



#OR-96-02-02

Village of Marvin

Subdivision Ordinance

*As reviewed by the North Carolina League of Municipalities
January 1996*

Contains revisions through October 22, 2004

- Amended 3/8/05 – Article I, sections 16 & 18; Article III, sections 1 & 2; Article VI, section 1; Article VII, section 4; Article VIIA, sections 5 & 6; Article VII, section 1; Article XII, sections 1 & 2
- Amended 5/10/05 – Article VIIA, section 6; Article V, section 7
- Amended 2/14/06 – Article I, section 2 and 13 Article III, section 5; Article IV, section 5; Article V, section 2; Article XII
- Amended 2/14/06 – Amend all references to “Preliminary Plats or Plans” to read “Sketch Plans” and all references to “Construction Plats or Plans” to read “Preliminary/Construction Plats”
- Amended 5/9/06 – Article IV, sections 3 and 7
- Amended 9/12/06 – Article IV, section 5(5) and section 7(4)
- Amended 12/19/06 – Article V, section 7
- Amended 3/13/07 – Article II, section 3; Article III, sections 2, 3, 5; Article VIIA, section 3
- Amended 6/12/07 – Article V, new section 9
- Amended 9/11/07 – Article III, sections 2(2) and 3(3); Article VIIA, section 5; Article VIIB, section 1(2), Article XII
- Amended 2/12/08 – Article I, section 17; Article V, section 7(2)(a)(3)(b)
- Amended 4/8/08 – Article I, section 13
- Amended 12/9/08 – Article I, section 17; Article III, sections 2(2), 3(3) and 5(4); Article VIIA, sections 1(2), 2(2) and 5
- Amended 6/9/09 – Article V, section 9

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APPENDIX B – SUBDIVISIONS
SUBDIVISION ORDINANCE
VILLAGE OF MARVIN, NORTH CAROLINA

An Ordinance establishing procedures and standards for the development and subdivision of real estate and for the surveying and platting thereof; Defining certain terms used herein; Providing for the method of administration and amendment; Requiring the installation of certain improvements; Providing penalties for violations; Repealing conflicting ordinances and for other purposes.

WHEREAS, N.C.G.S. 160A-371 et seq. provides for the municipal regulation of the subdivision of land; and

WHEREAS, the Village Council of the Village of Marvin, North Carolina, finds it necessary to enact subdivision regulations for the purposes as set forth in said enabling legislation;

NOW, THEREFORE, BE IT ORDAINED by the Village Council of the Village of Marvin, North Carolina:

Section [I. Adoption.] That the Subdivision Ordinance shall be as follows:

ARTICLE I
GENERAL PROVISIONS

Section 1 Short Title

This Ordinance shall be known and may be cited as the “Subdivision Ordinance of the Village of Marvin, North Carolina.”

Section 2 Purpose

The purpose of this Subdivision Ordinance is to establish procedures and standards for the development and subdivision of land within the corporate limits of the Village of Marvin. It is further designed to provide for the orderly growth and development of the Village, for the coordination of transportation networks and utilities within proposed subdivisions, with existing or planned streets and highways, and with other public facilities; for the dedication or reservation of recreation areas serving residents of the immediate neighborhood within the subdivision and of rights-of-way or easements for street and utility purposes; to protect floodplains and wetlands; and for the distribution of population and traffic in a manner that will avoid congestion and overcrowding and will assure conditions that substantially promote the public’s health, safety and general welfare. This Ordinance is designed to further facilitate adequate provision of water, sewer, schools, parks and greenways, and also to facilitate the further re-subdivision of larger tracts into smaller parcels of land.

Section 3 Authority

The enactment of this Ordinance is authorized under provisions pursuant to G.S. 160A-371 et seq.

Section 4 Jurisdiction

This Ordinance shall govern the platting and recording of any subdivision of land lying within the Village of Marvin and the Village's extraterritorial jurisdictional area as shown on the official zoning map of the Village of Marvin.

Section 5 Application of Ordinance

This Ordinance is applicable to all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development whether immediate or future and shall include all divisions of land involving the dedication of a new street or a change in existing streets, except as permitted in Section 6 below.

Section 6 Exceptions

The following shall not be included nor be subject to the regulations enacted pursuant to this Ordinance:

1. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the Village of Marvin as prescribed herein;

2. The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved;
3. The public acquisition by purchase of strips of land for the widening or opening of streets;
4. The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the Village of Marvin as prescribed herein;
5. The division of a cemetery into gravesites.

Section 7 Plats Required for Subdivision

Prior to the subdivision of a tract or parcel of land, a plat shall be prepared and approved pursuant to the provisions of this Ordinance. No plat shall be required for a division of land under an exception listed in Section 6.

Section 8 Prerequisite to Plat Recordation

The recorder shall not file or record a plat of land within the jurisdiction of this Ordinance unless the appropriate certificates of approval are present and executed.

Section 9 Exceptions

1. Plats not subject to the provisions of this Ordinance may be recorded provided the owner desiring to record such plats shall obtain a certificate of exception from the Zoning Administrator and shall present such certification to the recorder as proof the exception condition is present.

2. Certificate of Exception

I (we) hereby certify that I am (we are) the owner(s) of the property shown and described hereon, which was conveyed to me (us) by deed recorded in Book _____, Page _____, and that said property qualifies as an exception to the Subdivision Ordinance of Marvin, North Carolina.

_____ Date _____
 Owner(s)

_____ Date _____
 Zoning Administrator
 Village of Marvin

Section 10 Permits Not Issued

No administrative agent of the Village shall issue any permit for the construction of any building, approval of electrical installation, or other improvements requiring a permit, upon any land for which a subdivision plat is required unless and until the requirements of this Ordinance have been complied with and approval granted in accordance with this Ordinance.

Section 11 Streets Not Maintained

No street shall be recommended for maintenance by the Village nor by the North Carolina State Department of Transportation upon any land for which a plat is required, unless and until the requirements of this Ordinance have been complied with and approval granted in accordance with this Ordinance.

Section 12 Approval of the Subdivision of Land Not to Constitute Acceptance of Streets, etc.

The approval of a subdivision plat pursuant to this Ordinance shall not be deemed to constitute or affect the acceptance of the Village of Marvin, the North Carolina State Department of Transportation, or other public agency of the dedication of any street, utility line, or other public facility site shown on the plat.

Section 13 Enforcement and Penalties for Violation

After the effective date of this Ordinance, any person who, being the owner or agent of the owner of any land located within the Village of Marvin, thereafter subdivides his land in violation of this Ordinance or transfer or sells land by reference to, exhibition of, or any other use of a plat showing a subdivision of the land before the plat has been properly approved under the terms of this Ordinance and recorded in the Union County Register of Deeds Office, shall be in violation of this Ordinance.

Notwithstanding, the provisions of this Ordinance shall not prohibit any owner or its agent from entering into contracts to sell or lease by reference to an approved preliminary/construction plat for which a final plat has not yet been properly approved or recorded with the Register of Deeds, provided the contract does all of the following:

1. Incorporates as an attachment a copy of the preliminary/construction plat referenced in the contract and obligates the owner to deliver to the buyer a copy of the recorded plat prior to closing and conveyance.
2. Plainly and conspicuously notifies the prospective buyer or lessee that a final subdivision plat has not been approved or recorded at the time of the contract, that no governmental body will incur any obligation to the prospective buyer or lessee with respect to the approval of the final subdivision plat, that changes between the preliminary/construction and final plats are possible, and that the contract or lease may be terminated without breach by the buyer or lessee if the final recorded plat differs in any material respect from the preliminary/construction plat.
3. Provides that if the approved and recorded final plat does not differ in any material respect from the plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than five days after the delivery of a copy of the final recorded plat.
4. Provides that if the approved and recorded final plat differs in any material respect from the preliminary/construction plat referred to in the contract, the buyer or lessee may not be required by the seller or lessor to close any earlier than fifteen (15) days after the delivery of the final recorded plat, during which fifteen (15) day period the buyer or lessee may terminate the contract without breach or any further obligation and may receive a refund of all earnest money or prepaid purchase price.

The provisions of this Ordinance shall not prohibit any owner or its agent from entering into contracts to sell or lease land by reference to an approved preliminary/construction plat for which a final plat has not been properly approved or recorded with the register of deeds where the buyer or lessee is any person who has contracted to acquire or lease the land for the purpose of engaging in the business of construction of residential, commercial, or industrial buildings on the land, or for the purpose of resale or lease of the land to persons engaged in that kind of business, provided that no conveyance of that land may occur and no contract to lease it may become effective until after the final plat has been properly approved under the subdivision ordinance and recorded with the Register of Deeds.

Any person, firm or corporation violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and shall be fined an amount not to exceed five-hundred dollars (\$500) and/or imprisoned for a period not to exceed thirty (30) days. Each day of violation shall be deemed a separate offense, provided that the violation of this Ordinance is not corrected within ten (10) days after notice of said violation is given. If that same violation of the Ordinance is corrected, but then subsequently repeated within ten (10) days of the original offense, then it shall be deemed an uncorrected violation of this Ordinance, subject to enforcement.

1. In addition to the other remedies cited in this Ordinance for the enforcement of its provisions, and pursuant to N.C.G.S. Sections 160A-175, 160A-365, 160A-375 and 160A-389, the regulations and standards in this Ordinance may be enforced through the issuance of civil penalties by the Zoning Administrator.

Subsequent citations for the same violation may be issued by the Zoning Administrator if the offender does not correct the violation within three (3) days (except as otherwise provided in a warning situation) after it has been issued unless the offender has sought an appeal to the actions of the Zoning Administrator through the Board of Adjustment.

The following penalties are hereby established:

Warning Citation	Correct Violation within ten (10) days
First Citation	\$50.00
Second Citation for Same Offense	\$100.00
Third Citation for Same Offense	\$300.00
Fourth and Subsequent Citations (for same offense)	\$500.00 for each day

If the offender fails to pay penalties that have been cited within five (5) days after the offender has been cited, the Village may recover the penalties in a civil action in the nature of debt.

2. Any provision of this Ordinance may also be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction. In such case, the General Court of Justice shall have jurisdiction to issue such orders as may be appropriate, and it not be a defense to the application of the Village for equitable relief that there is an adequate remedy at law.
3. Any provision of this Ordinance that makes unlawful a condition existing upon or use made of real property may be enforced by injunction and order of abatement, and the General Court of Justice shall have jurisdiction to issue such orders. When a violation of such provision occurs, the Village may apply to the appropriate division of the General Court of Justice for a mandatory or prohibitory injunction and order of abatement commanding the defendant to correct the unlawful condition upon or cease the unlawful use of property. The action shall be governed in all respects by the laws and rules governing civil proceedings, including the Rules of Civil Procedure in general and Rule 65 in particular.

In addition to an injunction, the court may enter an order of abatement as a part of the judgment in the cause. An order of abatement may direct that buildings or other structures on the property be closed, demolished or removed; that fixtures, furniture or other movable property be

removed from buildings on the property; that improvements or repairs be made; or that any other action be taken that is necessary to bring the property into compliance with this Ordinance. If the defendant fails or refuses to comply with an injunction or with an order of abatement within the time allowed by the court, he may be cited for contempt, and the Village may execute the order of abatement. The Village shall have a lien on the property for the cost of executing the order of abatement in the nature of a mechanic's and materialman's lien. The defendant may secure cancellation of an order of abatement by paying all costs of the proceedings and posting a bond for compliance with the order. The bond shall be given with sureties approved by the appropriate Clerk of Superior Court in an amount approved by the judge before whom the matter is heard and shall be conditioned on the defendant's full compliance with terms of the order of abatement within a time fixed by the judge. Cancellation of an order of abatement shall not suspend or cancel an injunction issued in conjunction therewith.

4. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring land shall not exempt this transaction from such violation. The Village through its attorney or other official designated by the Village Council may enjoin an illegal subdivision, transfer or sale of land by action for injunction. Further, violators of this Ordinance shall be subject, upon conviction, to fine and/or imprisonment as provided by N.C.G.S. 14-4.
5. The Zoning Administrator shall not issue zoning permits for property that has been subdivided in violation of this Ordinance, for so long as the violation remains uncorrected.
6. The above remedies are cumulative, and the Village may pursue any or all of the same at its discretion. Each day that the violation exists shall constitute a separate and distinct offense.

