



OR-2023-07-07

AN ORDINANCE AMENDING THE MARVIN HERITAGE DISTRICT FORM-BASED CODE IN TITLE XV, LAND USAGE OF THE CODE OF ORDINANCES IN THE VILLAGE OF MARVIN

WHEREAS, The State of North Carolina General Statutes give authority to municipalities to conduct planning and zoning activities, in NC G.S. 160D; and

WHEREAS, the attached revisions be incorporated into the Marvin Heritage District Form-Based Code of the Village of Marvin, North Carolina.

WHEREAS, the Marvin Heritage District Form-Based Code was adopted by the Village Council at their January 11th, 2022 meeting; and

WHEREAS, the Marvin Planning Board unanimously recommended approval of the proposed Marvin Heritage District Form-Based Code Text Amendments at their June 20th, 2023, meeting; and

WHEREAS, per § 151.252(E)(8) ZONING AMENDMENTS; TEXT AMENDMENTS of the Village of Marvin Code of Ordinances, the text amendment shall be effective upon the date of approval; and

WHEREAS, the text amendment shall be codified within the Village of Marvin Code of Ordinances;

WHEREAS, this ordinance is being adopted in order to effect proper compliance with the provisions of North Carolina General Statutes and the Village of Marvin Land Usage Ordinances and for the purpose of promoting public health, safety and general welfare; and promoting orderly growth of the Village of Marvin.

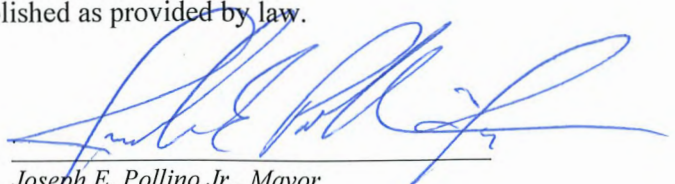
NOW, THEREFORE, BE IT ORDAINED by the Village Council for the Village of Marvin, North Carolina that the Marvin Heritage District Form-Based Code of Marvin, North Carolina is hereby amended by adding, new sections of the existing text and inserting in lieu thereof the following:

Exhibit A, the Marvin Heritage District Form Based Code Text Amendments attached hereto.

Exhibit B, the Marvin Heritage District Form Based Code as amended.

This ordinance shall be effective upon adoption and ordered published as provided by law.

Adopted this 11th day of July 2023.


Joseph E. Pollino Jr., Mayor
Village of Marvin

Attest:



Austin W. Yow
Clerk & Assistant to the Manager, Village of Marvin



**Final \ Text Amendment Revisions to the Marvin Heritage District Form-Based Code for
Adopted 7-27-2023**

Adopted Changes

1. Amend to add the following after Paragraph 2 of the Applicability Section (Page 2)

- a. ***Proposed Addition:*** If any standards are proposed that are different (Provided that such difference is no greater than a 10% deviation) from the regulations herein, and any other applicable section of the Marvin Code of Ordinances, the applicant must clearly demonstrate that the overall resultant project is greater than that which is typically allowed by the subdistrict regulations. Any intention or request to deviate from the ordinances must be outlined in particular detail within the application submittal. Conditions the applicant intends to provide to mitigate the impacts expected from a requested deviation must also be described in detail.

2. Amend Special Use Language (Page 9)

- a. ***Current:***
Special Uses.

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

- b. ***Proposed Revisions:***

Special Uses.

Purpose. Certain uses, which, due to their size and/or operation, have impacts that could adversely impact neighboring uses or the community as a whole. Due to the potential impacts of these uses, they must meet certain conditions to ensure that they do not adversely impact neighboring uses or the community as a whole. This section identifies the uses that require conditions and establishes the conditions they must meet in order to receive a special use permit (when required) for the uses if such use was not specifically approved a part of a Conditional Rezoning. ~~A~~ If a Special Use

Permit must be granted for **any of these** uses, **it must be granted in** accordance with the procedures set forth in the Zoning Ordinance.

