

# **VILLAGE OF MARVIN**



## **Marvin Heritage District Form-Based Code**

***FINAL DRAFT***

**June 9, 2021**

**Prepared by the Marvin Heritage District Strategic Plan Committee,  
Planning Board, Village Council and the  
Village of Marvin Planning Department**

## TABLE OF CONTENTS

### GENERAL PROVISIONS

Short Title .....	1
Purposes .....	1
Authority and Enactment.....	1
Jurisdiction .....	1
Acknowledgements .....	2
Application of Chapter .....	3
Regulating Plan .....	3

### SUB-DISTRICT STANDARDS, BUILDING TYPES, GENERAL STANDARDS, & USES

Sub-district Standards .....	5
A. Residential Only District (RO-HD) .....	6
B. Mixed Use Core District (MU-HD) .....	7
C. Commercial Only District (CO-HD) .....	8
D. Existing Building Only District (E-HD) .....	9
E. Civic District (C-HD) .....	10
Building Types .....	11
General Standards for All Buildings .....	11
A. Marvin-Vernacular.....	12
B. Small Lot Homes.....	13
C. Cottage Commercial .....	14
D. Village House .....	15
E. Greek Revival/Southern Colonial.....	16
F. Bungalow .....	17
F. Conventional Square Commercial .....	18
General Standards .....	19
Allowable Adjacent Uses and Buffer Standards Between Existing and Proposed Uses.....	19
Buffer Matrix .....	20
Buffer Map .....	21
Streetscape .....	22
Road Cross Sections – Residential, Major Road Commercial .....	24
Parking .....	25
Street Network Design .....	26
Signage .....	28
Lighting.....	29
Historic Preservation .....	30
Tree Protection and Mitigation.....	30
Exceptions .....	31
Uses .....	32
Table of Uses – Permitted Uses and Special Uses.....	32

Uses Expressly Prohibited .....	34
<b>PUBLIC SPACE STANDARDS</b>	
Public Open Space Standards and Requirements.....	35
Open Spaces Matrix .....	37
Pedestrian Amenities and Connectivity .....	37
<b>ADMINISTRATION</b>	
Administration.....	40
Application Procedure and Requirements .....	40
<b>DEFINITIONS</b> .....	42
<b>APPENDICES</b>	
Appendix A:	Existing Building Photo Gallery
Appendix B:	Bluffton, S.C. Photo Gallery
Appendix C:	Photo Gallery of other similar places
Appendix D:	Terminate Vistas Map
Appendix E:	Land Use Plan Section 5.D regarding a Village Center
Appendix F:	Pedestrian and Greenway Plan
Appendix G:	Alignment of the Marvin Loop Trail
Appendix H:	Precedent Imagery of Buffer Types

## **GENERAL PROVISIONS**

### **Short Title**

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

### **Purposes**

The purpose of these Form-Based Code standards shall be to provide guidance and consistency for required standards and specifications for all properties located within the Marvin Heritage District. This chapter shall be used to regulate infill development, adaptive reuse, and preservation of structures in the Marvin Heritage District to promote the public health, safety and general welfare and to promote alterations of existing development and new development that reflects the character of the Village of Marvin.

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

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

### **Authority and Enactment**

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

### **Jurisdiction**

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.

## *Final Draft*

### Acknowledgements

#### **Village Council**

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

#### **Planning Board**

John Jones, Chair  
Kelly Cates, Vice Chair  
Michael Lavelle  
Mark Petersen  
Kent Renner  
Malinda Daniel  
Parag Patel  
Special Thanks to: Paul Cappiello

#### **MHD Strategic Plan Committee**

Emma Lane, Facilitator  
John Jones  
Michael Lavelle  
Malinda Daniel  
Tim Fincher  
TJ Philbrick  
Will Owens  
Dorota Clegg  
Sherri Albano  
Jake Fehling

#### **Parks, Recreation, & Greenways Board**

John Baresich, Chair  
Kristyna Culp, Vice Chair  
Bob Nunnenkamp  
Dan Wilson  
Sherri Albano

#### **Staff**

Christina Amos, Manager  
Rohit Ammanamanchi, Planner  
Tom Weitnauer, Planning Consultant, NFocus  
Austin Yow, Clerk & Assistant to the Manager  
Derek Durst, Public Facilities Manager  
Jamie Privuznak, Finance Director  
Julie Rothrock, Deputy Finance Director

### **Application of Chapter**

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 sub-districts and streetscapes that form the framework for the Heritage District.

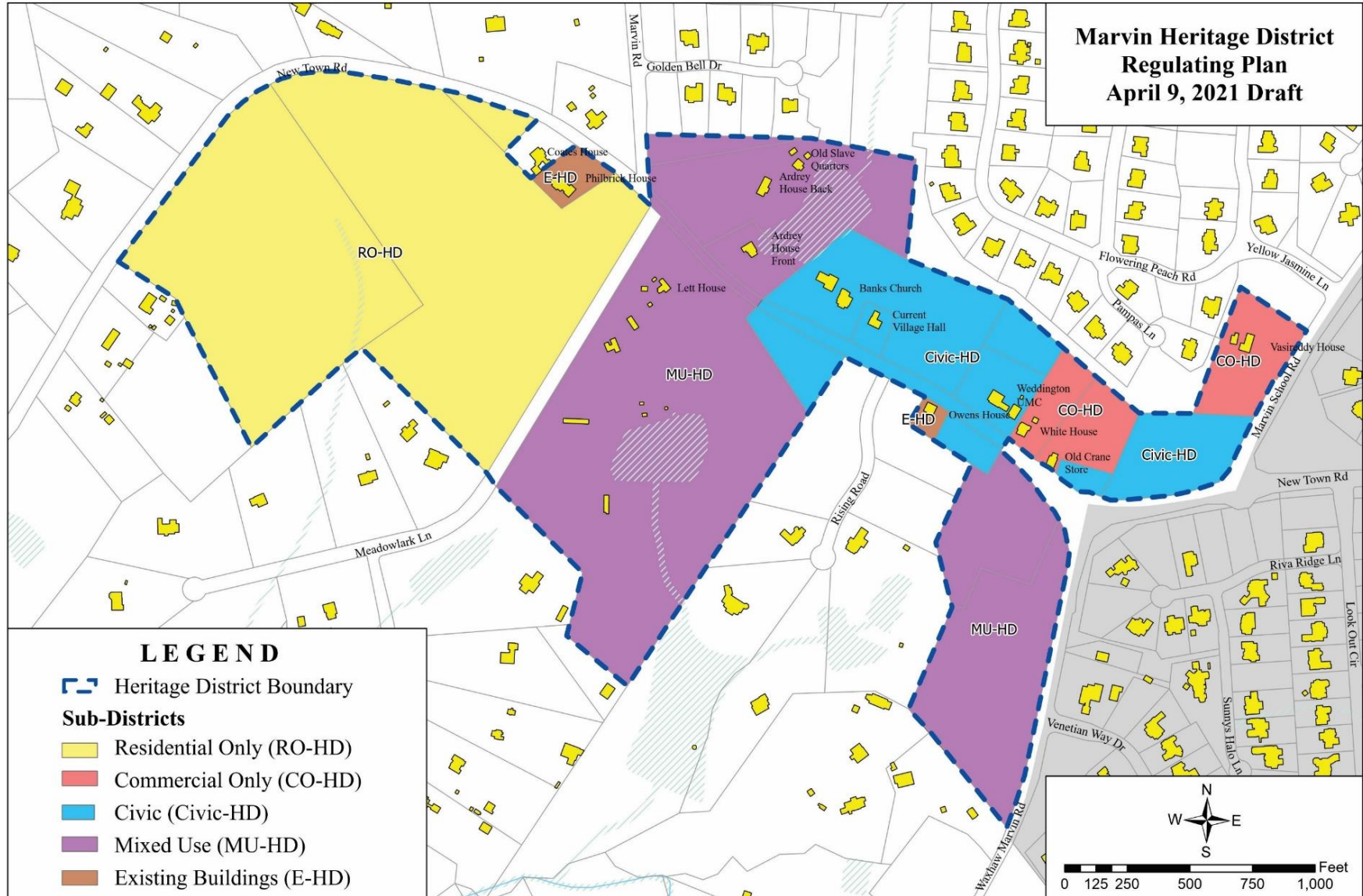
In the event any provisions of these form-based code regulations conflict with any other provisions of this chapter or other village ordinances, then the provisions of these form-based codes shall control. Other provisions in the village ordinances not in conflict with the form-based code regulations 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. With respect to existing buildings within the Marvin Heritage District, in the event that the building undergoes either structural or cosmetic modifications, repairs after damages, or additions, which effect the exterior appearance of the structure, the property will be subject to the standards set forth by this Code.

### **Regulating Plan**

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 the regulations contained herein, are organized into the following 5 sub-districts, and depicted in the Marvin Heritage District Regulating Plan:

- a. Residential Only Heritage District (RO-HD);
- b. Mixed Use Heritage District (MU-HD);
- c. Commercial Only Heritage District (CO-HD);
- d. Existing Buildings Heritage District (E-HD); and
- e. Civic Heritage District (Civic-HD).



## **SUBDISTRICT STANDARDS, BUILDING TYPES, GENERAL STANDARDS & USES**

### **Sub-district Classification**

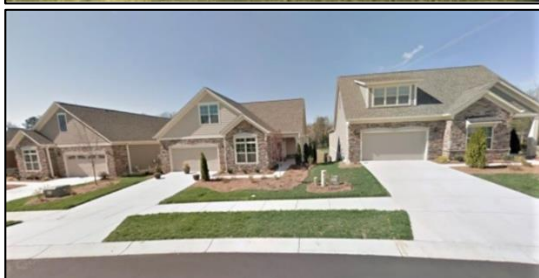
Minimum design standards were carefully selected from current and historic characteristics of the Marvin area for each sub-district. Additional standards that apply to all sub-districts in the Heritage District are located at the end of this sub-section.

