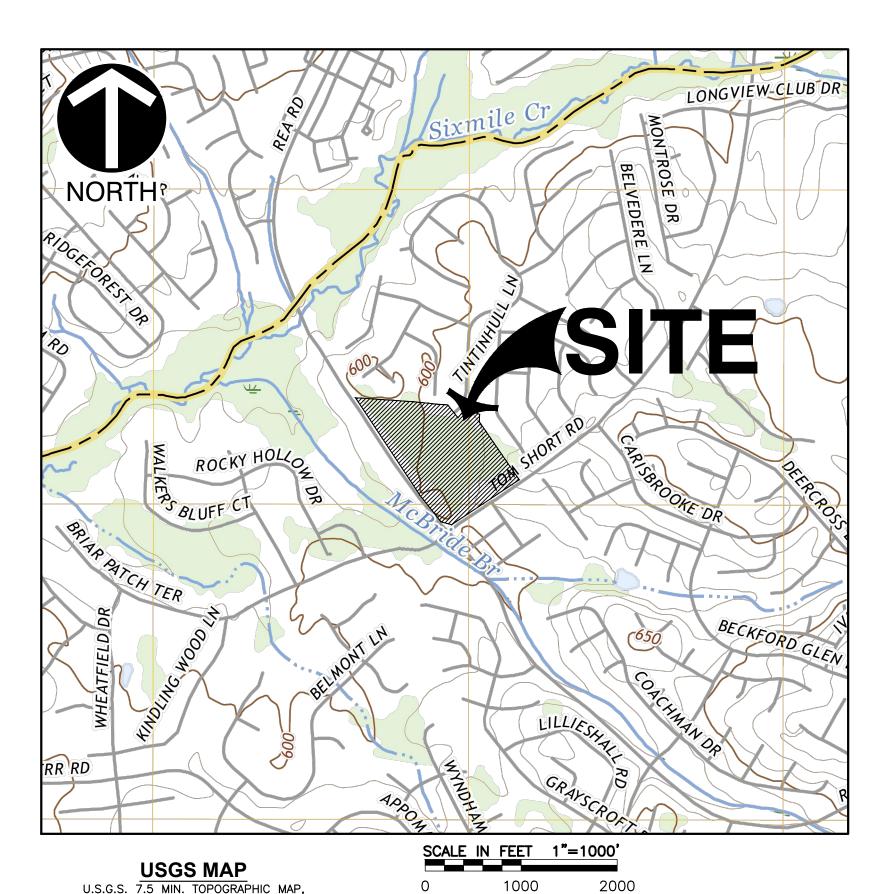
MARVIN COMMONS CONDITIONAL ZONING SUBMITTAL VILLAGE OF MARVIN UNION COUNTY, NORTH CAROLINA APRIL 3, 2025



U.S.G.S. 7.5 MIN. TOPOGRAPHIC MAP, MARVIN COMMONS, NC QUADRANGLE, DATED: 2022

OWNER/TEAM INFORMATION

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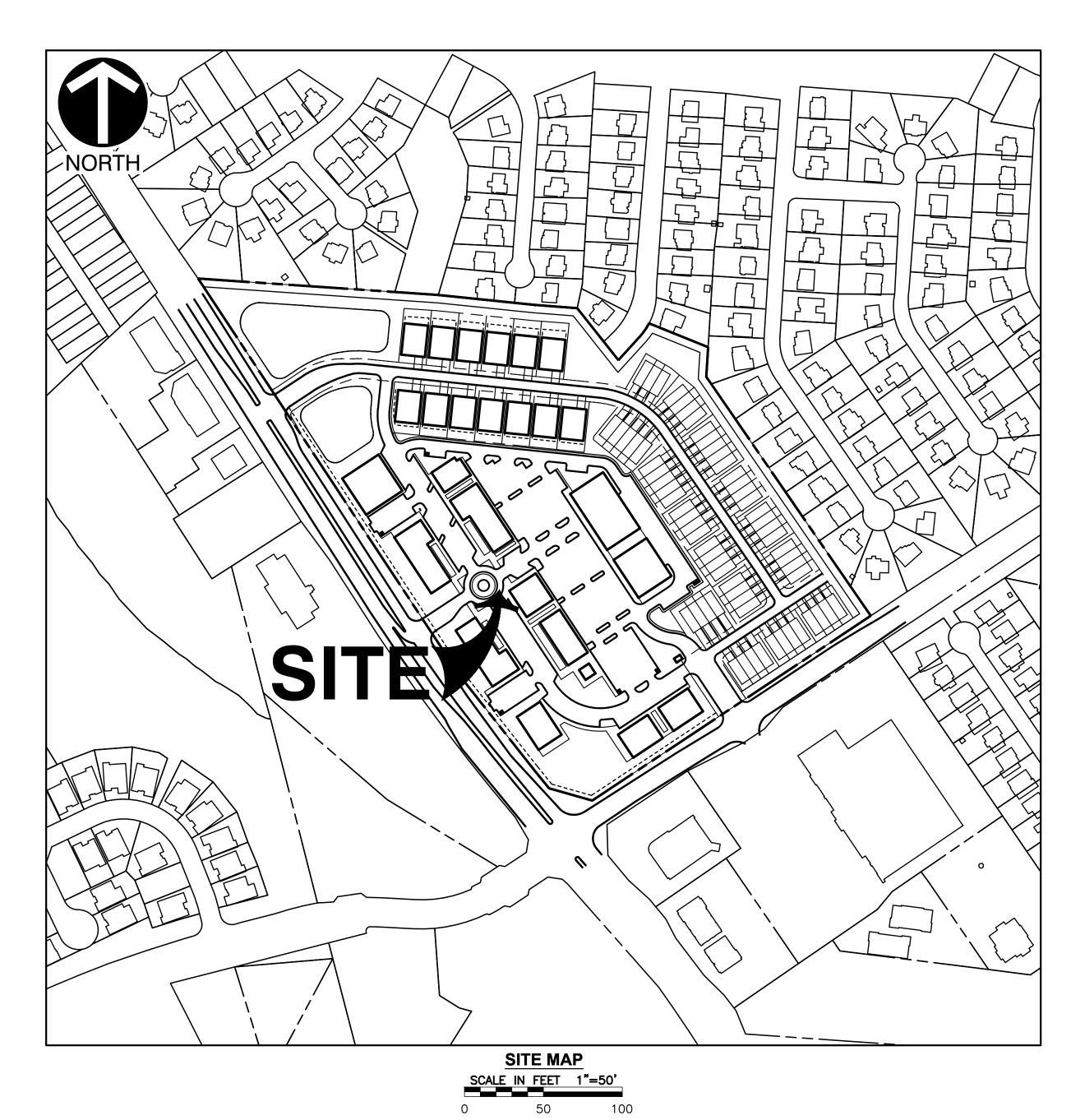
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D7 400		

MARVIN CONCONDITIONAL NOIND

RZ-000

--ACREAGE: ± 28.11 ACRES --TAX PARCEL #: 06198002A

--EXISTING ZONING: UNION COUNTY PUD6- B2

--PROPOSED ZONING: MU-2 CZ WITH SEVEN (7) YEAR VESTED RIGHTS
--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 SECTION 2 BELOW.

