is limited, consisting largely of fields, pastures, and scattered residential uses. The suburban scenic corridor evokes a sense of traveling through

an undeveloped area, with pastoral scenes and a sense of being removed from the urban environment.

- (2.) Gateway Scenic Corridor - A corridor that serves as an entrance way to a place that is unique and different from other communities in the area. The gateway corridor provides a sense of arrival to a place that is special and different from the typical places. The gateway scenic corridor may be more developed than the suburban scenic corridor, but the character of the development is such that those using the corridor are aware they are in a special place.
- (3.) Bypass Scenic Corridor - A corridor providing for buffering of the Bypass to protect the traffic carrying capacity of the road and to provide for a pleasant experience for motorists using the bypass. The bypass scenic corridor requires an undeveloped setback from the bypass, promoting that the bypass through Marvin is unique and portrays the character of the community while enhancing the safety of motorists using the road.

(C.) General Standards & Specifications:

- (1.) Development Pattern. Building placement, parking placement, building type, urban form, access, and lot arrangement shall be controlled by the lot and building type standards (Article 9) for the lot and building types listed in the Scenic Corridor Overlay District.
- (2.) Activities Listed in the Scenic Corridor. In order to preserve the aesthetic quality of the scenic corridors, uses and activities within the designated scenic corridors shall be limited to the following:
  - (a.) The scenic corridor easement may be used for passive recreation, agricultural uses, and equestrian uses. No other use shall be listed within the scenic corridor easement.
  - (b.) No building construction, parking, land disturbing activity, signs, tree removal, lighting (other than street lighting provided by the Village of Marvin and driveway or private road lighting provided that said lighting is provided by full cutoff fixtures), or other development activity shall occur within the scenic corridor easement except as follows:
    - a. A bikeway, greenway, and/or other pedestrian/bicycle facility may be located within the scenic corridor easement.
    - b. Underground utilities and easements for underground utilities may be located within the scenic easement, provided that no above ground transmission or other equipment is located within the scenic easement.
    - c. Buildings used primarily for agricultural and/or equestrian related

activities may be built in the scenic corridor easement upon approval by the Village Council as a Special Use. Parking shall be located behind the building, shall not be located within the scenic easement, and shall be buffered from the scenic corridor. The Village Council shall consider the following items in making the decision to allow aforesaid buildings in the scenic easement:

1. The building's visual impact on the scenic corridor;
2. The building's size;
3. The compatibility of the building's architecture with community character and the purposes of the scenic corridor overlay district.

(3.) Scenic Corridor Dimensions. The designated scenic corridors shall meet the following dimensional standards:

- (a.) The width of the scenic easement within the Suburban Scenic Corridor shall be 10% of the lot depth but no more than 100 feet from the edge of the public right-of-way. The *Planning, Zoning & Subdivision Administrator* may require an additional scenic depth of up to 50 feet in order to preserve structures and/or vegetation deemed to be significant.
- (b.) The width of the scenic easement within the Gateway Scenic Corridor shall be 10% of the lot depth but no more than 50 feet from the edge of the roadway right-of-way. The *Planning, Zoning & Subdivision Administrator* may require an additional depth of up to 25 feet in order to preserve structures and/or vegetation deemed to be significant.
- (c.) The width of the scenic easement within the Bypass Scenic Corridor shall be 10% of the lot depth but no more than 75 feet from the edge of the public right-of-way. The *Planning, Zoning & Subdivision Administrator* may require an additional depth of up to 25 feet in order to preserve structures and/or vegetation deemed to be significant.

(4.) Scenic Corridor Provisions. The following provisions shall govern development within a designated scenic corridor:

- (a.) The area within the scenic easement may be dedicated to the Village as a conservation easement, provided it meets the standards for such an easement as established by applicable state and federal standards.
- (b.) Development density shall be calculated for the entire property, including the area within the scenic easement, with the exception that development density bonuses of up to 50 percent are given for the portion of the property within the scenic easement. In the event that the property owner provides a scenic easement wider than required by this ordinance, the density bonus may be increased up to 75% for the area located within the scenic easement.

*For example, the Jones family own a 10-acre property zoned Single-Family Residential (SFR). Two (2) acres of the property are within the Scenic Corridor Overlay. The density is calculated as follows:*

*Base density @ 3 units/acre x 10 acres = 30 units*

*50% density bonus for 2 acres in scenic corridor easement*

*50% of (2 acres x 3 units/acre) = 3-unit bonus*

*Total Density = 33units*

*If the Jones' provide an easement wider than required, then they would receive a 75% density bonus for the area within the easement:*

*Base density @ 3units/acre x 10 acres = 30 units*

*75% density bonus for 2 acres with wider easement*

*75% of (2 acres x 3 units/acre) = 4.5-unit bonus*

*Total Density = 35 units*

(c.) Development may be clustered on the portion of the property located outside the scenic easement.