Each of the five sub-district design standards set forth specifications related to building placement (lot size, lot width, setbacks, and building size) and building type illustrated on the following five pages. All new 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 sub-districts. The Zoning Administrator may consider alternative architectural style and details of residential building types when proposed alternatives meet or exceed the intent of the sub-district design standards. The minimum design standards contain regulations for properties in the Marvin Heritage District, based upon the following sub-districts:

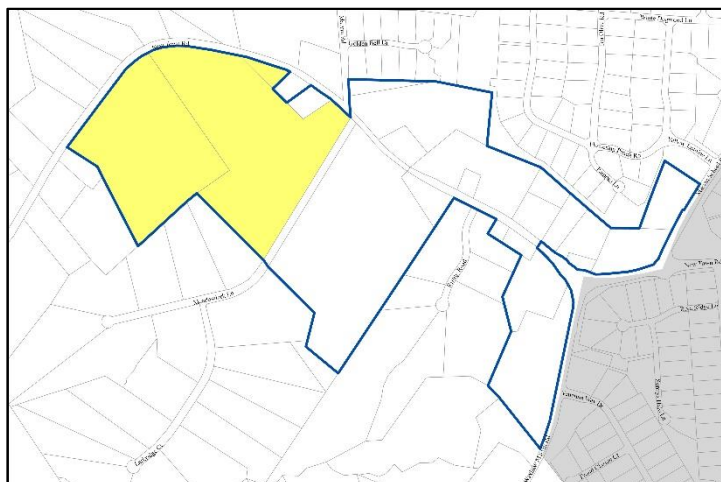
- a. Residential Only Heritage District (RO-HD): A sub-district intended for solely residential buildings. This sub-district is intended to provide additional housing to boost the vibrancy and walkability of the District as a whole, and must have 100% residential uses.
- b. Mixed Use Heritage District (MU-HD): A sub-district intended to be the bulk of the central area of the District. These parcels are larger and deeper and thus are situated to have residential in the back and commercial in the front. Developments in this district must meet the intent of Mixed-Use and shall have no more than 30% of the total area be residential uses, which shall be defined as the total area that consists of a private residential lot.
- c. Commercial Only Heritage District (CO-HD): A sub-district 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.
- d. Existing Buildings Heritage District (E-HD): This sub-district comprises of two small properties whose location tends to support commercial use, but are too small to provide a 100-foot buffer from existing uses. These properties will be allowed to have commercial, but will have more limited commercial uses allowed and a different approach to buffering than the other sub-districts that allow commercial uses.
- e. Civic Heritage District (Civic-HD): This sub-district 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.



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



**(RO-HD) Precedent Imagery**



**(RO-HD) Regulating Plan**

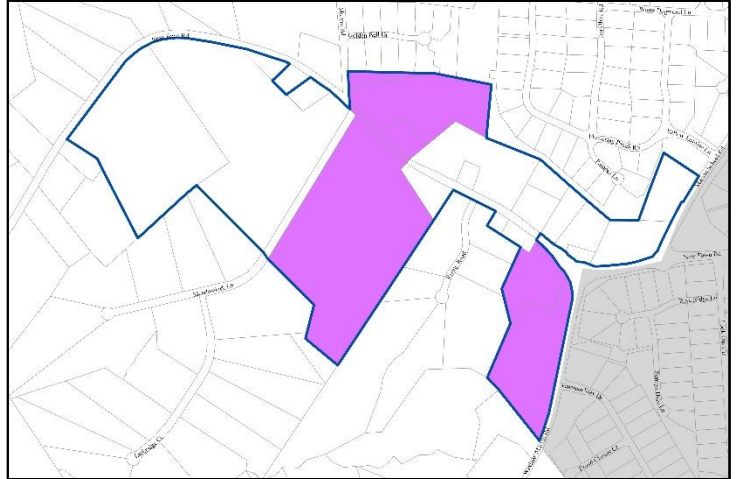
### Residential Only Building Type Requirements:

	Min. Lot Size (s.f.)	Lot Width	Front Setback	Rear Setback	Side Setback	Building Size (s.f.)
<b>Single-Family Marvin Vernacular Home/ Village House</b>	21,780	110'	40'	40'	5'	3,000- 7,000
<b>Small Lot Homes</b>	10,000	57'	20'	20'	5'	1,000- 5,000
<b>Greek Revival / Southern Colonial</b>	21,780	110'	40'	40'	5'	3,000- 7,000
<b>Bungalow</b>	10,000	57'	20'	20'	5'	1,000- 1,500
<b>Additional Building Types</b>						
As approved by the Planning Board and Village Council, additional building types may be allowed in the Residential Only - HD sub district. Building types not specifically listed shall be regulated by requirements to the right:	25,000	130'	50'	40'	20'	1,000- 15,000

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



**(MU-HD) Precedent Imagery**



**(MU-HD) Regulating Plan**

**Mixed Use Core  
Building Type  
Requirements:**

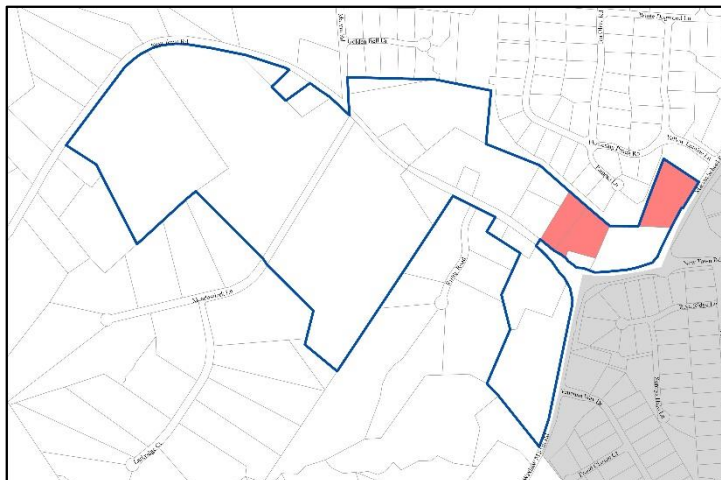
(MU-HD) Precedent Imagery

Mixed Use Core Building Type Requirements:		Min. Lot Size (s.f.)	Lot Width	Front Setback	Rear Setback	Side Setback	Building Size (s.f.)
Single-Family Marvin Vernacular Home		21,780	110'	40'	40'	5'	3,000-7,000
Village house		10,000	57'	10'	20'	5'	1,000-5,000
Cottage Commercial		8,000	57'	10'	20'	5'	600-3,000
Greek Revival / Southern Colonial		21,780	110'	10'	40'	5'	3,000-7,000
Conventional Square Commercial (Note 1)		None	None	85'	100'	50'	10,000-15,000
	Note 1: Limit one conventional square per parent tract.						
Additional Building Types							
As approved by the Planning Board and Village Council, additional building types may be allowed in the Mixed Use - HD sub district. Building types not specifically listed shall be regulated by requirements to the right:		8,000	57'	10'	20'	5'	1,000-7,000

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



**(CO-HD) Precedent Imagery**



**(CO-HD) Regulating Plan**

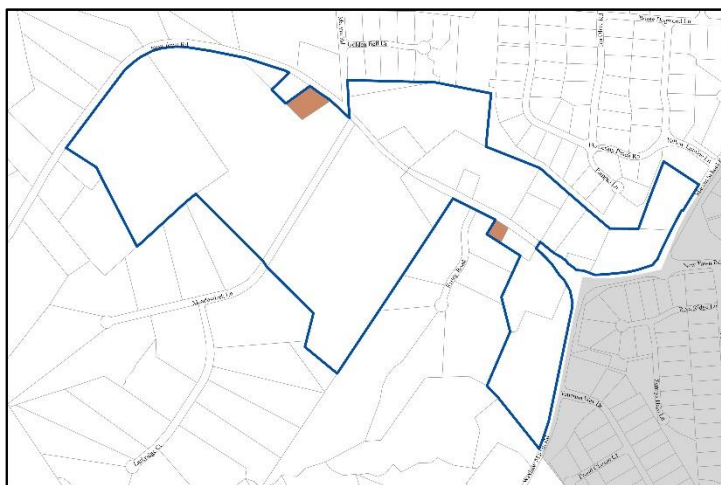
**Commercial Only  
Building Type  
Requirements:**

	<b>Min. Lot Size (s.f.)</b>	<b>Lot Width</b>	<b>Front Setback</b>	<b>Rear Setback</b>	<b>Side Setback</b>	<b>Building Size (s.f.)</b>
<b>Single-Family Marvin Vernacular Home</b>	21,780	110'	40'	40'	5'	3,000-7,000
<b>Village house</b>	8,000	57'	10'	20'	5'	1,000-5,000
<b>Cottage Commercial</b>	8,000	57'	10'	20'	5'	600-3,000
<b>Greek Revival / Southern Colonial</b>	21,780	110'	10'	40'	5'	3,000-7,000
<b>Additional Building Types</b>						
As approved by the Planning Board and Village Council, additional building types may be allowed in the Commercial Only - HD sub district. Building types not specifically listed shall be regulated by requirements to the right:	8,000	57'	10'	20'	5'	1,000-7,000

**D. Existing Building Only District (E-HD)**



**(E-HD) Precedent Imagery**



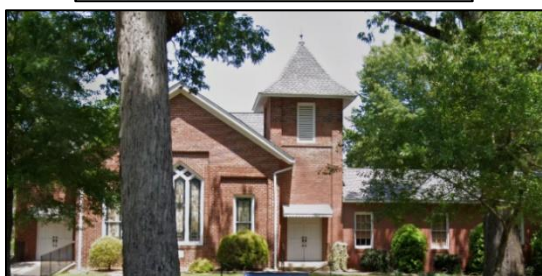
**(E-HD) Regulating Plan**

**Existing Only Building  
Type Requirements:**

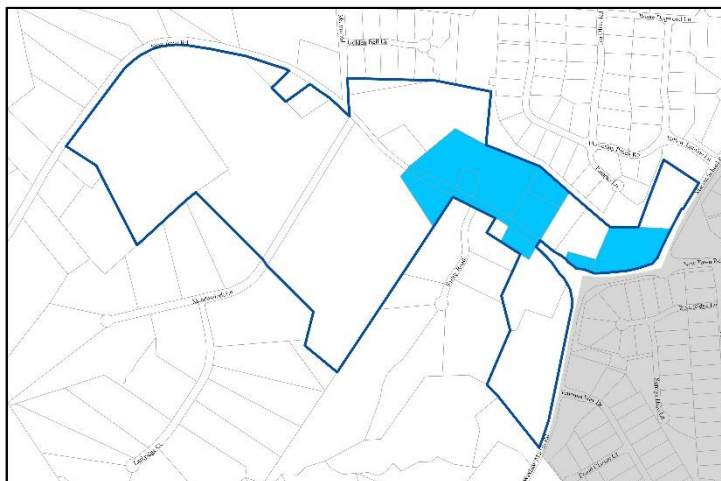
	<b>Min. Lot Size (s.f.)</b>	<b>Lot Width</b>	<b>Front Setback</b>	<b>Rear Setback</b>	<b>Side Setback</b>	<b>Building Size (s.f.)</b>
<b>Single-Family Marvin Vernacular Home*</b>	21,780	110'	40'	40'	5'	3,000-7,000
<b>Small Lot Homes*</b>	10,000	57'	20'	20'	5'	1,000-5,000
<b>Greek Revival / Southern Colonial *</b>	21,780	110'	40'	40'	5'	3,000-7,000
	*Note: The purpose of this district is to require that only the existing building be allowed on a property. The above table is meant to regulate expansions or the replacement of the building in case of damage. No existing building can be expanded in a way that increases nonconformity with this table					



**E. Civic District (Civic-HD)**



**(Civic-HD) Precedent Imagery**



**(Civic-HD) Regulating Plan**

**Civic Building Type  
Requirements:**


	<b>Min. Lot Size (s.f.)</b>	<b>Lot Width</b>	<b>Front Setback</b>	<b>Rear Setback</b>	<b>Side Setback</b>	<b>Building Size (s.f.)</b>
<b>Church Vernacular*</b>	130,680	130'	75'	40'	50'	1,000-10,000
<b>Government Vernacular*</b>	43,560	130'	75'	40'	50'	1,000-10,000
	*All new buildings shall match the character of the existing buildings on the property. Any architectural proposal shall be reviewed by the Design Review Board.					

