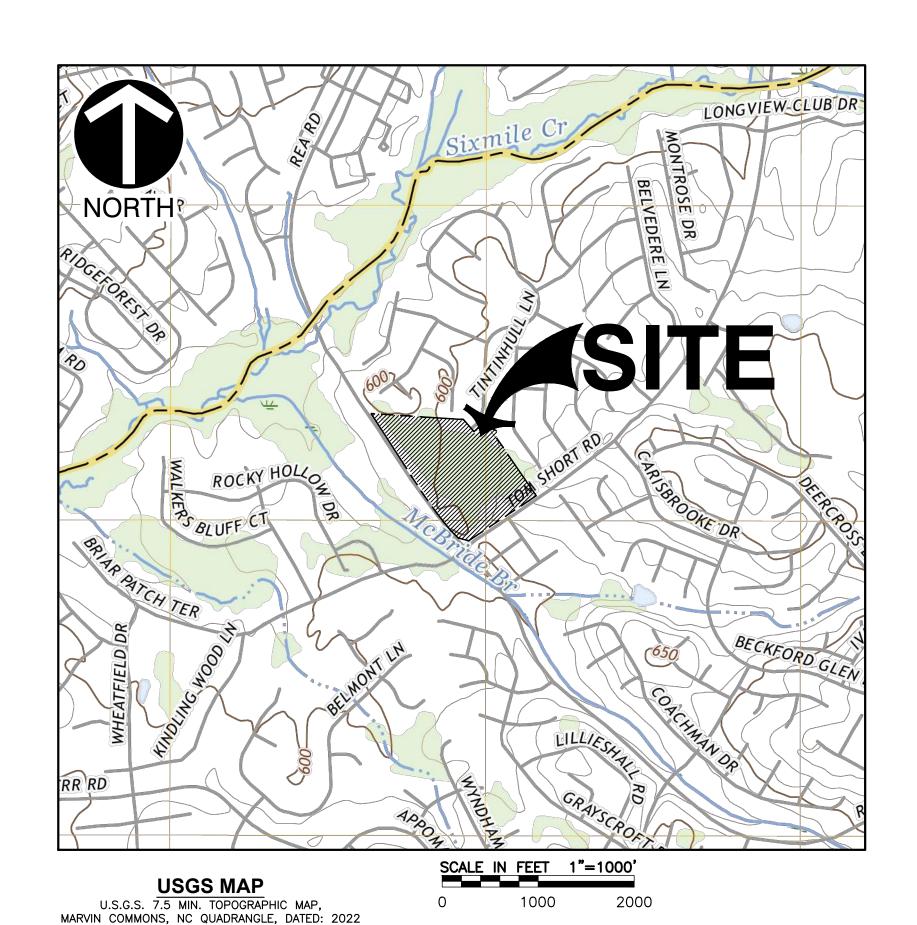
MARVIN COMMONS CONDITIONAL ZONING SUBMITTAL VILLAGE OF MARVIN UNION COUNTY, NORTH CAROLINA JULY 08, 2025



OWNER/TEAM INFORMATION

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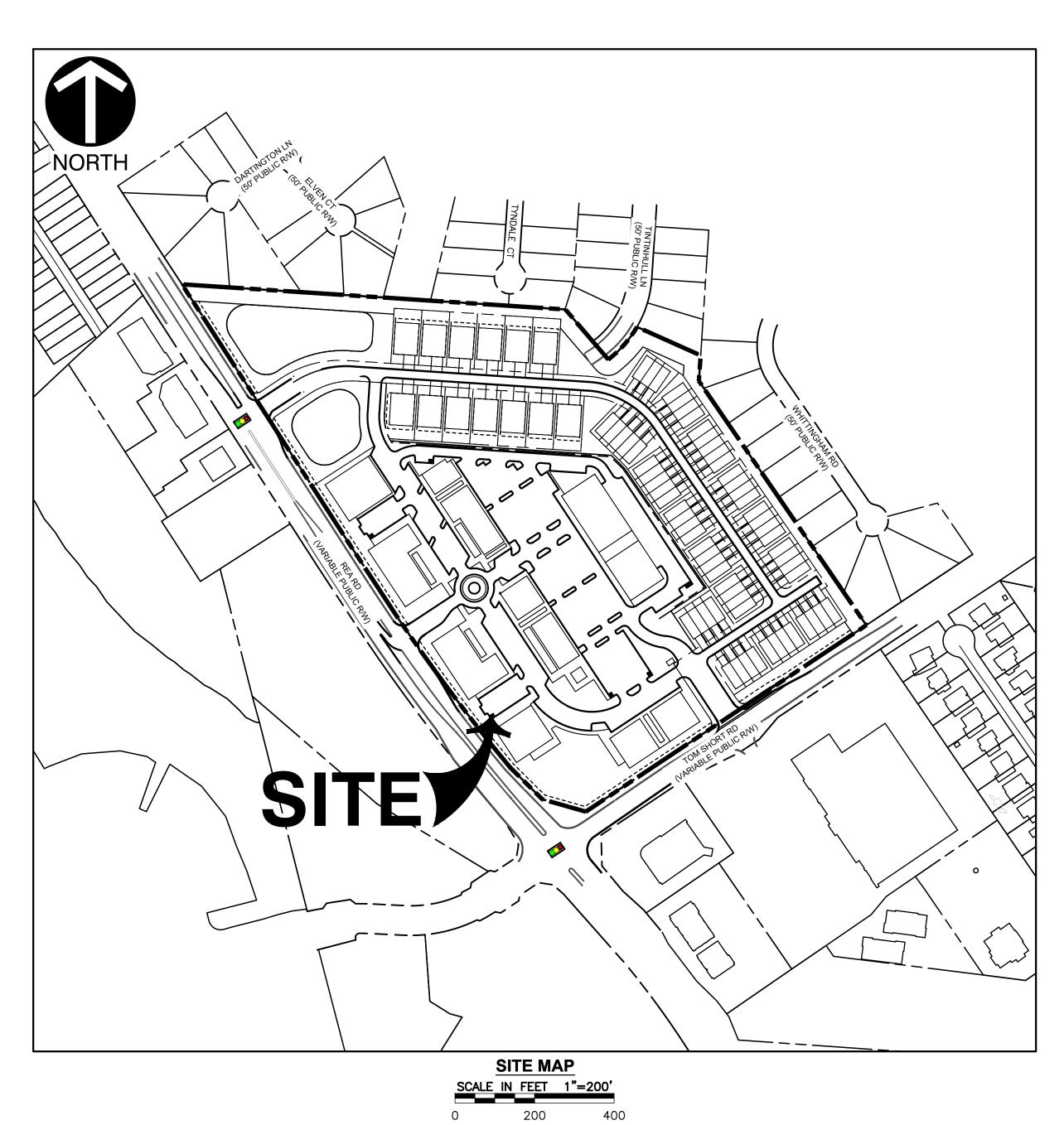
CIVIL ENGINEER

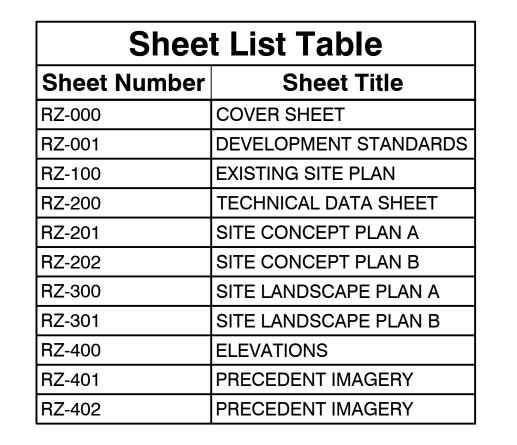
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Approved

by Village Council as noted 07/08/2025

DATE DATE DASCRIPTION 04/03/25 1ST CONDITIONAL ZONING SUBMITTAL 05/08/25 3RD CONDITIONAL ZONING SUBMITTAL 07/08/25 3RD CONDITIONAL ZONING SUBMITTAL	
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vol Arco Corporate Dri lite 400 harlotte, NC 28273 h: 980.237.0373

> ivil & Environmenta Consultants, Inc.

MARVIN COMMONS MIXED-USE CONDITIONAL ZONING PACKAG VILLAGE AT MARVIN UNION COUNTY, NORTH CAROLI

COVER SHEET

JULY 08, 2025 DRAWN BY: IG

AS SHOWN CHECKED BY: SR

346-51

RZ-000

-- EXISTING USES: VACANT -PROPOSED USES: USES PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS TOGETHER WITH

ACCESSORY USES, AS ALLOWED IN THE MU-2 ZONING DISTRICT (AS MORE SPECIFICALLY DESCRIBED IN SECTION 2 BELOW). --MAXIMUM GROSS SQUARE FEET OF DEVELOPMENT (E.G. DEVELOPMENT LEVELS): SET FORTH IN

--MAXIMUM BUILDING HEIGHT: THE FOLLOWING MAXIMUM BUILDING HEIGHTS SHALL APPLY TO EACH DEVELOPMENT AREA AS FOLLOWS (BUILDING HEIGHT WILL BE MEASURED AS DEFINED BY THE ORDINANCE):

DEVELOPMENT AREA A: MAXIMUM TWO STORIES; 35' AS PERMITTED BY SECTION 9.2-3 (1.-2.) OF DEVELOPMENT AREA B: MAXIMUM THREE STORIES; 45' AS PERMITTED BY SECTION 9.3-3 (1.-2.) OF