Section 14 Compliance with Zoning Ordinance

All subdivisions (and lots created within such subdivisions) authorized and developed within the jurisdiction of the Village of Marvin shall comply with the regulations of the Zoning Ordinance of the Village of Marvin for the district in which it is located. In the case of a conflict between the standards required for development in this Ordinance and the Zoning Ordinance, the more restrictive standard shall apply. Any special exception (conditional uses) necessary to allow subdivision of property shall be obtained as provided for in that ordinance prior to the approval of the sketch plan.

Section 15 Separability

Should any Section or provisions of this Ordinance be for any reason held void or invalid, it shall not affect the validity of any other Section or provision hereof which is not itself held void or invalid.

Section 16 Effective Date

This Ordinance shall take effect and be in force from and after its adoption by the Village Council of the Village of Marvin this 13th day of February 1996.

This Ordinance was revised and adopted by the Village of Marvin Village Council the ____ day of _____, 20__.

Section 17 Amendments Procedure

This Ordinance may be amended from time to time by the Village Council as provided by N.C.G.S. 160A-364, but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Village Planning Board for review and recommendation. The Planning Board shall have sixty (60) days from the day they first met to review the proposed amendments to submit its recommendation. The sixty (60) days may be extended by the Village Council upon request of the Planning Board. If the Planning Board fails to submit a recommendation within the specified time, it shall have been deemed to have approved the amendment.

Section 18 Validity

Should the courts declare any section or provision of this Ordinance to be unconstitutional or invalid such declaration shall not affect the Ordinance as a whole, or any other part thereof other than the part so declared to be unconstitutional or invalid.

**ARTICLE II
ADMINISTRATION**

Section 1 Administration

This Ordinance shall be administered by the Zoning Administrator (or his/her designee).

Section 2 Zoning Administrator

This Ordinance shall be administered by the Zoning Administrator who shall be appointed by the Village Council. The Zoning Administrator is hereby authorized and it shall be in his/her power and duty to implement the provisions of this Ordinance. He/she shall be responsible for conferring with subdivider, reviewing plans and plats of land subdivisions, coordinating and collaborating on plans and plats, and making field investigations and final inspection of all improvements prior to submission of final plats to the Village Council.

Section 3 Minor Subdivision Approval

Minor subdivisions, as defined in Article XII Definitions, may be submitted through abbreviated procedure. A subdivider may submit a general sketch plan to the Zoning Administrator to be determined if the proposed subdivision meets the definition of a minor subdivision. If the Zoning Administrator determines that the proposed subdivision is a minor subdivision and the sketch plan does conform to the requirements and standards of this Ordinance, the Zoning Administrator is authorized to allow the subdivider to prepare a final plat to be submitted as stated in Article III, Section 5.

Plans which are not approved may be revised and resubmitted or follow the standard procedure for subdivision review. All revisions and corrections required by the Village of Marvin, other county or state agencies, or revisions proposed by the developer shall be clearly identified on the plans and resubmitted to the Subdivision Administrator for review.

ARTICLE III
PROCEDURE FOR SECURING APPROVAL FOR SUBDIVISIONS

Section 1 Preapplication Conference

The subdivider shall meet with the Zoning Administrator in a preapplication conference to discuss informally the provisions of this Ordinance and subdivision of land contemplated by the subdivider.

Section 2 Sketch Plan Submittal

NOTE: Subdivisions that are located on less than ten (10) acres of land may be developed as small tract 'conventional' subdivisions and shall follow the rules shown herein for securing Sketch Plan approval. An applicant may choose to develop such a subdivision to large tract subdivision standards. If so, the procedures shown in Article VIIA of this Ordinance shall be followed for Sketch Plan approval.

The subdivider shall submit ten (10) copies of the sketch plan to the Zoning Administrator. This submission shall be prepared in accordance with the provisions of this Ordinance. Any sketch plan shall not be deemed complete unless accompanied by a fee, as contained in the most recently adopted version of the Village's Subdivision Fee Schedule. In addition, the Village shall be reimbursed by the subdivider for all costs associated with the Village's engineering and/or consulting services with respect to review of the sketch plan prior to sketch plan approval. All revisions and corrections required by the Village of Marvin, other county or state agencies, or revisions proposed by the developer shall be clearly identified on the plans and resubmitted to the Subdivision Administrator for review.

The procedure for securing approval of a sketch plan is as follows:

1. The Zoning Administrator shall, where applicable, request review of the sketch plan by those state and county agencies which have jurisdiction in the area.
2. The Zoning Administrator shall submit the sketch plan to the Planning Board for their review and recommendation. The Planning Board shall be required to make a recommendation on the sketch plan within sixty (60) days after the date at which the Planning Board first met to review the plat. The sixty (60) days may be extended upon request by the Village Council upon request of the Planning Board. If the Planning Board fails to make a recommendation within this time period, the subdivider may seek approval of the sketch plan at the next regularly scheduled Village Council meeting without a recommendation from the Planning Board.
3. If the Planning Board conditionally disapproves the sketch plan, the reasons for such action shall be stated in writing and reference shall be made to the specific sections of the Ordinance with which the sketch plan does not comply. Correction of references shall be included in the sketch plan before it is submitted to the Village Council for review.
4. Approval of the sketch plan shall be obtained from the Village Council. If the Village Council disapproves the sketch plan, the reasons for such actions shall be stated in the minutes of the Village Council and reference shall be made to the specific section(s) of the Ordinance with which the sketch plan does not comply.

5. Action of the Village Council shall be affixed to the sketch plan as shown in Article VII, Section 4. One print shall be retained by and become a permanent record of the Zoning Administrator. The approval of the sketch plan shall become null and void within one year unless the subdivider or his/her representative shall have prepared and submitted for approval the preliminary/construction Plat as required by this Ordinance or shall have applied for and received an extension of time from the Planning Board.

If no street right-of-way or reservation is involved and no street improvements are required to be made by the subdivider according to the provisions of this Ordinance, the Zoning Administrator may waive the requirements for the sketch plan.

The Zoning Administrator, after approval, shall advise the subdivider of the provisions of this Ordinance pertaining to the proposed subdivision and the procedures to be followed in the preparation and submission of the preliminary/construction plat.

Section 3 Preliminary/Construction Plat Submittal

The approval of the sketch plan by the Village Council shall be a prerequisite to the submittal of a preliminary/construction plat, unless the Zoning Administrator waived this action. Approval of the preliminary/construction plat by the Village Council shall be a prerequisite to the issuance of a statement of authorization for the developer to install the required improvement in the proposed subdivision as required by the Village Council.

The subdivider shall submit ten (10) copies of the preliminary/construction plats for required street and community utility improvements to the Zoning Administrator. The Zoning Administrator shall have the authority to change the number of submitted copies. This submission shall be prepared in accordance with the provisions of this Ordinance. Any preliminary/construction plat submitted shall not be deemed complete unless accompanied by a fee, as contained in the most recently adopted version of the Village of Marvin Subdivision Fee Schedule. In addition, the Village shall be reimbursed by the subdivider for all costs associated with the Village's engineering and/or consulting services with respect to review of the preliminary/construction plat prior to preliminary/construction plat approval. All revisions and corrections required by the Village of Marvin, other county or state agencies, or revisions proposed by the developer shall be clearly identified on the plans and resubmitted to the Subdivision Administrator for review.

The procedure for securing approval of a preliminary/construction plat is as follows:

1. A preliminary/construction plat shall be in conformity with an approved sketch plan unless the Zoning Administrator has waived the sketch plan or the required change to the sketch plan has been incorporated in the preliminary/construction plat.
2. The Zoning Administrator shall, where applicable, request review of the preliminary/construction plat by those state and county agencies that have a jurisdiction in the area being developed.
3. The Zoning Administrator shall submit the preliminary/construction plat to the Planning Board for their review and recommendation. The Planning Board shall be required to make a recommendation on the preliminary/construction plat within sixty (60) days after the date at which the Planning Board first met to review the plat. The sixty (60) days may be extended upon request by the Village Council upon request of the Planning Board. If the Planning Board fails to make a recommendation within this time period, the subdivider may seek approval of the preliminary/construction plat at the next regularly scheduled Village Council meeting without a recommendation from the Planning

Board.

4. Approval of the preliminary/construction plat shall be obtained from the Village Council. If the Village Council disapproves the preliminary/construction plat, the reasons for such actions shall be stated in the minutes of the Village Council and reference shall be made to the specific section(s) of the Ordinance with which the preliminary/construction plat does not comply.
5. Action of the Village Council shall be affixed to the preliminary/construction plat as shown in Article VIII, Section 1.1.a. Two prints shall be retained by and become a permanent record of the Village of Marvin, one for the Village Clerk, one for the Zoning Administrator. The approval of the preliminary/construction plat shall become null and void within one year unless the subdivider or his representative shall have prepared and submitted for approval the final plat as required by this Ordinance or shall have applied for and received an extension of time from the Village Council. If no street right-of-way or reservation is involved and no street improvements are required to be made by the subdivider according to the provisions of this Ordinance, the Zoning Administrator may waive the requirements for the preliminary/construction plat.

Section 4 Authorization to Install Improvements

No improvement shall be installed until the Village Council has approved the preliminary/construction plat. When the preliminary/construction plat has been approved, a statement of authorization to install improvements shall be lettered, stamped or otherwise included on the preliminary/construction plat. This statement shall be as follows:

Authorization to install improvements

The subdivider or developer is hereby granted permission to install the improvements shown on this plat. All installation shall be done as shown on this plat. Any changes or alterations from this plat shall be approved by the Zoning Administrator prior to their installation.

Zoning Administrator
Village of Marvin, North Carolina

Date _____

Section 5 Final Plat Submittal

The subdivider shall submit ten (10) copies of the final plat to the Zoning Administrator. This submission shall be prepared in accordance with the provisions of this Ordinance. No final plat shall be deemed complete unless accompanied by a fee, as contained in the most recently adopted version of the Village's Subdivision Fee Schedule. In addition, the Village shall be reimbursed by the subdivider for all costs associated with the Village's engineering and/or consulting services with respect to review of the final plat prior to final plat approval. All revisions and corrections required by the Village of Marvin, other county or state agencies, or revisions proposed by the developer shall be clearly identified on the plans and resubmitted to the Subdivision Administrator for review.

Final plats shall contain or be accompanied by all the information outlined in Article IX. Furthermore, the final plat for any large tract subdivision shall also include the following:

1. An Existing Resources and Site Analysis Plan shall be submitted if it differs with that which was submitted for sketch plan approval.

2. The Maintenance Plan and Maintenance Agreement that show how all conservation lands will be owned and managed in accordance with Section 5.2.9 of the Marvin Zoning Ordinance.
3. All conservation lands depicted on the final plat shall be recorded at the Union County Register of Deeds in their entirety concurrent with the initial recordation of the final plat. Such recordation shall take place within seven (7) days of final plat approval.
4. Prior to the issuance of any zoning permits for lots located within the subdivision, the conservation easement shall be recorded and deeded to either the Homeowners Association, Conservation Organization, and/or other easement holders as specified in the Maintenance Plans and Maintenance Agreement as described in Section 5.2.9 of the Marvin Zoning Ordinance. Proof of such recordation shall be required prior to the issuance of any zoning permits.

No final plat shall be approved until all improvements are installed or their execution guaranteed as set forth in this Ordinance and all certificates required on final plats by this Ordinance have been properly completed and signed.

The procedure for securing approval of a final plat is as follows:

1. A final plat shall be in conformity with an approved sketch plan and preliminary/construction plat unless the plat(s) have been waived by the Zoning Administrator.
2. The Zoning Administrator shall, where applicable, request review of the final plat by those state and county agencies that have a jurisdiction in the area being developed.
3. Approval of the final plat shall be obtained from the Village Council. If approved, action by the Village Council shall be noted on the original tracing and on three prints of the final plat. One print and the original shall be returned to the subdivider and one print shall be filed with the Village Clerk. The third print shall become a permanent record of the Zoning Administrator.
4. Developer/Owner shall submit to the Subdivision Administrator mylars of the final plat approved by the Village Council within five (5) days of Council approval. The Subdivision Administrator will have fifteen (15) days thereafter to review the mylars to be signed by the Mayor and recorded at the Union County Register of Deeds.
5. A disk or tape copy of the final plat shall be submitted to the Village prior to the signing of the mylars in a format compatible to the Union County/Village of Marvin GIS system. If this cannot be supplied, expenses will be charged to the developer for the service to be completed by the Village plus fifteen (15) percent.

