



Village of Marvin

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CONTACT:

Hunter Nestor

(704) 843-1680

Planner@Marvinnc.gov

Marvin Development Ordinance FAQ

In April of 2023, the Village of Marvin contracted with N-Focus to develop a Unified Development Ordinance for the Village of Marvin. The Village finds that it is appropriate to update its land development ordinances to:

- (a) Comply with legislative requirements imposed by the state legislature as set forth in North Carolina General Statute 160D.
- (b) Consolidate development regulations into a single document with all regulations related to a specific topic in one place.
- (c) Improve the organization of the regulations to make the ordinances simpler to find and easier to follow.
- (d) To include current best practices and revised development standards.
- (e) To create a more user-friendly ordinance that simplifies terms and creates common language and provides visual graphics that are consistent with the regulations in the MDO.

This Marvin Development Ordinance (“MDO”) is being proposed with the purpose of implementing these objectives. The MDO was prepared to provide more procedural efficiency, process predictability, consistency among regulations, and acknowledgment of a distinctive development pattern in Union County and the Village of Marvin. The MDO will replace the previous Land Use (Chapter 151 including the Marvin Heritage District Form-Based Code) and Subdivision (Chapter 150) chapters in the Marvin Code of Ordinances.

Below is a list of FAQs to recap a few of the MDO highlights and next steps:



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Q: *What has the process been to draft the Marvin Development Ordinance?*

A: The MDO Process Summary is below.

This details the process of developing the MDO.

Initiation and Goals:

- N-Focus, led by Mr. Richard Flowe, began the project in April 2023.
- The process aimed to:
 - Review and update existing zoning and subdivision ordinances.
 - Achieve Marvin's goals in the 2020 Land Use Plan.
 - Address concerns and deficiencies in current regulations.

Planning Board Meetings:

- The MDO was a recurring agenda item from April 2023 to April 2024.
- The structure of the meetings involved:
 - Introducing draft articles (2-5 per meeting, varying in length).
 - Reviewing previously introduced articles for edits and acceptance.

Article Introduction Order:

- Initial articles focused on administrative aspects and mandates.
- "Character" articles were grouped by theme (e.g., signage, landscaping).
- Development-focused articles like subdivision, streets, and open space came later.

Completion and Recommendation:

- By January 2024, all draft articles were presented.
- Final edits were made with input from Village Staff and the Planning Board.
- In April 2024, a clean final version was presented.
- The Planning Board unanimously recommended the MDO and a Statement of Consistency and Reasonableness to the Village Council for adoption.



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Marvin Development Ordinance General Questions

Q: *When will the MDO be adopted?*

A: The Marvin Village Council will hold a legislative public hearing on May 14th, 2024, at 6 PM at Village Hall to consider adoption of the MDO. After the Public Hearing is conducted, the Village Council can then vote to adopt the MDO.

The Mayor and Village Council invite the public to attend a public legislative hearing to learn about the new MDO and to share your comments. Prior to the Public Hearing, the Recommended Planning Board Draft of the MDO is available for Public Inspection at Village Hall during normal business hours. Digital Copies of the Draft can be made available upon request and will be posted to the Village Website ([Link to Draft MDO](#)).

Q: *How much public involvement was allowed during this process? How much is allowed before it is adopted?*

A: Public participation has been a priority throughout the MDO development process over the past year. Here are some ways residents have had the opportunity to be involved:

- **Planning Board Meetings:** The MDO was regularly discussed at Planning Board meetings. Residents could attend these meetings, voice their opinions during public comments, and observe the discussions on draft MDO articles. Recordings and minutes of these meetings are available online for reference:
 - Meeting recordings: [Link to Village YouTube Channel](#)
 - Meeting minutes: [Link to Planning Board Meeting Minutes](#)
- **Council Meetings:** Staff provided regular updates to the Council on the MDO project. Residents could attend these meetings, and voice their opinions to the Village Council during public comment.
- **Coffee with Council:** Residents had bi-monthly opportunities to discuss the MDO directly with elected officials.
- **Contacting Village Staff and Village Council Members:** Residents are always welcome to email or call Village Staff and Village Council to ask questions and discuss the project.



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Upcoming Public Engagement Opportunities:

- **Public Open House:** There's an upcoming open house on May 8th, from 5 PM to 7 PM, at Village Hall. This is a great chance to learn more about the MDO, ask questions, and provide your input before the Council considers adoption.
- **Public Hearing:** The most significant public involvement opportunity is the legislative public hearing scheduled for May 14th, 2024, at 6 PM at Village Hall. Residents are encouraged to attend and directly address the Village Council regarding the MDO before the final vote.

