

# Planning and Zoning 101



# Welcome to Planning and Zoning 101

Who is Centralina Regional Council?

Centralina Regional Council has served the greater Charlotte regional since 1968, providing services to individuals, supporting local governments and leading regional collaboration. We serve our local communities through Aging Service, Workforce Development, Community Development and Planning.



- Over 28 years of experience working on regional planning challenges
- Holds a B.A. and Masters of Geography from SUNY Geneseo and UNC-Charlotte, respectively
- Member of the American Institute of Certified Planners, with Certified Environmental Planner designation (AICP CEP), is an inductee of the US Department of Energy Clean Cities Director national Hall of Fame
- A graduate of the UNC-Chapel Hill School of Government Municipal and County Administration Certification program
- Trained group process facilitator



Jason Wager,  
Planning Director



Lynne Hair, Assistant  
Planning Director

- 20+ years of Local Government Planning and Zoning Experience
- Experience working knowledge of NCGS 160D, as well as experience working in the metro Atlanta region
- Over 20 years of experience working in Communities processing Conditional Zoning applications
- Worked with elected official and advisory boards on the creation of zoning ordinances and land use plans

# Ground Rules

## **Session success needs full participation.**

- One speaker at a time.
- No silent objectors.
- Silence cell phones.

## **Assume you have something to learn**

- Practice mutual respect.
- Practice active listening.
- Respect ideas of others.

## **Ask for what you need.**

- Seek clarity on issues.
- There is no such thing as a dumb question.
- Check for understanding when needed.

## **Others?**

Use the provided question forms if have questions after the presentation



# What can you Expect from this Evening?



- Planning Legislation
- Types of Decisions that local officials make
- Local Ordinances
- The Zoning Process
- Conventional Zoning vs. Conditional Zoning
- Property Owner Rights
- Regulation of Architectural Standards
- Enforcement of Homeowner Covenants

# Governing Authority

## *How are Planning Laws Made?*

- NC General Assembly & Enabling Legislation
- County and Municipal Statutes
- **Previously G.S. 153A & 160A**
- Chapter 160D (effective 07/01/21)
- Local Legislation

Local ordinances,  
codes, *regulations*

- *Marvin Development Ordinance*

Local plans for  
*reference and*  
*guidance*

- *Marvin Land Use Plan*



**Village of Marvin**



[Home](#) / [Bills & Laws](#) / [General Statutes](#) / [Table of Contents](#) / [Chapter 160D](#)

## CHAPTER 160D - LOCAL PLANNING AND DEVELOPMENT REGULATION.

The General Statutes include changes through **SL 2021-162**.

General Statutes published on this website are not official. Please read the [caveats](#) for more information.