Where a use requiring Special Use Permit and supplemental standards and specifications in accordance with this section of this Ordinance is listed in a district, the symbol “S” is entered in the corresponding district column for the specific use.

Lands subject to a special use permit approved prior to the effective date of this Ordinance (whether associated with a conditional zoning classification or otherwise) shall continue to be subject to the special use permit even if the conditional zoning district classification is amended to a new general use base zoning district or conditional zoning district as part of the adoption of this Ordinance.

Special Uses-Established. The following Special uses and the ~~minimum conditions~~ **supplemental standards** they must meet are hereby established.

c. Clean Copy of New Text:

Supplemental Standards for Certain Uses.

Special Uses.

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

Where a use requiring Special Use Permit and supplemental standards and specifications in accordance with this section of this Ordinance is listed in a district, the symbol “S” is entered in the corresponding district column for the specific use.

Lands subject to a special use permit approved prior to the effective date of this Ordinance (whether associated with a conditional zoning classification or otherwise) shall continue to be subject to the special use permit even if the conditional zoning district classification is amended to a new general use base zoning district or conditional zoning district as part of the adoption of this Ordinance.

Special Uses-Established. The following Special uses and the supplemental standards they must meet are hereby established.

3. Amend Special Use to include following throughout pages (9-12)

- a. **Current Text:** Each Use on pages 9-12 have the following language:
 - i. Zoning Districts identified in the Table of Uses where special use permits are required for this use shall comply with the following additional standards.
- b. **Proposed Revisions:** Zoning Districts identified in the Table of Uses where special use permits are required for this use shall comply with the following additional standards either with an issuance of a Special Use Permit or with the specific approval as part of a Conditional Rezoning.
- c. **Reason:** Since the Heritage District is Conditional Zoning. If a property is rezoning to one of the Marvin Heritage District Sub-Districts, the applicant can propose that certain special uses be permitted by right. If the property has been approved for these uses at the time of the rezoning, then they would still would need to comply with the supplemental standards if applicable. See change #9 as Special Uses can be Permitted by-right at the time of the Conditional Rezoning if specified and the supplemental standards would still apply to all these uses anyway.

4. **Amend the Supplemental Standards for “Essential Services, Class II” and “Restaurant Serving Alcohol”**

a. Current:

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

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

A. Standards:

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

Restaurant Serving Alcohol.

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

A. Standards:

1. The special use permit shall be issued to the property owner as listed on the tax records of the county, or the legal entity apparent the restaurant serving alcohol with the property owner's written consent. When the ownership of any property or facility, which has a special use permit for a restaurant which serves alcohol establishment, is transferred, the new owner or operator (as applicable) shall sign and file with the Planning and Zoning Administrator an acknowledgment of the rights, conditions and responsibilities of the special use permit prior to operation of the use under the permit. The acknowledgment shall be made on forms provided by the Planning Department.
2. The owner(s) and operator(s) of the restaurant shall collect and properly dispose of all litter and debris generated by their establishment or patrons immediately following the closure of business or not later than 7:00 a.m. each morning following any period of operation. All litter or debris shall be collected from within the boundaries of the establishment, associated parking areas, adjacent sidewalks and public rights-of-way or other adjacent public property open to the public.

3. Exterior guest areas shall not have amplified music.
4. A lighting plan shall be submitted to the Planning and Zoning Administrator for review and approval, and lighting fixtures shall be installed and maintained pursuant to the approved plan which illuminates all exterior portions of the building, lot area and parking lot as determined appropriate by the Planning and Zoning Administrator. Lighting shall be located and shielded to prevent the light cone of all exterior fixtures from encroaching beyond the property boundary line and into any adjacent public right-of-way, property or dwelling.

b. Proposed Revisions:

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

Zoning Districts identified in the Table of Uses where special use permits are required for this use shall comply with the following additional standards [either with an issuance of a Special Use Permit or with the specific approval of a Conditional Rezoning](#).