## **Building Types**





The house types were carefully selected from the current and historic character of the Marvin area. Characteristics of the Marvin-Vernacular Single Family Homes and Village Houses are derived from homes in neighborhoods such as Weddington Chase, Providence Downs South, and Ladera. The Small Lot Homes Type is 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 Marvin-Vernacular, but emphasizes 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 [in progress] types reflect the existing buildings in the district, and similar buildings in similar districts in the region.

General Standards for all buildings:

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

A. Marvin-Vernacular Building										
<b>General:</b> Detached Mixed Use Building.	 <table><tr><td>MU-HD</td></tr><tr><td>●</td></tr><tr><td>CO-HD</td></tr><tr><td>●</td></tr><tr><td>RO-HD</td></tr><tr><td>●</td></tr><tr><td>E-HD</td></tr><tr><td>●</td></tr><tr><td>CIVIC-HD</td></tr></table>	MU-HD	●	CO-HD	●	RO-HD	●	E-HD	●	CIVIC-HD
MU-HD										
●										
CO-HD										
●										
RO-HD										
●										
E-HD										
●										
CIVIC-HD										
<b>Size Range:</b> 3,000 – 7,000 sq. ft.										
<b>Maximum Footprint</b> (not including porches): 5,000 sq. ft.										
<b>Height:</b> 2 – 2.5 stories.										
<b>Notes:</b> Modeled after a typical Marvin area home Varying roof pitches, wall offsets, and façade materials.  Can be in residential or commercial zones										

Marvin-Vernacular Building Precedent Imagery



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



## B. Small Lot Home

**General:** Detached Residential Building.

**Size Range:** 1,000 – 5,000 sq. ft.

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

**Height:** 1-2 stories.

**Notes:**

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

Can have porches

Can have 1, 1.5, or 2 stories



MU-HD



CO-HD

RO-HD



E-HD

CIVIC-HD

### Small Lot Home Precedent Imagery



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



## C. Cottage Commercial

**General:** Detached Commercial Building.

**Size Range:** 600 – 3,000 sq. ft.

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

**Height:** 1 – 1.5 stories.

**Notes:**

A shopfront building.

Similar to the historic Crane Store on New Town Road.

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

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

Characterized by front gable roof.



MU-HD



CO-HD



RO-HD

E-HD

CIVIC-HD

### Commercial Cottage Precedent Imagery



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

## D. Village House

**General:** Detached Commercial Building.

**Size Range:** 1,000 – 5,000 sq. ft.

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

**Height:** 1 – 2.5 stories.

**Notes:**

A shopfront building, can have multiple "fronts" and be more square.

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



MU-HD



CO-HD



RO-HD

E-HD

CIVIC-HD

### 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.



## E. Greek Revival/Southern Colonial

**General:** Detached Mixed Use Building.

**Size Range:** 3,000 – 7,000 sq. ft.

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

**Height:** 2 – 2.5 stories.

### Notes:

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

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

May have external staircase to access second floor commercial.



MU-HD



CO-HD



RO-HD



E-HD

CIVIC-HD

### 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.

## F. Bungalow

**General:** Detached Mixed Use Building.

**Size Range:** 1,000 – 1,500 sq. ft.

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

**Height:** 1 – 1.5 stories.

**Notes:**

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

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

Second story built into the sloped roof.

This housing type is intentionally generic.



MU-HD



CO-HD



RO-HD



E-HD



CIVIC-HD

### 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.



## G. Conventional Square Commercial

**General:** Detached Commercial Building.

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

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

**Height:** 1 – 1.5 stories.

**Notes:**

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

Must be 3 or 4-sided, with varying wall depths, windows, and limited blank massing  
Pitched roof and barn vernacular is required



MU-HD



CO-HD

RO-HD

E-HD

CIVIC-HD

### Square Commercial Precedent Imagery



(Example used for architecture, not size)



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

## GENERAL STANDARDS

In addition to sub-district standards, the following general standards are applicable to all properties and sub-districts within the Heritage District.

### **Allowable Adjacent Uses and Buffer Standards Between Existing and Proposed Uses**

Generally, This section serves the two purposes of:

- A. defining which uses in the Heritage District are allowed or not allowed to be adjacent to existing uses, and
- B. 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 will not be considered adjacent. See precedent imagery in Appendices 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. The three categories and their character needs are defined as follows and depicted in the map below.

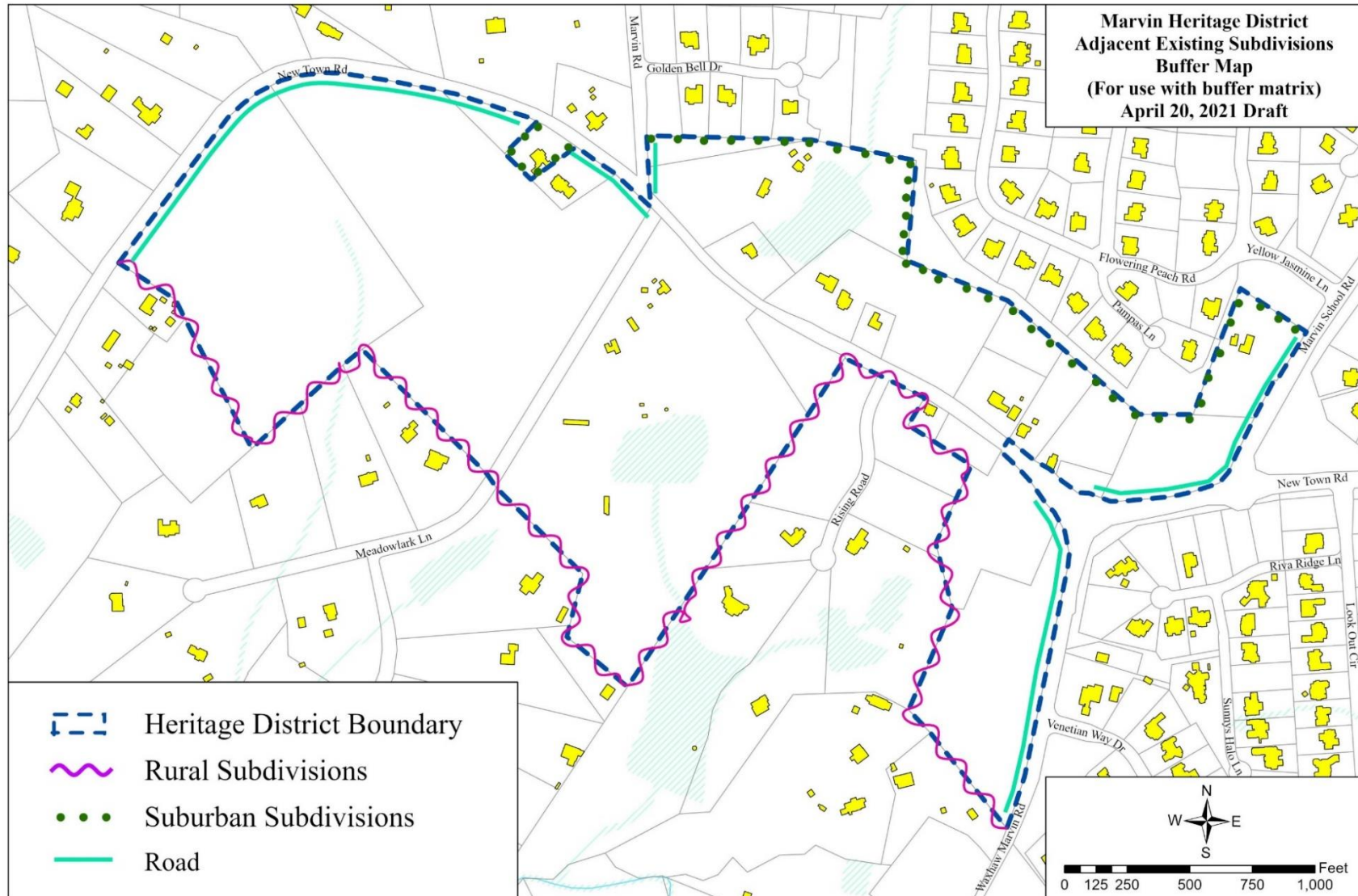
- a. Rural Residential. The "Rural Residential" use consists of the Meadowlark and Three Pond Acres neighborhoods as well as properties on New Town Road to the west and south-east of the District. Their character features are protected by not allowing Cluster Residential or Commercial adjacent except for the E-HD district commercial. The commercial uses allowed in the E-HD District are limited compared to the MU and CO because of the E-HD District's adjacency to existing Rural Residential.
- 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 sub-district. This use is buffered from commercial in the CO sub-district by a 100' buffer as it is consistent with the buffer from other commercial Zoning Districts in Marvin.
- c. Major Road. Most properties in the District front a major road. Downtown districts typically have commercial buildings abutting the road with just a sidewalk in between, however, there is a prevailing sentiment to preserve the rural feeling while driving down the major roads. Therefore, the viewshed buffer/viewshed plaza depth shall be at least 50' and the residential viewshed shall be at least 85' deep for suburban-size lots and 100' deep for cluster-style lots.