Additional Ways to Stay Informed:

By attending these meetings and reviewing the provided resources, you can gain a comprehensive understanding of the MDO process and its final version. Residents can also contact Village Staff and Village Council members directly to ask questions and share their opinions on the new MDO.

In essence, the MDO development process has actively sought public input through various channels. There are still upcoming opportunities to participate before the MDO is adopted.

Q: When will the new zoning regulations take effect?

A: The changes outlined in the MDO will be implemented **as soon as the MDO is officially adopted** by the Village Council. This is tentatively scheduled to be adopted at the May 14th, 2024, Council Meeting and the MDO will go into effect on May 15th, 2024.

Q: How will current development projects be affected?

A: Projects that already submitted applications for approval under the old zoning ordinance will have a choice:

- **Proceed under the old ordinance:** They can continue the application process and approval according to the regulations in place at the time of application.
- **Transition to the new MDO:** They can choose to follow the guidelines and requirements established in the new MDO.

This right to choose between the old and new regulations is protected by law in North Carolina and is called "**permit choice.**"

In simpler terms, once the MDO is adopted:

- New development projects will need to comply with the MDO's regulations.
- Existing projects with applications submitted before the MDO's adoption can choose between following the old or new regulations.



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Q: Why are the current Ordinances being replaced and not rewritten?

A: The current ordinances, specifically the Land Use (Chapter 151) and Subdivision (Chapter 150) chapters, had several shortcomings:

- **Difficulty in Interpretation:** The existing ordinances were complex and challenging for both village staff to administer fairly and residents to understand.
- **Outdated Policies:** The regulations did not reflect current development needs and best practices.
- **Inconsistent Regulations:** Certain regulations may have contradicted each other, creating confusion during the permitting process.
 - **One Example** of this is current § 151.080 and § 151.081 rear and side setbacks contradict one another yet still apply to the same Zoning District.

Replacing vs. Rewriting:

Instead of a straight rewrite, the village opted to replace the ordinances with a new MDO. This approach offers several advantages:

- **Streamlined Process:** The MDO combines traditional zoning and subdivision regulations with other development guidelines (signage, landscaping, etc.) into one user-friendly document.
- **Improved Organization:** Regulations are grouped based on their impact (e.g., "Character" articles for non-residential areas, "Development" articles for neighborhoods).
- **Clearer Policies:** The MDO incorporates updated policies to address current village goals and concerns raised about the old ordinances.

In essence, the MDO is a comprehensive overhaul designed for better clarity, consistency, and efficiency in the development process.

Validity of the Old Ordinances:

The MDO will replace the previous Land Use (Chapter 151) and Subdivision (Chapter 150) chapters. These sections of the old Marvin Code of Ordinances will no longer be valid once the MDO is adopted.



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General Zoning Questions

Q: What is "Rezoning?"

A: Rezoning is the process of changing the zoning designation of a specific property. Zoning regulations dictate how land can be used within a particular district (residential, commercial, etc.). If a property owner wants to use their land for a purpose not allowed by its current zoning, they can submit a rezoning application which would go through the process outlined in Article 5 and 7 of the MDO and ultimately be voted on by the Village Council.

Q: How Does Rezoning Relate to the MDO?

A: While the MDO establishes the overall development regulations for Marvin, it doesn't eliminate the need for rezoning in specific cases. Article 5 of the MDO outlines the process for requesting rezoning, which typically involves a public hearing and approval by the Village Council.

Q: What is Conventional zoning?

A: Conventional zoning districts are zoning districts in which the development and use of the property is subject to ordinance standards as written, with no additional conditions. Please refer to Article 8 of the MDO on all the conventional zoning districts and the applicable regulations.

Q: What is Conditional zoning?

A: Conditional zoning districts allow development, but with additional rules and conditions beyond the standard ordinance requirements.

- These conditions are negotiated during a formal rezoning process and must be approved by the Village Council.
- Existing conditional zoning **established before the MDO** will remain in effect, including those for the Marvin Heritage District Residential Only section and Individual Conditional Zoning Districts such as Marvin Gardens, Amber Meadows, and the Courtyards at Marvin.

Please refer to Article 8 of the MDO on all the conditional zoning districts and the applicable regulations.



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MDO Article Specific Questions

Q: *What are the new Residential Districts in the MDO?*

A: The MDO establishes two main categories for residential development:

- The **Rural Residential District (RR)** is established to protect lands used for low-density residential uses in traditional rural settings. This includes:
 - **Protecting Low-Density Residential Uses:** This applies to areas with low-density housing, typically found in traditional rural settings.
 - **Accommodating Agriculture:** The district allows for limited agricultural related activities.
 - **Preserving Open Space:** The RR district can also be used to conserve open undeveloped properties within the Village.