A. Standards:

1. Use shall comply with all federal and state standards. Verification of compliance or ability to comply shall be provided with the application submitted to the Village of Marvin.
2. All above-ground equipment shall be buffered from view of adjacent properties and public streets with two staggered rows of evergreens with 2 inch calipers upon planting 6 feet on center and an opaque fence.
3. Use shall be managed and operated by a municipality, county, other governmental entity, or publicly licensed utility.
4. [If proposed at the time of the Conditional Rezoning, the detailed site plan must show the location, size and any other applicable information for any Essential Services, Class II herein defined.](#)

Restaurant Serving Alcohol.

Zoning Districts identified in the Table of Uses where special use permits are required for this use shall comply with the following additional standards [either with an issuance of a Special Use Permit or with the specific approval of a Conditional Rezoning](#).

A. Standards:

1. ~~The special use permit shall be issued to the property owner as listed on the tax records of the county, or the legal entity apparent the restaurant serving alcohol with the property owner's written consent.~~ When the ownership of any property or facility, which has a special use permit [or an approval](#) for a restaurant which serves alcohol establishment [as part of a conditional rezoning approval](#), is transferred, the new owner or operator (as applicable) shall sign and file with the Planning and Zoning Administrator an acknowledgment of the rights, conditions and responsibilities of the special use permit and/or of the [Conditional Rezoning](#) prior to operation of the use under the permit. The acknowledgment shall be made on forms provided by the Planning Department.
2. The owner(s) and operator(s) of the restaurant shall collect and properly dispose of all litter and debris generated by their establishment or patrons immediately following the closure of business or not later than 7:00 a.m. each morning following any period of operation. All litter or debris shall be collected from within the boundaries of the establishment, associated parking areas, adjacent sidewalks and public rights-of-way or other adjacent public property open to the public.
3. Exterior guest areas ~~shall not have~~ with amplified music [must comply with Chapter 92: Noise at all times unless a Temporary Use Permit or any other applicable permit approvals has been granted for a special event.](#)
4. A lighting plan shall be submitted to the Planning and Zoning Administrator for review and approval, and lighting fixtures shall be installed and maintained pursuant to the approved plan which illuminates all exterior portions of the building, lot area and parking lot as determined appropriate by the Planning and Zoning Administrator. Lighting shall be located and shielded to prevent the light cone of all exterior fixtures from encroaching beyond the property boundary line and into any adjacent public right-of-way, property or dwelling.

c. Clean Copy of New Text:

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

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A. Standards:

1. Use shall comply with all federal and state standards. Verification of compliance or ability to comply shall be provided with the application submitted to the Village of Marvin.
2. All above-ground equipment shall be buffered from view of adjacent properties and public streets with two staggered rows of evergreens with 2-inch calipers upon planting 6 feet on center and an opaque fence.
3. Use shall be managed and operated by a municipality, county, other governmental entity, or publicly licensed utility.
4. If proposed at the time of the Conditional Rezoning, the detailed site plan must show the location, size and any other applicable information for any Essential Services, Class II herein defined.

Restaurant Serving Alcohol.

Zoning Districts identified in the Table of Uses where special use permits are required for this use shall comply with the following additional standards either with an issuance of a Special Use Permit or with the specific approval of a Conditional Rezoning.

A. Standards:

1. When the ownership of any property or facility, which has a special use permit or an approval for a restaurant which serves alcohol establishment as part of a conditional rezoning approval, is transferred, the new owner or operator (as applicable) shall sign and file with the Planning and Zoning Administrator an acknowledgment of the rights, conditions and responsibilities of the special use permit and/or of the Conditional Rezoning prior to operation of the use under the permit. The acknowledgment shall be made on forms provided by the Planning Department.
2. The owner(s) and operator(s) of the restaurant shall collect and properly dispose of all litter and debris generated by their establishment or patrons immediately following the closure of business or not later than 7:00 a.m. each morning following any period of operation. All litter or debris shall be collected from within the boundaries of the establishment, associated parking areas, adjacent sidewalks and public rights-of-way or other adjacent public property open to the public.