ARTICLE IV
MINIMUM DESIGN STANDARDS

Section 1 General

Land shall be subdivided in accordance with good land planning practices, including adequate consideration of the natural topography and drainage features and the type of development proposed.

Section 2 Compliance with Official Plans and Ordinances

Land shall be developed in compliance with pertinent official development plans and ordinances.

Section 3 Streets and Roads

All minimum requirements for streets and roads in subdivisions shall be reviewed by the Village of Marvin prior to submission to NCDOT and shall comply with the following:

1. Street names. Street names shall not duplicate or closely approximate, phonetically, existing street names in the Village of Marvin and the area covered by this Ordinance. This provision shall be approved by the Zoning Administrator.
2. Coordination with existing and proposed streets. Streets shall be designed in coordination with existing and proposed streets in the surrounding area providing for the continuation of appropriate streets.
3. Large lot subdivisions. If land is to be subdivided into tracts larger than typical building lots, streets and roads shall be graphically arranged on the sketch plan so as to allow for future resubdivision and opening of streets.
4. Cul-de-sacs. Cul-de-sacs or other dead end streets designed to be permanently closed shall have fourteen (14) or fewer lots abutting the cul-de-sac right of way. Cul-de-sacs or other dead end streets shall be provided at the closed end with sufficient right-of-way for vehicular circulation. Circular right-of-way at the closed end shall have a minimum radius of forty-five (45) feet and surfaced area shall have a minimum radius of thirty-five (35) feet. Temporary dead end streets shall be provided with a turnaround radius of at least one-half the right-of-way of the streets.
5. Parkways. Parkways or double streets may be required to traverse a drainageway, watercourse or stream. The width of the right-of-way shall be adequate to accommodate the flow of stormwater.
6. Parallel Access Streets. Parallel access streets may be required along existing or proposed arterials and major collectors to afford separation of local traffic from through traffic.
7. Streets of Nonresidential Area. The width of right-of-way and roadway surfacing on streets adjacent to existing or proposed nonresidential property may be increased by the Zoning Administrator up to fifteen (15) feet to insure the free flow of traffic without interference of vehicles entering or leaving the property.

8. Private streets and reserve strips. Private streets or reserve strips shall not be platted in any subdivision except privately maintained alleys, as herein defined, shall be allowed under the following conditions:
 - a. The alley accesses homes whose architectural rear facades front the alley.
 - b. The alley meets the following design standards:
 1. Design Speed – fifteen (15) MPH.
 2. Minimum Centerline Radius – fifty (50) feet.
 3. Minimum Right-of-way Width – twenty (20) feet.
 4. Minimum Pavement Width – ten (10) feet.
 5. Minimum Curb Radius – ten (10) feet.
 6. Drainage - Open Sections.
 7. Other - one (1) foot of flat concrete curb shall be placed on either side of pavement.

9. Rights-of-way. Street and roadway rights-of-way shall be reserved and dedicated as follows:
 - a. Arterial and major collectors. Arterials and major collectors shall be reserved in compliance with official street plans if direct access to the property is prohibited. If direct access to the property is to be permitted, such rights-of-way shall be dedicated in compliance with official street plans.
 - b. Minor collectors and local streets. Rights-of-way for minor collectors and local streets shall be dedicated in compliance with official street plans and the provisions of this Ordinance.

10. Street Standards. Subdivision streets shall conform to the following requirements and minimum standards of design as set forth in the most current North Carolina Department of Transportation Standards as set forth from time to time and published by North Carolina Department of Transportation.

11. Intersections. The following minimum standards shall apply to street intersections:
 - a. Angle intersections. Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than a sixty (60) degree angle.
 - b. Frequency of intersections. Intersections, whether full or “T” intersections, shall not occur at less than the distances indicated:

Street Type	Minimum distance between intersections
Arterial	1,000
Major Collector	800
Minor Collector	400
Local	200
 - c. Right-of-way at street intersections. Right-of-way on each corner at an intersection shall be enlarged by constructing a triangle. One point of the triangle shall be the intersection of the center lines of the two streets abutting the corner lot. The other points shall be a minimum distance of eighty (80) feet distant from the first point on minor collectors and local streets and shall be located on the center lines of the two streets abutting the corner lot. The minimum distances from the center line intersections for arterials and major collectors shall be determined by the North Carolina Department of Transportation.

12. Topography. All topography for streets within subdivisions shall be as shown on Village topography mapping, when available. Prior to availability, said topography shall be field done for centerline of streets and shall be shown as a street profile in vertical scale. If within Village limits, it may be referenced from the Village’s existing sewer manholes or from the Federal elevation points that are located within the Village.

13. Maintenance. The developer shall be responsible for the repairs to streets within subdivisions for up to thirty (30) months from date of street completion.

Section 4 Blocks

Blocks shall be laid out with due consideration to the traffic circulation pattern and the contemplated use.

- 1. Width. Blocks shall have sufficient width to provide two tiers of lots of minimum size, except blocks may be one lot in width where reverse frontage lots are required to separate development from through traffic on arterial and major collectors or to separate residential development from nonresidential uses.
- 2. Distance between through streets. Along each side of each street the distance between through streets shall fall between the minimum and maximum specified below, provided that the minimum distance specified shall not prevent access from adjoining property to a street.

Street type	Minimum	Maximum
Arterial 1,000	--	
Major collector	800	--
Minor collector	600	2,000
Local 350	1,800	

- 3. Medians. Whenever a median is to be located within a street right-of-way, the following regulations shall be applicable:
 - a. The pavement width shall be no less than thirteen (13) feet from the edge of the median to the outer edge of the pavement.
 - b. The right-of-way width shall be a minimum of sixty (60) feet from the intersection to the end of the median, then tapering to fifty (50) feet at a point at least ten feet beyond the end of the median, with a minimum of sixty (60) feet for the length of the taper.
 - c. Medians shall not exceed nine feet width unless additional right-of-way is provided as may be needed.
 - d. The median shall not be closer than fifteen (15) feet from the center of any two intersecting streets.
 - e. Medians shall not only be allowed when provisions have been made for persons or parties other than the Village to be responsible for such medians. Said responsible party shall be identified on the final plat.

Section 5 Lots

Lots shall be designed in shape, size, and location with due regard to topographic conditions, features of the surrounding area, contemplated use, and official plans and ordinances.

- 1. Frontage on a Public Street. Every lot shall front or abut on a public street.
- 2. Double and Reverse Frontage. Double and reverse frontage shall be avoided, except where required to separate development from through traffic on arterial and major streets or to separate residential development from nonresidential development.
- 3. Side lot lines. Side lot lines shall be substantially at right angles or radial to street lines.

4. Area of Lots. All lots shall conform to the minimum standards noted herein and the minimum standards contained in any Zoning Ordinance, building code or other such regulations.
 - a. Lot boundaries and street rights-of-way. In calculation of lot areas, lot depth, and lot widths, land within any street right-of-way or railroad right-of-way shall not be considered.
 - b. 'Reserved'.
 - c. Buffer strip (See Zoning Ordinance).
 - d. Residential lots. Residential lots shall conform to the following minimum standards:
 1. Width at specified setback line. The width of residential lots shall be no less than one hundred-thirty (130) feet at the specified setback line.
 2. Width at street line right-of-way. The width of residential lots shall be no less than fifty (50) feet at the street line right-of-way.
 3. Sewer and water facilities. A development shall conform to Village policy relative to water and sewer line size and design.
 4. Minimum lot size. Except as herein provided, all lots shall have a minimum size of forty-three thousand five hundred sixty (43,560) square feet as specified in Zoning Ordinance Article 5.1.3(1). The minimum lot sizes set forth in this Section are permissible only if and to the extent that adequate water and sewer facilities are or can be made available to serve every lot in accordance with the North Carolina Department of Environmental Health. For example, in some areas that are not served by public sewer, lots may have to exceed the minimum square footage required above in order to accommodate septic tanks.
 5. Orientation. All lots shall front upon a public street and the size, shape, and orientation of lots shall be appropriate for the type of development and use contemplated. A lot determined by the Zoning Administrator to have inappropriate orientation, or to be irregularly shaped lot not in keeping with the spirit and intent of this Ordinance, may be disallowed. **All lots shall be rectangular, to the greatest degree feasible.** Generally, side lot lines shall be at right angles and/or radial to adjoining streets. Irregular shaped lots are discouraged and shall be avoided where possible, except when necessary to address natural features such as areas of steep topography; streams, lakes and other bodies of water; wetlands; conservation lands, etc. Except as provided above, irregularly shaped lots shall be prohibited.

5. Lot Grading (New or Existing). Any proposed lot/land grading that will alter the existing topographic conditions more than two feet or any alteration to the existing channel, swale, or easements shall require Village approval. Property owner/applicant shall submit a plan and a fee in accordance with the fee schedule adopted by the Village Council with the following information:
 - a. Vicinity map and scaled dimensional survey of the lot;
 - b. Existing and proposed grade on the property;
 - c. Existing and/or proposed channel location;
 - d. Existing utilities;
 - e. Existing and/or proposed drainage easement boundaries and any limits of flooding to be contained within the easement boundary. No fill shall be allowed without prior approval by the Village of Marvin.

No grading shall take place prior to approval.

Section 6 Building Setback Lines

Building setbacks shall be in accordance with all applicable setback regulations contained in the Marvin Zoning Ordinance.

Section 7 Easements

1. Utility. Utility easements when and where required shall be a minimum of twenty (20) feet in width along rear lot lines and subdivision boundaries and ten feet in width along side lot lines. Where possible, these easements shall be centered on lot lines providing ten feet on each side of rear lot lines and five feet on each side of the side lot lines. An easement of ten feet along a subdivision boundary is sufficient if there is an easement of like or greater size on the opposite side of that boundary.
2. Stormwater Drainage/Stormwater Detention. The Village of Marvin hereby adopts and incorporates herein the provisions contained in the Charlotte-Mecklenburg Stormwater Manual, as amended (hereinafter referenced as the “Stormwater Manual”), with the following exceptions:
 - a. Necessary deviations from the Stormwater Manual may be necessary to accommodate soil types found in Union County, and Village of Marvin Subdivision and Zoning Regulations. When discrepancies are found between the Stormwater Manual and the Village of Marvin Zoning Ordinance or Subdivision Ordinance, the stricter regulation shall apply.
 - b. In order to prevent flooding and damage to properties, all developments shall provide stormwater detention to control the peak runoff from the 2, 10, 25, 50 and 100 year, 24-hour storm events to pre-development levels.
 - c. Design professional shall provide a certification that documents that construction of the project or subdivision shall not increase the rate of runoff from the site nor cause any adverse impacts on downstream facilities or property.
 - d. Where ponds are proposed to be constructed, the owners, heirs, assigns or successors of the land shall agree to perpetual maintenance of the pond and shall release and hold harmless the Village of Marvin from any liability, claims, demands, attorney’s fees, and costs or judgments arising from said pond. At a minimum, ponds shall be inspected on a yearly basis.
 - e. No certificate of occupancy or release of performance bond funds (as addressed in Article V, Section 2 of this Ordinance) shall be issued for any development until the as-built detention facilities have been surveyed by a registered land surveyor and the surveyed plans revised calculations have been submitted and approved by the Village. The revised calculations must be sealed by a design professional. In addition, the Village shall not grant final plat approval unless the Village has approved the as-built detention plans and/or a performance bond has been secured.
 - f. When a detention facility serves more than one property, a ‘permanent detention easement’ which encompasses the detention facility shall be shown on the recorded plat. This easement must be described by metes and bounds.
 - g. The recorded plat shall have a note placed on it that clearly describes who is responsible for maintenance of the detention facilities, pipes and/or channels located within the permanent detention facility.
 - h. The Village Engineer, on a case-by-case basis, may approve other deviations from the Stormwater Manual.
3. New and relocated watercourses. Where a subdivider proposes to create a new watercourse in order to relocate an existing watercourse or to handle road runoff, a drainage easement along the proposed new watercourse shall be indicated on the sketch plan and the final plat. Any channels, diversions, or other improvements needed to carry water to or along this new course shall be constructed or guaranteed prior to final plat approval.
4. Minimum Drainage Easement Requirements for Storm Drain Pipes and Open Channels. Drainage easements shall be established and recorded for all lots containing storm drainage pipes or channels. No structure, with the exception of a fence, shall be erected across or within a drainage easement.