# Want to know more?

<https://www.ncleg.gov/Laws/GeneralStatuteSections/Chapter160D>

Click on 160D: Local Planning and Development Regulation

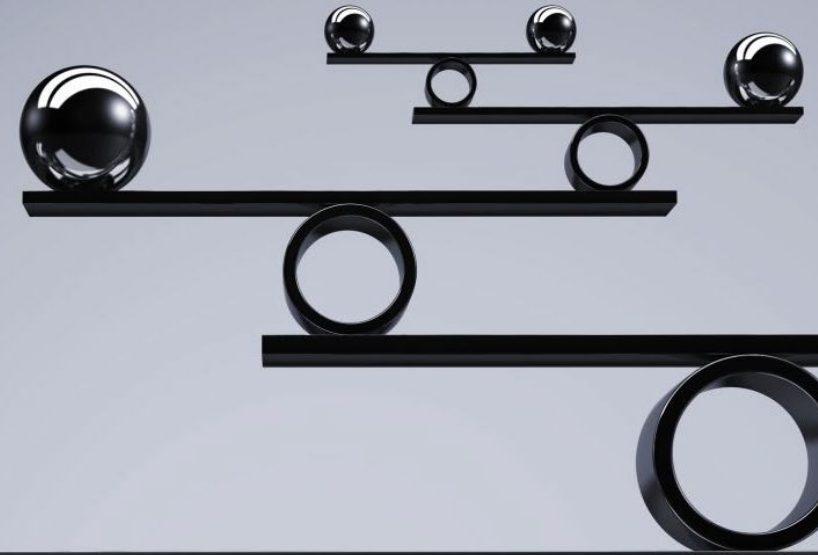
# Types of Decisions

Administrative

Legislative

Advisory

\*Quasi Judicial



Village of Marvin



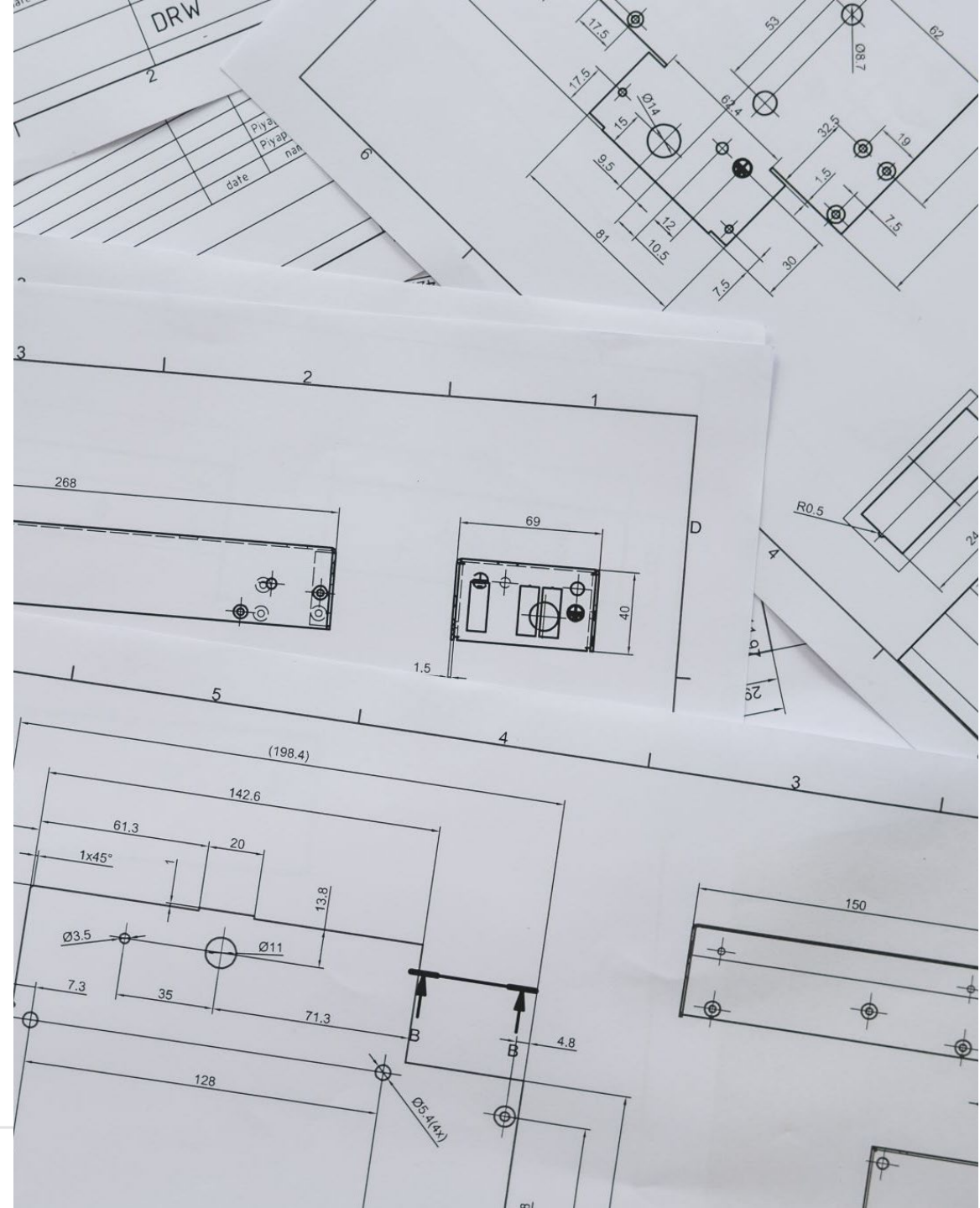
# Administrative STAFF

- Typically made by professional staff
- Cover the day-to-day non-discretionary matters related to the implementation of an ordinance
- Examples
  - Subdivision major and preliminary plat review
  - Issuing a certificate of zoning compliance
- Decision can be appealed to Board of Adjustment
- Principal statutory provisions in Article 4 of 160D of G.S.



# Advisory PLANNING BOARD

- Made by bodies that recommend decisions, but have no final-decision making authority
- Example – advise Village Council on rezoning request
- Few rules set by state law or courts on how advisory decisions are made
- 160D of G.S. mandates advisory review of all zoning regulation amendments
- Other Advisory Boards that are *not legislated*: Parks and Recreation, Stormwater Committees



# Legislative VILLAGE COUNCIL

- Set general policies applicable through ordinances
- Includes decisions to adopt, amend, or repeal
  - Zoning map amendment/rezonings
  - Text Amendments
- State law mandates broad public notice and hearing requirements
- Broad public discussion and deliberation are encouraged
- Substantial discretion is allowed
- Generally made by the local government body
- Statutory provision in Article 6 of 160 of G.S.



# How do these fit together?



**Staff – Administrative Decisions** - Issues permits; Runs development processes; Conducts technical studies; Initiates enforcement; advises manager



**Planning Board – Advisory Decisions** - Reviews development proposals; Sponsors planning studies; Recommends policies; Coordinates public participation



**Village Council – Legislative Decisions** - Adopts ordinances, amendments, policy statements, budgets

# Planning Tools

## Land Use Plan vs. Development Ordinance

### Land Use Plan

2020 Land Use Plan

GUIDE/POLICY

Used by the Council and Planning Board, and Staff to Help Make Land Use Decisions