These standards on the next page ensure a spacious and rural character for development within the RR District.

Dimensional Standards for the Rural Residential District:

Minimum Lot Size	Minimum Lot Width	Minimum Front Street Setback	Minimum Rear Yard Setback	Minimum Side Yard Setback	Minimum Corner Lot Side Street Setback
2.5 acres	144'	50'	40'	16'	25'

- **Single-Family Residential (SFR):** This category is further divided into three districts (SFR-1, SFR-2, SFR-3) to accommodate different existing development standards within existing single-family home neighborhoods to best fit those existing neighborhoods.
 - Aims to:
 - Complete existing and develop new neighborhoods.
 - Maintain the character of established residential areas.
 - Specific lot size and development requirements vary by SFR district (SFR-1, SFR-2, SFR-3). Please refer to Article 8 of the MDO for details and reference the table on the next page.
- **Please refer to the Draft Zoning Map to see what your property will be zoned per the new MDO. Furthermore, please see the next four (4) FAQ questions on how this relates to your property.**



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Dimensional Standards for the proposed Single Family Residential Districts

	SFR-1	SFR-2	SFR-3
LOT DIMENSIONS			
Minimum Lot Size (gross square feet)	34,900	17,450	11,600
Minimum Lot Width measured at Front Street Setback	130'	72'	60'
PRINCIPAL STRUCTURES			
Minimum Front Street Setback measured from Street Right-of-way	50'	33'	20'
Minimum Rear Yard Setback	40'	30'	20'
Minimum Side Yard Setback	16'	9'	5'
Minimum Corner Lot Side Street Setback measured from Street Right-of-way	25'	21'	17'
ACCESSORY STRUCTURES			
Minimum Front Street Setback measured from Street Right-of-way	102'	73'	60'
Minimum Rear Yard Setback	10'	5'	5'
Minimum Side Yard Setback	10'	5'	5'
Minimum Corner Lot Side Street Setback measured from Street Right-of-way	26.5'	22.5'	18.5'
MINIMUM REQUIRED PARKING, WHETHER ENCLOSED OR NOT			
Minimum Front Street Setback measured from Street Right-of-way	65' or as specified by structure type whichever is greater	36.5'	23.5'
Minimum Corner Lot Side Street Setback measured from Street Right-of-way	47' or as specified by structure type whichever is greater	22.5'	18.5'

Q: Are Zoning Districts Changing?

A: The MDO creates new zoning districts, and most existing properties will be assigned new designations to align with the MDO's regulations. All properties will be placed in a "new" zoning district, but the new designation will be consistent with the purpose and intent of the old ordinance.



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This process was done by:

- **Focus on Existing Conditions:** The MDO prioritizes matching new zoning districts to existing subdivision development conditions rather than solely relying on gross density.
- **Avoiding Non-Conformity:** The goal is to minimize situations where properties do not comply with the new zoning code (non-conformity). This ensures most properties can qualify for mortgages and insurance.

The new zoning names differ from the old ones (e.g., "R" and "RUC" become RR, SFR-1, SFR-2, SFR-3 based on factors like existing lot size and setbacks).

This aims to create more uniform regulations within existing subdivisions. **In essence, the update should not significantly change how you can use your property.** The MDO primarily aims to create a more organized and consistent zoning system for the village.

It's important to note:

- The specific details of your new zoning district (e.g., RR, SFR-1 or SFR-2) might influence regulations like minimum lot size or setbacks. However, **these are likely to be similar to your current zoning and platted minimum lot regulations for your subdivision.**
- For a complete understanding of the regulations within your new district, you might need to consult Article 8 of the MDO (as mentioned in previous summaries about SFR districts).

If you have concerns about how the new zoning might affect your property, it is always recommended to contact the Village Planning and Zoning Director or refer directly to the MDO for detailed information.

Q: Why are some Established Neighborhoods proposed to be Zoned SFR-3?

A: The MDO aims to minimize situations where properties do not comply with the new zoning code. In some cases, like Weddington Chase, zoning based solely on gross density would not reflect the reality of existing lot sizes and setbacks. For this specific example, the SFR-3 designation ensures most properties remain compliant, does not create non-conformities, and acknowledges the already developed nature of the neighborhood.

Q: What about Undeveloped Land?

A: Large undeveloped areas will mostly be zoned Rural-Residential (RR). This ensures further development in these areas requires rezoning approval from the Village Council, allowing for more control over future land use patterns.