(5.) Curb Cuts. There shall be a minimum separation of 500' between curb cuts in the suburban scenic corridors. This separation requirement may be waived by the *Planning, Zoning & Subdivision Administrator* if the width of the property frontage would preclude a second curb cut meeting this spacing requirement.

(6.) Lot Standards & Specifications. The lot type standards and building type standard listed in the underlying district, as set forth in section 8.4 and further described in Article 9, shall apply in the Scenic Corridor Overlay District.

(D.) Open Space. The provision and design of open space shall comply with the requirements set forth in Article 21. Land within the scenic easement may count for up to 100% of the minimum open space required by Article 21 of this Ordinance.

(E.) Parking & Landscaping. Parking shall comply with the requirements set forth in Article 12. Landscaping shall comply with the requirements set forth in Article 11.

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### 8.5-3 Heavy Industry Overlay (HIO)

(A.) Intent. The Heavy Industry Overlay (HIO) District is established in accordance with NCGS Reference: 130A-293 Local ordinances prohibiting hazardous waste facilities to protect all environments from the negative impacts of certain activities and types of development. It is the intent of this district to provide and permit certain public and private heavy industrial uses and facilities that incorporate hazardous materials and/or scientific technology, including wholesale, distribution, storage, processing, manufacturing and production. However, it is required that industries in this district take all necessary actions including but not limited to installation of apparatus and technological equipment available to prevent negative impacts on the environment and the community from the emissions of smoke, dust, fumes, noise and vibrations and other activities and/or products resulting from such hazardous industrial activities in accordance with federal, state and local regulations. It is further intended that this section will:

- (1.) provide standards that will promote that such development will be designed, arranged and constructed to protect the reservoirs and the lands of the Village of Marvin;
- (2.) provide standards that will promote that such development will have a minimum impact on the public schools within the Village's jurisdiction and public health safety, and welfare; and
- (3.) through the zoning map amendment process; provide for careful consideration in the location of such uses that, because of their inherent nature, extent, and external effects, require special care in control of their design and methods of operation in order to promote protection of the public safety and welfare.

(B.) Property shall be within an Industrial (IND) Zoning District to be eligible for consideration for the Heavy Industry Overlay (HIO) District.

(C.) Exempt Uses. For the purpose of this section, the following uses are exempt from the provisions of this section:

- (1.) Medical Clinics having no-certificate-of need for in-patient care;
- (2.) Medical Facilities having no-certificate-of need for in-patient care;
- (3.) Doctor's Offices;
- (4.) Dental Offices;
- (5.) Outpatient Facilities having no certificate-of-need for in-patient care; and
- (6.) Healthcare Facilities having no certificate-of-need for in-patient care.

(D.) Special Use Permits for All Hazardous Industries Required.

(E.) Minimum Lot Dimensions. The minimum lot size shall be of sufficient size to facilitate a hazardous industry facility which meets all requirements of this section, the Marvin Technical Standards & Specifications Manual, and all buffer requirements for new development.

(F.) Minimum Building/Parking Lot/Storage Area Setbacks. The minimum building/parking/storage area setbacks shall be as follows:

- (1.) From any arterial or collector street right-of-way – 500 feet
- (2.) From any local street right-of-way – 500 feet
- (3.) From an interior lot line adjacent to a non-residential zoning district –250 feet
- (4.) From an interior lot line adjacent to a school or day care facility –500 feet
- (5.) From an interior lot line adjacent to a residential zoning district – 500 feet

(G.) Building Height Requirements.

- (1.) The maximum building height for a structure adjacent to a residential or commercial zoning district shall be no greater than 40 feet.
- (2.) The maximum building height for a structure adjacent to an industrial zoning district – no height restrictions.

(H.) Listed Uses:

- (1.) Uses listed by right: See Table of Uses (Table 8.1) of this Article
- (2.) Uses listed with additional standards: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.1
- (3.) Uses listed with conditions: See Table of Uses (Table 8.1) of this Article and Article 10, Section 10.2

(I.) Use Requirements.

- (1.) Any such hazardous industry facility shall be located consistent with the Future Land Use Patterns as set out in the adopted “*Village Plan 2040*” as may be amended from time to time.
- (2.) Any such hazardous industry facility shall be located on a designated arterial roadway as defined in either an officially adopted comprehensive, land use, transportation and/or thoroughfare plan by a government having jurisdiction affecting the location.
- (3.) Any such hazardous industry facility shall be serviced by a public water

and wastewater system.