--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' (CODE IS 30') TEXT AMENDMENT IS REQUIRED

DEVELOPMENT AREA B: MAXIMUM THREE STORIES; 45' (CODE IS 25') TEXT AMENDMENT IS

DEVELOPMENT AREA B: MAXIMUM THREE STORIES; 45 (CODE IS 25) TEXT AMENDMENT IS REQUIRED

DEVELOPMENT AREA C: MAXIMUM TWO STORIES; 50'

--PARKING: DEVELOPMENT AREAS A AND B: SHALL PROVIDE PARKING AS REQUIRED BY THE ORDINANCE. DEVELOPMENT AREA C: GIVEN THE VARIOUS USES WITHIN THIS DEVELOPMENT AREA

--PARKING: DEVELOPMENT AREAS A AND B: SHALL PROVIDE PARKING 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 SQUARE FEET FORGOING PARKING REQUIREMENTS FOR INDIVIDUAL PARCELS OR USES, IF APPLICABLE.

1. <u>GENERAL PROVISIONS</u>:

A. 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 APPROXIMATELY ± 28.11—ACRE SITE 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.

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 THE 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. 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 OF THE DEVELOPMENT/SITE ELEMENTS PROPOSED. CHANGES TO THE REZONING PLAN NOT ANTICIPATED BY THE REZONING PLAN WILL BE REVIEWED AND APPROVED AS ALLOWED BY ARTICLE 5.4-3 (F) AND ARTICLE 14 OF THE ORDINANCE. 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:

I. EXPRESSLY PERMITTED BY THE REZONING PLAN (IT IS UNDERSTOOD THAT IF A MODIFICATION IS EXPRESSLY PERMITTED BY THE REZONING PLAN IT IS DEEMED A MINOR MODIFICATION FOR THE PURPOSES OF THESE DEVELOPMENT STANDARDS); OR II. DON'T MATERIALLY CHANGE THE OVERALL DESIGN INTENT DEPICTED ON THE REZONING

PLAN; OR
III. MODIFICATIONS TO MOVE STRUCTURES GRAPHICALLY DEPICTED ON THE REZONING PLAN
CLOSER TO ADJACENT PROPERTIES IN A RESIDENTIAL DISTRICT OR ABUTTING RESIDENTIAL USE
BUT NO CLOSER THAN THE "EXTERNAL BUILDING LINE" (IN THIS CASE THE EXTERNAL
SETBACKS, REAR YARDS, OR BUFFER AREAS) INDICATED ON THE REZONING PLAN.

THE PLANNING DIRECTOR WILL DETERMINE IF SUCH MODIFICATIONS ARE ALLOWED PER THIS AMENDED PROCESS, AND IF IT IS DETERMINED THAT 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 IN THE

ORDINANCE.

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 ORDINANCE. THIS SHALL BE CONSIDERED A MULTI—PHASED DEVELOPMENT CONTAINING 25 ACRES OR 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.

F. UNIFIED DEVELOPMENT. THE SITE SHALL BE VIEWED AS A PLANNED/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 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.

2. 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 DISTRICT INCLUDING BUT NOT LIMITED TO RECREATION FEATURES, OPEN SPACE, GAZEBOS AND/OR SIMILAR.

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 INCLUDING BUT NOT LIMITED TO RECREATION FEATURES, OPEN SPACE, GAZEBOS AND/OR SIMILAR.

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 FREESTANDING BUILDING SHALL BE 65,000 SQUARE FEET.

II. A SERVICE STATION WITH CONVENIENCE STORE SHALL BE PERMITTED AS FURTHER

CLARIFIED IN 2.E.I. BELOW.

III. 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 ESTABLISHMENT.

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

I. SERVICE STATION (AUTOMOTIVE REPAIR SERVICES MINOR) IS LISTED AS A PERMITTED USE WITH ADDITIONAL STANDARDS PER THE ORDINANCE AND DEFINED IN THE NAICS CODE 5541 AS—GASOLINE SERVICE STATIONS PRIMARILY ENGAGED IN SELLING GASOLINE AND LUBRICATING OILS. THESE ESTABLISHMENTS FREQUENTLY SELL OTHER MERCHANDISE, SUCH AS TIRES,

BATTERIES, AND OTHER AUTOMOBILE PARTS, OR PERFORM MINOR REPAIR WORK. GASOLINE STATIONS COMBINED WITH OTHER ACTIVITIES, SUCH AS GROCERY STORES, CONVENIENCE STORES, OR CARWASHES, ARE CLASSIFIED ACCORDING TO THE PRIMARY ACTIVITY. THIS USE SHALL NOT BE CONSTRUED WITH 'AUTOMOBILE REPAIR SERVICES' WITHIN THE ORDINANCE. II. 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.

III. 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

IV. RESTAURANT (WITH OR WITHOUT DRIVE THROUGH ACCESSORY USE) IS A PERMITTED USE IN THE ORDINANCE AND IS DEFINED IN THE NAICS CODE 5812 EATING PLACES — ESTABLISHMENTS PRIMARILY ENGAGED IN THE RETAIL SALE OF PREPARED FOOD AND DRINKS FOR ON-PREMISES OR IMMEDIATE CONSUMPTION. CATERERS AND INDUSTRIAL AND INSTITUTIONAL FOOD SERVICE ESTABLISHMENTS ARE ALSO INCLUDED IN THIS INDUSTRY. EXAMPLES INCLUDE CAFES, CAFETERIAS, COFFEE SHOPS, RESTAURANTS, CONCESSIONS, DINERS, DRIVE—IN RESTAURANTS, FAST FOOD RESTAURANTS, FOOD BARS, FROZEN CUSTARD STANDS, ICE CREAM STANDS, PIZZERIAS, RESTAURANTS, SANDWICH SHOPS, ETC.