Fences are allowed provided that at least eighty (80) percent of the fence shall be open area, and shall be elevated at a minimum, one (1) foot above the ground to prevent the restriction or obstruction of the natural flow of water. The following table shall be used as a minimum for drainage easements for all open channels and streams:

- <25 acres – 20 feet
- <50 acres – 30 feet
- <75 acres – 40 feet*
- >75 acres – 50 feet*

In addition, all drainage pipes shall have a minimum drainage easement width of twenty (20) feet. The strip of land in the drainage easement to a stream or river shall be retained in its natural vegetative state unless prior approval from the Zoning Administrator is obtained. The above table is intended for a guide and as a minimum and is not intended to be used in place of accepted Engineering practice.

*Each plat containing drainage easements for watershed areas exceeding Q 100 = 50 cubic feet per second will require the following Engineering certification:

I _____, a duly registered Professional Engineer, licensed in the State of North Carolina, do hereby certify that the drainage easements shown on this plat are sufficient to carry the 100 year storm runoff within the easement limits as shown.

N.C. P.E. # _____ Date _____

(Signature and Seal)

Easement Requirements for Storm Drain Pipe:

Pipe Size	Easement Requirement
15"	20'
18"	20'
24"	20'
30"	20'
36"	20'
42"	25'
48"	25'
54"+	30' min (varies)

General Notes:

- a. For open channels the minimum easement must contain the width of the stream from top of bank to top of bank.
- b. Wider easement widths may be required for pipe depths greater than ten feet.
- c. Pipe systems and open channels on private property shall be placed in a storm drainage easement.
- d. Plastic pipe shall not be allowed for any public storm drain pipes. Corrugated metal pipe shall be approved by the Village Consulting Engineer.

Section 8 Minimum Thickness of Base Course and Pavement Surface

The minimum thickness specified below is the specifications of the North Carolina Department of Transportation applicable at the passage of this Ordinance. Any changes in state specifications after this date may not be reflected here or in tables elsewhere in this Ordinance. Therefore, the subdivider is cautioned against assuming that compliance with this Ordinance automatically assures suitability of streets for maintenance by the Department of Transportation or the Village of Marvin at some date in the future.

Design will be as follows:

Base course – six (6) in. ABC or STBC, Type B

Pavement surface – one and one-half (1.5) in. SA or I-2

ABC - Aggregate Base Course, No. 7

STBC - Soil Type Base Course

SA - Sand Asphalt, Type F-1

I-2 - Bituminous Concrete Surface Course, Type I-2

Section 9 Bridges

All bridges shall be constructed in accordance with standards and specifications of the North Carolina Department of Transportation, except that bridges on roads not intended for public dedication may be approved if designed by a licensed architect or engineer.

Section 10 Stream Buffers

1. Purpose. The purposes of a stream buffer are to ensure that streams and the adjacent lands fulfill their natural functions to protect the physical integrity of the stream ecosystem, to prevent encroachment upon the stream ecosystems, and to filter runoff before detrimental material reaches the streams. The provisions contained in this Section shall only be applicable to lots created after the effective date of the Ordinance amendment creating this Section (October 22, 2004), as well as to the combination or recombination of lots that existed at such date of adoption.
2. Stream Buffer and Stream Buffer Management Zones. Stream buffers are required for all stream segments where the upstream drainage basin is greater than or equal to fifty (50) acres. On each side of the stream, a stream buffer will begin at the edge of the stream channel and extend perpendicular to the stream a distance equal to the lesser of one-hundred (100) feet or to a ridgeline that changes the runoff flow to be away from the stream.

A stream buffer shall be divided into three stream buffer management zones, each of which has different permitted land uses. Each zone shall be identified on any final subdivision plat.

- a. *Streamside Zone*. The streamside zone is the thirty (30) feet of stream buffer nearest the stream channel, measured from the bank. If the stream buffer is at most thirty (30) feet wide, then the entire stream buffer falls within the streamside zone. With the exceptions noted below, land uses within the streamside zone are limited to flood control and stream bank stabilization; otherwise, land disturbances and vegetation clearing are prohibited. No buildings are permitted within the streamside zone.
- b. *Managed Use Zone*. The managed use zone immediately follows the streamside zone to a maximum width of forty-five (45) feet. If the stream buffer is greater than thirty (30) feet but is at most seventy-five (75) feet wide, then the stream buffer consists of the thirty (30) feet of streamside zone followed by the residual as the managed use zone. With the exceptions noted in Subsection (d) below, land uses within the managed use zone are limited to stormwater best management practices (BMPs) passive recreation uses such as greenway trails and bicycle paths and other land uses consistent with maintaining the natural topography and vegetation. No buildings are permitted within the managed use zone.

- c. *Upland Zone.* The upland zone immediately follows the managed use zone to a maximum width of twenty-five (25) feet. If the stream buffer is greater than seventy-five (75) feet but is at most one-hundred (100) feet wide, then the stream buffer shall consist of thirty (30) feet of streamside zone, followed by forty-five (45) feet of managed use zone, followed by the residual as upland zone. With the exceptions noted in Subsection (d) below, land uses within the upland zone are limited to stormwater best management practices (BMPs) passive recreation uses such as greenway trails and bicycle paths, which may be built with impervious materials, and other land uses consistent with maintaining the natural topography and managing the natural vegetation, residential grass cover, or agricultural grasses. Only small storage buildings (under twelve feet in every direction) are permitted within the upland zone.
- d. *Exceptions to Regulations.* The following land uses are permitted within the stream buffers subject to the requirement that the lands adjacent to these uses that are disturbed as a result of these uses are stabilized and replanted with native vegetation:
1. Near perpendicular (75 degrees or greater) utility stream crossings approved otherwise allowed by this Ordinance.
 2. Parallel utility installation otherwise allowed by this Ordinance.
 3. Near perpendicular (75 degrees or greater) stream crossings by streets or by greenway trails, bicycle paths, sidewalks, and other pedestrian paths allowed by this Ordinance.
 4. Near perpendicular (75 degrees or greater) crossings for farm animals with fencing to minimize the animals' impacts upon the stream buffers. (NOTE: This does not require specific plat or site plan approval.)
 5. Narrow footpaths constructed with minimal vegetation disturbance that permit the landowner to walk to the stream. (NOTE: This does not require specific plat or site plan approval.)
 6. Incidental drainage improvements or repairs for maintenance. (NOTE: This does not require specific plat or site plan approval.)
 7. Newly created ponds or lakes. New ponds shall have the same buffers as the original creek, except that tree planting will not be required. Buffer requirements will not apply to dams.
 8. Mitigation approved by a State or Federal agency acting under Sections 401 or 404 of the Clean Water Act.
 9. Other land uses within the stream buffers may be approved as part of a development plan that is subject to the requirement that the landowner demonstrate that the net result of the land use and strategy to mitigate the impact of the land use provide at least the same protection to the stream's water quality and ecological integrity.
 10. The continuation of existing agricultural uses.

ARTICLE V
REQUIRED IMPROVEMENTS, DEDICATION AND RESERVATION

Section 1 Installation of Improvements as Prerequisites to Approval of Final Plats

Each subdivision shall contain the improvements specified in this Article, which shall be installed in accordance with the requirements of this Ordinance and paid for by the subdivider. Land shall be dedicated and reserved in each subdivision as specified in this and all other Articles of this Ordinance.

Section 2 Construction or Guarantee of Bond

Within the jurisdiction of this Ordinance, construction or guarantee by bond or committed funds of the following improvements shall be required prior to final plat approval:

1. Performance Bond Option. In lieu of requiring the completion, installation and dedication of all required improvements within the subdivision prior to final plat approval, the Village of Marvin may enter into an agreement with the subdivider whereby the subdivider shall agree to complete all required improvements in the subdivision. Alternatively, such agreement can call for the completion of improvements for only a portion (i.e. phase) of the subdivision. Once said agreement is signed by both parties and the security required herein is provided, the final plat, or portion thereof, may be approved by the Village Council, if all other requirements of this Ordinance are met. To secure this agreement, the subdivider shall provide to the Village Council, either one, or a combination of the following guarantees shown. The amount of such guarantee shall be equal to one and one-quarter (1.25) times the cost of installing all required improvements to be installed, as verified by the Village's Consulting Engineer. The Village shall be reimbursed by the subdivider for costs associated with said review prior to approval of the final plat. The type of surety shall be chosen by the subdivider and shall be made payable to the Village of Marvin. The amount of the guarantees shall be subject to the approval of the Village Council and shall be made payable to the Village of Marvin.
 - a. *Surety Performance Bond(s)*

The subdivider shall obtain one or more performance bond(s) from a surety bonding company authorized to do business in North Carolina. The duration of the bond(s) shall be until such time as the Village Council accepts the improvements.
 - b. *Cash or Equivalent Security*

The subdivider shall deposit cash, an irrevocable letter of credit, or other instrument readily convertible into cash at face value, either with the Village or in escrow with a financial institution designated as an official depository of the Village of Marvin. If cash or other instrument is deposited in escrow with a financial institution as herein provided, the subdivider shall then file with the Village Council an agreement between and the financial institution and himself guaranteeing the following:

 1. That said escrow account shall be held in trust until released by the Village Council and may not be used or pledged by the subdivider in any other matter during the term of the escrow; and
 2. That in case of a failure on the part of the subdivider to complete said improvements, the financial institution shall, upon notification by the Village Council and submission of the Engineer's estimate of the amount needed to complete the improvements by the Village Council to the financial institution immediately either pay to the Village the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the Village any other instruments fully endorsed or otherwise made payable in full to the Village.

c. *Default*

Upon default, meaning failure on the part of the subdivider to complete the required improvements in a timely manner as spelled out in the performance bond or escrow agreement, then the surety, or the financial institution, holding the escrow account, shall, if requested by the Village Council, pay all or any portion of the bond or escrow fund to the Village of Marvin up to the amount needed to complete the improvements based on the Engineer's estimate. Upon payment, the Village Council, in its discretion, may expend such portion of said funds as it deems necessary to complete all or any portion of the required improvements. The Village shall return to the bonding firm any funds not spent in completing the improvements. Should the amount of funds needed to complete the installation of all required improvements exceed the amount in the bond or escrow account, the subdivider shall nonetheless be responsible for providing the funds to cover such costs. The subdivider shall at all times bear the financial burden for the installation of all required improvements.

d. *Release of Guarantee Security*

The Village Council may authorize the Village Clerk to release a portion of any security posted as the improvements are completed and approved, subject to receiving letters of approval from NCDOT, the Division of Environmental Health and Natural Resources, Union County Public Works, and the Village's Consulting Engineer. The developer shall provide a copy of the "as built" preliminary/construction plans of all infrastructure to the Subdivision Administrator prior to the release of any funds being held by the Village. Such funds shall then be released within ten (10) days after such approval.

e. *Maintenance of Dedicated Areas until Acceptance*

All facilities and improvements with respect to which the owner makes an offer of dedication to public use shall be maintained by the owner until such offer of dedication is accepted by the appropriate public authority.

The owner of any development containing streets intended for public dedication shall post a performance bond or other sufficient surety to guarantee that such streets will be properly maintained until the offer of dedication is accepted by the North Carolina Department of Transportation or by formal acceptance by resolution of the Village of Marvin. The amount of the security shall constitute fifteen (15) percent of the total cost of the improvements. The owner shall provide information sufficient for the Village of Marvin Zoning Administrator to determine the actual cost of improvements. If the surety/bond described herein is not provided, the Village of Marvin may not issue Zoning Permits to any properties on the said street(s).

The Village Council may relieve the owner of the requirements of this Section, if it determines that a property owners association has been established for the development, and that this association has requested responsibility for the subject improvements, and is capable of performing the obligations set forth in Section 2 (1) above. The Council may require the property owners association post the bond referred to above.

The above bond/surety shall be posted with the Village of Marvin prior to the release of any Guarantee Surety referred to in Section 2.1(a) and (b).

Whenever a surety bond or letter of credit has been submitted, the Zoning Administrator shall notify the owner/property owners association at least ninety (90) days prior to the time said guarantee is about to expire. If the owner/property owners association does not extend or replace said guarantee within sixty (60) days of said notification, the Zoning Administrator shall through the Village Attorney's Office, and after notifying the Village Clerk's office begin proceedings for calling upon the guarantee.