- (4.) Any such hazardous industry facility shall be enclosed with a security fence of adequate height and structure that would reasonable prohibit access to the site by the general public. All security gates and/or gate houses shall be set back a minimum of 50 feet from the public right-of-way line.
- (5.) All structures housing the storage of bulk liquid and/or hazardous or toxic materials shall be set back from any property line a minimum of 550 feet.
- (6.) There shall be no industry created noise in excess of 50 decibels as measured at the property line and no objectionable noise due to extreme frequency, beat frequency, intermittence or shrillness.
- (7.) There shall be no industry created ground vibration measurable at any lot line of an industrial unit.
- (8.) There shall be no industry created air pollution including:
  - (a.) No noxious odors; no noxious, toxic or corrosive gases or fumes.
  - (b.) No smoke of a density in excess of #1 on the Ringelmann Chart. In cases of smoke other than black in color, and approved density scale equivalent to the Ringelmann Chart shall be used.
  - (c.) No dust or other particulate matter emitted in excess of 0.85 pounds per 1,000 pounds of gases adjusted to 12% carbon dioxide.
  - (d.) There shall be no surface or subsurface discharge or disposal of any wastes, either liquid or in any form without prior approval of the Village Council.
  - (e.) There shall be no unusual fire or explosion hazards. Based on the National Board of fire insurance rates which classifies industrial units as Class I, Class II, and Class III, the following shall apply:
    - a. No special controls on a manufacturing unit determined to be Class I other than under [iii] below.
    - b. Class II and Class III manufacturing units shall be contained in a building designed and constructed in accordance with its class and according to provisions of the building code published by the Building Officials and Code Administrators, International [BOCA], 1313 East 60th Street, Chicago, Illinois, 60637.
    - c. Machinery or equipment shall be treated as necessary to eliminate hazards.
    - d. Uses which are customarily incidental and accessory to the principal use shall be listed including, but not limited to: dwelling quarters for watchmen and caretakers employed on the premises, recreation areas and facilities for persons employed by industries within the same district's boundaries, restaurants, warehouses and commercial uses that are listed in

the NC Highway 16 Commercial District (“C-16”).

(f.) Businesses that produce, store or use hazardous materials, as defined by the Environmental Protection Agency’s (EPA) Hazardous Substances or Prior Pollutants lists shall be allowed only when the items listed in Section 10.2-16 are met.

(g.) Miscellaneous Prohibitions:

- a. Any interference with any other process, equipment, appliance or devices and any mechanical, electrical or other equipment which could create such interference shall have all necessary shielding or other protection.
- b. In any industrial unit or accessory all operations and storage, other than for passenger vehicles of visitors and employees, trucks and over the road vehicles, shall be within an entirely enclosed building or structure.  
Exemption: Outside storage of bulk or large raw materials which are fireproof if enclosed by a security fence with provisions for visual inspection and where screened from public view in its entirety from adjacent properties and public streets/roadways.

(J.) Conformance with *Marvin Technical Standards & Specifications Manual*. All development shall comply with the requirements of the *Marvin Technical Standards & Specifications Manual*.

(K.) Operations and Closure Plans Required. An emergency operations plan shall be developed and be on file at the Village of Marvin and Union County Emergency Management Offices.

(1.) An operations plan shall be submitted to include:

- (a.) The date of commencement of operations and their expected duration;
- (b.) Proposed hours and days of operation;
- (c.) A complete description of operation, including source of materials, method of compaction, type of sealing proposed to be used, types and number of equipment to be used;
- (d.) Any phasing schedule of operations and relationship among phases;
- (e.) Operating practices to be followed to promote compliance with regulations of this ordinance, and;
- (f.) Complete assessment by the Marvin Fire Department in conjunction with local emergency management agencies that all necessary equipment, training, and personnel are available at the emergency response level to adequately handle all emergency scenarios.

(2.) A closure plan shall be prepared and submitted in accordance with United States Environmental Protection Agency (USEPA) guidelines as

part of the application for a zoning map amendment to establish the HIO district.

(L.) Hazardous Chemical Notification and Inventory Reporting. EPCRA Section 311-312 applies to any facility at which a hazardous chemical, as defined by the Occupational Safety and Health Act, is present in an amount exceeding a specified threshold. These facilities must submit -- to the SERC, LEPC, and local fire department -- material safety data sheets (MSDSs) or lists of MSDSs and hazardous chemical inventory forms (also known as Tier I and II forms). This information helps the local government respond in the event of a spill or release of the chemical.

(M.) Emergency Notification and Rural Residential. EPCRA requires businesses that store threshold amounts of chemicals that are subject to OSHA's Hazardous Communication Standard to submit information -- including facility point of contact and the Material Safety Data Sheets (or a list of those chemicals) -- to state and local authorities in order to facilitate emergency planning and response. Annual reporting to state and local authorities is required for all covered facilities that have those chemicals in amounts above threshold. Hazardous chemicals used in routine agricultural operations and fertilizers held for resale by retailers is excluded.