V. BAR (WITH/WITHOUT BEVERAGE PRODUCTION ACCESSORY USE) IS A PERMITTED USE IN THE ORDINANCE AND IS DEFINED IN THE NAICS CODE 5813 DRINKING PLACES — ESTABLISHMENTS PRIMARILY ENGAGED IN THE RETAIL SALE OF ALCOHOLIC DRINKS, SUCH AS BEER, ALE, WINE, AND LIQUOR, FOR CONSUMPTION ON THE PREMISES. THE SALE OF FOOD FREQUENTLY ACCOUNTS FOR A SUBSTANTIAL PORTION OF THE RECEIPTS OF THESE ESTABLISHMENTS. THIS USE SHALL NOT BE CONSTRUED WITH THE TERM 'CAFÉ' IN THE

- F. PROHIBITED USES. THE FOLLOWING USES SHALL NOT BE PERMITTED:
- DAY CARE CENTER HOME OPERATION
- II. BINGO GAMES
 III. COIN OPERATED LAUNDRY
 IV. SELF—STORAGE FACILITY
- V. TRUCK AND TRAILER RENTALS
 VI. SIGN FABRICATION
 VII. CROLLE CAPE FACILITY
- VII. GROUP CARE FACILITY
 VIII. COIN OPERATED AMUSEMENT
 IX. NURSING HOME
- 3. TRANSPORTATION IMPROVEMENTS, ACCESS AND MULTIMODAL/PEDESTRIAN IMPROVEMENTS:

A. PROPOSED IMPROVEMENTS. IMPROVEMENTS GENERALLY: PHASES OF DEVELOPMENT. 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 BELOW IN ACCORDANCE WITH THE FOLLOWING IMPLEMENTATION PROVISIONS. IT IS UNDERSTOOD THE FOLLOWING SECTION AND SPECIFIC IMPROVEMENTS MAY BE AMENDED TO ALIGN WITH FINAL APPROVED TRANSPORTATION IMPACT ANALYSIS (THE "TIA").

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 PHASES AS DESCRIBED BELOW AND CORRESPONDING TO THE TRANSPORTATION IMPROVEMENTS FOR EACH PHASE SET FORTH IN SUBSECTION B. BELOW (SUBJECT TO ADJUSTMENTS AS MAY BE ALLOWED BY MARVIN AND/OR, IF APPLICABLE NCDOT, AND AS PROVIDED IN THE REMAINING PROVISIONS OF THIS SECTION 4):

B. <u>REQUIRED IMPROVEMENTS:</u>

TBD — IF A PHASE IS NOT LISTED FOR AN IMPROVEMENT, NO IMPROVEMENT IS REQUIRED FOR SUCH PHASE (E.G., IF "PHASE 1 CONDITIONS" IS NOT SET FORTH THEN NO IMPROVEMENTS ARE NEEDED FOR THE INTERSECTION AREA SET OUT).

C. SUBSTANTIAL COMPLETION. REFERENCE TO "SUBSTANTIAL COMPLETION" FOR CERTAIN IMPROVEMENTS AS SET FORTH IN THE PROVISIONS OF SECTION 3.A ABOVE SHALL MEAN COMPLETION OF THE ROADWAY IMPROVEMENTS IN ACCORDANCE WITH THE STANDARDS SET FORTH IN SECTION 3.A. AND B. 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.

RIGHT-OF-WAY AVAILABILITY. IT IS UNDERSTOOD THAT SOME OF THE PUBLIC ROADWAY IMPROVEMENTS REFERENCED IN SUBSECTION 3.A. ABOVE 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 O PROVIDE FOR ANY SLICH ADDITIONAL RIGHT OF WAY LIPON 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 COVERNMENTAL BODY FOR THE COST OF ANY SLICH 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 ACQUISITION 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 WILL 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 THE APPLICABLE IMPROVEMENTS.

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 F. BELOW; OR (II) CONTRIBUTE TO THE VILLAGE OF MARVIN AND/OR NCDOT AS APPLICABLE, AN AMOUNT EQUAL 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.

E. 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. THE PETITIONER WILL PROVIDE A PERMANENT SIDEWALK EASEMENT FOR ANY OF THE PROPOSED SIDEWALKS LOCATED ALONG THE PUBLIC STREETS LOCATED OUTSIDE OF THE RIGHT-OF-WAY WHERE ROW DEDICATION IS NOT PROVIDED.

F. ALTERNATIVE IMPROVEMENTS. CHANGES TO THE ABOVE REFERENCED ROADWAY IMPROVEMENTS 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

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.

G. <u>ROADWAY STANDARDS.</u> 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 AND STREETSCAPE.

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.

B. THE NEW INTERNAL PUBLIC STREETS WILL BE IMPROVED WITH A SEVEN—FOOT (7') PLANTING STRIP AND A FIVE—FOOT (5') SIDEWALK WITHIN A FIFTY—FOOT (51') RIGHT—OF—WAY.

C. 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 IN ACCORDANCE WITH PUBLISHED STANDARDS.

5. GENERAL ARCHITECTURAL STANDARDS:

A. 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 CHARACTER SHALL BE PERMITTED.

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

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 SITE. NOTWITHSTANDING THE FOREGOING, VINYL MAY BE UTILIZED ON

ARCHITECTURAL SHINGLE OR STANDING SEAM METAL PANEL.

WIDOWS, GARAGE DOORS, SOFFITS, TRIM, AND RAILINGS.

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.

II. SINGLE FAMILY (DETACHED) RESIDENTIAL:

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 FEET (10').