## Allowable Adjacent Uses and Buffer Matrix

		EXISTING USE		
		Rural Residential	Suburban Residential	Major Road
PROPOSED USE	MU & RO Suburban Residential (0.5 acre lot minimum)	25 foot tree buffer	25 foot tree buffer	85 foot tree buffer
	MU & RO Cluster Residential (10,000 s.f. lot minimum)	<i>Not Allowed to be directly adjacent</i>	25 foot tree buffer	100 foot tree buffer
	MU - Commercial	<i>Not Allowed to be Directly Adjacent</i>	<i>Not allowed to be Directly Adjacent</i>	50 foot viewshed/ public plaza space
	CO - Commercial	<i>Not Allowed to be Directly Adjacent</i>	100 foot tree buffer from new buildings and as much depth as possible for existing buildings and 1+ row of evergreens	50 foot viewshed/ public plaza space (existing buildings exempt from min. depth)
	E - Commercial	2+ Rows of Evergreens and Opaque Fence	1+ Rows of Evergreens and Opaque Fence	1 row of canopy trees 40' apart
	Civic - All Uses	50 foot tree buffer	50 foot tree buffer, more may be considered as minimum for special uses	50 foot viewshed/ public plaza space
	All Districts – Open Spaces	25 foot tree buffer	25 foot tree buffer	25 foot tree buffer

## Notes:

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





## **Streetscape:**

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

### **Major Road Cross Section.**

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

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

Street Furniture and Landscaping (6' - 10' width): This area of the streetscape is meant to both buffer the pedestrian travelway from the vehicle travel lane, and provide amenities to enhance the experience. Furniture may include but is not limited to:

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

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

Street furniture and the front of the viewshed plaza shall be designed to interface with the trail. The trail may also meander around existing heritage trees, signs, and buildings in such a manner that the widths of the street furniture and viewshed plaza areas can be negotiated for the sake of preservation and improvement of the pedestrian experience. This is intended to be a multi-use path that can comfortably fit pedestrians and slow cyclists simultaneously.

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

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

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

### **Residential and Internal Commercial Cross Section.**

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

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

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

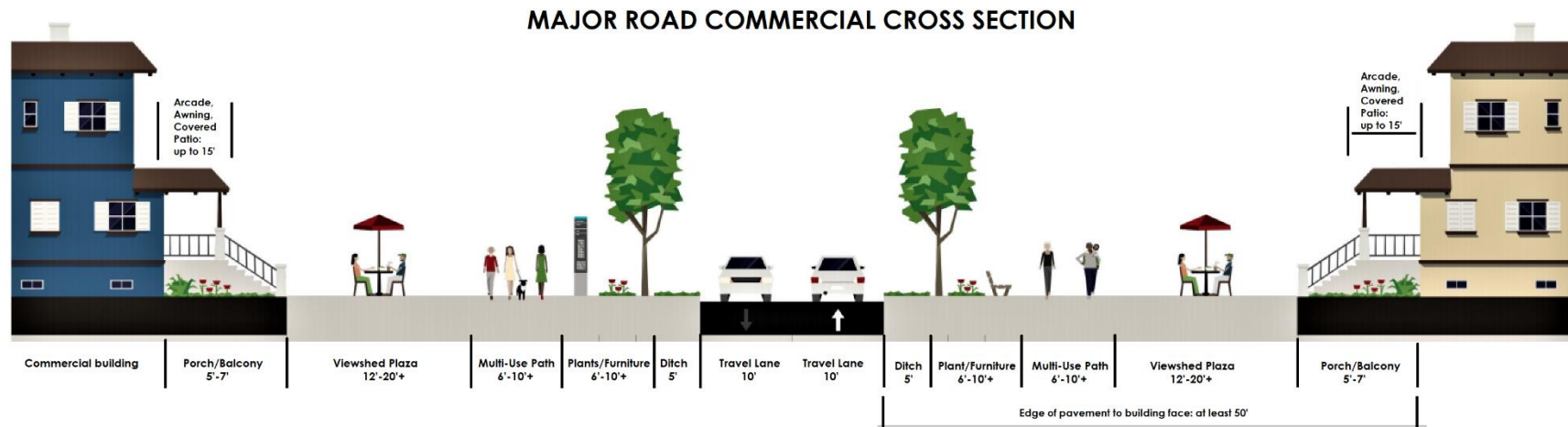
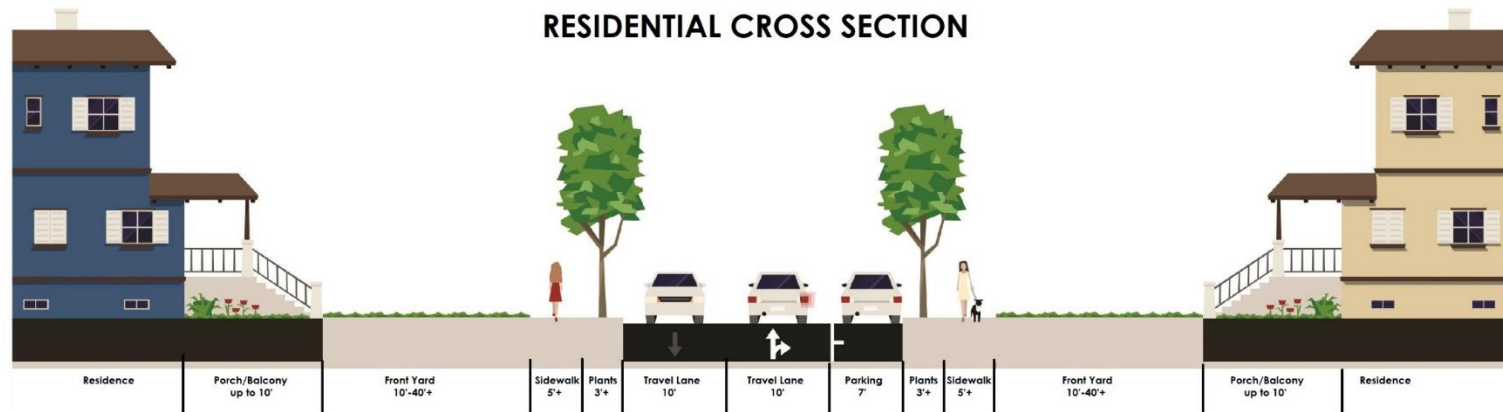
Curb and Gutter (1' – 2')

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

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

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

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



## **Parking**

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

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

<b>Table 6 - Accessible Parking Space Requirements</b>				
<b>Total Parking Spaces Provided</b>	<b>Min. No. of Accessible Spaces Required</b>	<b>Minimum Number Required By Type</b>		
		<b>Regular (8 ft. + 5 ft.)</b>	<b>Van (8 ft. + 8 ft.)</b>	<b>Side-Loading Van</b>
1 to 025	1	0	1	0
26 to 050	2	1	1	0
51 to 075	3	2	1	0
76 to 100	4	3	1	0
101 to 150	5	3	2	0
151 to 200	6	4	2	0
201 to 300	7	5	2	0
301 to 400	8	6	2	0
401 to 500	9	6	2	1
501 to 1000	2% of total	Required total less van spaces	1 in 4 total accessible spaces	1 for every 3 van spaces
1001 and Over	20 plus 1 for each 100 over 1000	Required total less van spaces	1 in 4 total accessible spaces	1 for every 3 van spaces
Note: Refer to 4.1.2(5) of the American with Disabilities Act (ADA) and 4.1.2(5)(d) for medical care facilities				

**Maximum Number of Parking Spaces.** The maximum number of parking spaces that can be proposed is 1 parking space per 200 s.f. of buildings in total. Additional parking spaces can be considered up to 1 space per 150 s.f. with a shared parking agreement with different developments.

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

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

Screening Parking Lots. All parking lots shall be screened with 95% opaque landscaping and agriculturally themed fencing to screen lots from view of major roads and all existing uses. Parking lots must be screened from view of existing and planned greenway trails with landscaping and/or fencing. \*E-HD sub-district may have flexibility in parking lot screening.

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

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

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

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

### **Street Network Design**

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

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

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

Shared driveway of Old Crane Store, Scott White's Property, Vasireddy property, and future Village Hall should be **considered as a fourth leg of Waxhaw-Marvin Roundabout:** Driveways to

these properties where they currently are would be too close to the roundabouts for full-movement given commercial use. The site plan for each of these properties should show connectivity between their parking lots in the rear to reduce the number of individual driveways on New Town Road and prevent driveways too close to the roundabouts.

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

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

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

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

**Cross walks shall be added at roundabouts.**

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

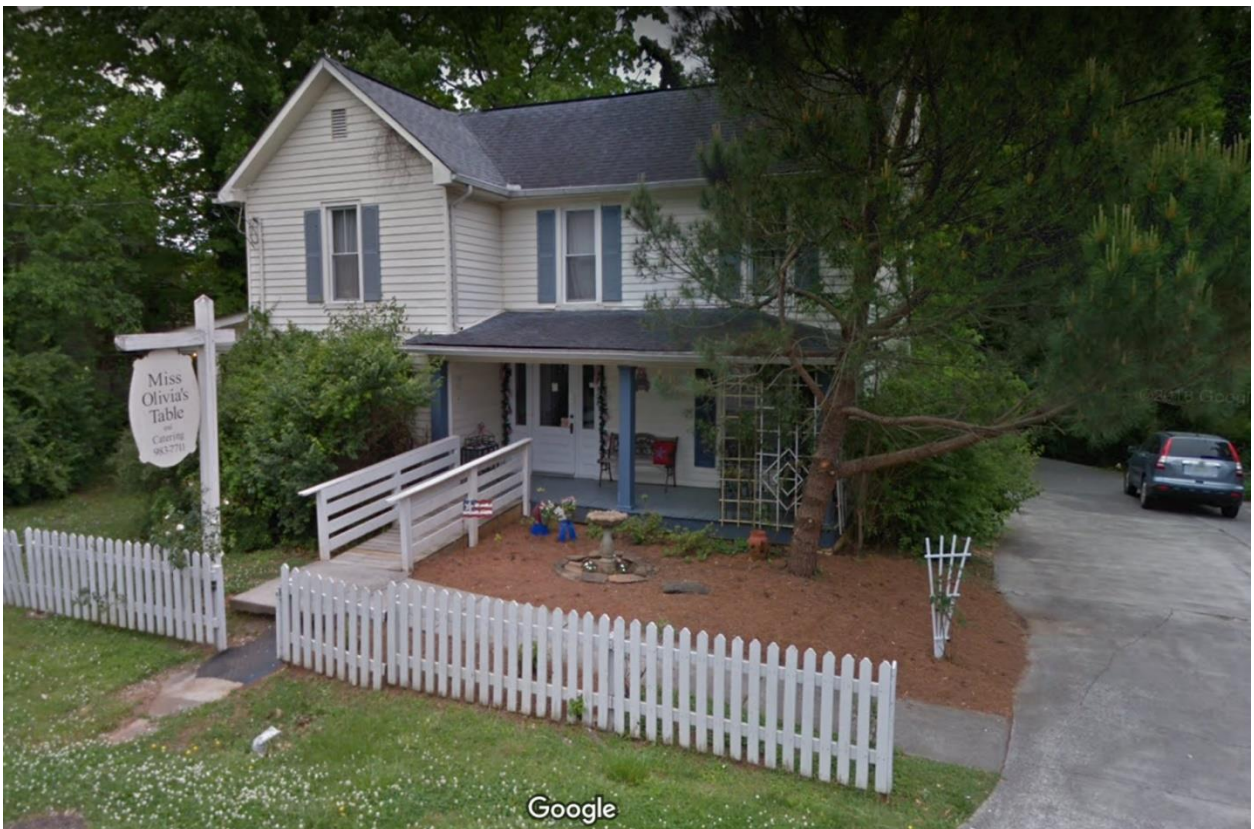
**Parks and Greenways Master Plan must be fulfilled:** Not necessarily along the exact route drawn on the plan, but the end-to-end connections must be satisfied using a path of at least 6' width and asphalt material.