THE ORDINANCE. DEVELOPMENT AREA C: MAXIMUM TWO STORIES; 50' AS PERMITTED BY SECTION 9.8-3 (1.-4.) OF

1. GENERAL PROVISIONS

SITE LOCATION. THESE DEVELOPMENT STANDARDS, THE TECHNICAL DATA SHEET, SCHEMATIC SITE PLAN, AND RELATED GRAPHICS FORM THE REZONING PLAN (COLLECTIVELY REFERRED TO AS THE "REZONING PLAN") ASSOCIATED WITH THE REZONING PETITION FILED BY JONES HOMES USA (THE "PETITIONER") TO ACCOMMODATE A MIXED-USE DEVELOPMENT ON THE TOTAL PROJECT SITE AREA LOCATED AT 9802 REA ROAD (THE "SITE").

b. ZONING DISTRICTS/ORDINANCE. DEVELOPMENT OF THE SITE WILL BE GOVERNED BY THE REZONING PLAN AS WELL AS THE APPLICABLE PROVISIONS OF THE VILLAGE OF MARVIN UNIFIED DEVELOPMENT ORDINANCE IN EXISTENCE AS OF THE FILING OF THE REZONING (THE "ORDINANCE"). UNLESS THE REZONING PLAN ESTABLISHES MORE STRINGENT STANDARDS, THE REGULATIONS ESTABLISHED UNDER THE ORDINANCE FOR THE RESPECTIVE ZONING CLASSIFICATIONS SHALL GOVERN ALL DEVELOPMENT TAKING PLACE ON THE SITE.

c. DEVELOPMENT AREAS. FOR EASE OF REFERENCE AND AS AN ORGANIZING PRINCIPAL ASSOCIATED WITH THE MASTER PLANNED COMMUNITY, THE REZONING PLAN SETS FORTH THREE (3) GENERAL DEVELOPMENT AREAS (AND OTHER SUB-AREAS WITHIN THE DEVELOPMENT AREAS) AS GENERALLY DEPICTED ON THE TECHNICAL DATA SHEET AS DEVELOPMENT AREAS A B AND C (EACH A "<u>DEVELOPMENT AREA</u>" AND COLLECTIVELY THE "<u>DEVELOPMENT AREAS</u>"). THE EXACT BOUNDARIES OF HE DEVELOPMENT AREAS MAY BE SUBJECT TO MODIFICATIONS TO ACCOUNT FOR DEVELOPMENT/SITE ELEMENTS (AS DEFINED BELOW) AND OTHER MODIFICATIONS NEEDED TO FULFILL THE DESIGN AND DEVELOPMENT INTENT OF THE REZONING PLAN.

d. GRAPHICS AND ALTERATIONS. THE SCHEMATIC DEPICTIONS OF THE USES, PARKING AREAS. SIDEWALKS, STRUCTURES AND BUILDINGS, BUILDING ELEVATIONS, DRIVEWAYS, STREETS, ACCESS POINTS, DEVELOPMENT AREAS (AS DEFINED ABOVE), OPEN SPACE AREAS AND OTHER DEVELOPMENT MATTERS AND SITE ELEMENTS (COLLECTIVELY THE "DEVELOPMENT/SITE ELEMENTS") SET FORTH ON THE REZONING PLAN SHALL BE REVIEWED IN CONJUNCTION WITH THE PROVISIONS OF THESE DEVELOPMENT STANDARDS. THE LAYOUT, LOCATIONS, SIZES, AND FORMULATIONS OF THE DEVELOPMENT/SITE ELEMENTS DEPICTED ON THE REZONING PLAN ARE GRAPHIC REPRESENTATIONS ONLY OF THE DEVELOPMENT/SITE ELEMENTS PROPOSED. SINCE THE PROJECT HAS NOT UNDERGONE THE DESIGN DEVELOPMENT AND CONSTRUCTION PHASES, IT IS INTENDED THAT THIS REZONING PLAN PROVIDE FOR FLEXIBILITY IN ALLOWING ALTERATIONS OR MODIFICATIONS FROM THE GRAPHIC REPRESENTATIONS OF THE DEVELOPMENT/SITE ELEMENTS.

THEREFORE, THERE MAY BE INSTANCES WHERE MODIFICATIONS WILL BE ALLOWED WITHOUT REQUIRING THE ADMINISTRATIVE AMENDMENT PROCESS PER ARTICLE 5.4-3(F) AND ARTICLE 14 OF THE ORDINANCE. THESE INSTANCES INCLUDE CHANGES TO GRAPHICS IF THEY ARE:

ii. DON'T MATERIALLY CHANGE THE OVERALL CHARACTER, DESIGN INTENT, OR INTENSITY OF THE • PARKING ADJUSTMENTS, CHANGES TO PARKING LAYOUTS, DRIVE AISLES, OR NUMBER OF

SPACES IF MINIMUMS ARE STILL MET. OPEN SPACE RECONFIGURATIONS AND SHIFTS TO THE LOCATION OF AMENITIES, NOT REDUCING THE TOTAL REQUIRED AMOUNT: OR

 MODIFICATIONS TO BUILDING LOCATION OR FOOTPRINT GRAPHICALLY DEPICTED ON THE REZONING PLAN SUCH AS BUILDING ORIENTATION OR LOCATION WITHIN THE APPROVED DEVELOPMENT AREAS, WHEN SETBACKS AND BUFFERS ARE STILL MET.

i. EXPRESSLY PERMITTED BY THE REZONING PLAN; OR

IF THE ALTERATION DOES NOT MEET THE CRITERIA DESCRIBED ABOVE. THE PETITIONER SHALL THEN FOLLOW THE ADMINISTRATIVE AMENDMENT PROCESS PER ARTICLE 5.4-3(F) AND/OR ARTICLE 14 OF THE ORDINANCE; IN EACH INSTANCE, HOWEVER, SUBJECT TO THE PETITIONER'S APPEAL RIGHTS SET FORTH

e. VESTED RIGHTS. THIS REZONING PLAN IS A SITE-SPECIFIC DEVELOPMENT PLAN. AND APPROVAL THEREOF CONSTITUTES VESTED RIGHTS IN THE REZONING PLAN PURSUANT TO THE PROVISIONS OF THE MORE REMAINS VESTED FOR A PERIOD OF SEVEN (7) YEARS FROM THE TIME A SITE PLAN APPROVAL IS GRANTED AS AUTHORIZED IN G.S. 160D-108(F). NOTWITHSTANDING ANY OTHER PROVISIONS OF THESE DEVELOPMENT STANDARDS IF AT SOME POINT MODIFICATIONS ARE MADE TO THE ORDINANCE BY THE VILLAGE BOARD, PETITIONER MAY VOLUNTARILY AGREE TO APPLY SUCH MODIFICATIONS TO THE REZONING PLAN IN A MANNER CONSISTENT WITH THE ORDINANCE AS IT CHANGES FROM TIME TO TIME, AND WITHOUT PURSUING A REZONING. SUCH MODIFICATIONS TO THE ORDINANCE SHALL IN NO WAY IMPACT THE PETITIONER'S VESTED RIGHTS. A VALID DEVELOPMENT APPROVAL SHALL NOT EXPIRE IF WORK ON THE PROJECT HAS SUBSTANTIALLY COMMENCED WITHIN THE INITIAL VALIDITY PERIOD. NOTHING HEREIN SHALL ABROGATE OR OTHERWISE LIMIT ANY OTHER VESTED RIGHTS RECOGNIZED UNDER NORTH CAROLINA LAW, INCLUDING NORTH CAROLINA COMMON LAW.

f. UNIFIED DEVELOPMENT. THE SITE SHALL BE VIEWED AS A UNIFIED DEVELOPMENT PLAN AS TO THE DEVELOPMENT/SITE ELEMENTS. DEVELOPMENT AREAS AND PORTIONS OF THE SITE GENERALLY DEPICTED ON THE REZONING PLAN. AS SUCH, SIDE AND REAR YARDS, BUFFERS, BUILDING HEIGHT SEPARATION STANDARDS. PUBLIC/PRIVATE STREET FRONTAGE REQUIREMENTS, AND OTHER SIMILAR ZONING/SUBDIVISION STANDARDS WILL NOT BE REQUIRED INTERNALLY BETWEEN IMPROVEMENTS AND OTHER DEVELOPMENT/SITE ELEMENTS LOCATED ON THE SITE. FURTHERMORE, THE PETITIONER AND/OR OWNERS OF THE APPLICABLE PORTION OF DEVELOPMENT AREA C OF THE SITE UNDER DEVELOPMENT RESERVE THE RIGHT TO SUBDIVIDE THE PORTIONS OR ALL OF THE SITE AND CREATE LOTS WITHIN THE INTERIOR OF THE SITE WITHOUT REGARD TO ANY SUCH INTERNAL SEPARATION STANDARDS, AND PUBLIC/PRIVATE STREET FRONTAGE REQUIREMENTS, PROVIDED, HOWEVER, ALL SUCH SEPARATION STANDARDS ALONG THE EXTERIOR BOUNDARY OF THE SITE SHALL BE ADHERED TO AS A WHOLE AND NOT INDIVIDUAL PORTIONS, DEVELOPMENT AREAS OR LOTS LOCATED THEREIN.

g. CONSTRUCTION PLANS REQUIRED. IT IS UNDERSTOOD THE REZONING PLAN IS NOT THE SITE-SPECIFIC PLAN AND IS SUBJECT TO CHANGE PER SECTION 1.D ABOVE. DEVELOPER RESERVES THE RIGHT TO COMBINE PRELIMINARY AND CIVIL DESIGN PLANS AND SPECIFIC SITE AND DESIGN PLAN APPROVAL PROCESS PHASES. THE PLANS SHALL RECEIVE APPROVAL PURSUANT TO THE