III. SINGLE FAMILY (ATTACHED) TOWNHOME RESIDENTIAL:

THE SINGLE—FAMILY ATTACHED SECTION WITHIN DEVELOPMENT AREA B SHALL FOLLOW ALL APPLICABLE PROVISIONS AND SPECIFICATIONS OF ARTICLE 9.3 — ATTACHED HOUSE LOT AND BUILDING TYPE

MATERIALS
THE PRIMARY EXTERIOR WALL MATERIALS ARE FIBER CEMENT (LAP SIDING), BRICK OR

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;

6. STREETSCAPE, LANDSCAPING AND BUFFER:

- 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')
 III. SIDE SETBACK: 0'; HOWEVER, MUST MEET SEPARATION REQUIREMENTS LISTED ABOVE IN
 5.A.II AND III. ABOVE.
 B. SETBACKS FOR DEVELOPMENT AREA C SHALL FOLLOW THE HIGHWAY LOT TYPE STANDARDS
 PER ARTICLE 9.8-2.
- C. A 20' TYPE C BUFFER YARD SHALL BE PROVIDED ALONG THE EXISTING RESIDENTIAL SUBDIVISION. EXISTING TREES MAY BE COUNTED TOWARDS THE OVERALL PLANTING REQUIREMENTS.
- D. ALONG THE SITE'S INTERNAL PUBLIC STREETS, THE PETITIONER SHALL PROVIDE A SIDEWALK AND A CROSSWALK NETWORK THAT LINKS ALL THE PRINCIPAL BUILDINGS ON THE SITE WITH ONE ANOTHER BY WAY OF LINKS TO SIDEWALKS ALONG THE ABUTTING PUBLIC OR PRIVATE STREETS AND/OR OTHER PEDESTRIAN FEATURES. THE MINIMUM WIDTH FOR THESE INTERNAL SIDEWALKS SHALL BE A MINIMUM OF FIVE (5') FEET.
- E. AN EXTERNAL FIVE—FOOT (5') SIDEWALK SHALL BE PROVIDED ALONG BOTH REA AND TOM SHORT ROAD.
- F. ALL SIDEWALKS SHALL COMPLY WITH THE DESIGN AND CONSTRUCTION STANDARDS SET FORTH IN THE VILLAGE OF MARVIN TECHNICAL STANDARDS & SPECIFICATIONS MANUAL.

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

- H. AS REQUIRED BY ARTICLE 9 OF THE ORDINANCE, HVAC AND RELATED MECHANICAL EQUIPMENT 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 SIDE YARD WITH SCREENING.
- 7. <u>TREE PRESERVATION:</u>
- A. A TREE REMOVAL AND MITIGATION PLAN ARE REQUIRED PRIOR TO PRELIMINARY SITE AND CIVIL DESIGN PLAN APPROVAL.
- 8. <u>ENVIRONMENTAL FEATURES:</u>
- 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.
- B. THE SITE SHALL COMPLY WITH THE REQUIREMENTS OF THE MARVIN DEVELOPMENT
- 9. <u>SIGNAGE:</u>A. SIGNAGE AS ALLOWED BY THE ORDINANCE MAY BE PROVIDED.
- D. <u>LIGHTING:</u>
- A. LIGHTING SHALL COMPLY WITH THE ORDINANCE.

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

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.

11. AMENDMENTS TO THE REZONING PLAN:

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.

12. BINDING EFFECT OF THE REZONING APPLICATION:

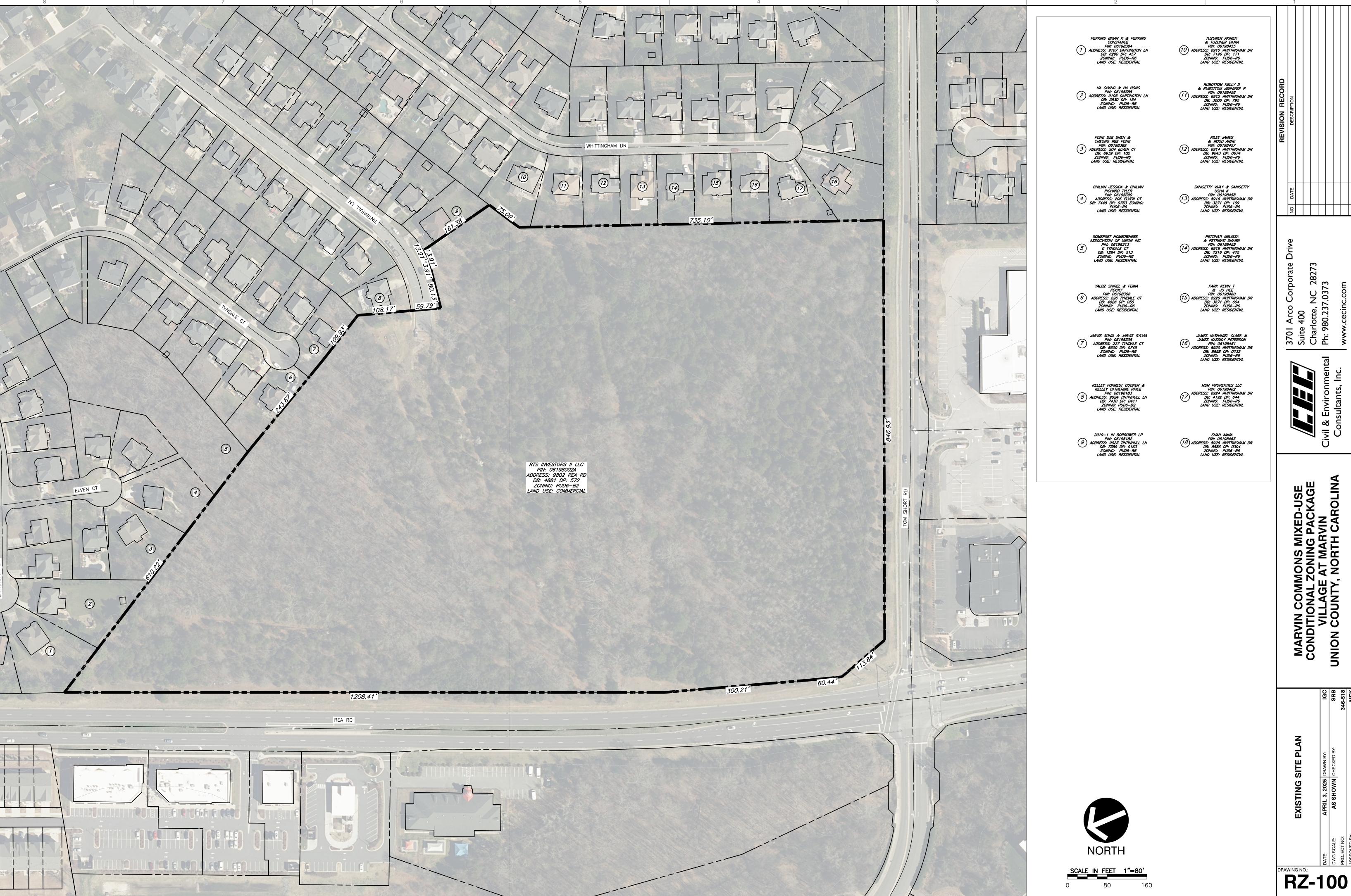
A. IF THIS REZONING PETITION IS APPROVED, ALL CONDITIONS APPLICABLE TO THE DEVELOPMENT OF THE SITE IMPOSED UNDER THE REZONING PLAN WILL, UNLESS AMENDED IN THE MANNER PROVIDED HEREIN AND UNDER THE ORDINANCE, BE BINDING UPON AND INURE TO THE BENEFIT OF THE PETITIONER AND SUBSEQUENT OWNERS OF THE SITE AND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