### Development Ordinance

Marvin Development Code

RULE BOOK/ORDINANCE

Used by Staff to Apply Decisions made by Council



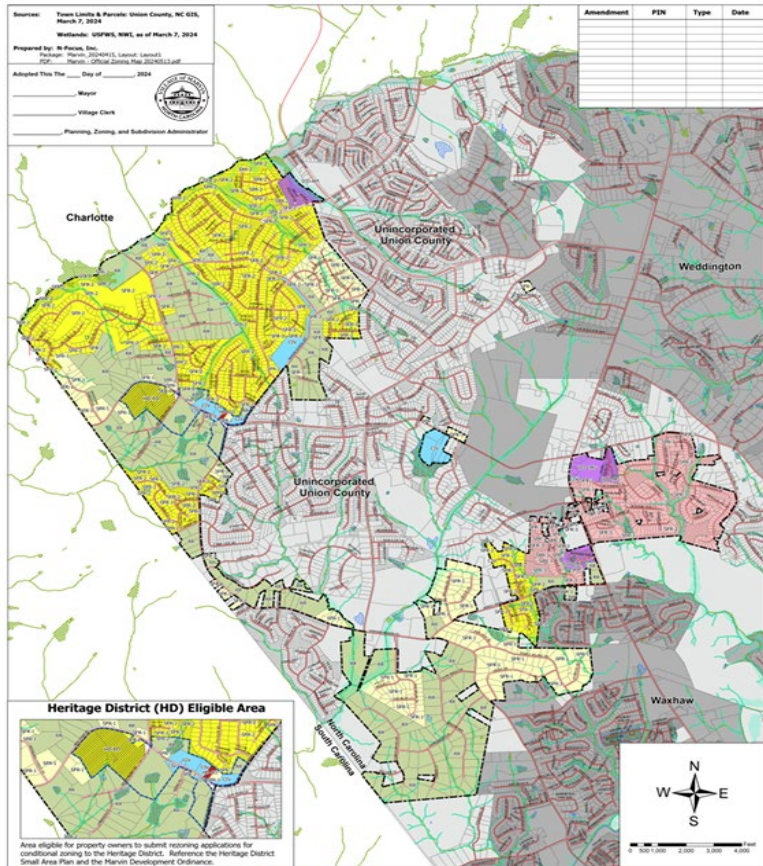
# The Land Use Plan

## The Land Use Plan Should Address:

- The community now – **Data/Demographics**
- Where it wants to go – **A Vision for the Community**
- How it will get there and next steps- **Goals and Strategies**
- Offers guidance for community leaders, planners, and developers when making land use decisions or proposals
- Include **Future Land Use** maps and text
- All zoning decisions must reference consistency with the LUP and other officially adopted plans that are applicable
- A 20-year plan that be updated every 3-5 years.



# The Marvin Development Ordinance (MDO)



- Is a local policy instrument that combines traditional **zoning and subdivision** regulations and other regulations, as **design** guidelines, **sign** regulations, and **floodplain and stormwater** management, into one document.
- It is intended to **streamline and coordinate the development process** of permits and approvals for development projects by removing inconsistencies and eliminating outdated policies.
- The **Zoning Map** is part of the Development Ordinance and establishes which zoning district applies to your property.

VILLAGE OF MARVIN



## Marvin Heritage District Small Area Plan

*Note: This adopted Small Area Plan (including appendices), is part of the adopted Village of Marvin 2020 Land Use Plan. The adopted map included in this Small Area Plan entitled, "Marvin Heritage District Small Area Plan – Future Land Use Map," replaced the "Village of Marvin Future Land Use Map" inset, currently labeled "Possible Village Center Subzones"*

Adopted: December 14<sup>th</sup>, 2021

Amended: May 14<sup>th</sup>, 2024  
(Village of Marvin 2020 Land Use Plan Amendment #2024-01)

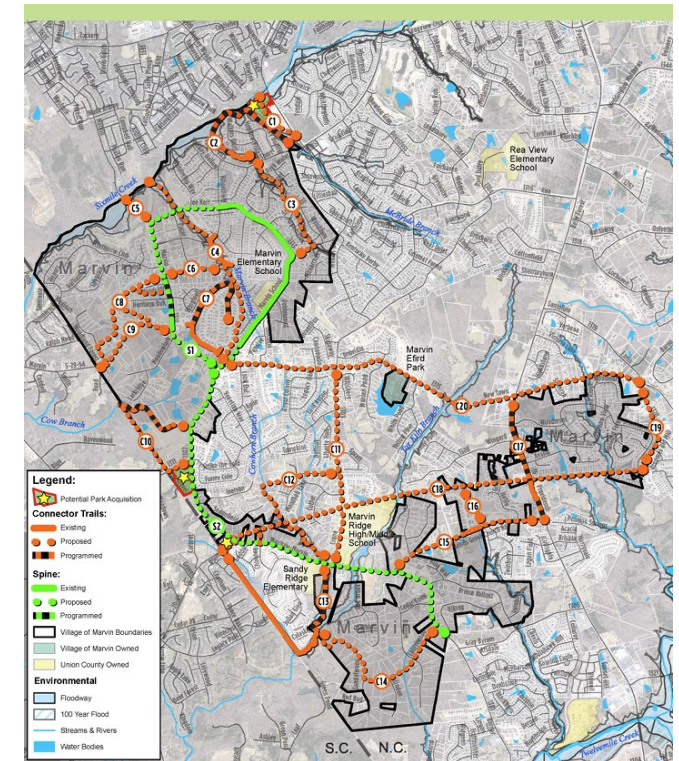
Prepared by the Village of Marvin Planning Department