(N.) Toxic Chemical Release Inventory Reporting. EPCRA Section 313 requires manufacturing facilities included in SIC codes 20 through 39 to submit an annual toxic chemical release report if they have 10 or more employees and if they manufacture, process, or use specified chemicals in amounts greater than threshold quantities. This report, commonly known as Form R, covers releases and transfers of toxic chemicals to various facilities and environmental media, and allows EPA to compile the national Toxic Release Inventory (TRI) database.

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#### 8.5-4 Mini Farm Overlay (MFO)

- (A.) Intent. The Mini Farm Overlay District (MFO) permits buildings to be grouped on a site, parcel, or property in order to optimize the use of land and resources for both residential and agricultural purposes. By clustering development at a density no greater than 1.15 unit per developed acre, projects developed in accordance with these standards can obtain density bonuses while preserving unique natural features for agricultural use. The Mini Farm Overlay District mandates the dedication of both agricultural land and open space with density bonuses provided as an incentive for adhering to the standards. It is the intent of this district to be used for new development in undeveloped outlying areas of the Village. Allowed building/lot type is Detached House.
- (B.) Applicability. The provisions set forth below may be applied, upon designation of the property as a Mini Farm Overlay District, to properties with a minimum size of 66 acres in the Rural Residential (RR) District. The provisions of this section shall not be applicable in platted and recorded residential subdivisions.
- (C.) Listed Uses: See underlying Primary General-Use District for Listed Uses.
- (D.) Listed Building and Lot Type: Detached House
- (E.) Development standards. The following development standards shall apply to developments approved in accordance with the provisions of this section:
- (1.) Maximum density shall be one dwelling per 0.34 acre of the Tract(s) within the MFO district, excluding Accessory Dwellings meeting the limitations of and in accordance with Article 10, Section 10.1-3.
  - (2.) There shall be a minimum separation of 12 feet between all enclosed structures.
  - (3.) Parking shall comply with the requirements set forth in Article 12.
- (F.) Agricultural and Open Space. Not less than 67% of the site shall be conveyed as Common Agricultural and Open Space. The provision and design of agricultural and open space shall comply with the requirements set forth below.
- (1.) Common agricultural and open space provided by a development shall be conveyed as follows:
    - (a.) To the Village of Marvin and accepted by it for park, open space, agricultural, or other specified use or uses, provided that the conveyance is approved by the Village Council; or
    - (b.) To a nonprofit organization whose principal purpose is the conservation

of open space, to a corporation or trust owned or to be owned by the owners of lots or dwelling units within the development, or to owners of shares within a cooperative development. If such a corporation or trust is used, ownership shall pass with the conveyances of the lots or dwelling units. Such corporation or trust shall maintain the property in use for agricultural purposes and/or as open space.

(2.) Where the common agricultural and open space in a development is conveyed pursuant to subparagraph 1.b above, a deed restriction enforceable by the Village of Marvin shall be recorded that provides that the common agricultural and open space shall:

- (a.) be maintained in the authorized conditions(s); and
- (b.) not be developed for principal uses, accessory uses (e.g., parking), or roadways, with the exception that gazebos, tool sheds, barns, shelters, or similar accessory uses and structures may be constructed within the agricultural and common open space upon approval of the *Planning, Zoning and Subdivision Administrator*.

(G.) General Standards & Specifications.

(1.) The following shall apply in the Mini Farm Overlay District:

<b>Minimum Lot Size</b>	<b>Minimum Lot Width</b>	<b>Minimum Front Yard Setback</b>	<b>Minimum Rear Yard Setback</b>	<b>Minimum Side Yard Setback</b>	<b>Minimum Corner Lot Side Yard Setback</b>
50,000 S.F.	120'	80'	16'	16'	50'

*(This space left blank intentionally.)*

#### 8.5-5 Manufactured Home Overlay (MHO)

(A.) Intent. The Manufactured Home Overlay District (MHO) is established to protect the standard of living and neighborhood conditions. Established standards that will enable the use of innovative manufactured homes with a higher aesthetic standard will invigorate these communities. Non-conforming manufactured home parks that have not received approval for continuation would be amortized over a period of time to allow the owner/operator to meet reasonable financial payback expectations in accordance with accepted practices in North Carolina. Existing parks could be limited to less fundamental standards and specifications, while new parks are required to meet a higher standard. These parks may be ideally suited for alternative designs such as Tiny House, Park Model and other styles of housing where installation standards are considered temporary. The overlay could be expanded to apply to permanent installations of innovative manufactured housing in subdivisions or parks in accordance with G.S. 160D-910.

(B.) Applicability. The provisions set forth below may be applied, upon designation of the property as a Manufactured Home Overlay District, to properties with a minimum size of five (5) acres in either the Single-family Residential (SFR-3) district, or the Mixed Use (MU) district.

(C.) Listed Uses:

(1.) Uses listed by right

See Table of Uses (Table 8.1)

(2.) Uses listed with additional standards

See Table of Uses (Table 8.1)

(3.) Uses listed with conditions

See Table of Uses (Table 8.1)

(D.) Listed Building and Lot Type: Detached House

(E.) Development standards. The following development standards shall apply to developments approved in accordance with the provisions of this section:

(1.) Compliance with the provisions of Section 10.2-10 of this Ordinance.