NO DATE DESCRIPTION

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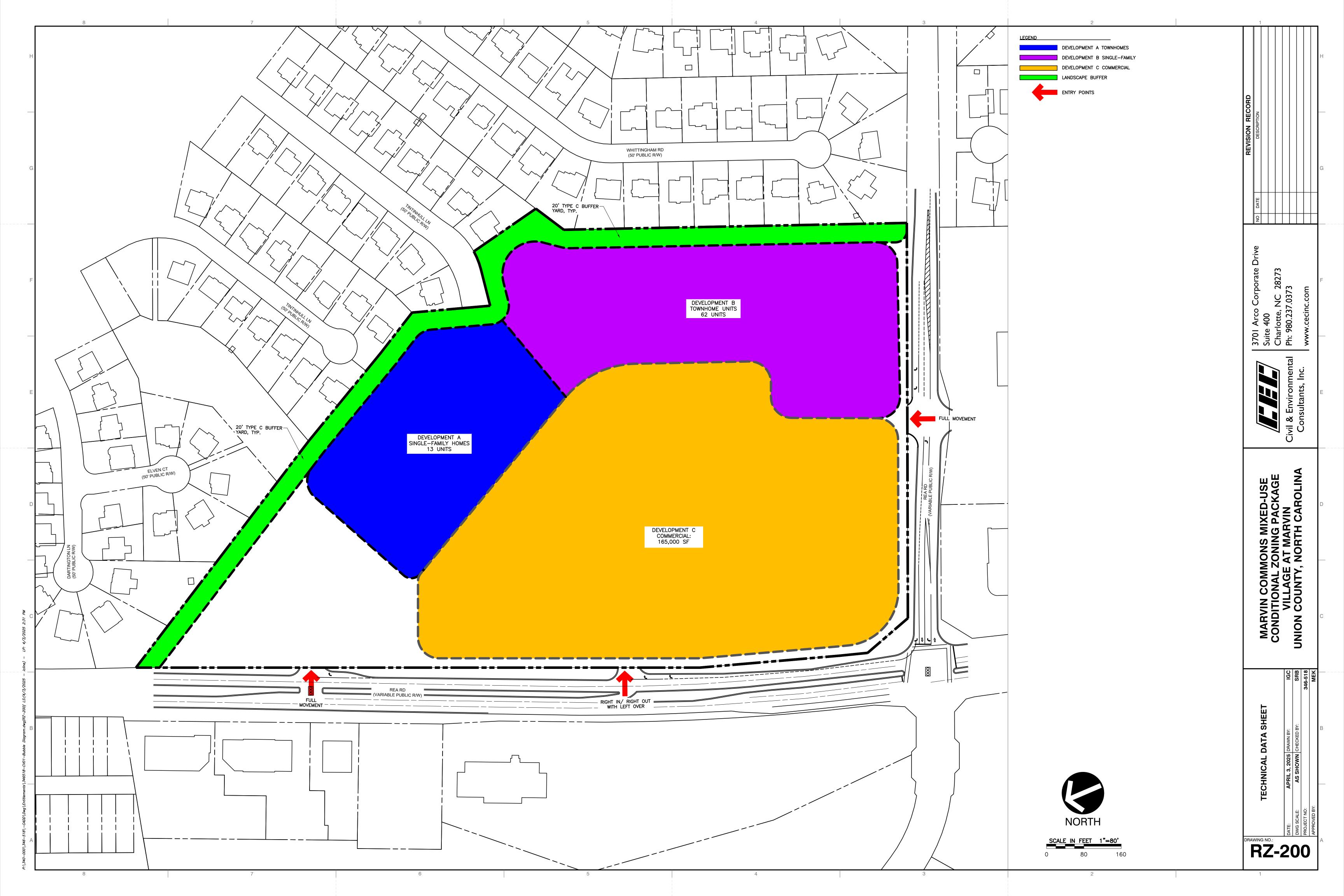
Civil & Environmental
Consultants, Inc.