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

## **Signage**

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

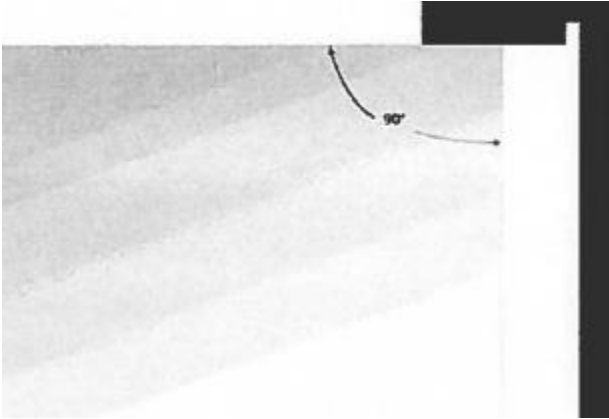
- a. Freestanding signs shall be no higher than eight (8) feet.
- b. Signs attached to buildings shall be no higher than twelve (12) feet.
- c. Signs shall be constructed of natural materials (such as wood, brick, or stone) or constructed of materials that successfully simulate these natural materials.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



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

**Lighting** (Goal to maintain 'Dark Skies' by prohibiting light pollution)

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



- c. Light fixtures used for architectural lighting, such as facade, 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 may be required by the Zoning Administrator to ensure lighting will not affect surrounding residential uses. Light trespassing shall not exceed one (1.0) foot-candle at any property line that adjoins residential uses or property zoned for residential uses.



## **Historic Preservation**

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

Requirements.

- a. All buildings that front New Town Road shall be preserved and rehabilitated. All other buildings are urged to be retained if possible. If the cost of restoring and making a building Americans with Disabilities Act (ADA)-compliant is greater than the cost of rebuilding, then it may be rebuilt in the same character of the original building. The ADA allows alternative solutions for compliance, but are only applicable for a building or facility that is designated as historic under State law; or is listed in or eligible for listing on the National Register of Historic Places. Grants and other financial credits related to restoring historic buildings should be considered first.
- 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.

## **Tree Protection and Mitigation**

All requirements and procedures of tree preservation provisions in Chapter 93 are applicable throughout the Town of Marvin Heritage District. In addition, 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.

### **Exceptions**

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

- No extra setbacks shall be required from property lines shared by properties within the Heritage District (building setbacks still apply)
- All existing buildings shall not be subject to new setback requirements, and additions may be permitted so long as the addition does not increase any nonconformity.
- Buildings in the RO and MU sub-districts that are adjacent to the rural subdivision boundary may exceed the maximum building size, however, the building shall then only have a residential use with only one dwelling unit in perpetuity.
- Per NC G.S. 160D-702, municipalities can not regulate the architectural style nor minimum size of one- and two- dwelling residences, unless they lie in a historic district. Therefore, the architectural styles and minimum size are requirements for residential buildings in properties in the National Marvin Historic District, and only recommendations in properties not in the Historic District. All other zoning regulations are requirements for all properties. The Village may consider establishing a Local Historic District in order to impose all architectural requirements on all properties in the Heritage District, however the burdens vs. benefits of the statutory requirements of a local historic district must be considered before creating one.

**USES**

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

\*Uses that are civic in nature are permitted in all districts with a Special Use Permit.

**Table of Uses**

**P - Permitted Use (Only requires Zoning Permit)**

**S - Special Use (Requires Special Use Permit)**

<b>Table of Uses</b>	<b>RO</b>	<b>MU</b>	<b>CO</b>	<b>E</b>	<b>CIVIC</b>
Home Occupations	P	P		P	P
Medical Offices		P	P	S	
Professional Services		P	P	P	
Art Gallery/Studio		P	P	S	
Therapeutic Services		P	P	S	
Fitness Studio		P	P	S	
Restaurant, Dine-in		P	P	S	
Ice Cream, Coffee Shop, Café		P	P	S	
Restaurant serving alcohol		S	S	S	
Brewery, Microbrewery		S	S	S	
Specialty Food Market		P	P		
Gourmet Grocery Store (max. 15,000 s.f.)		S			
Farmer's Market (Indoor or Outdoor)		S	S		S
Maker Space/ Artisan Retail		P	P	S	
Small Retail Sales (max. 3,000 s.f.) (Consignment/thrift/second-hand merchandise)		P S	P S	S S	
Non-Public Office Rental Space (max. 1,500 s.f.)		P	P	P	
Music Lessons and Sales		S	S	S	

<b>Table of Uses</b> (Continued)	<b>RO</b>	<b>MU</b>	<b>CO</b>	<b>E</b>	<b>CIVIC</b>
Tailor (may include drop-off cleaning, no on-site)		P	P	S	
Drop off only Post Office in Pharmacy (i.e. Walker's)		S	S		
Vet Clinic (without boarding)		S	S		
Cosmetic Services (max. 1,200 s.f.)		P	P	S	
Religious Services	S	S	S	S	S
Government Building		S	S		P
Public Park/Open Space	*See Section on Open Space Types*				
Single-Family Dwelling Unit	P	P		P	
Family Care, Day Care up to 6 people	P	P	P	P	P
Essential Services, Class I	P	P	P	P	P
Essential Services, Class II	S	S	S	S	S

**Table of Prohibited Uses**

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

Heritage District, All Districts - Expressly Prohibited Uses	
<ol style="list-style-type: none"><li>1. ABC Store</li><li>2. Adult Bookstore, Entertainment, novelty shop</li><li>3. Amusement gallery, electronic game room</li><li>4. Auto Parts or Service Store</li><li>5. Auto Sale, Lease or Rent (exclusive of auto lease by a travel agency, not kept on site)</li><li>6. Bail Bond service</li><li>7. Banks</li><li>8. Bingo parlor</li><li>9. Bowling alley</li><li>10. Carwash</li><li>11. Department Store</li><li>12. Dry cleaning on-site</li><li>13. Flea market</li><li>14. Funeral Parlor</li></ol>	<ol style="list-style-type: none"><li>15. Gaming or gambling, including sale of lottery tickets</li><li>16. Gas station</li><li>17. Mattress Store</li><li>18. Movie theatre or cinema</li><li>19. Night club</li><li>20. Pawn shop</li><li>21. Pool hall, billiards parlor</li><li>22. Tattoo or piercing parlor</li><li>23. Uses having drive-through</li><li>24. Warehouse, Storage, Self-Storage</li><li>25. YMCA</li><li>26. No other use shall be permitted, unless expressly permitted herein.</li></ol>

## **PUBLIC SPACE STANDARDS**

### Public Open Space Standards and Requirements.

The District aims to preserve approximately 30% of the area as public open space. This means that 30% of the parent tract of development shall be dedicated as public open space, built or dedicated as defined below. It must be considered that the acreage of unique and vast natural areas, such as lakes, be counted as part of the 30% requirement because of their value as a natural asset, so long as the site plan incorporates public accessibility and enjoyment of these areas.

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

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

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

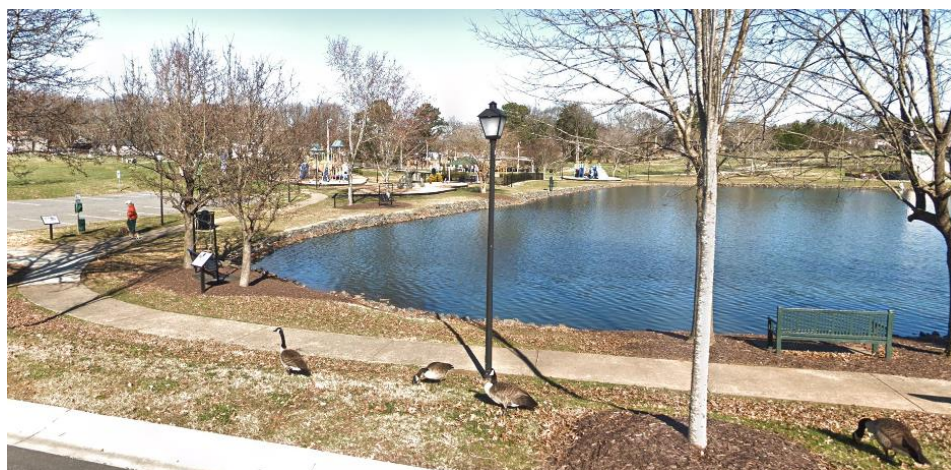
All open spaces with amenities shall be either free to access or the membership fee is equal in cost for both the residents of the neighborhood and all residents of Marvin.

A fee-in-lieu shall be considered at no less than \$50,000 per acre to reduce the 30% open space requirement. The open space requirement shall not be reduced to any less than 20% of the tract of the proposed development.