2. Streets and roads/ base and surface. All materials, the construction of the shoulder and disturbed portions of the right-of-way, and the application of the base course and pavement surface shall meet the requirements set forth in the most recent published requirements of the North Carolina Department of Transportation.
 - a. Paving of streets required. In all subdivisions paving of streets is required. Paving of streets shall be done in accordance with the most recent published requirements of the North Carolina Department of Transportation.
 - b. Stabilization. All unsurfaced disturbed portions of street rights-of-way shall be stabilized by seeding, fertilizing, and mulching or by another equally effective method.

Section 3 Clearing of Drainage Courses

All debris, fallen trees, junk, and other accumulations of a nature that will impede the passage of waters in their downstream course or cause flooding shall be removed from the channel and banks of any stream, creek, and drainageway of the construction site.

Section 4 Removal of Rubbish

All fallen trees, stumps, junk, and rubbish of any nature resulting from the grading of streets or the clearing of lots in the subdivision shall be completely buried, destroyed or removed from the subdivision site. In no case shall materials be buried on the construction site of a structure. All burial pits must be marked on the plat prior to the start of use.

Section 5 Monuments and Markers

Monuments and markers shall be located and installed as required and in accordance with the rules and regulations of the North Carolina Manual of Practice for Land Surveying, Volume I, and N.C.G.S. 39-32.1 through 39-32.4, as amended. Monuments and markers shall be of the design and type described in such rules and regulations.

Section 6 Community Utilities

1. Subdivided tracts of land shall be connected with County water and sewer by central connecting lines when the distance from the nearest property line of the tract to be developed to the nearest county water or sewer line does not exceed the distance set forth herein.

If the topography is such that a pump station is required, the subdivider should bear the entire burden of all costs associated with the installation of sewer lines and pump stations needed to deliver waste to the nearest County sewer line able to accept the anticipated discharge when the distance from the nearest property line of the developed tract to such sewer line does not exceed the distances set forth herein.

If the tract in question is proposed to be developed with the number of dwelling units indicated in the left hand, then the distance within which the tract must be connected is indicated in the right hand column:

<u>Dwelling Units</u>	<u>Distance</u>
Two – five (2-5)	two hundred (200) feet
Six (6) or more	forty (40) feet per dwelling unit or non-residential use that places comparable demand on water or sewer systems.

In determining the number of dwelling units proposed for a tract, the relevant inquiry relates to the number proposed for the entire tract rather than a single phase of the proposed project.

2. In cases where necessary easements cannot be obtained, the owner of the subdivided tract seeking easements shall present such documentation to the Zoning Administrator. The owner of the subdivided tract may at that time request the construction of the connecting lines be a public project to be undertaken by the local government unit providing the nearest water and sewer service. All costs associated with the administration, construction, and completion of such project shall remain the sole responsibility of the owner of the tract proposed for subdivision.
3. For purposes of this article, a tract is served by a county-owned water or sewer line if connection is required by this Section.
4. Whenever a developer installs or causes to be installed any utility line in any public right-of-way, the developer shall, as soon as practicable after installation is complete, and before acceptance of any water or sewer line, he/she shall furnish the Village and the County with a copy of a drawing that shows the exact location of such utility lines by certified surveyor or engineer. Such drawings must be verified as accurate by the utility service provider. Compliance with this requirement shall be a condition of the continued validity of the permit authorizing such development.

Section 7 Dedication of Land for and/or Fees in Lieu of Park, Recreation and Open Space Purposes

1. Dedication of Land

- a. General Provisions. Every subdivider who proposes a subdivision of land into five (5) lots or more developed under large tract subdivision standards for residential purposes shall dedicate a portion of land to the Village or pay a fee in lieu thereof, in accordance with this Section, for public park, greenway, recreation, and open space sites to serve the recreational needs of the residents of the subdivision or development. Notwithstanding, if the subject property is designated as or adjacent to any existing or proposed greenway or parkland on any adopted Village of Marvin Greenway Concept Map or Master Plan the subdivider shall, at a minimum, provide public access to the site. The decision to either accept land for recreational purposes or fee in lieu of shall rest with the Village Council.
 1. *Amount of Land to be Dedicated.* At least one thirty-fifth (1/35 or 1,245 sq. feet) of an acre shall be dedicated for each dwelling unit proposed in the subdivision plat or development that contains five (5) lots or more. If fifteen (15) percent of the gross area of the proposed subdivision, excluding any required viewshed buffer, is proposed to be dedicated as conservation land, the amount of conservation land will be reduced by an amount equal to the amount of land dedicated per Article V, Section 7. The payment in lieu shall be used for the acquisition or development of recreation, park, or open space sites that would serve the needs of the residents of the subdivision and residents within close proximity of the subdivision. The payment amount shall be calculated and made to the Village in accordance with the procedures provided in Section 7.2. The decision to approve an open space site or accept a fee in lieu shall lie with the Village Council.

2. *Nature of Land to be Dedicated.* Except as otherwise required by the Village Council at the time of sketch plan approval, all dedications of land shall meet the following criteria:
- a. *Unity.* The dedicated land shall form a single parcel of land, except where the Village Council determines that two or more parcels would be in the best interest of the public, given the type and distribution of open spaces needed to adequately serve the proposed development and residents within close proximity of the subdivision or provide connectivity to an existing or proposed greenway or public recreation facility. In such cases, the Village Council may require that such parcels be connected by a dedicated strip of land at least thirty (30) feet in width.
 - b. *Usability.* At least two-thirds (2/3) of the dedicated land shall be suitable for active recreation e.g. soccer, baseball, or football fields, playgrounds, etc., unless said land is dedicated for greenways in accordance with Article 5, Section 7. Furthermore, lakes, other bodies of water, and required viewshed buffer areas may not be included in computing any of the dedicated land area.
 - c. *Shape.* The portion of dedicated land that is deemed suitable for active recreation shall be of such shape so as to be usable for the active recreational activities planned for the site. Land dedicated only for greenways need not follow the requirements of this sub-section. Notwithstanding the above, any land dedicated for greenways shall be a minimum of thirty (30) feet in width.
 - d. *Location.* The dedicated land shall be located so as to reasonably serve the recreation and open space needs of residents of the subdivision and residents within close proximity of the subdivision.
 - e. *Access.* Public access to the dedicated land shall be provided either by adjoining public street frontage or by a dedicated public easement, at least thirty (30) feet wide, which connects the dedicated land to a public street or right-of-way. Gradients adjacent to existing and proposed streets shall allow for reasonable access to the dedicated land. Where the dedicated land is located adjacent to a street, the developer or subdivider shall remain responsible for the installation of utilities, sidewalks, and other improvements required along that street segment. Public access or dedicated walkways to greenway dedications only shall be at least twenty (20) feet wide.
 - f. *Topography.* The average slope of the portion of dedicated land deemed usable for active recreation shall not be excessive and shall be practicable for the proposed recreational use. In no case shall a slope on the active portion of dedicated land exceed fifteen (15) percent.
 - g. *Screening.* Parks, recreation, and open space areas shall have a sufficient natural or manmade buffer or screen to minimize any negative impacts on adjacent properties. Such screening shall be approved by the Village Council.
 - h. *Ownership and Maintenance of Dedicated Land.* Park, recreation, and open space land shall be in fee simple title to a homeowners association or similar organization or may be dedicated to a local government or non-profit conservancy organization for ownership and maintenance. The decision for the Village to accept a public dedication and maintenance of an open space site shall lie with the Village Council upon recommendation of the Marvin Parks, Greenways & Recreation Advisory Board.

2. Payments of Fees in Lieu of Land Dedication

- a. **General.** The payment of fees, in lieu of the dedication of land under Article 5, Section 7.1 above, may occur at the request of the subdivider or developer. Notwithstanding the above, the final decision as to whether or not dedication of land for recreational purposes will occur, or whether a payment of a fee in lieu will be made, shall rest with the Village Council upon recommendation of the Marvin Parks, Greenways & Recreation Advisory Board. Such decision shall be made in association with the sketch plan approval.
 1. *Time of payment.* The fees in lieu of dedication shall be paid prior to final plat approval by the Village Council.
 2. *Amount of payment.* The amount of the payment shall be determined based on:
 - a. The number of acres to be dedicated, as required by Article 5, Section 7.1 above;
 - b. The fair market value of the unimproved tract of land being subdivided, adjusted to reflect its current fair market value at the time such payment is due to be paid.
 - i. Procedures for determining the fair market value are as follows:
 - A professional real estate appraiser selected from an approved list maintained by the Village Council shall perform an appraisal of the land in the development. The appraisal report and land value estimate shall not be dated prior to the date of submission of the sketch plan to the Village Zoning Administrator. Furthermore, the land value estimate must be dated no earlier than sixty (60) days prior to the date of acceptance of the fee-in-lieu of open space by the Village Council. The cost of the appraisal shall be borne by the developer.
 - The professional real estate appraiser shall be licensed by the State of North Carolina and has a general State appraisal certification with expertise in performing raw land appraisals.
 - The Zoning Administrator shall submit an original copy of the appraisal to the Developer.
 3. The Zoning Administrator shall calculate the required payment amount using the following procedures:
 - a. The Zoning Administrator shall calculate the average per-acre value of land for the entire tract by dividing the appraised fair market value of the entire unimproved tract of land by the total number of acres in the tract.

Example:

 - 100 acre tract with 86 lots
 - \$5,000,000 (Appraised fair market value of the tract) / 100 acres (Total number of acres) = \$50,000 average per-acre value.
 - b. The Zoning Administrator shall then calculate the product of one thirty-fifth (1/35) of the average per-acre value of land and the number of proposed residential lots in the subdivision. The total product shall equal the required minimum payment amount.

Example:

$$1/35 \times \$50,000 \text{ (the average per-acre value of land)} = \$1,428.57 \times 86 \text{ (\# of proposed lots in the subdivision)} = \$122,857.02.$$

3. Procedures

At the time of filing a sketch plan, the subdivider shall designate thereon the area or areas to be dedicated pursuant to Article 5, Section 7. If the subdivider desires to make a payment in lieu of the dedication of land, a letter to that effect shall be submitted with the sketch plan.

Where a dedication of land is required by the Village Council, such dedication shall be shown on the final plat when submitted, and such plat shall be accompanied by an executed general warranty deed conveying the dedicated land to the Village. Where the Village Council approves a payment in lieu of dedication, such payment shall have been made before the final plat is signed and recorded.

4. Authority to Sell

The Village Council shall have the authority to sell land dedicated pursuant to Article 5, Section 7 and transferred to the Village by the developer. The proceeds of such sale may only be used for the acquisition and/or development of other recreation, park, or open space sites.

5. Provisions of Equivalent Facilities under Neighborhood or Community Home Owners Association of Management.

The Village encourages neighborhood or homeowner associations of management to construct, operate, and maintain private parks and recreation. The construction, operation, or maintenance of such private facilities shall not, however, diminish or eliminate the responsibility and obligations of the subdivider under Article 5, Section 7.1.

6. Greenways

Greenways may be credited against the requirements of Article 5, Section 7 provided that such greenways are part of the most recently adopted Village of Marvin Greenway Concept Map or Master Plan and dedicated to public use.

Section 8 Subdivision Entrance Walls

Subdivision entrance walls that identify the name of the subdivision shall be allowed within the required front yard setback and may also be placed in the viewshed or viewshed buffer. Furthermore, such walls shall not be subject to any specified setback requirements, except as may be required by NCDOT or by other provisions of this Ordinance. Any such walls shall be subject to review and approval by the Planning Board (unless approval was given by the Village Council in conjunction with the sketch plan approval). The Planning Board (or Village Council) shall base their approval on the following findings, and may impose fair and reasonable conditions on their approval where it is determined that such conditions uphold and support any of these findings:

- The subdivision entrance wall does not interfere with visibility for motorists, pedestrians or bicyclists; and,
- The subdivision wall entrance is in harmony with its surroundings; and,
- The subdivision wall entrance, where located, will not require the removal of a significant amount or number of healthy trees or shrubs; and,
- There are adequate provisions made for the permanent upkeep and maintenance of such wall.

Routine maintenance and upkeep of the wall shall be allowed and shall not require a permit from the Village. Substantial changes to the wall including (but not limited to) increasing the amount of signage displayed on the wall, relocating it, increasing the wall's size, shall however, require approval from the Planning Board.