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Q: *Why are there so many new zoning districts with uses not in the old zoning?*

A: The MDO intentionally creates new districts for various uses not previously seen in Marvin. This approach offers several benefits:

- **Clearer Interpretation:** The new districts categorize specific uses more precisely, preventing ambiguity and misinterpretations in the zoning code.
- **Protection from Unwanted Development:** By requiring certain uses to be located in designated districts, the MDO safeguards Marvin from unexpected development. Previously, some uses might have been eligible simply because the old zoning wasn't clear enough.
- **Proactive Planning:** The MDO establishes districts for potential future uses, taking a proactive stance. This ensures any future development requiring a specific use will need to go through the rezoning process if it doesn't fit within an existing district.

In essence, the MDO uses these new districts as a preventative measure. By clearly defining where specific uses can go, the village can exert greater control over future development and ensure it aligns with the community's vision.

Q: *Why are there so many new development regulations in the MDO?*

A: The MDO establishes clear, written standards for new development projects. This is because the previous system relied heavily on the judgment of the Planning Board and Village Council when reviewing project designs. This approach had drawbacks:

- **Inconsistency:** Decisions made on a case-by-case basis could lead to inconsistencies in design requirements across different projects.
- **Defensibility:** Vague or subjective criteria might make it difficult to defend decisions if challenged.

The MDO addresses these issues by:

- **Written Standards:** The ordinance clearly outlines what's expected of new development projects in writing. This reduces ambiguity and ensures everyone understands the requirements.
- **Consistent Application:** Written standards promote consistent enforcement of development regulations. This strengthens the Village's ability to uphold high design standards and protect the character of Marvin.

In simpler terms, the MDO replaces a system based on individual judgments with clear, written rules. This promotes consistency, fairness, and ultimately, protects the unique character of Marvin.



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Q: *What is the table of listed uses, and why is it important?*

A: The table of listed uses, found in Article 8 (Use Table 8.1) of the MDO, is a crucial component of the zoning code. It clearly defines:

- **Permitted Uses:** Which uses are allowed in each zoning district.
 - If a specific use is not listed in a district's table, it's not permitted in that area and would have to require either a text amendment or a rezoning to an applicable district. Both would require Village Council approval as outlined in Article 5 and 7 of the MDO.
 - Please refer to Article 8 (Use Table 8.1) to see what uses are permitted in what district.

Types of Listed Uses:

The table uses symbols to indicate different categories of permitted uses:

- **"L" (Listed Use):** This signifies a standard permitted use within the district.
- **"A" (Use Listed with Additional Standards):** This indicates a use that requires meeting additional regulations beyond the basic zoning code. These extra requirements are detailed in Section 10.1 of the MDO.
- **"S" (Special Use):** This symbol denotes a use that requires approval through a special use permit process outlined in Section 10.2 of the MDO.

Importance of the Use Table:

The Use Table promotes clarity and predictability in zoning regulations. By clearly stating which uses are allowed in each district, it helps:

- Property owners understand what they can and cannot do with their land.
- Developers plan projects that comply with zoning regulations.
- The Village enforces the zoning code consistently.

Q: *Why control permitted uses?*

A: By regulating what uses are allowed in each zoning district, the MDO aims to:

- **Maintain Character:** Ensure that development within a district aligns with its intended purpose and protects the overall character of the village.
- **Prevent Unwanted Development:** Prevent uses that might be disruptive or incompatible with existing development patterns.

The Use Table provides clarity and predictability for both residents and developers by clearly outlining what types of development can occur in different areas of Marvin.



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Q: *Will there be townhomes built in Marvin?*

A: The MDO allows Attached Single-Family Dwellings (townhomes) in **certain zoning districts** (refer to the Use Table in Article 8.1 of the MDO for details). However, there's an important caveat:

- **No properties will be zoned to allow townhomes** upon initial adoption of the MDO.

This means that any future development project proposing townhomes would require going through the rezoning process. This process involves:

- **Public Input:** There would be opportunities for public involvement and discussions about the proposed development.
- **Village Council Approval:** The Village Council would have the final say on whether to approve the rezoning for townhomes.

The text also offers additional information about townhomes:

- **Architectural Style:** The description mentions traditional southern homes and emphasizes integration with the existing character of the neighborhood.
- **Design Considerations:** Townhome design should consider factors like frontage, building materials, and location on the site.

In essence:

The MDO does not automatically allow townhomes anywhere in Marvin. Future townhome development would require rezoning with adequate public input and Village Council approval.