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

- **Viewshed Buffers:** Must be designed as plaza spaces in the MU and CO districts, which can be enjoyed either independently or in conjunction with commercial uses.
- **Lake areas:** Must be accessible to the public, for example having an encircling trail and/or fishing pier.
- **Wetland areas:** Must be designed to be accessible to the public having for example boardwalk trails and/or a wetland park or nature preserve park. See for example McAlpine Creek and McMullen Creek Greenways in Charlotte.
- **Stormwater Detention Pond Trail/Park:** Must have a trail encircling the Detention Pond, and have a park area designed to enjoy the view of the pond, and the pond must be designed with decorative features such as retaining walls, fountains, and other features that may be proposed to meet this requirement. See for example Pineville Lake Park.

- **Cemeteries and Native Burial Grounds:** The Village will commit to build sidewalks to access the Banks Presbyterian Church and Marvin UMC Cemeteries. Historic existing features such as graves, fences, landscaping, and plaza areas shall not be disturbed.
- **Church Groves:** These are currently open space but they may be developed into related religious/civic uses later.
- **Unbuilt areas of Village Hall property:** Must be developed as an active and flexible public open space use such as a Farmer's Market or Outdoor Amphitheater.
- **Neighborhood Clubhouse/Amenity Center:** Shall not be counted as public open space unless it is fully accessible by the general public. Reservations of facilities for private events are permitted so long as that ability is available to all Marvin residents.
- **Any other created or natural open space listed in the Open Space Type Matrix:** Shall be accessible by pedestrians from the edge of the property without obstruction (during reasonable hours of the day). Linear Parks and Trails shall count towards the requirement as the acreage (length x width) of the trail and surrounding landscaping.



Above: Example of trail around stormwater detention pond at Pineville Lake Park



Above: Example of a Wetland Trail/Park at McAlpine Creek Greenway

**Open Space Type Matrix**

R- Required where applicable

P- Permitted

S- Special Use Permit

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

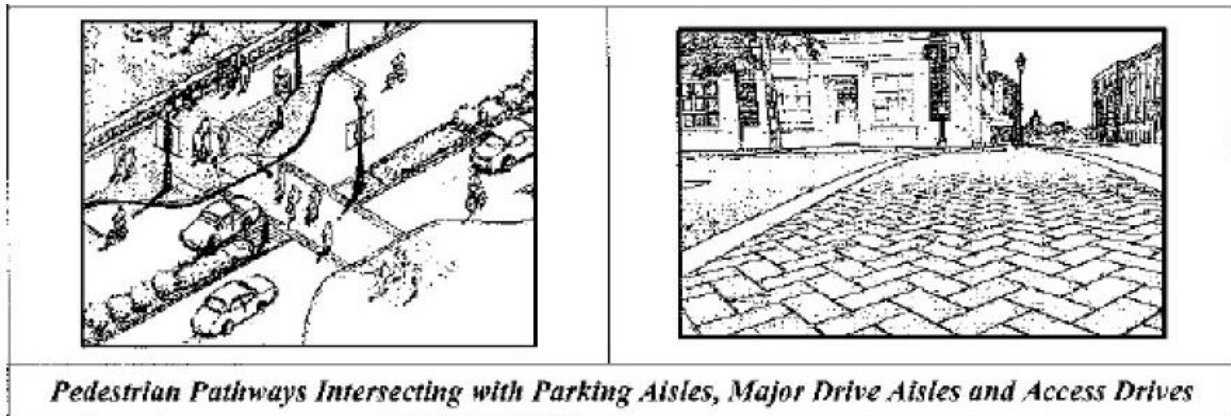
## Pedestrian Amenities and Connectivity (funding, phasing, operation and maintenance)

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



- Amenity Standards

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



- Funding and Phasing

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

## *Final Draft*

- 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.
  - MSD Revenue can be used to fund the development of trails and open spaces.
- Operation and Maintenance
  - The Village shall operate and maintain all trails and public spaces dedicated to the Village.
  - Public Open Spaces not dedicated to the Village must be maintained privately and obligated by a Maintenance Plan and Agreement signed by the owner and the Village.
- Fishing
  - Any natural lake, pond, or stormwater detention pond designed and maintained to have fish shall be open to the public and accessible per the open space standards of this chapter.
  - Areas intended for fishing shall be covered under a Maintenance Plan and Agreement between the property owner and the Village.



Concept Rendering of Major Road Streetscape

## **Administration**

### **Administration.**

At the time of this district's adoption, the Village shall simultaneously rezone all properties shown in the boundary map to the MHD Zoning.

The Village shall enact a Municipal Service District (MSD) for all properties within the Heritage District, having an added tax rate of approximately \$0.25 per \$100 valuation. Property owners who currently reside on the property in the District may request to be exempted from the initial boundary of the MSD, but their property must be added into the MSD boundary before an application for development may be submitted.

The Village shall establish one or more Boards or Committees specific to the review and administration of development proposals, business relations, and community-focused projects. At that time, this section shall be amended to distribute the processes in which those Boards or Committees participate in development plan review.

### **Application Procedure and Requirements.**

Development proposals shall follow the procedures for major subdivisions in section 151.050 and application requirements for Sketch Plans, Construction Plans, and Final Plats. Any new or changing commercial uses shall either receive a commercial zoning permit per 151.182 or a special use permit per 151.100 based on which permit is needed according to the uses matrix in this section.

**Additional Procedures.** When one or more MHD Boards are established to review development plans, plans shall also be reviewed by those Boards within the scope of their designated responsibilities in the Sketch Plan and Construction Plan phases.

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

1. Elevations of all sides of proposed buildings;
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; and
4. Locations and schematics showing dimensions, appearance, and landscaping for all signs and fences proposed.

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

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

## DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

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

**Footprint.** The outline of the area of ground covered by the foundations of a building or structure.

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

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

destinations.

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

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

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

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

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

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

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

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

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

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

## **APPENDICES**

Appendix A:	Existing Building Photo Gallery
Appendix B:	Bluffton, S.C. Photo Gallery
Appendix C:	Photo Gallery of other similar places
Appendix D:	Terminate Vistas Map
Appendix E:	Land Use Plan Section 5.D regarding a Village Center
Appendix F:	Pedestrian and Greenway Map
Appendix G:	Alignment of the Marvin Loop Trail
Appendix H:	Precedent Imagery of Buffer Types



**Appendix A: Existing Building Photo Gallery**



**McIlwain-Suggs House (Windle House)**



**Crane General Store**



**Wilma and William Crane House (Owens House)**



**Philbrick House**



**Reasons Barn**



**J.J. Rone House**



**Appendix B: Bluffton, S.C. Photo Gallery**



**Commercial Cottage Style**



**Commercial Bungalow Style**



**Post Office with Rural/Farm Vernacular**



**Village House with Professional Office**



**Appendix C: Photo Gallery of other similar places**

Top: Savannah, GA

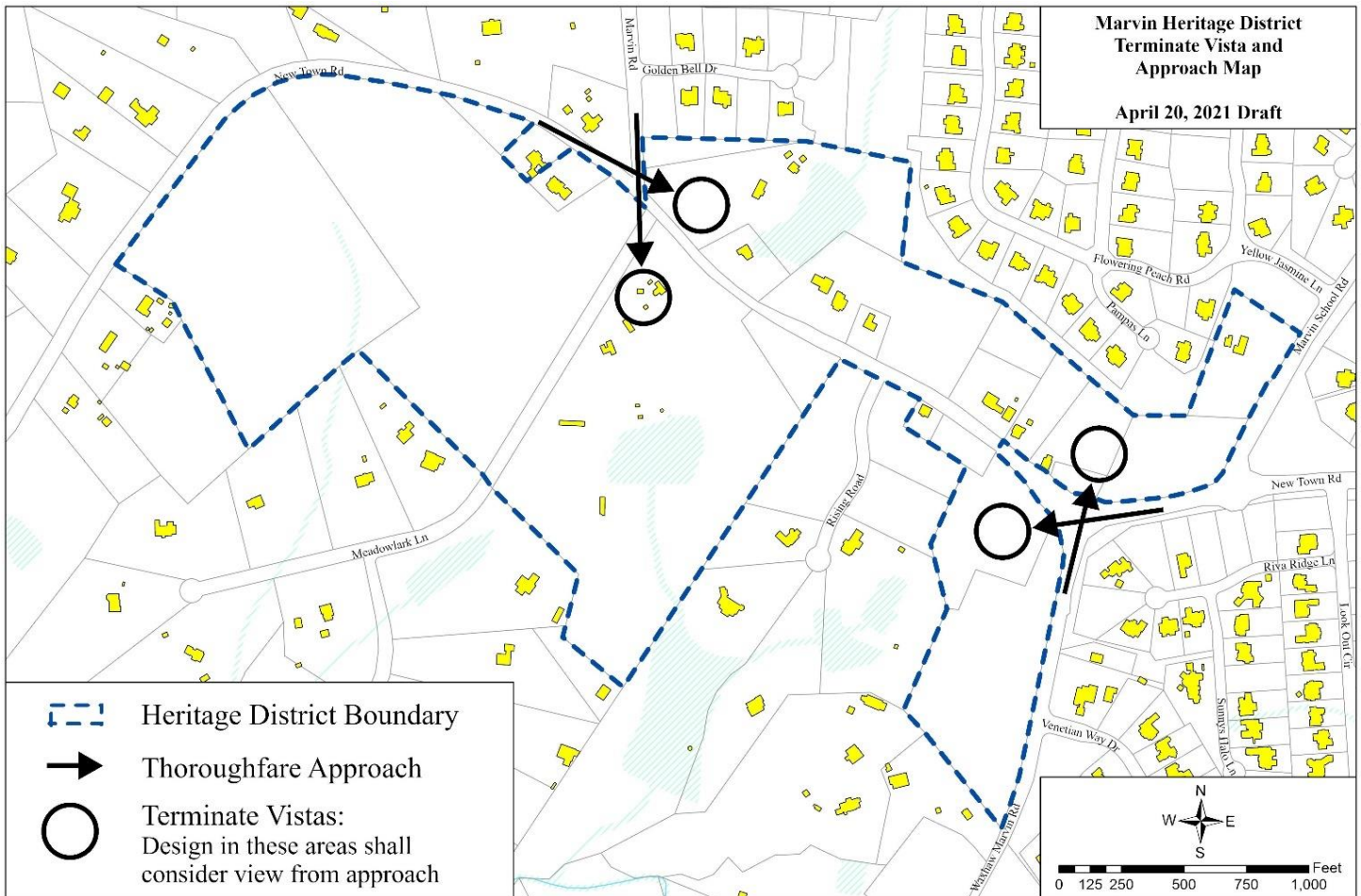
Middle: Long Grove, IL

Bottom: Kennebunkport, ME





## Appendix D: Terminal Vistas Map



## Appendix E: Land Use Plan Section 5.D Regarding the Village Center



### FACILITATE A UNIQUELY IDENTIFIABLE VILLAGE CENTER THAT PROMOTES MARVIN'S HERITAGE

#### Principle Policy

Foster a Village Center that pays tribute to our rural heritage, incorporates pedestrian-oriented design, neighborhood uses and inter-connected greenways; all arranged to highlight Marvin's historic landmarks.