(2.) Maximum density shall be three (3) dwellings per gross acre of the Tract(s) within the MHO district.

(3.) There shall be a minimum separation of 24 feet between all enclosed structures.

#### 8.5-6 Heritage District Conditional Zoning (HD-CZ)

- (A.) Intent. The Heritage District Conditional Zoning (HD-CZ) 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 is to maximize pedestrian connectivity and preservation of open space in this area. Furthermore, the purpose is to protect adjacent existing neighborhoods by requiring transitional density of residential areas, and large, opaque buffers between commercial areas and existing neighborhoods.
- (B.) 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 four 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).

(C.) A Development Agreement, established pursuant to Section 7.15 of this Ordinance, shall be required as part of all Heritage District (HD) applications and apply to all projects within the HD District. Application for a HD District shall serve as consent per G.S. 160D-702(b) to the standards & specifications applicable to TNDO District developments appearing in Article 9, Section 9.2-3(6)(a.) of this Ordinance.

(D.) Listed Uses:

(1.) Uses listed by right

See Table of Uses (Table 8.1)

(2.) Uses listed with additional standards

See Table of Uses (Table 8.1)

(3.) Uses listed with conditions

See Table of Uses (Table 8.1)

(E.) Listed Building and Lot Type: 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.

(F.) Development standards. The following development standards shall apply to developments approved in accordance with the provisions of this section:

(1.) Compliance with the provisions of this Ordinance.

(2.) Maximum density shall be three (3) dwellings per gross acre of the Tract(s) within the MHD district.

(3.) There shall be a minimum separation of 24 feet between all enclosed structures.

- (4.) All buildings shall have a maximum height of 35’.
- (5.) The primary façade of the building shall face the main pedestrian travel-way 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).
- (6.) 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.
- (7.) Only Larger Lot Houses (Colonial, and Village House Building Types) can be built adjacent to existing Rural Neighborhoods.
- (8.) ADA-Accessible entrances shall be available on all buildings intended for commercial use.
- (9.) 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.
- (10.) Accessory Use Structures are permitted. Outdoor Swimming Pools for individual houses are not permitted on lots less than half an acre in size.
- (11.) Equipment and outdoor storage shall be screened to be fully opaque from every reasonable pedestrian travel-way 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.

(G.) 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, Zoning & Subdivision 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 Heritage District, based upon the following subdistricts:

1. Heritage District-Residential Only (HD-RO-CZ);
2. Heritage District-Mixed Use (HD-MU-CZ);
3. Heritage District-Commercial Only (HD-CO-CZ); and
4. Heritage District-Civic Heritage District (HD-Civic-CZ).

(H.) Subdistrict Standards (*Amended June 10, 2025*)

8.5-6 (H)(1) Heritage District-Residential Only (HD-RO-CZ)			
District Description			
<p>A subdistrict 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 within the area shown above.</p> <p>The images appearing to the right are for example and not for regulatory purposes. The dimensional standards appearing below are required within the subdistrict.</p>			
			
Dimensional Standards		Primary Uses	
Lot Width, Minimum	70 Feet	<p>Single-Family, Detached Dwelling</p> <p>Associated accessory structures: Garages, Pools, Porches, Sheds</p>	
Lot Depth, Minimum	140 Feet		
Density, Max. (for major	3 Unit/Acre		
Lot Coverage, Maximum	60 Percent		
Front Setback, Minimum	25 Feet		
Rear Setback, Minimum	25 Feet		
Side Setback (Interior),	5 Feet		
Side Setback (Corner),	10 Feet		
Building Height, Maximum	35 Feet		

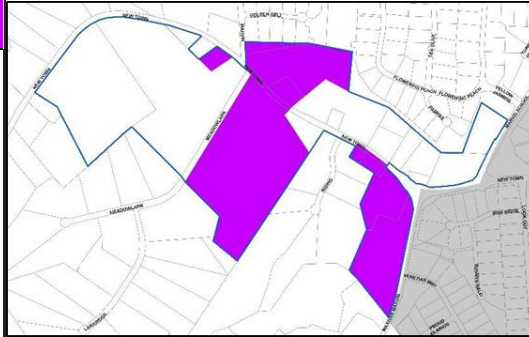
**Additional Standards:**

**Buffer Yards:** 100 Feet required around perimeter of all major subdivisions.

**8.5-6 (H)(2) Heritage District-Mixed Use (HD-MU-CZ)****District Description**

A subdistrict intended to be the bulk of the central area of the District. These parcels are intended to 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 images appearing above are for examples and not for regulatory purposes. The dimensional standards appearing below are required within the subdistrict.