3. Exterior guest areas with amplified music must comply with Chapter 92: Noise at all times unless a Temporary Use Permit or any other applicable permit approvals has been granted for a special event.
4. A lighting plan shall be submitted to the Planning and Zoning Administrator for review and approval, and lighting fixtures shall be installed and maintained pursuant to the approved plan which illuminates all exterior portions of the building, lot area and parking lot as determined appropriate by the Planning and Zoning Administrator. Lighting shall be located and shielded to prevent the light cone of all exterior fixtures from encroaching beyond the property boundary line and into any adjacent public right-of-way, property or dwelling.

5. **Amend To Add Additional Language Under Subdistrict Classifications (Page 13)**

- a. *Proposed Addition:* Because of the nature, scale, or location, or particular impacts on the immediate areas, as well as the community as a whole, the Marvin Hertiage Conditional Planning Area is established to add flexibility to the planning and development process, but at the same time create additional controls which can establish specific development standards to ensure quality development.

6. **Amend Subdistrict and Building Type Regulations for Clarification and Consistency (Pages 14-17)**

- a. *See Attachment #1 for Proposed Revisions.*
- b. *Summary of Changes:*
 - i. Fix Typo on Page 15 and 16 Heritage District Mixed Use
 - ii. Fix Building Size Ranges in the Heritage District - Mixed Use and Commercial Only Subdistricts for Village House and Greek Revival Building Types
 - iii. Added Conventional Square Commercial Building Type to Heritage District-Commercial Only (HD-CO) and added standards.

7. **Amend Building Type Regulations for Clarification and Consistency (Pages 24-25 and 27)**

- a. *See attachment #2 for Proposed Revisions.*
- b. *Summary of Changes:*
 - i. Increased Size Range of Village House to 7,500 sq. ft. to be consistent with allowable height. Footprint remains the same.
 - ii. Increased Size Range of Greek Revival/Southern Colonial to 10,000 sq. ft. to be consistent with allowable height. Footprint remains the same.

- iii. Updated regulations on Conventional Square Commercial for Heritage District-Commercial Only (HD-CO) increased maximum height from 1.5 stories to 2.

8. **Amend Buffer Standards for Clarification and Replace Buffer Matrix (Pages 29-35)**

- a. *See attachment #3 for Proposed Revisions and #4 for new Buffer Matrix. Highlighted Sections have been updated per consultation with the Union County Urban Forester.*

9. **Amend Administration Section to include Language for “Certain Additional Approvals May Be Unnecessary” after Application Procedure and Requirements Paragraph (Page 48)**

- a. *Proposed Addition:*

Certain Additional Approvals May Be Unnecessary

A Heritage District Conditional Zoning approval will preclude an applicant from having to obtain a special use permit if the conditional zoning district application as approved by the Village Council includes uses that are classified as a special use in the Table of Permitted Uses and the Village Council determines that sufficient evidence presented by the detailed review of the applicant permits as required for such permits. Additionally, a MHD conditional zoning district approval may preclude an applicant from having to obtain a preliminary plan approval for a major subdivision if the level of site detail is sufficient for review and approval.

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

Heritage District-Mixed Use (HD-MU): A subdistrict intended to be the bulk of the central area of the District. These parcels have residential in the back and commercial on the major road side. Developments in this district must meet the intent of Mixed-Use and shall have no more than 30% of the total area be residential uses, which shall be defined as the total area that consists of a private residential lot. The 30% residential maximum does not apply to the two parcels (further identified as Parcel Numbers 06225003A and 06225018) on New Town Road, which had existing homes at the time of this ordinance's adoption. Due to their small lot size, this residential maximum does not apply to the two parcels on New Town Road, which had existing homes at the time of this ordinance's adoption.



(HD-MU) Precedent Imagery



(HD-MU) Regulating Plan



This Heritage District-Mixed Use (HD-MU) subdistrict also includes two small properties (further identified as Parcel Numbers 06225003A and 06225018) whose location tends to support commercial use, but are too small to provide a 100-foot buffer from existing uses. These properties shall be allowed to have commercial, but shall have more limited commercial uses allowed and a different approach to buffering than the other subdistricts that allow commercial uses. Developments in this district must meet the intent of Mixed-Use and shall have no more than 30% of the total area be residential uses, which shall be defined as the total area that consists of a private residential lot.