PROCESS OUTLINE IN ARTICLE 7 OF THE ORDINANCE. PERMITTED USES AND DEVELOPMENT AREA LIMITATIONS:

a. PERMITTED USES GENERALLY. THE SITE MAY CONTAIN AND MAY BE DEVELOPED WITH USES PERMITTED BY RIGHT AND UNDER PRESCRIBED CONDITIONS IN THE MU-2 ZONING DISTRICT TOGETHER WITH ACCESSORY USES AS ALLOWED IN THE MU-2 ZONING DISTRICT EXCEPT AS EXPRESSLY LIMITED BY THE PROVISIONS OF SECTIONS 2.B.C. AND D BELOW.

b. DEVELOPMENT AREA A MAY BE DEVELOPED WITH UP TO THIRTEEN (13) SINGLE FAMILY RESIDENTIAL DWELLING UNITS AND ACCESSORY USES PERMITTED IN THE MU-2 ZONING

c. DEVELOPMENT AREA B MAY BE DEVELOPED WITH UP TO SIXTY-TWO (62) TOWNHOME UNITS AND ACCESSORY USES PERMITTED IN THE MU-2 ZONING DISTRICT.

d. DEVELOPMENT AREA C MAY BE DEVELOPED WITH UP TO 165,000 SQUARE FEET OF COMMERCIAL USES TOGETHER WITH ACCESSORY USES AS PERMITTED IN THE MU-2 ZONING DISTRICT SUBJECT TO THE FOLLOWING:

i. THE MAXIMUM SIZE OF ANY FREE-STANDING BUILDING SHALL BE 65,000 SQUARE FEET; HOWEVER NO MORE THAN ONE (1) 65,000 SOUARE FOOT BUILDING SHALL BE ALLOWED. ii. UP TO FOUR ACCESSORY DRIVE THROUGHS MAY BE PROVIDED OF WHICH NO MORE THAN TWO OF THE PERMITTED DRIVE THROUGHS BE ACCESSORY TO A FAST FOOD AND/OR RESTAURANT

e. CLARIFICATION OF EXISTING MU-2 PERMITTED USES FOR DEVELOPMENT AREA C: THE FOLLOWING PROVIDES CLARIFICATION ON CERTAIN USES IDENTIFIED IN THE ORDINANCE AS

i. RETAIL SHOWROOM OR EXPERIENCE STORES SHALL BE PERMITTED PER THE ORDINANCE AS 'RETAIL SALES NOT OTHERWISE LISTED'. THESE USES CAN BE DEFINED AS AN ESTABLISHMENT PRIMARILY FOR THE DISPLAY AND SELLING OF A LIMITED TYPE OR LINE OF PRODUCTS THAT REQUEST AN AREA TO SETUP AND EXHIBIT THE PRODUCTS. SUCH PRODUCTS ARE AVAILABLE FOR PURCHASE BUT ARE NOT AVAILABLE FOR IMMEDIATE REMOVAL FROM THE PREMISES AND ARE REQUIRED TO BE ORDERED FOR DELIVERY

ii. APPAREL SALES AND CLOTHING, SHOE AND ACCESSORY STORE (INCL. TAILORING & ALTERATIONS) ARE BOTH LISTED AS A PERMITTED USE WITHIN THE ORDINANCE. THIS SHALL INCLUDE NEW AND GENTLY USED ITEMS AND NOT BE CONSTRUED WITH A 'PAWN SHOP' TYPE

iii. ANTIQUES STORES IS LISTED AS A PERMITTED USE WITHIN THE ORDINANCE. THIS SHALL NOT BE CONSTRUED AS A 'PAWN SHOP' TYPE USE. iv.A HARDWARE STORE WITH OUTDOOR STORAGE IS A PERMITTED USE IN MU-2. THE

SCREENING AND BUFFERING STANDARDS OF 10.1-37 (C.)(1.)(B.) SHALL APPLY ONLY TO PERIMETER

BUFFERS AND NOT INTERNALLY BETWEEN ADJACENT USES.

v. FOOD TRUCKS ARE PERMITTED WITHOUT A PERMIT AS ALLOWED BY ORDINANCE AND MUST ADHERE TO ARTICLE 15.3 NOTE 6. IF THE FOOD TRUCK IS PART OF A COMMERCIAL SPONSORED SPECIAL EVENT OF PUBLIC INTEREST AS DEFINED BY THE MDO, A PERMIT MAY BE NEEDED AS

f. PROHIBITED USES. THE FOLLOWING USES SHALL NOT BE PERMITTED:

i. DAY CARE CENTER, HOME OPERATION

ii. BATTING CAGES, OUTDOOR

v. BOWLING ALLEY (HOWEVER; BOWLING LANES OR MINI BOWLING SHALL BE ALLOWED AS AN ACCESSORY USE TO A RESTAURANT, BAR, OR INDOOR SPORTS AND RECREATIONAL USE OR OTHER PERMITTED PRIMARY USE)

vi. COIN OPERATED AMUSEMENT (HOWEVER; VIDEO GAMES AND ARCADE GAMES OF SKILL MAY BE ALLOWED AS AN ACCESSORY USE TO A RESTAURANT, BAR, OR INDOOR SPORTS AND RECREATIONAL OR OTHER PERMITTED PRIMARY USE)

vii. STORAGE, SELF WITH OUTDOOR STORAGE OF VEHICLES

viii. STORAGE, SELF WITH INTERIOR ACCESS TO INDIVIDUAL UNITS

ix.TRUCK AND UTILITY TRAILER RENTAL AND LEASING x. SIGN FABRICATION

xi.GROUP CARE FACILITY xii. FAMILY CARE FACILITY (FAMILY CARE HOME)

xiii. NURSING HOME, ASSISTED LIVING

xiv. LAUNDROMAT, COIN-OPERATED

xv. WAREHOUSE, SELF-STORAGE WITH OUTDOOR STORAGE xvi. HOTEL OR MOTEL

xvii. DWELLING, MULTI-FAMILY 8 UNITS OR LESS (THIS SHALL NOT BE CONSTRUED AS A 'DWELLING, ATTACHED' OR 'TOWNHOUSE' AS PERMITTED BY ORDINANCE AND AS PROPOSED

WITHIN DEVELOPMENT AREA A) xviii. DWELLING, MULTIFAMILY (APARTMENT OR CONDOMINIUMS)

xix. THEATRE (INDOOR)

xx. ASSEMBLY OF COMPONENTS MANUFACTURED OFF-SITE, FINAL xxi. SERVICE STATION (AUTOMOBILE REPAIR SERVICES, MINOR)

3. TRANSPORTATION IMPROVEMENTS:

a. <u>IMPROVEMENTS GENERALLY</u>; <u>PHASES OF DEVELOPMENT</u>. THE PETITIONER MAY PROVIDE OR CAUSE TO BE PROVIDED ON ITS OWN OR IN COOPERATION WITH OTHER PARTIES WHO MAY IMPLEMENT PORTIONS OF THE IMPROVEMENTS, THE IMPROVEMENTS SET FORTH IN ACCORDANCE WITH THE TRANSPORTATION IMPACT ANALYSIS (THE "TIA"). IT IS UNDERSTOOD THE FOLLOWING SECTION(S) AND SPECIFIC IMPROVEMENTS MAY BE AMENDED TO ALIGN WITH THE FINAL APPROVED TRANSPORTATION IMPACT ANALYSIS (THE "TIA") OR AS OTHERWISE APPROVED BY NCDOT OR THE VILLAGE OF MARVIN.

IT IS UNDERSTOOD THE PETITIONER IS REQUIRED TO CONSTRUCT THE IMPROVEMENTS AS IDENTIFIED IN THE TIA SUBJECT TO SUBSECTIONS 3.B.- F. BELOW. ALL TRANSPORTATION IMPROVEMENTS WILL BE SUBSTANTIALLY COMPLETED AND APPROVED BY MARVIN AND/OR NCDOT, AS APPLICABLE, BEFORE THE FIRST BUILDING CERTIFICATE OF OCCUPANCY IS ISSUED IN CONNECTION WITH THE DEVELOPMENT ASSOCIATED WITH THE APPLICABLE PHASE SET FORTH IN

b. SUBSTANTIAL COMPLETION. REFERENCE TO "SUBSTANTIAL COMPLETION" SHALL MEAN COMPLETION OF THE ROADWAY IMPROVEMENTS IN ACCORDANCE WITH THE STANDARDS SET FORTH IN SECTION 3.A. ABOVE PROVIDED, HOWEVER, IN THE EVENT CERTAIN NON-ESSENTIAL ROADWAY IMPROVEMENTS (AS REASONABLY DETERMINED BY THE VILLAGE) ARE NOT COMPLETED AT THE TIME THAT THE PETITIONER SEEKS TO OBTAIN A CERTIFICATE OF OCCUPANCY FOR BUILDING(S) ON THE SITE IN CONNECTION WITH THE DEVELOPMENT IMPROVEMENTS DESCRIBED ABOVE, THEN THE VILLAGE MAY INSTRUCT APPLICABLE AUTHORITIES TO ALLOW THE ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR THE APPLICABLE BUILDINGS, AND IN SUCH EVENT THE PETITIONER MAY BE ASKED TO POST A LETTER OF CREDIT OR A BOND FOR ANY IMPROVEMENTS NOT IN PLACE AT THE TIME SUCH A CERTIFICATE OF OCCUPANCY IS ISSUED TO SECURE COMPLETION OF THE APPLICABLE IMPROVEMENTS.