# Small Area & Corridor Plans

## Long Range Plans

### Small Area, Parks and Recreation, & Transportation Plans

- Marvin Heritage Plan
- 2020 Parks & Greenway Master Plan
- 2023 Comprehensive Parks And Recreation Master Plan
- CRTPO – Transportation Improvement Plan
- Union County Critical Intersection Plan

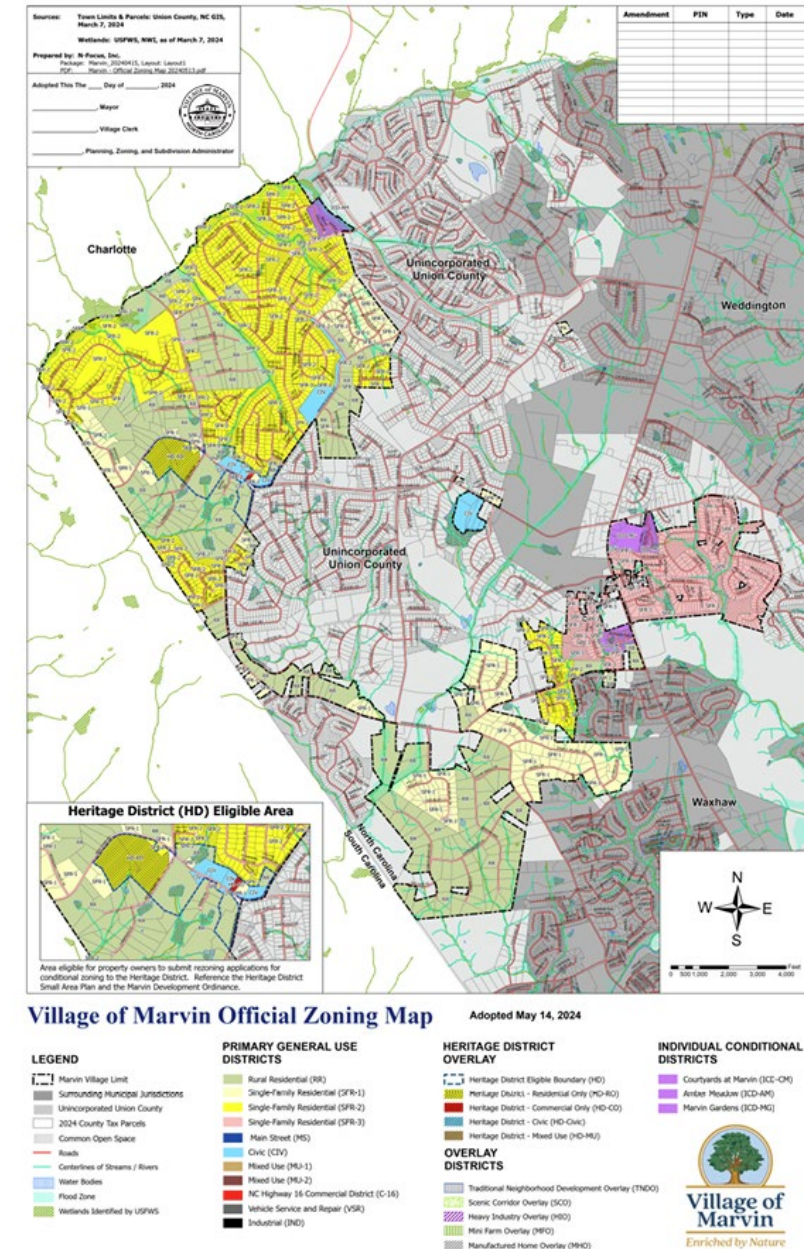




# What Happens when someone wants to Develop Property in Marvin?

**Step 1.** A property owner or developer contacts Planning Staff to check zoning of their property and to see if what they want to develop on the property is allowed by the Village zoning.