#### GOALS & OBJECTIVES

##### **D.1** *Location and Definition*

1. Facilitate a local destination in the Village Center area for residents, families and the community.
2. Develop a gathering place between Marvin School Road and Marvin Road, along New Town Road, or other appropriate location.
3. Delineate the Village Center using streetscapes, pedestrian-oriented travelways, furnishings and architecture
4. Create Overlay Standards which would guide the creation of a Village Center district.

##### **D.2** *Character and Design Themes*

1. Facilitate the creation of an identifiable Village Center designed to give Marvin a uniquely identifiable character.
2. Require that signs and fixtures reflect rural themes.
3. Preserve, protect or enhance historically significant sites, buildings and natural scenic areas in the district.
4. Establish standards for distinct architecture that exhibits Marvin's rural character.

##### **D.3** *Planning, Design and Development Standards*

1. Create a walkable, compact core of neighborhood-friendly commercial, civic and public uses and spaces.
2. Require usable open space and recreational amenities in conjunction with development within the Village Center
3. Protect and highlight Marvin's tree lines and the stands of heritage trees located in the area.

##### **D.4** *Pedestrian-Friendly Design Standards*

1. Require the development of safe pedestrian travelways, recreation areas and greenspaces with each new use consistent with the Village Center Concept Plan
2. Provide a network of greenways that connect green spaces and destinations in the Village Center
3. Provide pedestrian furnishings along landscaped buffers that line Village center roadways

##### **D.5** *Re-Development and Infill Development*

1. Support infill development that is architecturally compatible with design themes for the Village Center.
2. Support adaptive reuse of single-family units architecturally consistent with new and old development in the area.
3. Promote adaptive reuse or preservation of buildings and sites with historic value in the Village Center area.

**D.6 Scale and Density**

1. Develop floor area ratio standards for uses within the Village Center
2. Ensure the scale of nonresidential development is appropriate for neighborhood needs of local residents.
3. Prohibit large-scale uses and high-volume traffic generators in the Village Center district

**D.7 Permitted Uses**

1. Permit residential uses in the district.
2. Permit low-impact specialty shops, services, restaurants, office and civic uses
3. Permit civic and institutional-type uses that encourage community gathering (e.g. Libraries, Parks, etc.)
4. Encourage desirable, small-scale uses.

**D.8 Traffic Management Concerns and Challenges**

1. Carefully consider traffic and other potential impacts on adjacent neighborhoods and the Village Center area.
2. Minimize any high-traffic generator that places undue burdens on surrounding streets and neighborhoods.
3. Incorporate appropriate traffic calming strategies that are designed to protect pedestrians.

**D.9 Parking**

1. Ensure parking areas are well-lit and well-screened from adjacent roadways
2. Locate parking and other utilitarian uses behind building façade lines, streetscapes and landscaping
3. Encourage and provide incentives for shared parking solutions within the district

**D.10 Buffering Impacts of Development**

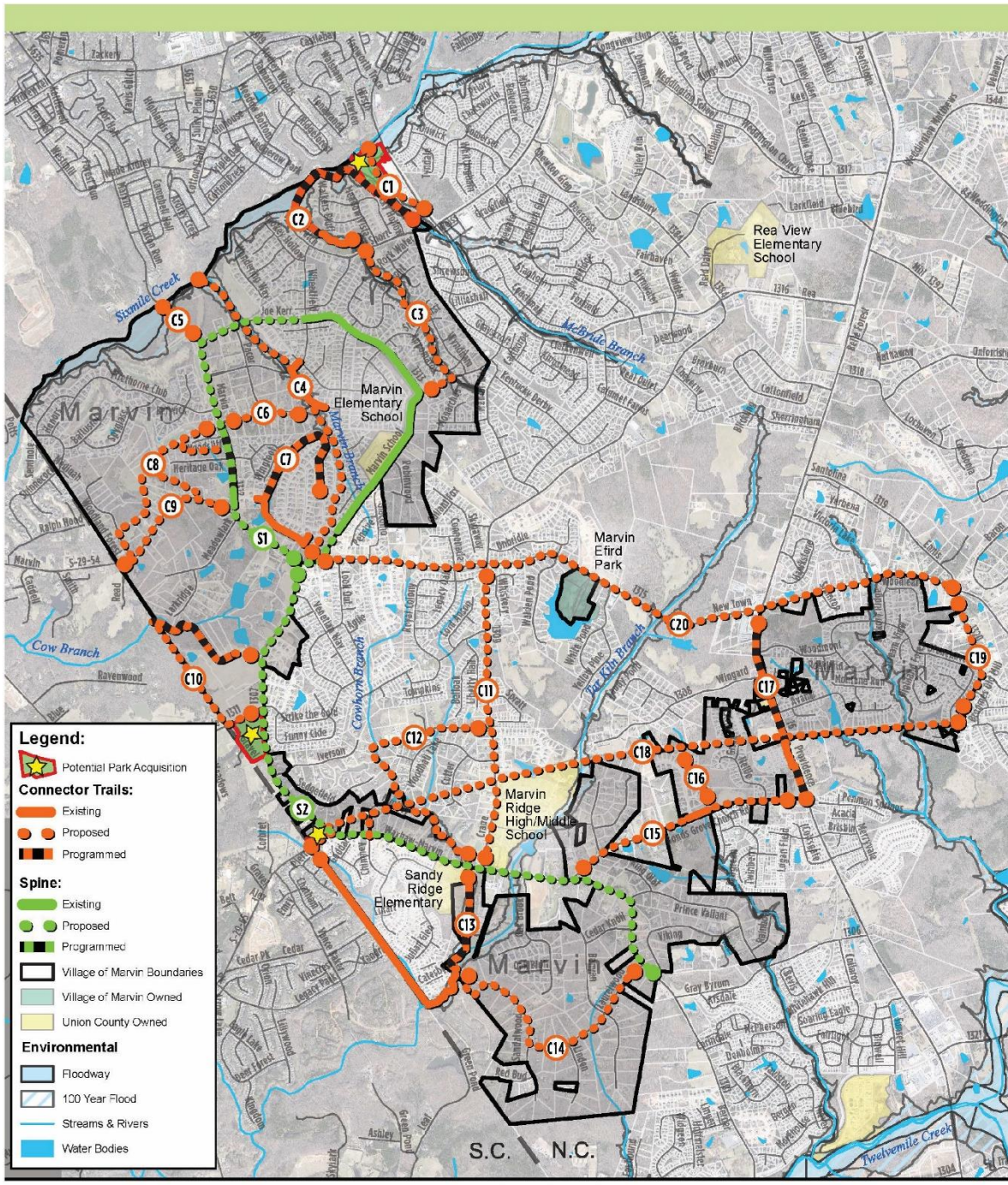
1. Limit impact on the natural environment, adjacent neighborhoods, and surrounding roads
2. Require buffers between nonresidential structures, adjacent neighborhoods and along roadways
3. Ensure the protection of trees and appropriate landscaping

**D.11 Public Involvement and Village Concept Creation**

1. Utilize and rely on resident opinions provided in the Land Use Plan Survey to draft the Village Center Concept Plan
2. Draft standards and provide preliminary sketches, idea boards and opportunities for resident input
3. Encourage citizen participation, invite inspired ideas, listen to concerns and troubleshoot prospective challenges