c. <u>RIGHT-OF-WAY AVAILABILITY</u>. IT IS UNDERSTOOD THAT SOME OF THE PUBLIC ROADWAY IMPROVEMENTS MAY NOT BE POSSIBLE WITHOUT THE ACQUISITION OF ADDITIONAL RIGHT OF WAY. IF AFTER THE EXERCISE OF DILIGENT GOOD FAITH EFFORTS OVER A MINIMUM OF A 60-DAY PERIOD. THE PETITIONER IS UNABLE TO ACQUIRE ANY LAND NECESSARY TO PROVIDE FOR ANY SUCH ADDITIONAL RIGHT OF WAY UPON COMMERCIALLY REASONABLE TERMS AND AT MARKET PRICES, THEN MARVIN OR OTHER APPLICABLE AGENCY, DEPARTMENT OR GOVERNMENTAL BODY MAY AGREE TO PROCEED WITH ACQUISITION OF ANY SUCH LAND AT MARKET PRICES. IN SUCH EVENT. THE PETITIONER SHALL REIMBURSE THE APPLICABLE AGENCY, DEPARTMENT OR GOVERNMENTAL BODY FOR THE COST OF ANY SUCH ACQUISITION INCLUDING COMPENSATION PAID BY THE APPLICABLE AGENCY, DEPARTMENT OR GOVERNMENTAL BODY FOR ANY SUCH LAND AND THE EXPENSES OF SUCH PROCEEDINGS. FURTHERMORE, IN THE EVENT PUBLIC ROADWAY IMPROVEMENTS REFERENCED IN SUBSECTION A. ABOVE ARE DELAYED BECAUSE OF DELAYS IN THE ACOUISITION OF ADDITIONAL RIGHT-OF-WAY AS CONTEMPLATED HEREIN AND SUCH DELAY EXTENDS BEYOND THE TIME THAT THE PETITIONER SEEKS TO OBTAIN A CERTIFICATE OF OCCUPANCY FOR BUILDING(S) ON THE SITE IN CONNECTION WITH THE DEVELOPMENT IMPROVEMENTS DESCRIBED ABOVE, THEN MARVIN MAY INSTRUCT APPLICABLE AUTHORITIES TO ALLOW THE ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR THE APPLICABLE BUILDINGS; PROVIDED, HOWEVER, PETITIONER CONTINUES TO EXERCISE GOOD FAITH EFFORTS TO COMPLETE THE APPLICABLE ROAD-WAY IMPROVEMENTS: IN SUCH EVENT THE PETITIONER MAY BE ASKED TO POST A LETTER OF CREDIT OR A BOND FOR ANY IMPROVEMENTS NOT IN PLACE AT THE TIME SUCH A CERTIFICATE OF OCCUPANCY IS ISSUED TO SECURE COMPLETION OF

IN ADDITION TO THE FOREGOING, IN THE EVENT THE RIGHT OF WAY IS NOT AVAILABLE FOR ANY REASON AFTER THE GOOD FAITH EFFORTS OF THE PETITIONER, THE PETITIONER WILL WORK WITH THE VILLAGE OF MARVIN AND/OR NCDOT AS APPLICABLE TO EITHER (I) IDENTIFY ALTERNATIVE IMPROVEMENTS TO IMPLEMENT TRAFFIC MITIGATION IN LIEU OF THE IMPROVEMENTS IMPACTED BY THE LACK OF RIGHT OF WAY AS DESCRIBED IN SUBSECTION E. BELOW; OR (II) CONTRIBUTE TO THE VILLAGE OF MARVIN AND/OR NCDOT AS APPLICABLE. AN AMOUNT EOUAL TO THE ESTIMATED COST OF THE ROAD IMPROVEMENTS NOT COMPLETED DUE TO THE LACK OF AVAILABLE RIGHT OF WAY, SUCH FUNDS TO BE USED TO COMPLETE SUCH ALTERNATIVE ROADWAY IMPROVEMENTS IN THE GENERAL AREA OF THE SITE IN A MANNER REASONABLE AGREEABLE TO THE PETITIONER, THE VILLAGE OF MARVIN AND/OR NCDOT AS APPLICABLE.

d. RIGHT-OF-WAY CONVEYANCE. THE PETITIONER WILL DEDICATE VIA FEE SIMPLE CONVEYANCE ANY ADDITIONAL RIGHT-OF-WAY INDICATED ON THE REZONING PLAN AS RIGHT-OF-WAY TO BE DEDICATED, THE ADDITIONAL RIGHT-OF-WAY WILL BE DEDICATED PRIOR TO THE ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY.

e. ALTERNATIVE IMPROVEMENTS. CHANGES TO THE ABOVE REFERENCED ROADWAY MPROVEMENTS CAN BE APPROVED THROUGH THE ADMINISTRATIVE AMENDMENT PROCESS UPON THE DETERMINATION AND MUTUAL AGREEMENT OF PETITIONER, AND THE VILLAGE OF MARVIN PLANNING DIRECTOR; PROVIDED, HOWEVER, THE PROPOSED ALTERNATE TRANSPORTATION IMPROVEMENTS PROVIDE (IN THE AGGREGATE) COMPARABLE TRANSPORTATION NETWORK BENEFITS TO THE IMPROVEMENTS IDENTIFIED IN THIS PETITION IN THE OVERALL AREA OF THE REZONING

FOR EXAMPLE, TRANSPORTATION IMPROVEMENTS MAY BE SUBSTITUTED AND/OR PAYMENT IN LIEU FOR OTHER IMPROVEMENTS IN THE OVERALL AREA OF THE REZONING MAY BE IMPLEMENTED AS DESCRIBED IN SUBSECTION (D) ABOVE.

f. ROADWAY STANDARDS. ALL PUBLIC ROADWAY IMPROVEMENTS WILL BE SUBJECT TO THE STANDARDS AND CRITERIA OF THE VILLAGE OF MARVIN AND/OR NCDOT, AS APPLICABLE, TO THE ROADWAY IMPROVEMENTS WITHIN THEIR RESPECTIVE ROAD SYSTEM AUTHORITY.

4. ACCESS, PEDESTRIAN IMPROVEMENTS AND INTERNAL CIRCULATION:

a. ACCESS TO THE SITE WILL BE FROM REA ROAD AND TOM SHORT ROAD GENERALLY AS DEPICTED ON THE REZONING PLAN WITH FINAL CONFIGURATIONS DETERMINED THROUGH THE TIA AND PERMITTING WITH THE NCDOT.

STRIP AND A FIVE-FOOT (5') SIDEWALK WITHIN A FIFTY-FOOT (50') RIGHT-OF-WAY. c. AN EXTERNAL FIVE-FOOT (5') SIDEWALK SHALL BE PROVIDED ALONG BOTH REA AND TOM SHORT

b. THE NEW INTERNAL PUBLIC STREETS WILL BE IMPROVED WITH A SEVEN-FOOT (7') PLANTING

ROADS. IF THE SIDEWALK CANNOT BE PLACED WITHIN NCDOT RIGHT-OF-WAY, IT MAY BE PLACED ON THE SUBJECT PROPERTY AND WITHIN THE SETBACK. THE PETITIONER WILL PROVIDE A PERMANENT SIDEWALK EASEMENT.

d. ALL SIDEWALKS SHALL COMPLY WITH THE DESIGN AND CONSTRUCTION STANDARDS SET FORTH IN THE VILLAGE OF MARVIN TECHNICAL STANDARDS & SPECIFICATIONS MANUAL.

e. THE ALIGNMENT OF THE INTERNAL VEHICULAR CIRCULATION AND DRIVEWAYS MAY BE MODIFIED BY THE PETITIONER TO ACCOMMODATE CHANGES IN TRAFFIC PATTERNS, PARKING LAYOUTS AND ANY ADJUSTMENTS REQUIRED FOR APPROVAL BY THE VILLAGE OF MARVIN.

5. ARCHITECTURAL STANDARDS:

a. GENERAL PROVISIONS. THE FACADES OF THE BUILDING CONSTRUCTED ON THE PROPERTY WILL

BE SIMILAR IN APPEARANCE AND CHARACTER TO THE BUILDING ELEVATIONS GENERALLY DEPICTED IN THE REZONING PLAN. THESE ELEVATIONS ARE PROVIDED TO REFLECT THE ARCHITECTURAL STYLE AND QUALITY OF THE BUILDINGS TO BE CONSTRUCTED ON THE PROPERTY. THE ACTUAL BUILDINGS MAY HAVE VARIATIONS PROVIDED THEY ADHERE TO THE GENERAL ARCHITECTURAL CONCEPTS AND INTENT ILLUSTRATED HEREIN. NOTWITHSTANDING THE FOREGOING, CHANGES AND ALTERATIONS TO THE ELEVATIONS THAT DO NOT MATERIALLY CHANGE THE OVERALL CONCEPTUAL ARCHITECTURAL STYLE, DESIGN TREATMENT AND

b. COMMERCIAL STANDARDS. DEVELOPMENT AREA C SHALL FOLLOW ALL APPLICABLE PROVISIONS AND SPECIFICATIONS OF ARTICLE 9.8 - HIGHWAY LOT TYPE AND BUILDING TYPE STANDARDS.

• MATERIALS: THE PRIMARY EXTERIOR BUILDING MATERIALS WILL BE ONE OR MORE OF THE FOLLOWING: BRICK VENEER OR SIMILAR MASONRY PRODUCTS, GLASS, STONE, MANUFACTURED STONE, STUCCO, AND CEMENTITIOUS SIDING, VINYL OR MASONITE MAY NOT BE USED AS AN EXTERIOR BUILDING MATERIAL ON ANY BUILDING TO BE CONSTRUCTED ON THE SITE. NOTWITHSTANDING THE FOREGOING, VINYL MAY BE UTILIZED ON WIDOWS, GARAGE DOORS, SOFFITS, TRIM, AND RAILINGS.

• ROOFING: ARCHITECTURAL SHINGLE OR STANDING SEAM METAL PANEL.