Section 9 Sidewalks, Pedestrian Crosswalks and Greenstrips

For all major subdivisions with a majority of the lots one acre or smaller, sidewalks and crosswalks must be ADA compliant and shall be constructed in accordance with the following requirements:

1. Except as otherwise required herein, sidewalks shall be a minimum of five (5') feet in width with a minimum of four inch depth (4") concrete constructed on an adequately graded base except at driveways where six (6) inch depth is required for the full width of the driveway. Subgrade shall be compacted to ninety-five (95) percent of the maximum density obtainable with the standard Proctor test. Concrete of not less than three thousand five hundred (3500) P.S.I. shall be used and verified by the developer upon inspection by the Village of Marvin. The finished concrete shall be troweled and broomed. Tooled joints shall be provided at intervals of not less than five (5) feet and expansion joints at intervals of not less than thirty (30) feet. The sidewalk shall have a lateral slope of one-quarter (1/4) inch per foot.
2. Sidewalks are required to be placed on one side of all local subdivision streets with the exception of cul-de-sac streets that are less than three hundred (300) feet in length. As used herein, the term "local subdivision street" shall mean any subdivision street other than a collector or arterial street. Where a subdivision abuts an existing street (other than an arterial), a sidewalk shall be provided where the subdivision abuts said street.
3. Cul-de-sac streets less than three hundred (300) feet in length shall not require sidewalks. For cul-de-sac streets that are greater than three hundred (300) feet in length, sidewalks along the "bulb" of the cul-de-sac may be waived by the Village Council.
4. Sidewalks to be constructed as part of the proposed "Marvin Loop" (Marvin School Road, New Town Road, Marvin Road and Joe Kerr Road encircling the Marvin Elementary School) as shown on the most recently approved Village of Marvin Parks and Greenways Map, shall be a minimum of eight (8) feet in width and shall be constructed of asphalt according to specifications on file with the Village of Marvin.
5. Non-residential developments, excluding industrial districts, shall require sidewalks on both sides of the street with a minimum of five (5) feet in width in order to safely move pedestrians throughout the site and to connect pedestrians to adjoining public streets and greenway trails. The provisions for internal sidewalks shall apply to both public and private streets and are in addition to the requirements for sidewalks along adjacent public streets.
6. Sidewalks and/or pedestrian crosswalks shall be required when the Village Council deems that a street is a strategic pedestrian route to an existing or planned pedestrian destination, such as a school, park, recreational or cultural facility, greenway trail (or similar amenity), retail commercial/mixed use site, business or office development, or when other pedestrian safety, access, or circulation needs are identified.
7. Greenstrips of not less than four (4) feet in width shall be required to be placed inward between the edge of the curb and the sidewalk. Greenstrips adjacent to the sidewalk shall be graded to one-quarter (1/4) inch per foot (minimum) up to one and one-quarter (1 1/4) inch per foot (maximum) towards the curb and gutter or drainage swale. The Village Council shall have the authority to waive or modify the greenstrip requirements on a case by case basis where it is determined that excessive natural grades make this requirement impractical, the placement of a greenstrip would serve no public purpose and/or the greenstrip would not be in keeping with adjacent developed areas along the same street. Examples where such requirements may be waived or modified include:
 - The site is on a street where other adjacent or nearby developed lots do not contain greenstrips;
 - There are unique topographic and physical characteristics associated with the site that would severely restrict placement of the greenstrips;
 - The presence of public utilities (either above or below ground) would affect the long-term maintenance and upkeep of the greenstrip.

8. The Zoning Administrator may require a pedestrian crosswalk at least ten (10) feet in width to provide convenient public access to a public area such as a park, greenway, or school. The placement of the crosswalk may require the construction of additional sidewalk spurs to connect with existing sidewalks located across the street. Crosswalks and sidewalks must comply with applicable standards of NCDOT.

3. 'RESERVED'

4. *Certificate of registration.*

The foregoing certificate(s) of _____ a Notary (or notaries) Public of the Governmental unit(s) designated is(are) certified to be correct. Filed for registration on the ___ day of _____, 20_____, at _____ o'clock ____m., and duly recorded in the Office of the Register of Deeds in Book of Deeds No. _____, Page _____.

(5) *Certificate of approval of required improvements.*

The undersigned hereby certify that the required improvements have been made on this property in an acceptable manner and in accordance with the specifications of the Subdivision Ordinance of the Village of Marvin and other applicable regulations, or that a performance or surety guarantee bond in the amount equal to the cost of the improvements has been posted with the Village of Marvin to assure completion of all required improvements in case of default on the part of the subdivider.

Approval of required improvement

_____ Date _____
Zoning Administrator
Village of Marvin, NC

(6) *Certificate of approval by the Village of Marvin Village Council.*

This subdivision plat has been found to comply with the provisions of the Subdivision Ordinance of the Village of Marvin and is approved this date by the Village Council for recording in the Office of the Register of Deeds.

_____ Date _____
Mayor, Village of Marvin

Attest: _____
Zoning Administrator
Village of Marvin

ARTICLE VII
DETAILED SPECIFICATIONS FOR SMALL TRACT SUBDIVISION SKETCH PLANS

Section 1 Title Data

1. Date of submission.
2. Name and address of owner(s).
3. Name of subdivision (subdivision names shall not duplicate or approximate, phonetically, existing subdivision names).
4. Location designation (Village, Township, county, state), and location map showing the property to be subdivided and surrounding area.
5. Name and address of designer.
6. Scale in figures and bar graph.
7. North arrow.
8. Proposed use of property to be subdivided.
9. Sketch plan notation.

Section 2 Existing Conditions (on property to be subdivided and within three hundred (300) feet of property being subdivided)

1. Street rights-of-way, widths of pavement, and names.
2. Location and size of community utilities including sewer, water, electricity, and telephone facilities.
3. Location and size of bridges, culverts, and other storm drainage facilities.
4. Location, width, and purpose of all easements.
5. Bearings and distances of all property boundaries.
6. Surrounding property lines, property owners, and subdivisions.
7. Boundaries and identification of all political subdivisions.
8. Boundaries and identification of zoning districts.
9. 'Reserved.'
10. Topography, including watercourses, wooded areas, and contours, at four-foot intervals or less.
11. Location, extent, and identification of marginal land.

12. Driveways and roads (in use or abandoned) leading to other property.
13. Other natural or man-made conditions affecting side development.
14. At the request of the Zoning Administrator or the technical staff, a list of restrictive covenants (deed restrictions) to be applied to any or all lots in the subdivision.

Section 3 Proposed Plans

1. Street alignments, rights-of-way, names.
2. Community utilities including water, sewer, electricity, gas, and telephone facilities, with connections to existing systems shown.
3. Location and size of bridges, culverts, and other storm drainage facilities.
4. Location, width, and purpose of all easements.
5. Lines, numbers, and approximate dimensions of lots and blocks.
6. Minimum building setback lines.
7. Public use sites.
8. Site data:
 - a. Acreage of property to be subdivided.
 - b. Acreage of public uses sites.
 - c. Number of lots.
 - d. Average lot size.
 - e. Square feet of each irregularly shaped lot.
 - f. Lineal feet of streets.

Section 4 Certificate of Approval by Village Council

The following certificate shall be lettered, stamped or otherwise included on the sketch plan in such a manner to insure that said certification will be legible on any print made therefrom:

I hereby certify that the Village Council granted approval to this sketch plan on the ___ day of _____, 20__.

Mayor, Village of Marvin

ARTICLE VIIA
DETAILED SPECIFICATIONS FOR LARGE TRACT SUBDIVISION SKETCH PLANS
(OR SMALL TRACT SUBDIVISIONS THAT ARE DEVELOPED IN THE
SAME MANNER AS LARGE TRACT SUBDIVISIONS)

Section 1 Pre-Application Meeting

A pre-application meeting shall be required between the applicant and the Zoning Administrator for all large tract subdivisions to introduce the applicant to Marvin's zoning and subdivision regulations and procedures, to discuss the applicant's objectives, to make preliminary comment on the proposed subdivision and how it meets Marvin's regulations, and to discuss site inspections and plan submissions requirements. The applicant shall also schedule a 'site walk' with the Zoning Administrator in order to familiarize the Village with the property and to provide comment and insight on the potential subdivision.

The applicant shall provide the following information to the Zoning Administrator for the site walk:

1. An aerial photograph enlarged to a scale not less detailed than 1 inch = 400 feet, with the site boundaries clearly marked.
2. The boundaries of the tract to be subdivided.
3. Topography, the contour lines of which shall generally be at five-foot intervals, determined by photogrammetry. Slopes shall be clearly indicated when they are (a) between ten (10) and fifteen (15) percent, (b) between fifteen (15) and twenty-five (25) percent, or (c) when exceeding twenty-five (25) percent. Topography shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or from stereoscopic aerial photography and shall be coordinated with official U.S.G.S. benchmarks.
4. The location and delineation of ponds, lakes, streams, ditches, natural drainage swales, wetlands, and floodplains. Additional areas of wetlands on the proposed development tract shall also be indicated, as evident from testing, visual inspection, or from the presence of wetland vegetation.
5. Vegetative cover conditions on the property according to general cover type including cultivated land, permanent grass land, meadow, pasture, hedgerow, forestland and wetland, location of trees with a caliper in excess of fifteen inches, the actual canopy line of existing trees and forestlands. Vegetative types shall be described by plant community, relative age and condition.

Section 2 Number of Copies and Contents

A sketch plan may be submitted only after the required pre-application meeting and site visit have taken place. The subdivider shall submit to the Zoning Administrator at least four (4) complete copies of the sketch plan, and a fee in accordance with the current fee schedule adopted by the Village Council. No application shall be considered complete or processed by the Zoning Administrator unless accompanied by said fee. In addition, the Village shall be reimbursed by the subdivider for all costs associated with the Village's engineering and/or consulting services with respect to sketch plan approval. No final plat shall be approved unless such fees have been paid. The following information shall be required for submittal with the sketch plan:

1. A sketch vicinity map including a north arrow showing the location of the subdivision in relation to the neighboring tracts, subdivisions, roads, and waterways.

2. The boundaries of the tract to be subdivided.
3. The total acreage to be subdivided.
4. The existing and proposed uses of land within the subdivision and the existing uses of land adjoining it.
5. The proposed street layout with approximate pavement and right-of-way width, lot layout and size of lots.
6. The name address and phone number of the owner.
7. The name if any of the proposed subdivision.
8. Streets and lots of adjacent developed properties.
9. The zoning classification of the tract of adjacent properties.
10. With subdivisions where individual septic tanks are the proposed method for wastewater treatment, the subdivider shall submit a report evaluating the suitability of the site for septic tank drain fields. The report shall be based of the physical characteristics of the site. The applicant shall conduct at least two (2) soil core borings for every one (1) acre of land in the tract to be subdivided and the borings shall be an average of at least four (4) feet in depth. Each boring shall be assigned a separate number and the report shall present the findings of each boring. The subdivider shall show the location of each boring (by number assigned) on the sketch plan. The report shall include the description of soils in accordance with: North Carolina Administrative Code, Title 10, Department of Human Resources, Chapter 10, Health Services; Environmental Health, Subchapter 10A, Sanitation and the U. S. Department of Agriculture Handbook Number 18, Soil Survey Manual. The report shall include a description of soil color, using the Munsell Soil Color Charts, Published Munsell Color, Macbeth Division of Kollmorgen Corporation. The report shall draw conclusions as to the suitability of septic systems as derived from the testing, color and type of soil for each sample of soil taken. Approval of the proposed lots by the Union County Health Department for septic tanks shall be acceptable in lieu of the soils test requirement.
11. Existing Resources and Site Analysis Plan: An Existing Resources and Site Analysis Plan shall be prepared by the applicant to provide the Village with a comprehensive analysis of existing conditions, both on the proposed development site and within five hundred (500) feet of the site (for tracts of 100 acres or less) or one thousand (1,000) feet of the site (for tracts over 100 acres.) Conditions beyond the tract boundaries may be described on a more general basis from existing published data available from governmental agencies, and from aerial photographs and need not be as specific as those that are required for the development site.
 Unless otherwise requested by the Zoning Administrator to facilitate readability, such plans shall be prepared at a scale of one inch equals one hundred feet (1" = 100') or one inch equals two hundred feet (1" = 200'), whichever would fit best on a single standard size sheet (24" x 36").