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

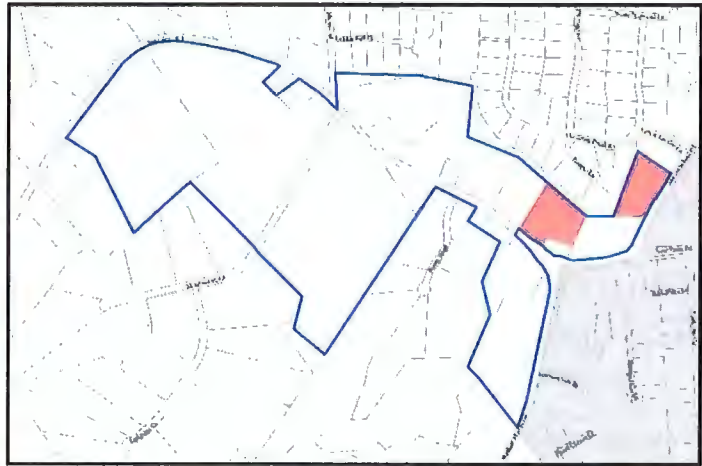
Mixed Use Building Type Requirements:	Min. Lot Size (s.f.)	Lot Width	Front Setback	Rear Setback	Side Setback	Building Size (s.f.)
Large Lot Home	43,560	130'	50'	75'	20'	No min. No max.
Medium Lot Homes	20,000	100'	40'	40'	10'	No min. No max.
Small Lot Homes	10,000	70'	25'	25'	5'	No min. No max.
Village house • Commercial Uses Only	10,000	57'	10'	20'	5'	1,000- 5,000 7,500
Cottage Commercial	8,000	57'	10'	20'	5'	600- 3,000
Bungalow • Commercial Uses Only	8,000	57'	10'	20'	5'	1,000- 3,000
Greek Revival / Southern Colonial • Commercial Uses Only	21,780	110'	10'	40'	5'	3,000- 7 10,000 0
Conventional Square Commercial*	None	None	85'	100'	50'	10,000- 15,000

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

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



(HD-CO) Precedent Imagery



(HD-CO) Regulating Plan

Commercial Only Building Type Requirements:

	Min. Lot Size (s.f.)	Lot Width	Front Setback	Rear Setback	Side Setback	Building Size (s.f.)
Village house	8,000	57'	10'	20'	5'	1,000- 5,000 <u>7,500</u>
Cottage Commercial	8,000	57'	10'	20'	5'	600- 3,000
Bungalow Commercial Uses Only	8,000	57'	10'	20'	5'	1000- 3,000
Greek Revival / Southern Colonial	21,780	110'	10'	40'	5'	3,000- 7 10,000
<u>Conventional Square Commercial*</u>	<u>None</u>	<u>None</u>	<u>85'</u>	<u>75'</u>	<u>5'</u>	<u>5,000-</u> <u>10,000</u>

Village House**General:** Detached Commercial Building.**Size Range:** 1,000 – ~~5,000~~ 7,500 sq. ft.**Maximum Footprint** (not including porches):
5,000 sq. ft.**Height:** 1 – 2.5 stories.**Notes:**

A shopfront building, can have multiple "fronts".

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



HD-MU



HD-CO



HD-RO

HD-CIVIC

Village House Precedent Imagery

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

Greek Revival/Southern Colonial

General: Detached Mixed Use Building.

Size Range: 3,000 – ~~7,000~~ 10,000 sq. ft.