 OTHER: OUTPARCEL BUILDINGS SHALL HAVE PITCHED ROOF OR OTHER ARCHITECTURAL DETAILS TO PROVIDE VISUAL INTEREST SUCH CANOPIES, CANTILEVERED DETAILS, OVERHANGS, PROMINENT RECESSED OR PROJECTED ENTRANCES, AND/OR OTHER FEATURES.

c. SINGLE-FAMILY (DETACHED) RESIDENTIAL STANDARDS. THE SINGLE-FAMILY SECTION WITHIN DEVELOPMENT AREA A SHALL FOLLOW ALL APPLICABLE PROVISIONS AND SPECIFICATIONS OF ARTICLE 9.2 - DETACHED HOUSE LOT AND BUILDING TYPE STANDARDS.

• MATERIALS: THE PRIMARY EXTERIOR WALL MATERIALS ARE FIBER CEMENT (LAP SIDING), BRICK OR CULTURED STONE.

• ROOFING: ARCHITECTURAL SHINGLE WITH METAL CANOPY ACCENTS.

• OTHER: ALL SINGLE-FAMILY RESIDENTIAL UNITS SHALL HAVE A MINIMUM SEPARATION OF 10

SPECIFICATIONS OF ARTICLE 9.3 - ATTACHED HOUSE LOT AND BUILDING TYPE

FEET (10'). d. <u>Single-Family</u> (attached) <u>residential</u> <u>standards</u>. The single-family attached DWELLINGS WITHIN DEVELOPMENT AREA B SHALL FOLLOW ALL APPLICABLE PROVISIONS AND

• MATERIALS: THE PRIMARY EXTERIOR WALL MATERIALS ARE FIBER CEMENT (LAP SIDING), BRICK OR CULTURED STONE.

• ROOFING: ARCHITECTURAL SHINGLE WITH METAL CANOPY ACCENTS.

 OTHER: ALL SINGLE FAMILY ATTACHED RESIDENTIAL UNITS SHALL HAVE A MINIMUM SEPARATION OF TWELVE FEET (12').

PITCHED ROOFS, IF PROVIDED, SHALL BE SYMMETRICALLY SLOPED NO LESS THAN 4:12, EXCEPT THAT ROOFS FOR PORCHES AND ATTACHED SHEDS MAY BE NO LESS THAN 2:12, UNLESS A FLAT ROOF ARCHITECTURAL STYLE IS EMPLOYED:

ALL CORNER/END UNITS THAT FACE A PUBLIC OR PRIVATE STREET SHALL PROVIDE BLANK WALL PROVISIONS THAT LIMIT THE MAXIMUM BLANK WALL EXPANSE TO TEN FEET ON ALL BUILDING LEVELS;

WALKWAYS SHALL BE PROVIDED TO CONNECT ALL RESIDENTIAL ENTRANCES TO SIDEWALKS ALONG PUBLIC AND PRIVATE STREETS;

a. SETBACKS SHALL BE AS FOLLOWS FOR DEVELOPMENT AREA A AND B: i. FRONT BUILD TO LINE: A MAXIMUM BUILD TO LINE OF TWENTY-FOUR FEET (24') FROM R/W OR AS REQUIRED BY BUFFERING STANDARDS AND/OR BUILDING TYPE WHICHEVER IS GREATER. ii. REAR SETBACK: TEN FEET (10') FOR DEVELOPMENT AREA B; TWENTY-FIVE FEET (25') FOR iii. SIDE SETBACK: 0'; HOWEVER, MUST MEET SEPARATION REQUIREMENTS.

b. SETBACKS FOR DEVELOPMENT AREA C SHALL FOLLOW THE HIGHWAY LOT TYPE STANDARDS PER ARTICLE 9.8-2.

7. <u>LANDSCAPING AND BUFFERS:</u>

a. A DETAILED LANDSCAPING PLAN SHALL BE SUBMITTED WITH CONSTRUCTION DOCUMENT FOR REVIEW AND APPROVAL BY THE VILLAGE IN ACCORDANCE WITH ARTICLE 11.

b. A MINIMUM 25' TYPE B BUFFER YARD SHALL BE PROVIDED ALONG THE EXISTING RESIDENTIAL SUBDIVISION. EXISTING TREES MAY BE COUNTED TOWARDS THE OVERALL PLANTING REQUIREMENTS

c. STREET TREES SHALL MEET THE REQUIREMENTS OF SECTION 11.6-3 OF THE ORDINANCE. STREET TREES SHALL BE PLACED WITHIN THE RIGHT OF WAY OF NEWLY CONSTRUCTED PUBLIC STREETS INTERNAL TO THE SITE. STREET TREES ALONG REA ROAD AND TOM SHORT ROAD MAY BE OUTSIDE THE RIGHT OF WAY DUE TO EXISTING UTILITIES.

d. METER BOXES WILL BE SCREENED IN DEVELOPMENT AREA C.

e. AS REQUIRED BY ARTICLE 9 OF THE ORDINANCE, HVAC AND RELATED MECHANICAL EOUIPMENT WILL BE SCREENED FROM VIEW FROM THE ADJOINING PUBLIC STREETS AND ADJACENT PROPERTIES WHEN LOCATED EITHER ON THE ROOFS OF THE PROPOSED BUILDINGS OR WHEN LOCATED ON THE GROUND AT THE BASE OF THE PROPOSED BUILDINGS. HVAC WILL NOT BE IN THE FRONT SETBACK BETWEEN THE BUILDING AND THE PUBLIC RIGHT OF WAY BUT MAY BE LOCATED IN A REQUIRED SIDE VARD WITH SCREENING

f. THE PETITIONER SHALL PROVIDE A DETAILED COMMERCIAL AMENITY AND OPEN SPACE PLAN

g. NO OUTDOOR STORAGE SHALL BE VISIBLE FROM ANY PUBLIC RIGHT-OF-WAY. ALL DUMPSTERS, RECYCLING BINS, AND SIMILAR FACILITIES SHALL BE FULLY SCREENED WITH MASONRY OR OPAQUE FENCING AND LANDSCAPING.

8. TREE PRESERVATION:

a. A TREE REMOVAL AND MITIGATION PLAN ARE REQUIRED PRIOR TO PRELIMINARY SITE AND CIVIL DESIGN PLAN APPROVAL

9. ENVIRONMENTAL FEATURES:

a. THE LOCATION, SIZE, AND TYPE OF STORM WATER MANAGEMENT SYSTEMS DEPICTED ON THE REZONING PLAN ARE SUBJECT TO REVIEW AND APPROVAL AS PART OF THE FULL DEVELOPMENT PLAN SUBMITTAL AND ARE NOT IMPLICITLY APPROVED FROM AN ENGINEERING PERSPECTIVE WITH THIS REZONING. ADJUSTMENTS MAY BE NECESSARY IN ORDER TO ACCOMMODATE ACTUAL STORM WATER TREATMENT REQUIREMENTS AND NATURAL SITE DISCHARGE POINTS.

10. LIGHTING & SIGNS:

a. AN OUTDOOR LIGHTING PLAN SHALL BE SUBMITTED WITH CONSTRUCTION DOCUMENT FOR REVIEW AND APPROVAL BY THE VILLAGE IN ACCORDANCE WITH CHAPTER 152.

b. ALL NEW LIGHTING SHALL BE CAPPED, AND DOWNWARDLY DIRECTED EXCLUDING DECORATIVE WALL MOUNTED UNITS OR DECORATIVE PEDESTRIAN LIGHTS LESS THAN 20' IN HEIGHT.

c. DETACHED LIGHTING WITHIN THE RESIDENTIAL PORTIONS OF THE SITE, EXCEPT STREETLIGHTS LOCATED ALONG PUBLIC STREETS, WILL BE LIMITED TO TWENTY-FIVE (25') FEET IN HEIGHT.

d. LANDSCAPE LIGHTING AND HOLIDAY LIGHTING SHALL BE EXEMPT FROM LIGHTING REQUIREMENTS.

e. A MASTER SIGNAGE PLAN SHALL BE SUBMITTED IN ACCORDANCE WITH ARTICLE 17 OF THE MDO.

f. THE PETITIONER AGREES TO GRANT A SIGN EASEMENT TO THE VILLAGE OF MARVIN FOR THE PURPOSE OF CONSTRUCTING A MONUMENT SIGN. THE FINAL LOCATION OF THE EASEMENT/SIGN. AS WELL AS THE MATERIALS AND SIZE OF THE SIGN SHALL BE SUBJECT TO REVIEW AND APPROVAL BY BOTH THE PETITIONER AND THE VILLAGE OF MARVIN.

a. DEVELOPMENT AREAS A AND B SHALL PROVIDE PARKING SPACES AS REQUIRED BY THE ORDINANCE. DEVELOPMENT AREA C: GIVEN THE VARIOUS USES WITHIN THIS DEVELOPMENT AREA, PARKING SPACES MAY BE SHARED WHICH PROVIDES FOR MORE EFFICIENT USE OF SPACE. THE OVERALL DEVELOPMENT AREA SHALL PROVIDE A MINIMUM OF 1 PARKING SPACES PER 350 COMMERCIAL SOUARE FEET FORGOING PARKING REQUIREMENTS FOR INDIVIDUAL PARCELS OR USES, IF APPLICABLE. PARKING LOTS AND STRUCTURES SHALL BE CONSIDERED ACCESSORY USES.

b. PARKING MAY BE ALLOWED IN FRONT OF THE BUILDING(S) WITHIN DEVELOPMENT AREA C HOWEVER IN NO CIRCUMSTANCE MAY PARKING BE ALLOWED IN FRONT OF THE STREET-SIDE FRONT FAÇADE OF BUILDINGS PARALLEL TO TOM SHORT ROAD AND REA ROAD.

c. GIVEN THE MIXED-USE NATURE OF THE PLAN, INSTEAD OF ONE SPACE PER RESTAURANT; THE PETITIONER WILL PROVIDE AN AREA FOR A MINIMUM OF FIVE (5) PLUG-IN ELECTRIC VEHICLE (PEV) -DESIGNATED PARKING SPACES WHICH MAY BE GROUPED TOGETHER WITHIN THE SITE TO COMPLY WITH THE ORDINANCE. THESE SPACES SHALL COUNT TOWARD SATISFYING THE PEV PARKING

12. HOURS OF OPERATION, TRUCK DELIVERY AND WASTE COLLECTION HOURS:

REQUIREMENT FOR ANY RESTAURANT USE(S), REGARDLESS OF PARCEL BOUNDARIES.

a. THE DAILY HOURS OF OPERATION FOR ANY COMMERCIAL USE SHALL BEGIN NO EARLIER THAN 5:00 A.M. AND END NO LATER THAN MIDNIGHT.