The following information shall be included in this Plan:

- a. An aerial photograph enlarged to a scale not less detailed than one inch equals four hundred feet (1" = 400'), with the site boundaries clearly marked.

- b. Topography, the contour lines of which shall generally be at five (5) foot intervals, determined by photogrammetry. Slopes shall be clearly indicated when they are (a) between ten and 15 percent (10 and 15), (b) between fifteen and twenty-five (15 and 25) percent, or (c) when exceeding twenty-five (25) percent. Topography shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or from stereoscopic aerial photography and shall be coordinated with official U.S.G.S. benchmarks.
 - c. The location and delineation of ponds, lakes, streams, ditches, natural drainage swales, wetlands, and floodplains. Additional areas of wetlands on the proposed development tract shall also be indicated, as evident from testing, visual inspection, or from the presence of wetland vegetation.
 - d. Vegetative cover conditions on the property according to general cover type including cultivated land, permanent grass land, meadow, pasture, hedgerow, forestland and wetland, location of trees with a caliper in excess of fifteen inches, the actual canopy line of existing trees and forestlands. Vegetative types shall be described by plant community, relative age and condition. (NOTE: Removal of any vegetative cover shall be in accordance with the most recently adopted version of the Marvin Tree Ordinance.).
 - e. Soil series, types and phases, as mapped by the U.S. Department of Agriculture, Natural Resources Conservation Service in the published soil survey for Union County, and accompanying data published for each soil relating to its suitability for construction (and, in unsewered areas, for septic suitability).
 - f. Ridge lines.
 - g. A viewshed analysis showing the location and extent of views into the property from public roads and from public parks, and from the boundaries of lakes, ponds, and streams on the site.
 - h. Geologic formations on the proposed development parcel, such as rock formations and outcroppings, and fault lines, based on available published information or more detailed data obtained by the applicant.
 - i. All existing man-made features including but not limited to streets, driveways, farm roads, forest roads, buildings, foundations, walls, wells, drainage fields, dumps, utilities, fire hydrants, and sanitary sewers.
 - j. Locations of all historic sites on the tract.
 - k. Locations of trails that have been in public use (pedestrian, equestrian, bicycle, etc.).
 - l. All easements and other encumbrances of property, which are or have been filed of record with the Union County Register of Deeds.
 - m. Total acreage of the tract, and the location and acreage of all proposed conservation lands.
 - n. Evidence of conformity with all applicable portions of the Village of Marvin Tree Ordinance.
12. The general concept for land conservation on the subdivision (i.e., a summary description of the types of conservation lands contained on the tract and an overview of the subdivider's plans for retaining such lands.).
13. Site Context Map: A map showing the location of the proposed subdivision within its neighborhood context shall be submitted. Unless otherwise requested by the Zoning Administrator to facilitate readability, for sites under one hundred (100) acres, such maps shall be at a scale of not less than one inch equals two hundred feet (1" = 200'), and shall show the relationship of the subject property to natural and man-made features existing within five hundred (500) feet of the site. For sites of one hundred (100) acres or more, the scale shall be one inch equals four hundred feet (1" = 400'), and shall show the above relationships within one thousand (1,000) feet of the site. The features that shall be shown on Site Context Map include topography (from U.S.G.S. maps), stream valleys, wetland complexes (from maps published by the U.S. Fish & Wildlife Service or the U.S.D.A. Natural Resources Conservation Service), forestlands over ten thousand (10,000) square feet in area (from aerial photographs), ridge lines, public roads, trails, utility easements and rights of way, public land, and land protected under conservation easements.

14. The delineation of conservation lands shall be as provided for in Section 5.2(3) of the Marvin Zoning Ordinance. The percentage and acreage of conservation lands shall be calculated by the applicant and submitted as part of the sketch plan. Proposed conservation lands shall be designated using the Existing Resources and Site Analysis Plan as a base map.
15. A conservation maintenance plan and maintenance agreement, in accordance with Section 5.2(8) of the Marvin Zoning Ordinance, shall be submitted with the sketch plan.
16. Other information indicated in Article VII not otherwise referenced herein.
17. A statement of how the proposed subdivision will impact each of the following public facilities. Such facilities and services shall include, but not be limited to:
 - a. Schools.
 - b. Road network.
 - c. Police.
 - d. Fire.
 - e. Water utilities.
 - f. Sewer utilities.Included within the impact statement will be such items as demand created by the subdivision (i.e., estimated number of students, estimated daily traffic count, estimated water and sewer daily demands) and how these demands impact existing public facilities and/or providers that would service the subdivision.
18. The sketch plan shall be prepared by an engineer or landscape architect licensed to practice in North Carolina.

Section 3 Public Involvement Meeting (PIM)

Once the requisite number of sketch plans has been submitted to the Village and the requisite fees have been paid, a Public Involvement Meeting (PIM) shall be scheduled and held. Such meetings shall occur prior to any recommendation by the Planning Staff and approval by the Village Council. The PIM is designed to provide a framework for creating a shared vision with community involvement directed by the applicant in accordance with the following requirements:

1. Schedule of Public Involvement Meeting
 - a. The subdivision applicant shall provide an agenda, schedule, location, and list of participants such as landscape architects, engineers, etc. to answer questions from citizens and service providers for the PIM in cooperation with the Planning Staff.
 - b. The PIM shall be a minimum of four (4) hours. Two (2) hours shall be scheduled during normal business hours to allow service providers (such as NCDOT, utilities, NCDENR) to participate as needed and to allow for citizens to drop in at a convenient time throughout the period. It is strongly recommended that this portion of the PIM take place at the proposed development site. In addition, a two (2) hour evening period shall be scheduled at the Marvin Village Hall or other nearby location agreed upon by the applicant and Planning Staff.
2. Notice of Public Involvement Meetings shall at a minimum, be given as follows:
 - a. A public notice shall be sent by the Village to a newspaper having general circulation in the Village not less than ten (10) days nor more than twenty-five (25) days prior to the date of the PIM.

- b. A notice shall be sent by first class mail by the Village to the affected property owner(s) and to the owners of all properties that lie in Union County within thirteen hundred (1300) feet as measured from the exterior boundaries of the proposed development. The applicant shall furnish the Village with mailing labels that depict the names and addresses of the owners of all properties within said thirteen hundred (1300) foot area. Such notice shall be sent not less than ten (10) days prior to the date of the PIM. The notification shall contain information regarding the PIM time and location(s) as well as a general description of the proposal.
- c. With respect to Subsections 1 and 2 above, the applicant shall reimburse the Village for all expenses incurred for such notifications.
- d. A PIM notification sign shall be posted by the Village in a conspicuous place at the property not less than ten (10) days prior to the PIM. The sign shall indicate date, time, and location(s) of the PIM.

3. Public Involvement Meeting Report

Village Staff will keep notes of citizen comments received during the PIM. In addition, all service provider comments shall be recorded by the Village, including but not limited to, all correspondence, reports and oral comments by service providers, and shall be made a part of the report. After Village review, the report will be available at Village Hall and at subsequent meetings concerning the project. When practical, comments, ideas, and suggestions should be incorporated by the developer into the proposed development.

4. Subdivision Plat Update

Following the PIM, the applicant shall have the opportunity to make changes to the sketch plan to take into account information and comments received. At least four (4) copies of the revised plat shall be submitted to the Zoning Administrator. All revisions and corrections required by the Village of Marvin, other county or state agencies, or revisions proposed by the developer shall be clearly identified on the plans and resubmitted to the Subdivision Administrator for review. No additional fee shall be required to be paid for making such changes provided the Zoning Administrator receives the revised plat within thirty (30) days following the PIM. If a revised plat is not received during said thirty (30) day period, the Zoning Administrator shall review the original plat submitted.

Section 4 Zoning Administrator Approval

The Zoning Administrator shall have up to thirty (30) days following any revision of the plat to make comments on the plat. All comments made by the Zoning Administrator shall be communicated to the applicant. If no comments are communicated to the application by the end of any such thirty-day period, the plat shall be submitted to the Planning Board for their review without any further comment.

Section 5 Planning Board Review

The applicant shall submit at least ten (10) copies of the plat to the Zoning Administrator for transmittal to the Planning Board and other appropriate agencies at least fifteen (15) days prior to the next regularly scheduled Planning Board meeting. The Planning Board shall have up to sixty (60) days from the date at which they first met to review the plat to take action. The sixty (60) days may be extended upon request by the Village Council upon request of the Planning Board. If such period expires without action taken by the Planning Board, the plat shall then be transferred to the Village Council for final action without a recommendation from the Planning Board. If the Planning Board determines that the proposed development does not meet the requirements of the Marvin Subdivision Ordinance, or does not have sufficient information to determine if the development complies, they will deny the application and the application will not be forwarded to the Village Council.

Section 6 Village Council Action

The proposed preliminary shall be submitted to the Village Council for review not less than fifteen (15) days prior to the next regularly scheduled meeting of the Village Council following transmittal of the Planning Board's recommendations. The Village Council shall have the authority to approve the sketch plan as submitted, approve with modifications and/or conditions, or deny preliminary subdivision plat approval in its sole discretion.

Also, in approving a preliminary subdivision plat the Village Council shall have the authority to reduce the required depth of the viewshed buffer in instances where the viewshed buffer consists of an opaque buffer and where the Village Council determines that such buffer would: (1) serve in an equal capacity in promoting the stated goals of the "R" district as shown in the Marvin Zoning Ordinance, as amended; and, (2) would retain rural vistas along major roads in Marvin to the same degree as would the normally required viewshed buffer. The Village Council shall also have the authority to reduce the required depth of the viewshed buffer where it determines that such required viewshed buffer depth will impose a substantial hardship on the property owner due to the unique physical constraints of the property. In no case shall the Village Council have the authority to reduce the depth of the viewshed buffer to below eighty-five (85) feet.

If the Village Council approves the sketch plan, such approval shall be noted on two (2) copies of the plat. The Zoning Administrator shall retain one (1) copy of the plat and one (1) copy shall be returned to the subdivider. If the Village Council approves the sketch plan with conditions, approval shall be noted on two copies of the plat along with a reference to the conditions. The Zoning Administrator shall retain one (1) copy of the plat along with the conditions, and one (1) copy of the plat along with the conditions shall be returned to the subdivider. Once these Conditions are met, the plat shall be resubmitted for approval by the Village Council and shall be filed in the Village Hall by the Zoning Administrator. If the Village Council disapproves the sketch plan, the reasons for such disapproval shall be specified in writing. The Zoning Administrator shall retain one (1) copy of the plat and one (1) copy shall be returned to the subdivider. If the sketch plan is disapproved, the subdivider may make such changes as will bring the sketch plan into compliance and resubmit the same for reconsideration by the Planning Board and Village Council.

The approval of the sketch plan shall become null and void within one year unless the subdivider or his/her representative shall have prepared and submitted for approval the preliminary/construction plat as required by this Ordinance or shall have applied for and received an extension of time from the Planning Board.

The Zoning Administrator, after Village Council approval plat approval, shall advise the subdivider of the provisions of this Ordinance pertaining to the procedures to be followed for preliminary/construction plat submittal.

ARTICLE VIIB
DEVELOPMENT STANDARDS FOR LARGE TRACT SUBDIVISIONS

Section 1 Conservation Lands

1. Allowed uses on conservation lands are shown in Section 5.2(7) of the Marvin Zoning Ordinance. The Village Council may approve structures and improvements required for storm drainage, sewage treatment and water supply within such conservation land on finding that such facilities would not be detrimental to the conservation land (and that the acreage of lands required for such uses is not credited towards minimum conservation acreage requirements for the tract, unless the land they occupy is appropriate for passive recreational use).
2. Required conservation lands (other than viewsheds) shall be at least seventy-five (75) feet in width. Exceptions shall be granted for natural features used as conservation lands (i.e., ponds, lakes, floodplains, etc.) that have natural widths of less than seventy-five feet. Pocket parks, as well as Exterior Perimeter Preservation Strips and Interior Preservation Areas, as defined and referenced in Article 2 and in Article 3, section 3.2 of the Village of Marvin Tree Ordinance, as amended, are also exempted from this requirement.
3. All common or publicly owned conservation lands shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe and convenient pedestrian access to conservation land.
4. All common or publicly owned conservation lands shall be interconnected wherever possible to provide a continuous network of conservation lands within and adjoining the subdivision.
5. All common or publicly owned conservation lands, to the greatest degree feasible, shall be contiguous adjoining parks, preserves or other protected lands.
6. All common or publicly owned conservation lands may be provided with pedestrian pathways for use by the residents of the subdivision. Public access shall be provided on such trails if they are linked to other publicly accessible pathway systems within Marvin. Provisions shall be made for access to the conservation lands, as required for land management and emergency purposes.
7. Conservation lands shall be made subject to such agreement with the Village of Marvin and such conservation easements shall be duly recorded in the office of the Union County Register of Deeds for the purpose of preserving the common open space for such uses.
8. Conservation lands shall be located in a manner that is consistent with the Village's Land Use Plan.
9. Pedestrian-accessed pocket parks shall be located within a one-quarter mile walking distance of all residences within the subdivision.