## Appendix F: Pedestrian and Greenway Plan



Conceptual Greenway Plan  
Village of Marvin  
Union County, North Carolina

0 0.5 1 Miles

**DESTINATION  
BY DESIGN**  
PLANNING ENGINEERING COMMUNICATIONS





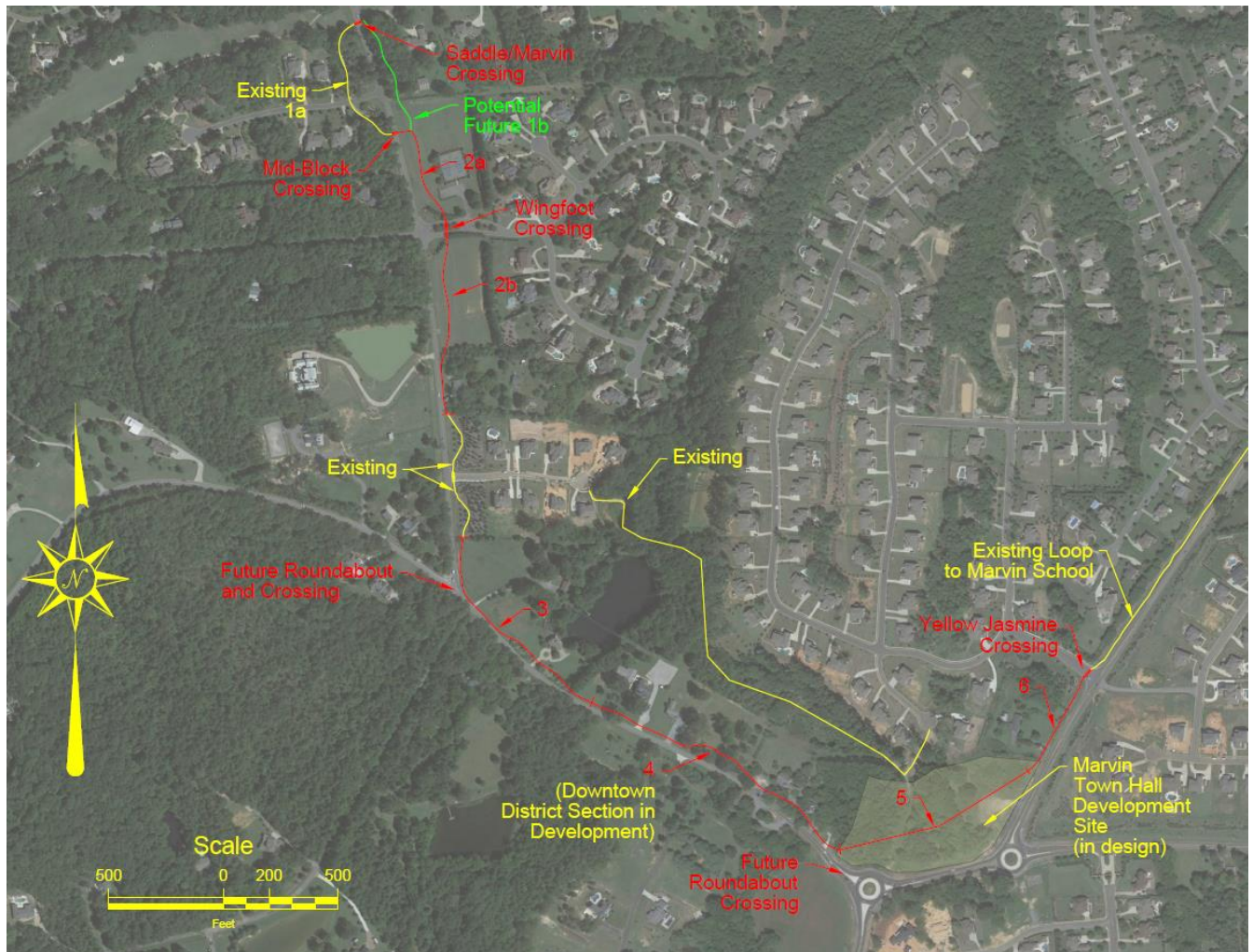
## ROUTE SUMMARY MATRIX

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

**Total Length (miles)**

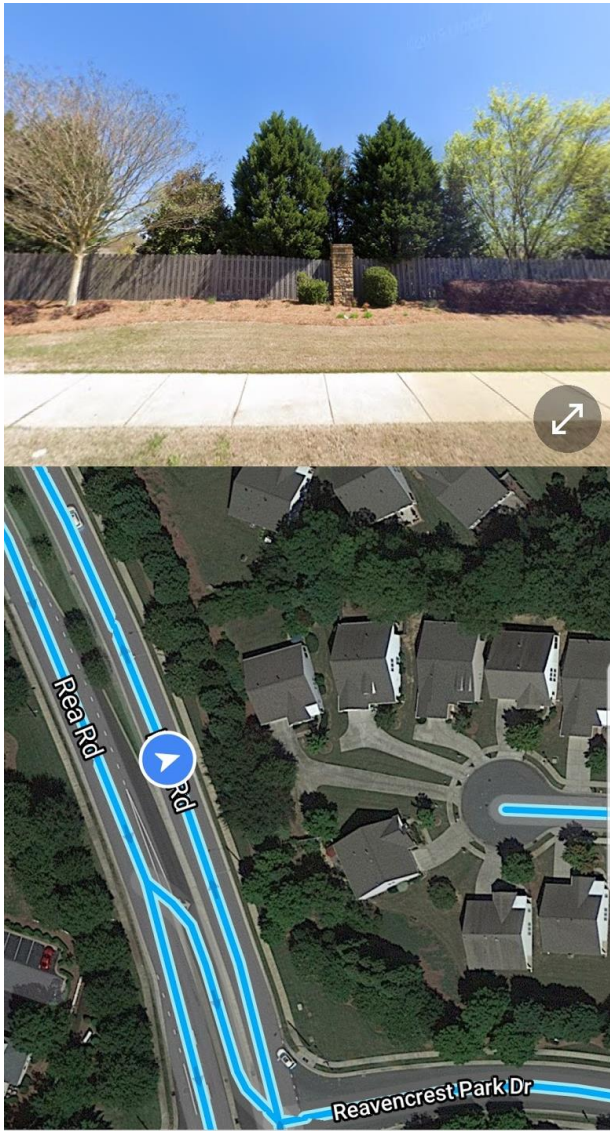
**34.86**

## Appendix G: Alignment of the Marvin Loop Trail

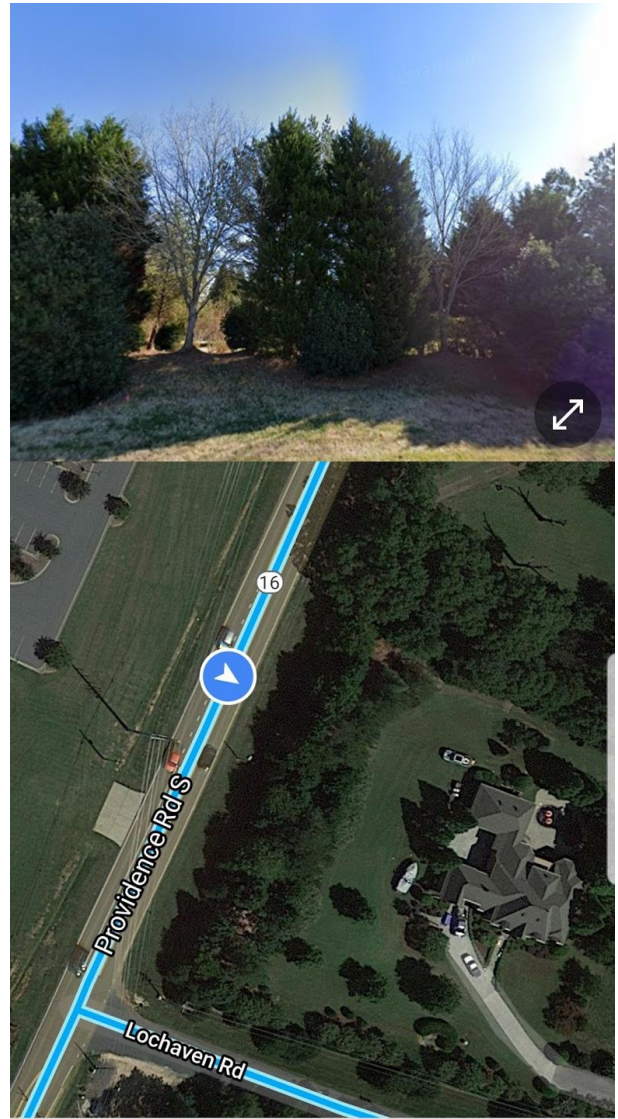




## Appendix H: Precedent Imagery of Buffer Types



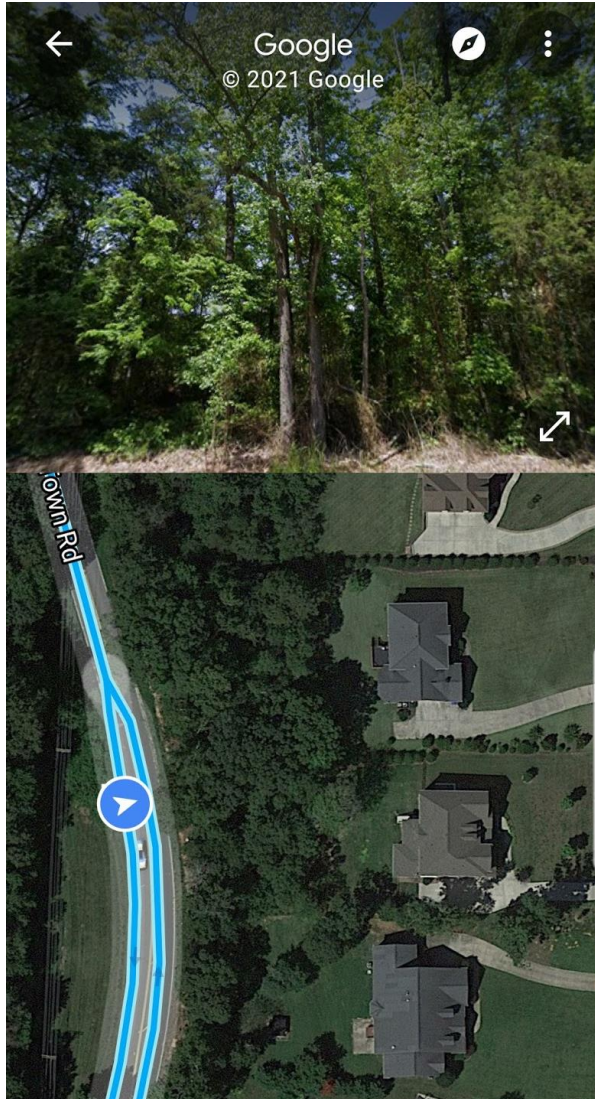
Fence + Rows of Evergreens and Canopies



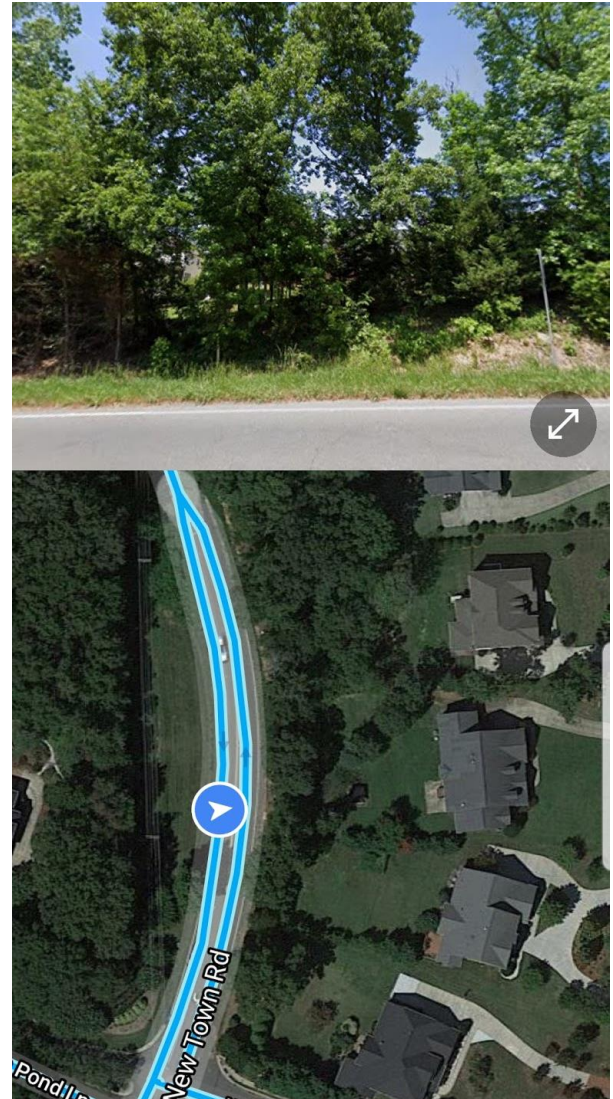
Two Rows of Evergreen Trees



**Appendix H: Precedent Imagery of Buffer Types contd.**



100 foot depth of mature trees



~60 feet depth of mature trees