TRASH AND WASTE REMOVAL SERVICES SHALL BE LIMITED TO THE HOURS OF 6:00 A.M. TO 10:00

b. TRUCK DELIVERIES SHALL ONLY OCCUR BETWEEN THE HOURS OF 6:00 A.M. AND 10:00 P.M.

13. <u>AMENDMENTS TO THE REZONING PLAN</u>:

a. FUTURE AMENDMENTS TO THE REZONING PLAN (WHICH INCLUDES THESE DEVELOPMENT STANDARDS) MAY BE APPLIED FOR BY THE THEN OWNER OR OWNERS OF THE APPLICABLE DEVELOPMENT AREA OR PORTION OF THE SITE AFFECTED BY SUCH AMENDMENT IN ACCORDANCE WITH THE PROVISIONS HEREIN AND OF THE ORDINANCE.

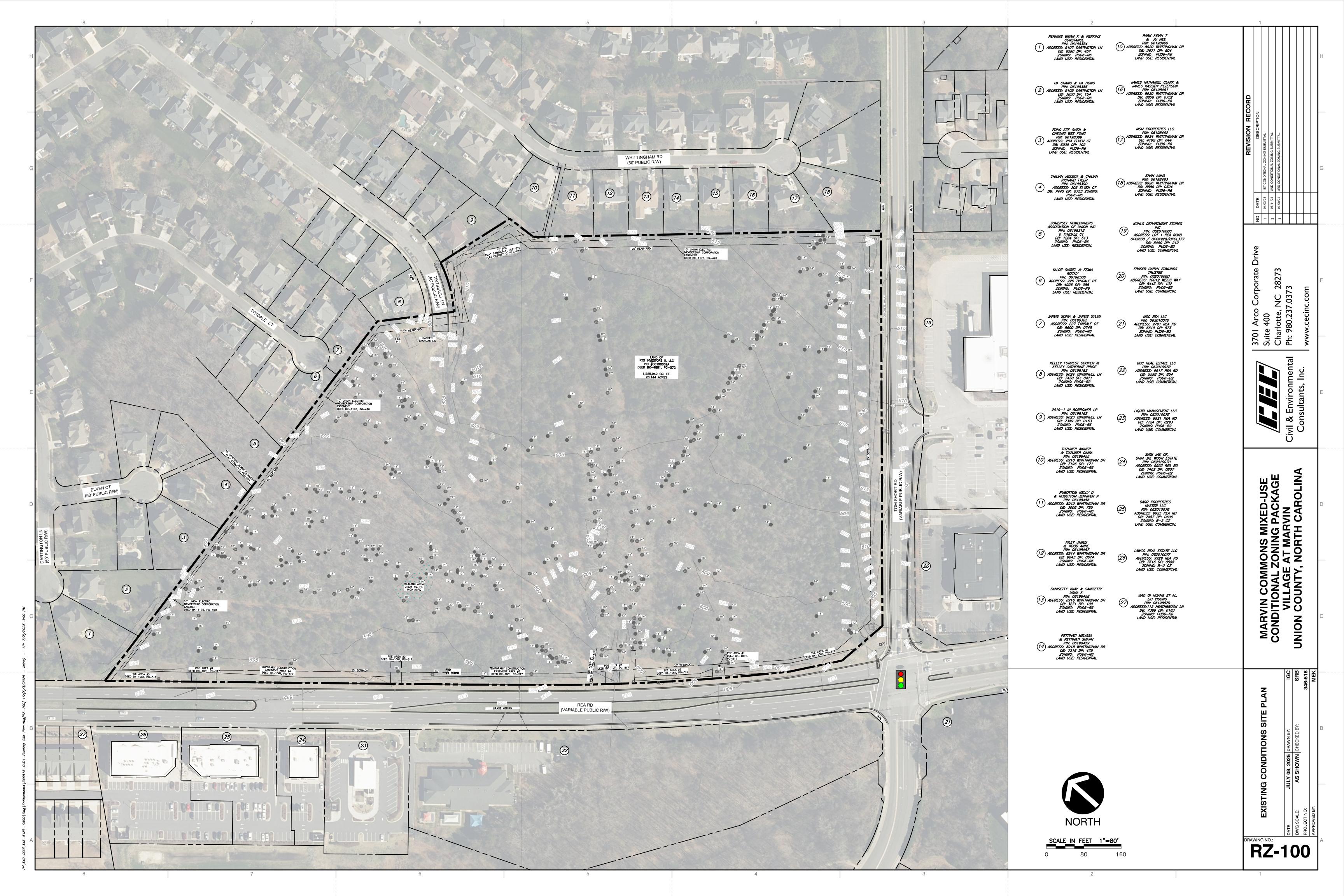
THESE RESTRICTIONS SHALL BE REFLECTED IN THE CCRS OR ASSOCIATED LEASE AGREEMENTS.

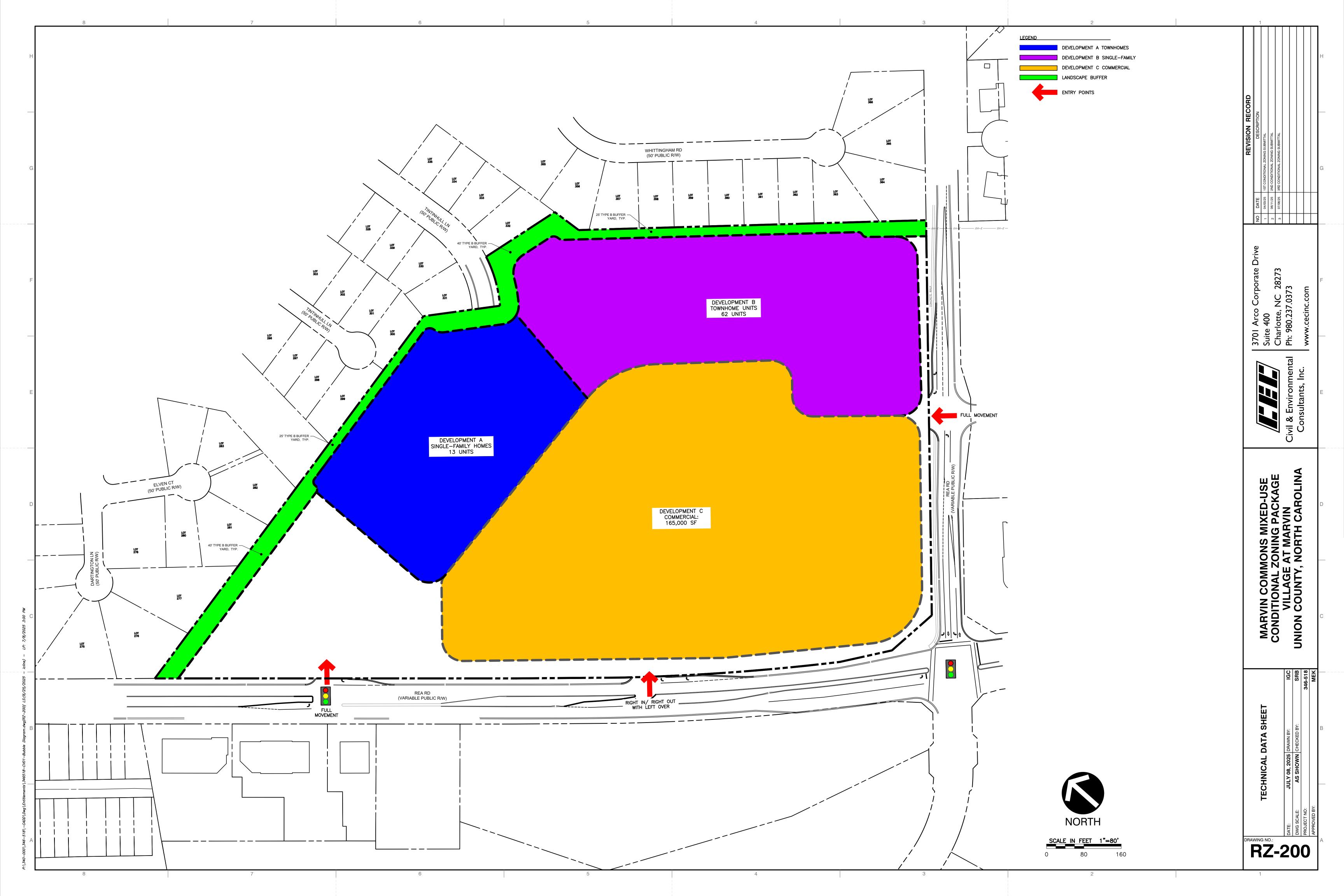
14. BINDING EFFECT OF THE REZONING APPLICATION:

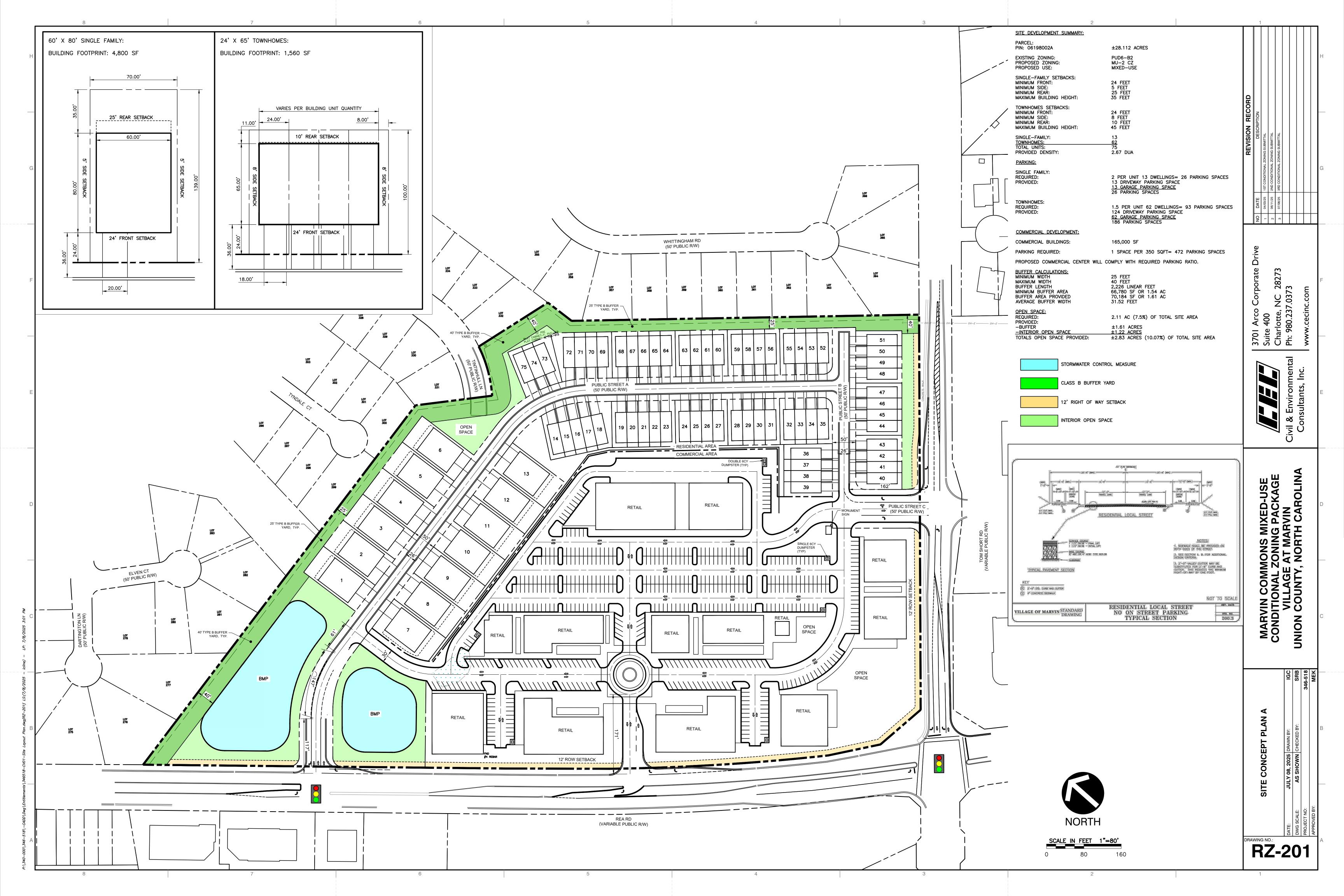
a. IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO THE DEVELOPMENT OF THE SITE IMPOSED UNDER THE REZONING PLAN WILL, UNLESS AMENDED IN THE MANNER PROVIDED HEREIN AND UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF THE PETITIONER AND SUBSEQUENT OWNERS OF THE SITE AND THEIR RESPECTIVE HEIRS, DEVISEES, PERSONAL REPRESENTATIVES, SUCCESSORS IN INTEREST OR ASSIGNS.