**Dimensional Standards (Residential Use Minimum)**

Lot Width, Minimum	50 (45) Feet
Lot Depth, Minimum	80 Feet
Density, Max. (for major	3 Unit/Acre
Lot Coverage, Maximum	75 Percent
Front Setback, Minimum	10 (25) Feet
Rear Setback, Minimum	40 (25) Feet
Side Setback (Interior),	5 (5) Feet
Side Setback (Corner),	10 (10) Feet
Building Height, Maximum	35 Feet

**Primary Uses**

Single-Family, Detached  
Single-Family, Attached  
Cottage Homes  
General Retail  
General Office

#### Additional Standards:

**Other Residential Uses:** (Single-Family Attached): If proposed, must be a part of a mixed-use development where residential and non-residential uses are proportionate to the lot size and approved with the Site-Specific Plan.

**Single-Family Attached:** The units shall not have a minimum lot width, but the total width of each structure containing the attached, single-family homes and adjacent side yards shall be no less than 60 feet.

**Maximum Residential Density:** Shall not exceed 3 units/acre for all residential uses.

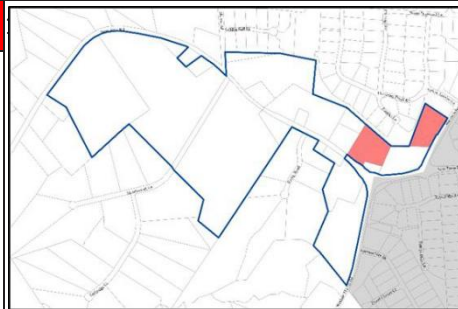
**Non-Residential Buildings:** Shall not exceed a footprint of 15,000 square feet per building.

**Height:** Max of 2 Stories for non-residential buildings.

#### 8.5-6 (H)(3) Heritage District-Commercial Only (HD-CO-CZ)

##### District Description

Heritage District-Commercial Only (HD-CO-CZ): 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. The images appearing to the right are for examples and not for regulatory purposes. The dimensional standards appearing below are required within the subdistrict.



##### Dimensional Standards

##### Primary Uses

Lot Width, Minimum	60 Feet
Lot Depth, Minimum	80 Feet
Density, Maximum	8 Units/Acre
Lot Coverage, Maximum	80 Percent
Front Setback,	40/85 Feet
Rear Setback, Minimum	50 Feet
Side Setback (Interior),	5 Feet
Side Setback (Corner),	0 Feet
Building Height, Maximum	35 Feet

Light Commercial/Retail  
General Office  
Medical  
Restaurants

Associated accessory structures:  
Decks/Patios  
Sidewalk Dining

**Additional Standards:**

**Non-Residential Buildings:** Shall not exceed a footprint of 5,000 square feet per building.

**Height:** Max of 2 Stories for non-residential buildings.

**8.5-6 (H)(4) Heritage District-Civic Heritage District (HD-Civic-CZ)**

**District Description**

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.

The images appearing to the right are for examples and not for regulatory purposes. The dimensional standards appearing below are required within the subdistrict.



**Dimensional Standards**

Lot Width, Minimum	130 Feet
Lot Depth, Minimum	N/A
Density, Maximum	N/A
Lot Coverage, Maximum	70 Percent
Front Setback,	50/100 Feet
Rear Setback, Minimum	50 Feet
Side Setback (Interior),	20 Feet
Side Setback (Corner),	25 Feet
Building Height, Maximum	45 Feet

**Primary Uses**

Religious Institutions Parks  
Government Buildings/Facilities

**Additional Standards:**

Structures and structural components not intended for human occupancy (including bell/clock towers, steeples, flagpoles, chimneys, water tanks or similar structures) may exceed the height limit of buildings. Components of civic buildings which extend above the height limit shall follow the standards for the civic building type (see Article 9).

All new buildings shall match the character of the existing buildings on the property. Any architectural proposal shall be reviewed with the rezoning.

(I.) General Standards. In addition to subdistrict standards, the following general standards are applicable to all properties and subdistricts within the Heritage District.

(1.) Allowable Adjacent Uses and Buffer Standards Between Existing and Proposed Uses. 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 *Planning, Zoning & Subdivision 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 *Planning, Zoning & Subdivision 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. Removal may be allowed with review and approval from 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 minimum 50' vegetative 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.

(2.) 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.

(a.) Major Road Cross Section.

- a. 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.
- b. 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.
- c. 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:
  - a. Benches
  - b. Planters/other landscaping approved by the Parks, Recreation, and Greenways Board
  - c. Trash Cans
  - d. Lamp posts
  - e. seasonal/event signage/flags/banners hanging from lamp posts allowed with approval from the Zoning and Planning Administrator.
  - f. Wayfinding signs and kiosks, approved by the Planning Board or MHD Review Board
  - g. Electronic, digital, or interactive wayfinding kiosks are permitted if designed with muted materials and inward facing lighting and dimmed or off past midnight
  - h. Bike repair station

- i. Drinking Fountain
- j. Historical Marker Signs, approved by the Planning Board or relevant MHD Review Board
- d. 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.