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

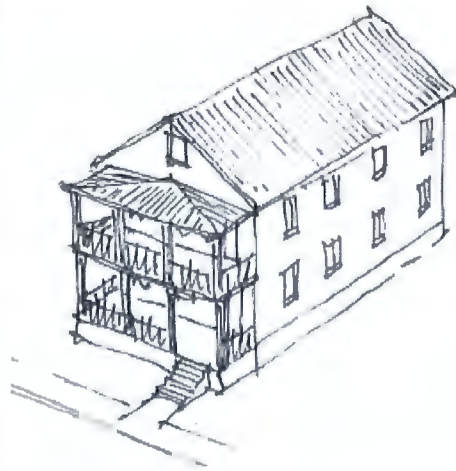
Height: 2 – 2.5 stories.

Notes:

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

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

May have external staircase to access second floor commercial.



HD-MU



HD-CO



HD-RO



HD-CIVIC

Greek Revival/Southern Colonial Precedent Imagery



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Conventional Square Commercial

General: Detached Commercial Building.

Size Range: HD-MU up to 15,000 sq. ft.

HD-CO up to 10,000 sq. ft.

Maximum Footprint (not including porches):

HD-MU: 15,000 sq. ft.

HD-CO: 5,000 sq. ft.

Height: 1 – 21.5 stories.

Notes:

This building is meant to facilitate limited 10,000-15,000 sq. ft. Single uses or mixed- uses.

In the Commercial Only subdistrict, the maximum footprint is limited to 5,000 Sq. Ft.

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

Pitched roof and barn vernacular is required



HD-MU



HD-CO



HD-RO

HD-CIVIC

Square Commercial Precedent Imagery



(Example used for architecture, not size)



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GENERAL STANDARDS

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

Allowable Adjacent Uses and Buffer Standards Between Existing and Proposed Uses

Generally, This section serves the two purposes of:

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

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

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

a. Rural Residential. The "Rural Residential" use consists of the Meadowlark and Three Pond Acres neighborhoods as well as properties on New Town Road to the west and south-east of the District. A no cut tree/vegetation buffer width of 75 feet shall be preserved. If existing trees do not provide a fully opaque buffer, vegetative screening must be installed and maintained to enhance the buffer within the 75 foot buffer width. The following items shall be the required implementation for any no cut buffer considered.

1. Identified no cut buffer areas shall be clearly provided on any plans. Metes and Bounds shall be required for any proposed no cut buffer. Proposed easement, deed restriction or general restrictions language shall be provided on the proposed plan as well as any required separate documentation. Any adjacent clearing and grading limits shall be provided in concert with the no cut buffer upon plans provided for final review.
2. Upon any approval, no cut buffers shall be clearly delineated on site by installing orange 4ft. tall heavy duty plastic snow or safety fencing securely attached to steel (14 gauge min.) U channel fence posts spaced no greater than 25 ft. apart at all clearing facing or publicly accessible frontage prior to commencing any grading or construction and shall remain through completion of construction. The location of fencing shall be established on plan prior to any action.
3. Signage printed on laminate or otherwise protected from weather of at least 8 1/2"x 11" noting "No tree cutting or disturbance permitted at any point. More information can be obtained from the Village of Marvin Planning and Zoning Administrator." The signage shall be posted at minimum every 50 feet along all fencing.
4. The no cut buffer shall be shown on final site plans and/or subdivision plats.

5. Should a site with a no cut buffer be sold or conveyed to another party, proof of the new owner's acceptance of the requirement to preserve the no cut buffer is required to be provided to the Planning and Zoning Administrator. Such correspondence should include all relevant project information including Tax Parcel ID and a copy of the most recent plans as an attachment.
 6. Refer to the section entitled, "General Standards, Tree Protection and Mitigation" for penalties when trees are removed in the no cut buffer. Removal may be allowed with review and approval from the Urban Forster. .
- b. Suburban Residential: The "Suburban Residential" existing use consists of the Preserve at Marvin neighborhood and the Coates' House at 10213 New Town Road. The properties in this use can have cluster residential adjacent, but that cluster residential must serve as a buffer between this existing use and commercial in the MU subdistrict. This use is buffered from commercial in the CO subdistrict by a ~~100'~~minimum of a 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.