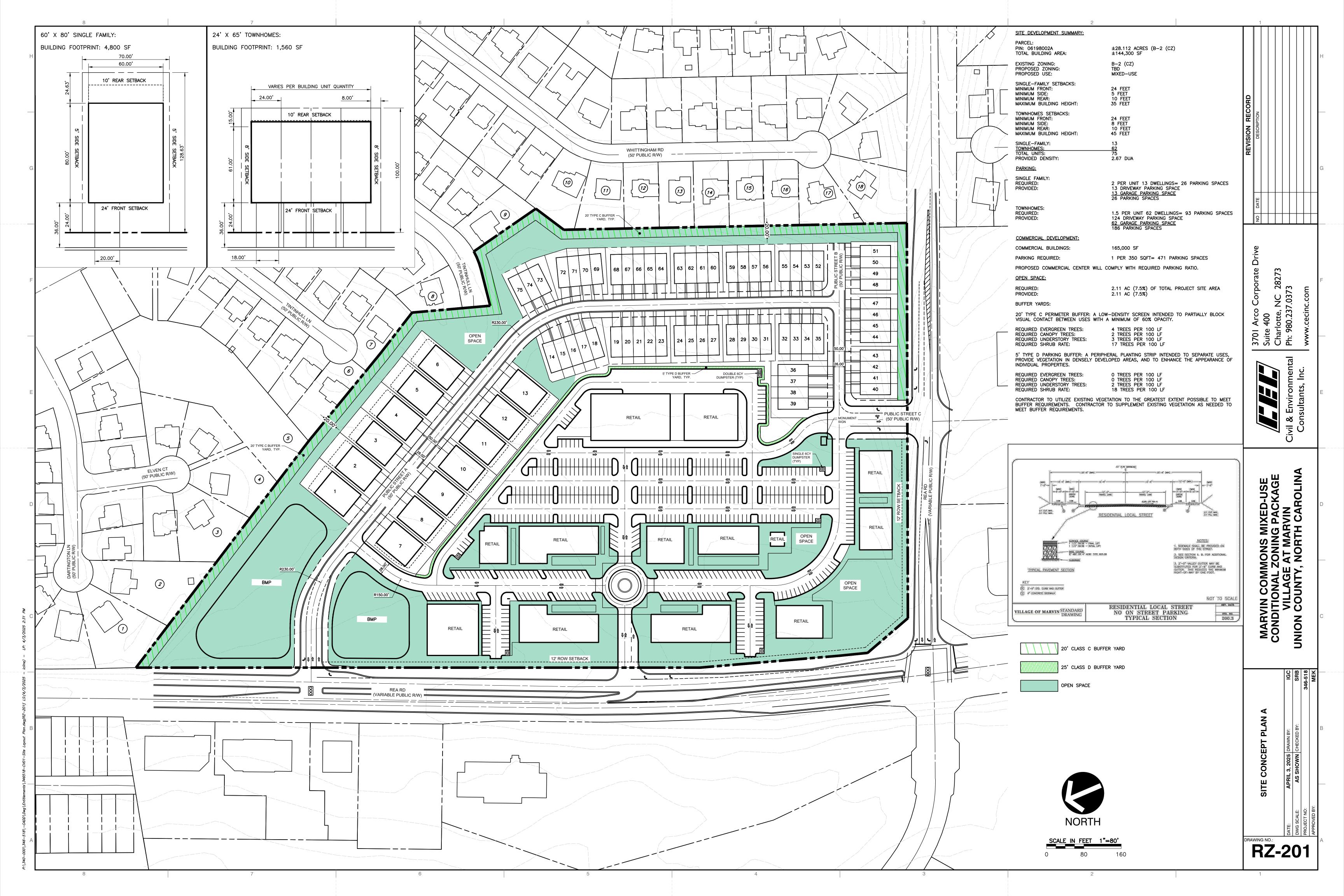
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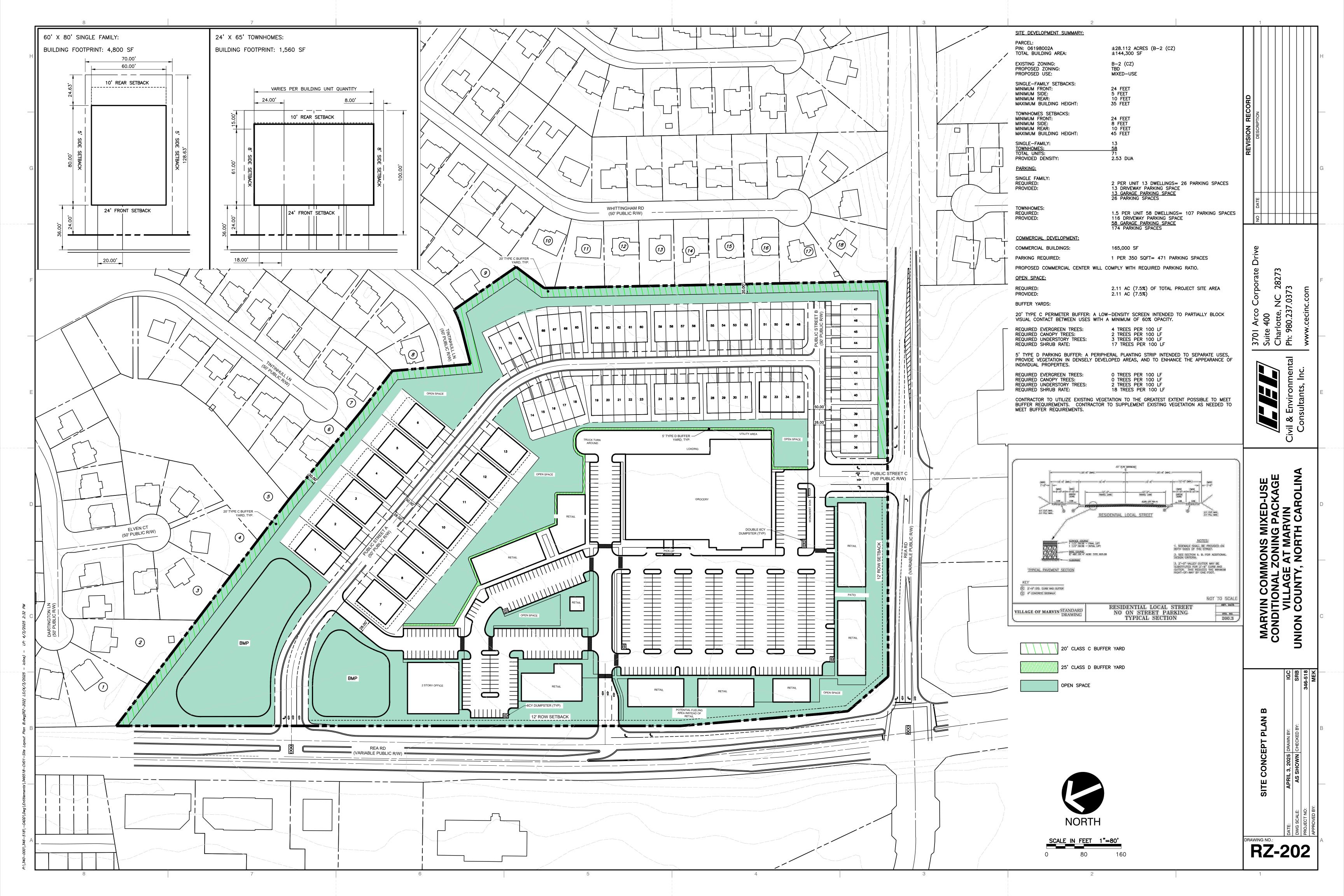