- e. 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:
  - a. Seating for restaurants
  - b. Playground or passive park
  - c. 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)
  - d. Landscaped lawn
  - e. Temporary outdoor dining enclosures can be in the front by Special Use Permit
- f. 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'.

(b.) 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.

- a. 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.
- b. 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.
- c. 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.
- d. 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.
- e. 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.

### (3.) Parking.

- (a.) 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.
- (b.) 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.

- (c.) 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.
- (d.) 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.
- (e.) 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.
- (f.) Screening Parking Lots. All parking lots shall be appropriately screened with opaque landscaping and/or agriculturally themed fencing to screen lots from view of major roads and all existing uses (when necessary). Parking lots must be screened from view of existing and planned greenway trails with landscaping and/or fencing.
- (g.) 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).
- (h.) 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.
- (i.) 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
- (j.) PEV charging stations are required in parking areas within a designated parking space at a ratio of 1:10 of the required minimum number of spaces (one charging station per each 10 spaces), rounded up to the next whole number.

- (k.) 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.
- (4.) 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.
  - (a.) 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.
  - (b.) 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.
  - (c.) 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.
  - (d.) Sidewalks on both sides of New Town Road, Commercial Area: Will increase trips generated by walking/biking, thus reducing trips generated by vehicle
  - (e.) 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.
  - (f.) 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

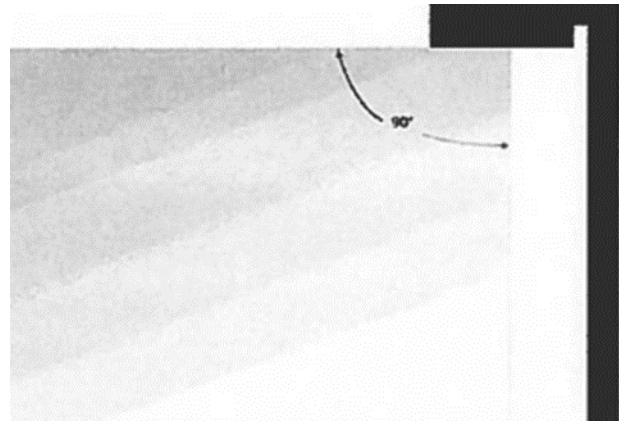
be encouraged. A turnaround/cul-de-sac built shortly down the road from the roundabout on Meadowlark Lane may be encouraged to allow people to turn around without intruding in private property.

- (g.) Speed Reduction . Consider speed humps where appropriate.
  - (h.) Cross walks shall be added at roundabouts.
  - (i.) Viewshed depth, streetscape, and speed limit should be coordinated together.
  - (j.) 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.
  - (k.) 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.
- (5.) Signage. The regulations outlined herein pertain to nonresidential developments in the Heritage District. Signs in residential-only areas must be built in accordance with Article 17 of this Ordinance. Master Sign Plans may be made a part of the Heritage District Conditional Zoning process in accordance with the provisions of Article 17, Section 17.10.
- (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.

(6.) 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 shall be full-cutoff fixtures which do not allow light to be emitted above ninety degrees (90°) (see illustration at right).



(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 *Planning, Zoning & Subdivision 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.

- (7.) Historic Preservation. This section is applicable to and includes all existing structures fronting New Town Road at the time of adoption of this Form-Based Code. The requirements are:
- (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.

(8.) Tree Protection and Mitigation. All requirements and procedures of tree preservation provisions in Article 11 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.

(9.) Public Space Standards.

(a.) Public Open Space Standards and Requirements.

1. 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.
2. 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.
3. 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, an HOA, local non-profit, or dedicated to the Village.
4. 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.
5. All public open spaces throughout the district must be accessible and connected by pedestrian trails or sidewalks, and from parking lots where applicable.
6. 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.

7. 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.
8. The following spaces shall be counted as open space if the respective condition is met:
  - a. **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.
  - b. **Lake areas:** Must be accessible to the public, for example having an encircling trail and/or fishing pier.
  - c. **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.
  - d. **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.
  - e. **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.
  - f. **Church Groves:** These are currently open space but they may be developed into related religious/civic uses later.
  - g. **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.
  - h. **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.