**Step 2.** Planning Staff uses the Zoning Map to check the zoning and the Land Use Map to see if the proposal fits with the proposed Land Use Plan.



# What Happens when someone wants to Develop Property in Marvin?

## Step 3.

**Option #1:** If the proposal fits with the Zoning, the property/developer has a by-right use and development of the property would be an Administrative Process:

- Submittal of plans by applicant
- Review of submitted plans by Staff (Planning, Public Works, Fire Marshall, Engineering, NCDOT). LDP issued once all permits from other state and county agencies have been approved and bonds posted.
- Issuance of Permits from different state and local agencies (Erosion Control, Driveway, Water and Sewer Capacity, Zoning, Building, and Stormwater)



# What Happens when someone wants to Develop Property in Marvin?

## Step 3.

**Option #2:** If the proposed use **does not** fit with the **zoning map**, but **is consistent** with the **Future Land Use Map**, the developer has the option to apply for rezoning of the property. Since the project is consistent with the Land Use Map, the Staff may use this as the **basis to recommend approval** of the request.



# What Happens when someone wants to Develop Property in Marvin?

## Step 3.

**Option #3**: If the proposal **does not** fit with the **zoning map** and **is inconsistent** with the **Future Land Use Map**, the applicant has the option to apply for rezoning of the property. Since the project is inconsistent with the Land Use Map, the Staff may use this as a **basis to recommended denial** of the request.



# Statement of Consistency

Required for all rezoning and text amendments. The statement must include why the decisions for approval or denial was made. An elected body can make the decision that they think is in the best interest of the community and may not comply with LUP.

# Conventional Rezoning vs. Conditional Rezoning

## Conventional Rezoning

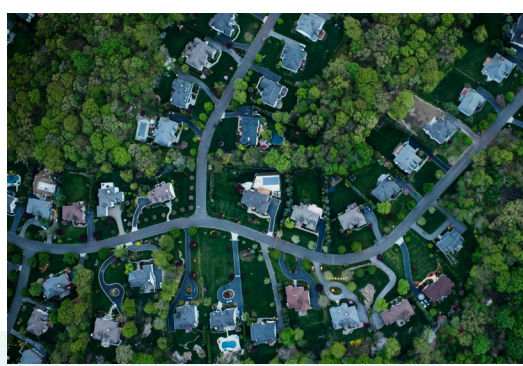
- Legislative Process
- Requires a Public Hearing by state Statute
- Requires a community meeting by local ordinance
- Will allow all uses permitted in the approved zoning district
- Cannot be conditioned
- Cannot regulate architectural standards of 1 and 2 family dwellings
- Does not expire

## Conditional Zoning

- Legislative Process
- Requires a Public Hearing by State Statute
- Requires a community meeting by local ordinance
- Council can negotiate agreed upon conditions with the applicant
- Is site specific and tied to a submitted concept plan.
- Can regulate architectural standards
- Has vested rights



**Village of Marvin**



# Property Owners Rights

- NCGS 160D establishes a county or municipalities right to regulate the use of land.
- Prohibits a county or municipality from denying a property owner the reasonable use of their property.
- They have the right to pursue rezoning of property through the process established by NCGS 160D

# Regulation of Architectural Standards for one and two-family dwellings



- NCGS 160D-702 (2015):  
Can only be regulated through the conditional zoning process.



# HOA Covenants

- Private set of rules that are administered by the Homeowners Association or their designee. The Village cannot enforce. Even HOA restrictions on use or subdivision of land = Civil Issue.



# HOA Covenants

**Marvin Development Ordinance Article 1.8  
Conflicts with Covenants, Deed  
Restrictions, etc.** This Ordinance is not intended to abrogate any easement, covenant, or other private agreement. However, where the regulations of this Ordinance are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement, then the requirements of this Ordinance shall govern.



# Questions?

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# Thank You!



**Hunter Nestor, Village of Marvin**

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