Allowable Adjacent Uses and Buffer Matrix

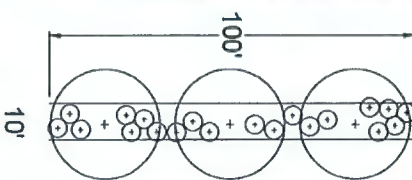
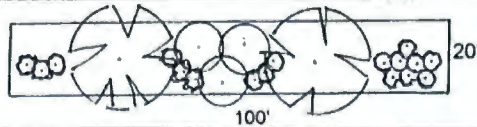

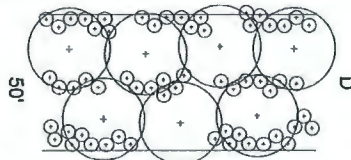

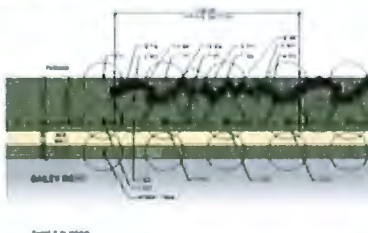
PROPOSED USE	EXISTING USE		
	Rural Residential	Suburban Residential	Major Road
MU & RO Large Lot Suburban Residential (1-acre lot minimum)	25-foot tree buffer	25-foot tree buffer	85-foot tree buffer
MU & RO Medium Lot Residential (20,000 s.f. lot minimum)	50-foot tree buffer	25-foot tree buffer	85-foot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

Notes:

- Tree species for landscaping shall be chosen from the Appendices of Chapter 93 and approved by the Planning and Zoning Administrator or Urban Forester.
- It is encouraged that existing vegetation in good health that meets all applicable standards in this section be used to satisfy any planting requirements, provided the vegetation is in fair or better condition and is protected before and during development in the same manner required in Chapter 93.
- Where existing vegetation does not satisfy the requirements herein, it is encouraged to keep existing vegetation and native soils, and plant additional vegetation where necessary to achieve the intent of the regulations herein.
- Fences shall be between 5' and 8' in height and have natural themes (brick, wood, no chain-link) and variation in relief and height across the expanse.
- Where a dedicated buffer exists on an abutting property which is designated for conservation and/or preservation may be applied toward the requirements of this section subject of the following:
 - The "net" buffer yard satisfies the minimum buffer yard requirements of Section for both properties. The net buffer shall include the cumulative total for both required buffers.
- The Planning and Zoning Director or their designee may approve alternative planting requirements from what is required by this section in cases where there is unusual topography or elevation, unusual soils or other sub-surface conditions, or existing vegetation, only if the Planning and Zoning Director finds the applicant demonstrates that existing features and any additional buffer yard materials will buffer the proposed use as effectively as the required buffer yard, and that the proposed alternative buffer yard complies with the spirit and intent of this section.
 - Approval of alternative buffer yard plantings in accordance with subsection above, may occur only at the request of the applicant, during the rezoning process.
- Buffer yards shall be designated as landscaped areas on the application for development approval and as landscape easements when shown on the site plan and incorporated into the rezoning approval. The buffer yard shall be recorded with the title of the property as a landscape buffer yard easement.

- The following uses are permitted within required buffer areas if none of the required plant material is eliminated, the intended screening is accomplished, the total width of the buffer yard is maintained, and all other requirements of this section are met:
 - Street and driveway accesses, provided they are installed approximately perpendicular to the right-of-way or property line
 - Pedestrian or bicycle trails
 - Approved signage
 - Stormwater Retention Basins
 - Equipment necessary for the provision of public utilities.
 - Landscaping sculptures, lighting fixtures, trellises, pedestrian amenities and arbors.
- In order to meet the purpose and function of these standards, the buffer may need to be enhanced in order to soften the visual impact of the structures from public view and from adjacent property (or created where such vegetation is insufficient or nonexistent) with trees and shrubs of a variety or species appropriate to the area. If the buffer already has trees of protected sizes and groupings of native shrubs, their preservation is required.