- i. **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 Matrix.** The matrix appearing below establishes permitted Open Space types and respective uses for the sub-districts. The key immediately below indicates types required and types allowable:

R- Required where applicable

P- Permitted

<b>Open Space Type</b>	<b>HD-RO</b>	<b>HD-MU</b>	<b>HD-CO</b>	<b>HD-CIVIC</b>
<b>Playground</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>Pocket Park</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>Viewshed Plaza</b>		<b>R</b>	<b>R</b>	<b>P</b>
<b>Large Passive Park</b>	<b>R</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>Wetland Park/ Lake Trail Park</b>	<b>P</b>	<b>R</b>	<b>P</b>	<b>P</b>
<b>Stormwater Detention Pond Trail/Park</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>Linear Park / Greenway Park</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>Dog Park</b>	<b>P</b>	<b>P</b>	<b>P</b>	
<b>Active Park</b>		<b>P</b>	<b>P</b>	
<b>Farmer's Market</b>		<b>P</b>	<b>P</b>	<b>P</b>
<b>Amphitheater</b>		<b>P</b>	<b>P</b>	<b>P</b>
<b>Neighborhood Clubhouse/Amenity Center</b>	<b>P</b>	<b>P</b>		
<b>Food Truck Plaza</b>				<b>P</b>
<b>Cemetery</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>

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

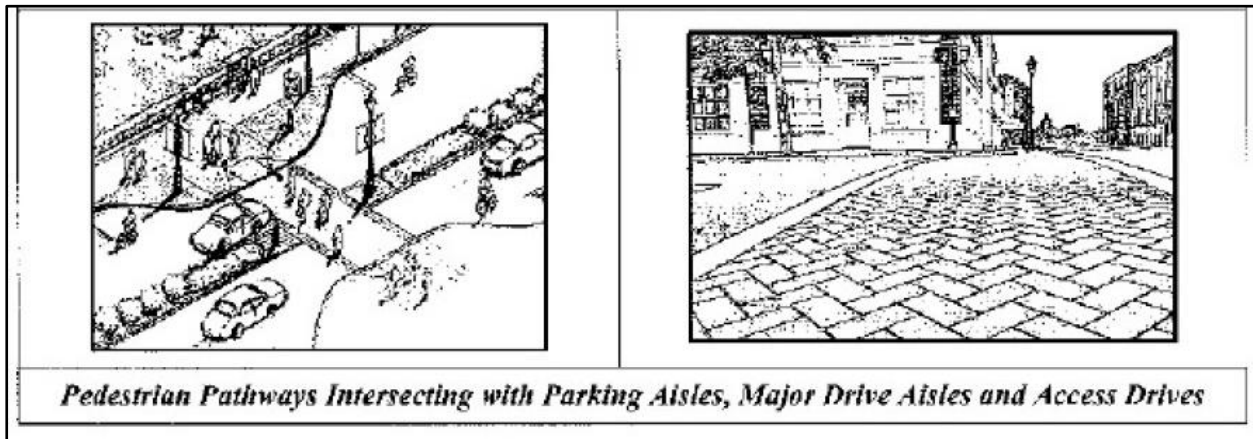
a. Connectivity Standards

1. 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.
2. 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.
3. Pedestrian travel routes must be prioritized from each entryway and parking lot to each use, and the number of driveways that cross pedestrian travel-ways must be minimized.

b. Amenity Standards

1. The Pedestrian and Cyclist experience shall be prioritized over driving, and that experience must be considered when deliberating site specific design plans.
2. 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:
3. Speed humps,
4. Raised Crosswalks and raised intersections,
5. Pedestrian beacons/push-buttons (on major roads, not within developments)
6. 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.
7. 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.
8. 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.



c. Funding and Phasing

1. 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.
2. 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.

d. Operation and Maintenance

1. The Village shall operate and maintain all trails and public spaces dedicated to the Village.
2. 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.

e. Fishing

1. 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.
2. Areas intended for fishing shall be covered under a Maintenance Plan and Agreement between the property owner and the Village.

(J.) Application Procedure and Requirements. A Zoning Map Amendment (rezoning) to one of the Marvin Heritage Districts shall include a concurrent development proposal(s) following all application and procedural requirements in Article 5, section 5.2 Conditional Zoning of this Ordinances. A Site Development Plan/Preliminary Plat in accordance with Article 7 of this Ordinance is required to

be completed and incorporated into the Conditional Zoning upon final approval of the ordinance to amend the Official Zoning Map. In addition, development agreements shall also be required as part of the application process as set forth in this Ordinance. New or changing commercial uses shall apply for and obtain a zoning permit per Article 7 of this Ordinance. In addition to the application requirements of the Sketch Plan, Site Development Plan/Preliminary Plat, and Construction Plans, the following shall be required in Sketch Plans, Site Development Plan/Preliminary Plats and Construction Plans:

- (1.) Elevations of all sides of proposed building(s), 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.

(K.) Modifications Following Approval. Modifications to approved plans, elevations and/or required setbacks and/or build-to lines appearing on HD approved plats/plans shall be eligible for up to 50% of the eligible modifications established in Article 14 of this Ordinance. The *Planning, Zoning & Subdivision Administrator* retains the right to decline the exercise of the power to approve or deny modifications as provided in Article 14, Section 14.2 of this Ordinance.