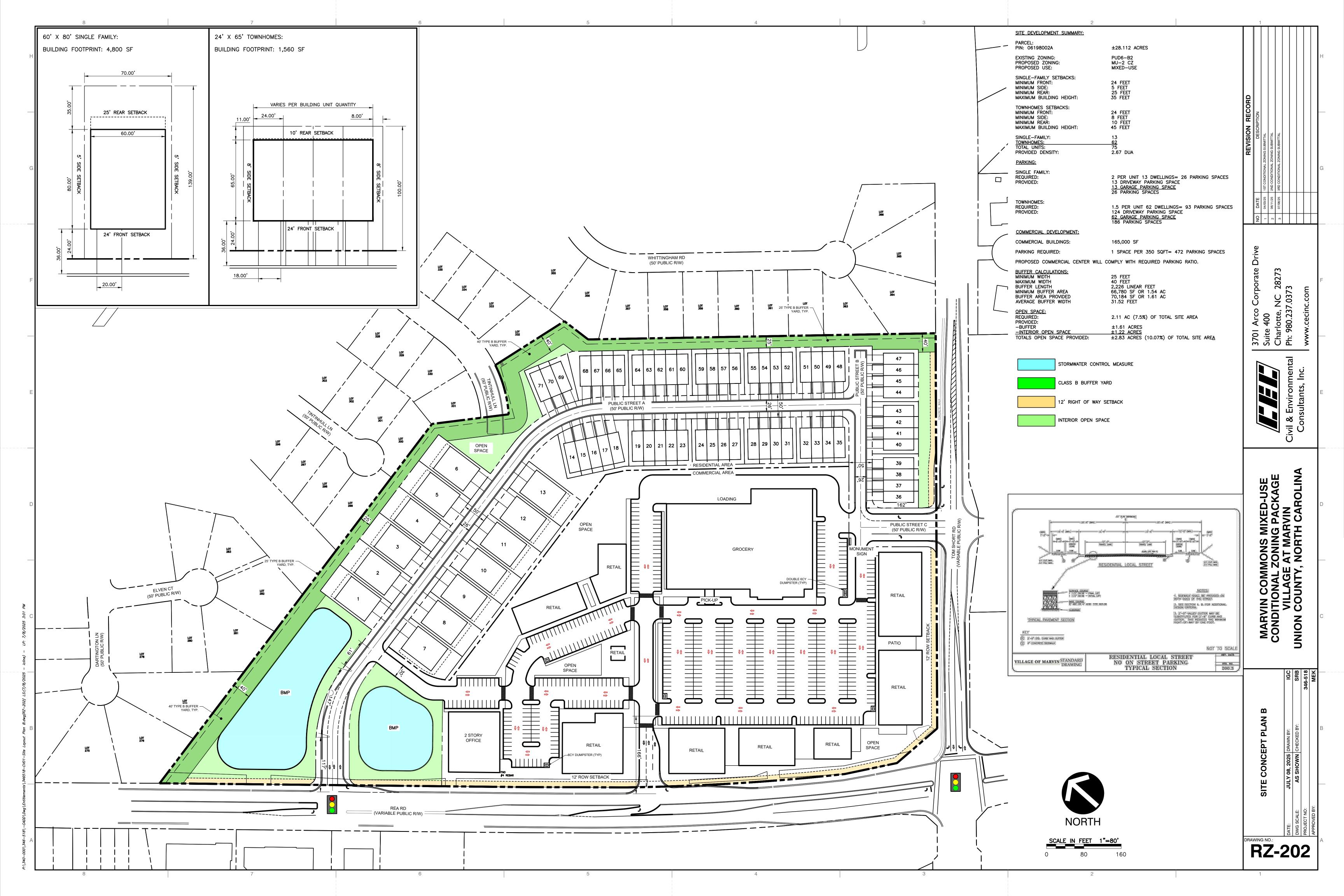


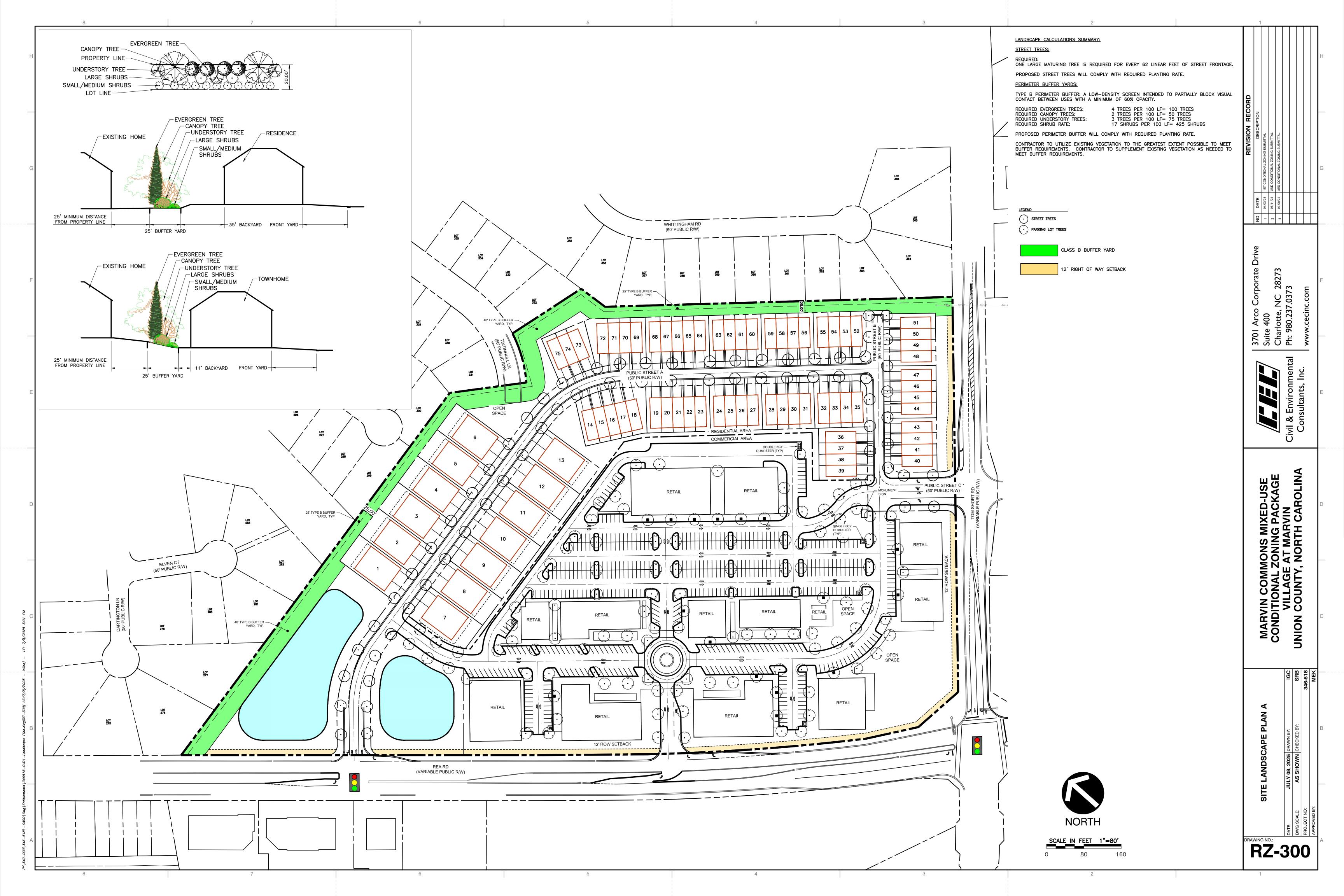
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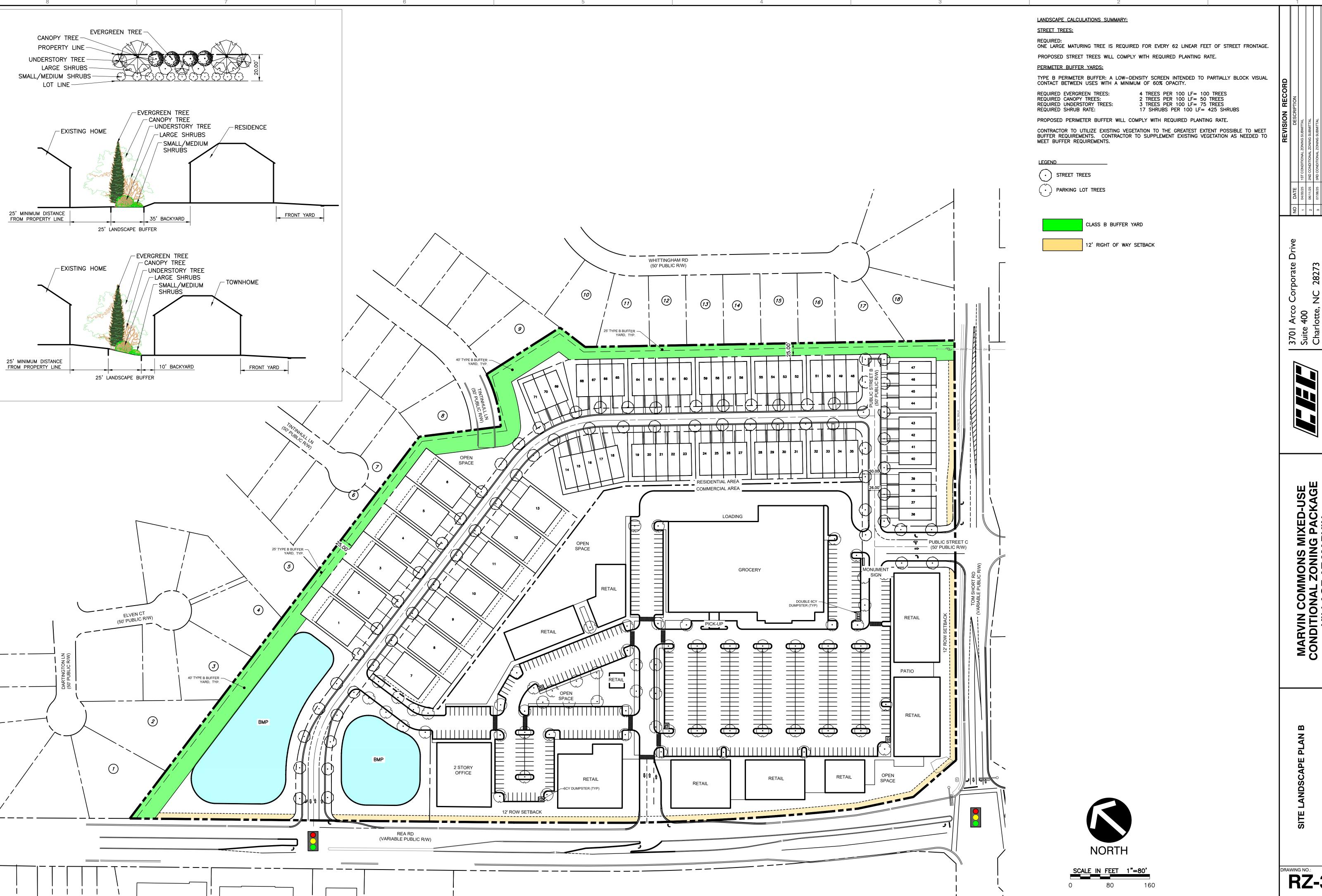












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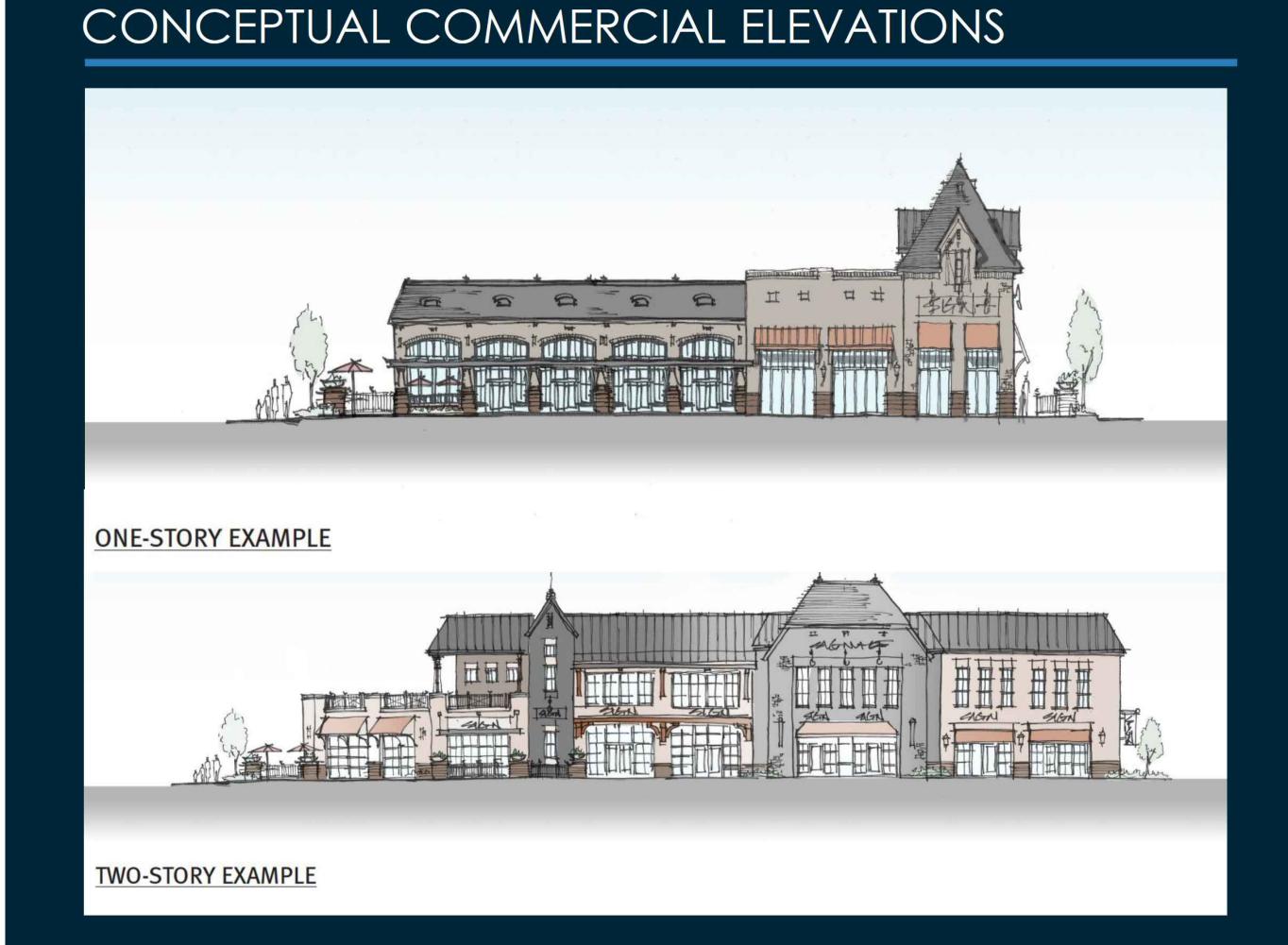


French Country

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NO DATE DESCRIPTION

1 04/03/25 1ST CONDITIONAL ZONING SUBMITTAL

2 06/11/25 2ND CONDITIONAL ZONING SUBMITTAL

3 07/08/25 3RD CONDITIONAL ZONING SUBMITTAL

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