Attachment #4

Landscape Buffer Screening Option			
Buffer Type*	Description	Planting Requirements	
		Option 1	Option 2
TYPE A: BASIC BUFFER (MINIMUM WIDTH: 10 FT.)			
	A peripheral planting strip or preservation strip intended to separate uses, provide vegetation in densely developed areas, and to enhance the appearance of individual properties.	2 canopy trees and 4 understory trees per 100 linear feet	1 canopy trees and 5 understory trees and 15 shrubs per 100 linear feet
Type B: Aesthetic Buffer (Minimum Width: 20 ft.)			
	This buffer functions as an intermittent visual obstruction, and creates the impression of spatial separation without eliminating visual contact between uses.	3 canopy trees and 5 understory trees and 15 shrubs per 100 linear feet	2 canopy trees and 7 understory trees and 20 shrubs per 100 linear feet
Type C: Semi-Opaque Buffer (Minimum Width: 30 ft.)			
	This buffer is intended to partially block visual contact between uses with a minimum of sixty (60%) percent opacity.	4 canopy trees and 7 of understory trees and 20 shrubs per 100 linear feet	One 4-foot-high berm or one 4-foot-high solid fence and 2 canopy trees and 8 understory trees per 100 linear feet
Type D: Opaque Buffer (Minimum Width: 50 ft.)			
	This buffer functions as an opaque screen. This type of buffer prevents visual contact between uses and creates a strong separation with a minimum of ninety five (95%) percent opacity.	9 canopy trees and 10 of understory trees and 35 shrubs per 100 linear feet	One 6-foot-high fence (minimum) and 4 canopy trees per 100 linear feet and 35 shrubs per 100 linear feet
Type E: Dense Opaque Buffer (Minimum Width: 75 FT)			
	This buffer functions as an opaque screen utilizing existing vegetation. This type of buffer prevents visual contact between uses and creates a strong separation of uses.	A No Cut tree/vegetation buffer width of 75 feet shall be preserved. If existing trees do not provide a fully opaque buffer (minimum of 95%), vegetative screening must be installed and maintained to enhance the buffer within the 75 foot buffer width.	100 foot existing tree and vegation buffer
Type F: Viewshed Buffer (Minimum Width: 50 FT)			
	This buffer functions to preserve the rural feeling while driving down the major roads and consist slight visual obstructions	50 foot viewshed/ public plaza space (existing buildings exempt from min. depth)	85 to 100 foot typical residential viewshed
*Pictures are just examples and are included to provide a visual example of the buffer widths and proposed plantings within the buffer.			
TREE, UNDERSTORY. Any tree, growing to more than 15 feet but less than 35 feet in height at maturity. An UNDERSTORY TREE suitable for planting shall be two inches or more in caliber and a minimum height of eight feet from the ground surface.			
TREE, CANOPY. Any tree growing to 35 feet or more in height at maturity, and having a drip line diameter of 30 feet or more at maturity. A CANOPY SHADE TREE suitable for planting shall be three inches or more in caliber with a minimum height of ten feet from the ground surface.			

Existing Use or Zoning of Vacant Land on Adjacent Site [1]

Proposed Use	Rural Residential	Suburban Residential	Major Road
Single-Family Large Lot (HD-MU or HD-RO)	C	C	F
Single-Family Medium Lot (HD-MU or HD-RO)	D	C	F
Single-Family Small Lot (HD-MU or HD-RO)	E	C	F
Any use in the HD-Civic	C	B	F
Any use in the HD-Commerical Only	E (Option 2)	D	F
Any non-residential use in the HD- Mixed Use	E (Option 2)	D	F

NOTES:

[1] The Village Council may approve with the Conditional Rezoning an alternative buffer yard from what is required by this section in cases where there is unusual topography or elevation, unusual soils or other sub- surface conditions, or existing vegetation, only if the Village Council finds the applicant demonstrates that existing features and any additional buffer yard materials will buffer the proposed use as effectively as the required buffer yard, and that the proposed alternative buffer yard complies with the spirit and intent of this section.

A = Type A Buffer B = Type B Buffer C = Type C Buffer D = Type D Buffer E = Type E Buffer F = Type F Buffer " - " = No Perimeter Buffer Yard