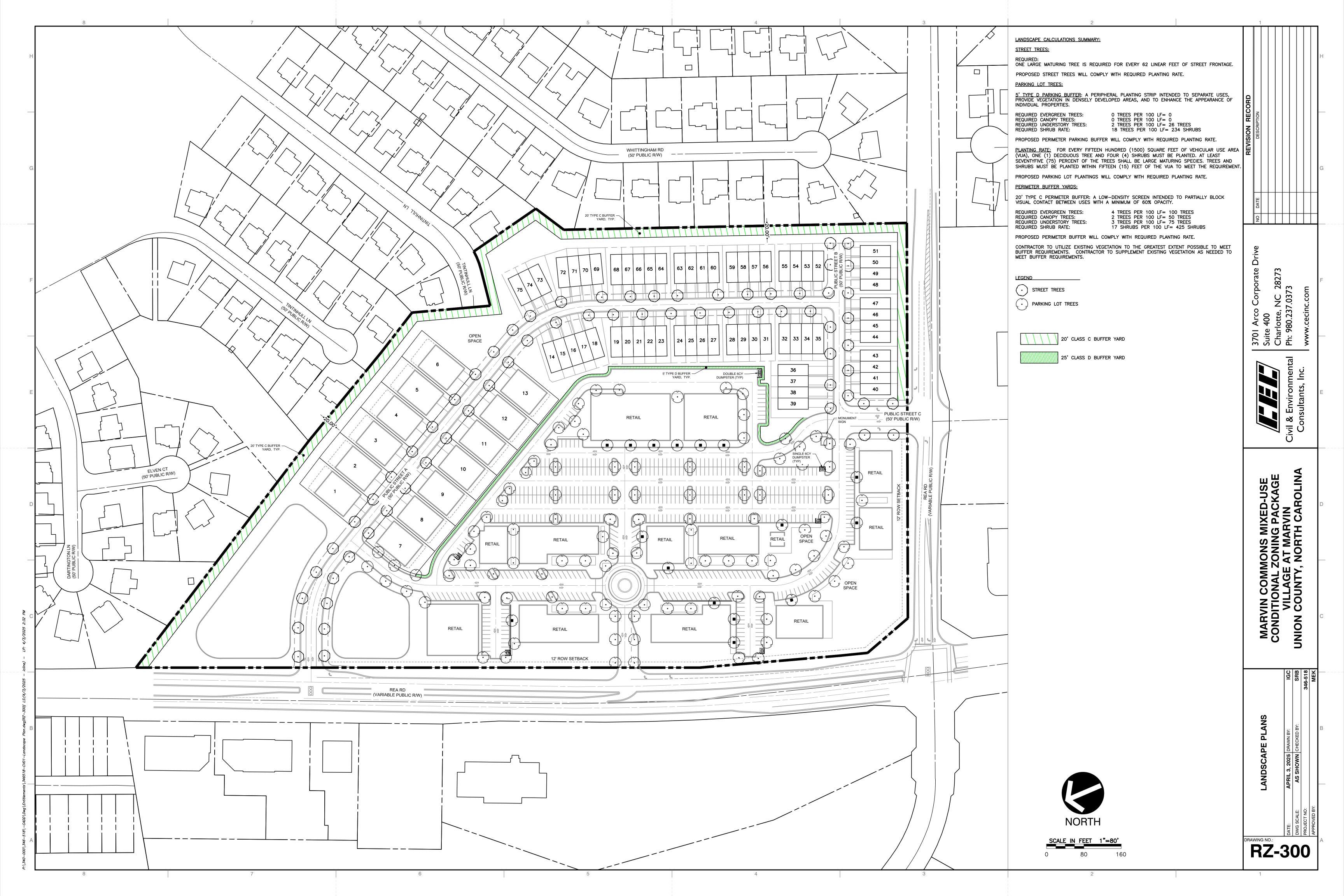
MARVIN COMMONS MIXED-USE CONDITIONAL ZONING PACKAGE VILLAGE AT MARVIN UNION COUNTY, NORTH CAROLINA

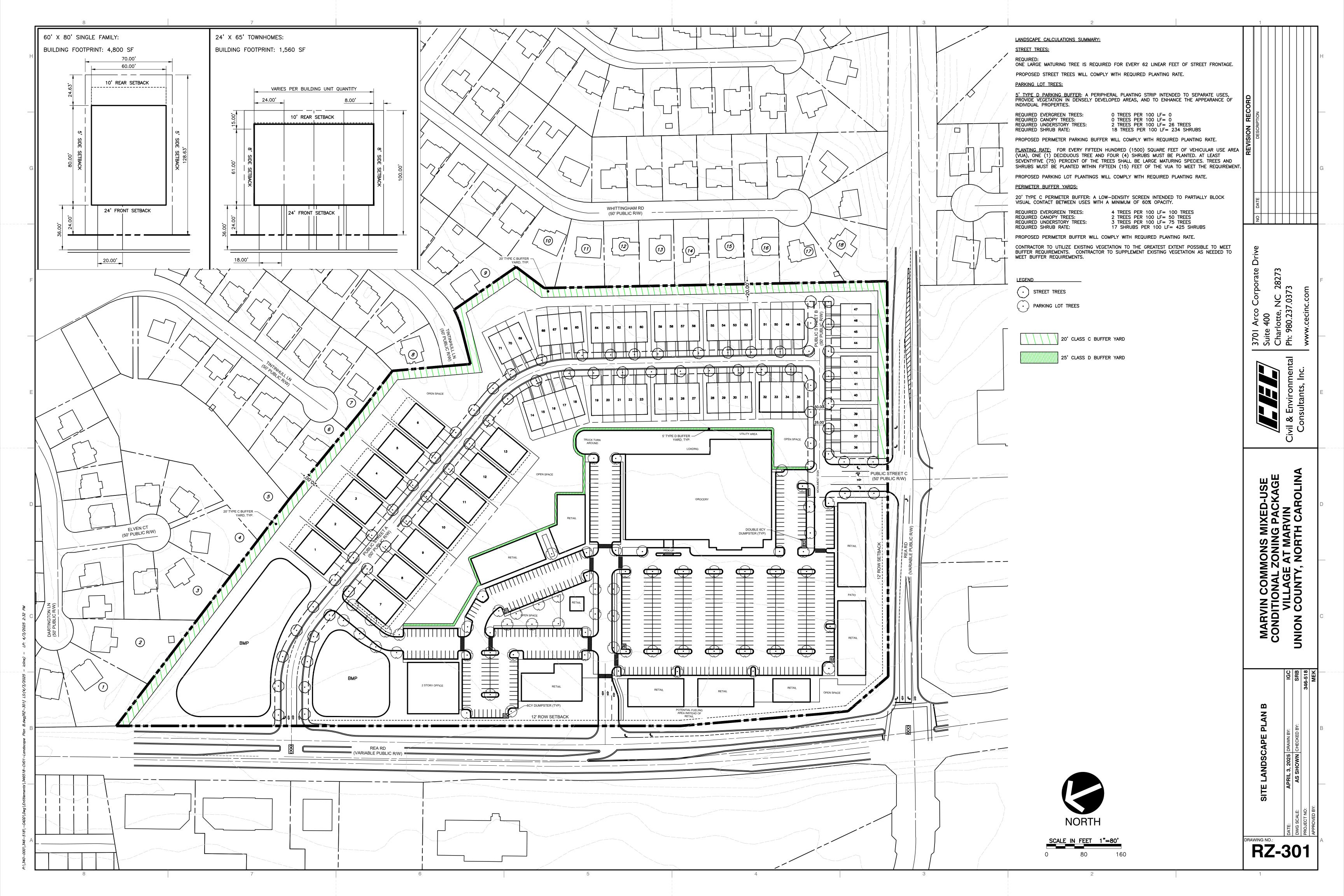
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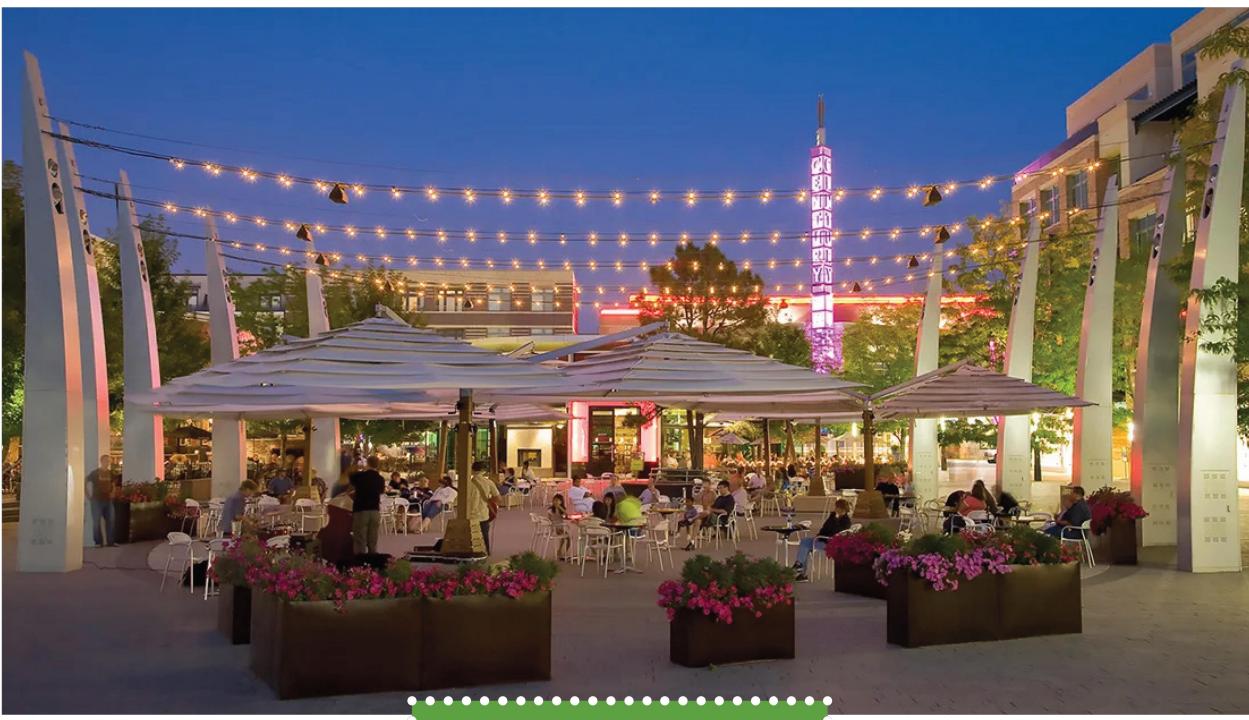
SINGLE-FAMILY ELEVATION

MARVIN C CONDITIO

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LIFESTYLE



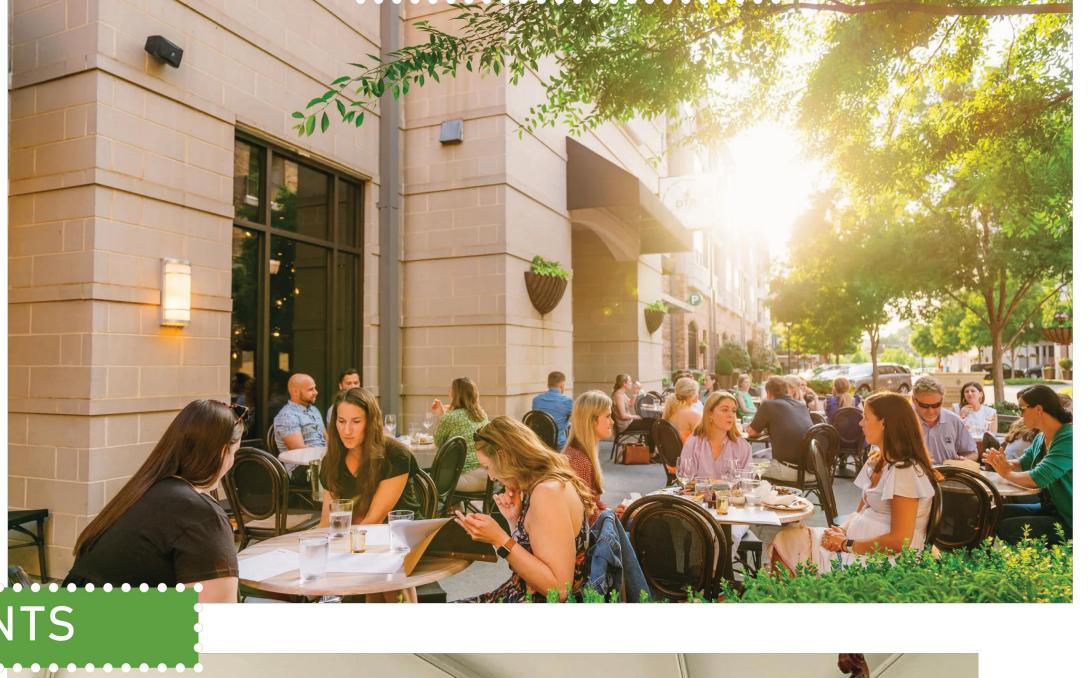




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