Section 2 Stream Valleys, Swales, Springs, and Other Lowland Areas

Stream valleys, swales, springs and other lowland areas are resources that warrant restrictive land use controls because of flooding hazards to human life and property, their ground water recharge functions, their importance to water quality and the health of aquatic communities, and their wildlife habitats. They are generally poorly suited for on-site subsurface sewage disposal systems. Accordingly, the following activities shall be minimized in such areas:

1. Disturbance to streams and drainage swales.
2. Disturbance to year-round wetlands, areas with seasonally high water tables and areas of surface water concentration.
3. Because of their extreme limitations, stream valleys, swales and other lowland areas may warrant designation as conservation lands. They may also require adjoining buffer lands to be included as conservation lands, to be determined by an analysis of the protection requirements of such areas as determined by the Village Council on a case-by-case basis upon finding that designation of such area(s) as conservation land would have significant and positive long-term environmental impact on the conservation lands.

Section 3 Forestlands

In designing a large tract subdivision, the applicant shall be guided by the most recently adopted version of the Marvin Tree Ordinance and the following standards:

1. Proposed site improvements shall be located, designed and constructed to minimize the loss or degradation of forestland areas.
2. Disturbance or removal of forestlands occupying environmentally sensitive areas is strongly discouraged and shall be undertaken on a limited, selective, as needed basis.
3. No clearing or earth disturbance (except for soil analysis for proposed sewage disposal systems) shall be permitted on a site before sketch plan approval.

Section 4 Slopes

1. Development in areas containing slopes of fifteen to twenty-five (15-25) percent shall be minimized. The only permitted grading shall be in conjunction with the citing of a dwelling, its access driveway and the septic system.
2. No site disturbance shall be allowed on slopes exceeding twenty-five (25) percent except grading for a portion of a driveway accessing a dwelling when it can be demonstrated that no other routing that avoids slopes exceeding twenty-five (25) percent is feasible.
3. Grading or earthmoving on all sloping lands of fifteen (15) percent or greater shall not result in earth cuts or fills whose highest vertical dimension exceeds six feet, except where in the judgment of the Village's consulting engineer, no other available alternatives exist for construction of roads, drainage structures and other public improvements, in which case such vertical dimensions shall not exceed twelve (12) feet. Roads and driveways shall follow the line of existing topography to minimize the required cut and fill. Finished slopes of all cuts and fills shall be as required to minimize disturbance of natural grades.

Section 5 Significant Natural Areas and Features

Natural areas containing rare or endangered plants and animals, as well as other features of natural significance may exist in Marvin. Subdivision applicants shall take all reasonable measures to protect significant natural areas and features identified by the applicant's Existing Resources and Site Analysis Plan.

Section 6 Location of House Sites

Applicants shall identify house site locations in the tract's designated development areas, and be designed to:

- fit the tract's natural topography
- be served by adequate water and sewerage facilities
- provide views of and/or access to adjoining conservation lands in a manner consistent with the preservation of the conservation lands

Section 7 Alignment of Streets; Street Access

1. With house site locations identified, applicants shall delineate a street system to provide vehicular access to each house in a manner conforming to the tract's natural topography and providing for a safe pattern of circulation and ingress and egress to and from the tract.
2. Streets shall be designed and laid out in a manner that minimizes adverse impacts on the conservation lands. To the greatest extent practicable, wetland crossings and new streets or driveways traversing steep slopes shall be avoided.
3. Where practical, at least two (2) means of ingress and egress from the large tract subdivision onto adjoining public roads shall be provided for all large tract subdivisions containing fifteen (15) or more lots. Where practical and to the greatest degree feasible, connectivity between the large tract subdivision and adjoining subdivisions and/or undeveloped tracts shall be required.
4. Developable lots shall be accessed from interior streets, rather than from roads bordering the tract. Single loaded streets are encouraged to the greatest degree feasible.
5. Curvilinear streets, as opposed to straight streets and/or a grid street pattern, shall be required internally within large tract subdivisions as a means of promoting safety and to increase the aesthetics of the subdivision.
6. A terminal vista shall be required to be placed on any internal street within the large tract subdivision that is visible from and connects with an adjoining major road. The purpose of this requirement is to mitigate the view of a significant portion the internal subdivision road from the adjoining major road. The placement of a terminal vista may be waived if, due to topography, tree cover, and/or layout of the internal road network, it is determined that a terminal vista would serve no useful purpose.

Section 8 Protection of Vegetation from Mechanical Injury

Where earthwork, grading, or construction activities will take place in or adjacent to forestlands, or other significant vegetation or site features, the Village of Marvin shall require that the limit of disturbance be delineated and vegetation protected through installation of temporary fencing or other approved measures. Such fencing shall be installed prior to commencing of and shall be maintained throughout the period of construction activity.

Section 9 Protection of Vegetation from Excavations

1. When digging trenches for utility lines or similar uses, disturbances to the root zones of all woody vegetation shall be avoided.
2. If trenches must be excavated in the root zone, all disturbed roots shall be cut as cleanly as possible. The trench shall be backfilled as quickly as possible.

ARTICLE VIII
DETAILED SPECIFICATIONS FOR PRELIMINARY/CONSTRUCTION PLATS

Section 1 Plan

1. Title data
 - a. Date of submission.
 - b. Name and address of owner(s).
 - c. Name of subdivision.
 - d. Location and designation (Village, county, state).
 - e. Name and address of designer.
 - f. Scale in figures and bar graph.
 - g. North arrow.
 - h. Certificate of Sketch Plan Approval by the Village Council (See Article VII, Section 4).
 - i. The following certification shall be lettered or stamped or otherwise included on preliminary/construction plat in such a manner as to insure that said certificate will be legible on any print made there from:

I do hereby certify that on the _____ day of _____, 20____, the Village Council of the Village of Marvin, North Carolina, approved this Preliminary/Construction Plat. This certificate of approval is not intended to be construed to be approval of the final plat nor approval of the proposed subdivision to be recorded at the Register of Deeds.

Village Clerk

2. Street data
 - a. Physical features and structures in rights-of-way and elsewhere as affected by street construction.
 - b. Sufficient data on the center line of proposed streets to readily verify compliances with the provisions of this Ordinance including horizontal curve data (point of intersection, delta angle, degree of curve, radius of curve, length of curve, tangent distance), station equality at intersections, width of existing pavements and rights-of-way, and typical street section.
3. Utilities including existing and proposed community water and sewer systems and other underground utilities and appurtenances.
4. Storm drainage facilities including the location, size, and drainage area of bridges, culverts, and drain pipes.

Section 2 Profile

1. Street data
 - a. Center line profiles of proposed streets. Said profiles shall be extended beyond the property being subdivided sufficiently to verify the feasibility of the proposed street.
 - b. Center line vertical curve data and elevations.
 - c. Center line profiles of intersecting streets (existing and proposed).
 - d. Grades.
 - e. Station and elevation of intersecting streets.
 - f. Existing street and property line elevations.
 - g. Street names.
 - h. Benchmark description and elevation.

2. Utilities including existing and proposed community water and sewer systems and other underground utilities and appurtenances.
3. Storm drainage facilities including top and invert elevations for catch basins and manholes.

ARTICLE IX
DETAILED SPECIFICATIONS FOR FINAL PLATS

Section 1 Title Data

1. Date of submission.
2. Name and address of owner(s).
3. Name of subdivision.
4. Location designation (Township, county, state).
5. Name and address of engineer or surveyor.
6. Scale in figures and bar graph.
7. North arrow.
8. *Final plat* notation.
9. Certificates (See Article VI, Section 3)

Section 2 Surrounding Properties Information

1. Property lines, property owners, and subdivisions.
2. Rights-of-way, easements, reservations, and public use sites located and identified within three hundred (300) feet of property being subdivided.

Section 3 Property Being Subdivided

1. Street rights-of-way, widths of pavement, and names.
2. Property boundary lines including bearing and distances.
3. Block and lot lines and dimensions.
4. Minimum building setback lines.
5. Identification and dimensions of easements, reservations and dedicated areas.
6. Location, extent, and identification of marginal land.
7. Sufficient data of monuments and markers to determine readily and reproduce on the ground, location, bearing and length of all the above items.
8. Location and size of water and sewer lines as an attachment to the final plat.
9. Party responsible for maintaining any street median (note the name).

**ARTICLE X
RESERVED**

ARTICLE XI
EQUESTRIAN ORIENTED SUBDIVISIONS

1. Equestrian Oriented Subdivisions are developments that are of a residential nature, are designed with particular emphasis placed on equestrian activities and provide such facilities as community stables, riding rings, pastures, game fields, and riding trails. In addition, private stables may be located on individual residential lots. Equestrian oriented subdivisions are permitted as a major development subject to the following conditions:
 - a. All buildings and structures related to the care of horses and to the operation of the riding facilities shall be located no nearer than one hundred (100) feet to any property line outside the development.
 - b. Generally, riding trails shall be located within the interior of the development and should not extend along adjoining property lines. Where a proposed trail is to be located along the exterior property line of the project, such trail shall be a minimum of thirty (30) feet wide with adequate fencing provided to maintain all equestrian traffic within the project.
 - c. Private stables for horses on residential lots shall comply in accordance with **Section 150(c)(6)**, being accessory to the residential structure.
 - d. No minimum shall be placed on the number of horses boarded by the community stable. However, the site shall be of adequate size to handle the horses housed on-site and properly maintained to protect adjacent uses from adverse efforts.

2. A major development for an Equestrian Oriented Subdivision shall delineate the following in addition to other subdivision requirements:
 - a. Lots to have private stables shall be designated and the general area which such stables may be located shall be indicated.
 - b. All proposed community riding facilities, including community stables, riding rings, pastures, game fields, and riding trails. A written statement describing the proposed means of ownership and proposed program for the maintenance of these facilities shall be included.
 - c. The location and design of any walls, fencing, or screen planting proposed.

3. A subdivision of record shall file for a special use permit when considering equestrian oriented status. Notice shall be sent by U.S. Mail to each owner of a lot within said subdivision. The petitioner(s) shall furnish such listing. The permit shall not be issued upon objection by any one lot owner within said subdivision who submits a letter signed before a notary public which letter states opposition to the issuance of the permit. If such designation is granted, the provisions of this section shall apply and a site plan review by the administrator including details found in subsection (2) and any other material deemed pertinent shall be required.

ARTICLE XII
DEFINITIONS

Words used in this Ordinance shall have their customary dictionary definition, except as defined herein:

Alley. A privately maintained service road providing a means of access to abutting properties.

Amenities, Common. Those activity areas within a large tract subdivision that are located on conservation land and are primarily for the enjoyment and use of residents of that subdivision. Examples of ‘common amenities’ include ballfields, benches, playgrounds, trails, paths, etc.

Building setback lines. A line parallel to the street right-of-way line or front property line, side property lines, and rear property line of a lot. Buildings and structures shall not be erected within the area between said lot lines and the building setback lines.

Conservation Easement. A right conveyed by a recorded deed or other recorded instrument granting to the grantee a non-possessory interest in the real property of the grantor, and permanently and perpetually restricting the use of the real property to the uses set forth in Section 5.2(6) of the Marvin Zoning Ordinance.

Conservation Land. That portion of a tract of land or real property that is set aside for permanent and perpetual protection as required by Section 5.2(3) of the Marvin Zoning Ordinance.

Conservation Organization. A nonprofit corporation or trust, or any private corporation or business entity authorized to do business in North Carolina, intended to exist indefinitely, and whose ongoing purpose includes the following:

- the permanent and perpetual preservation of land areas for outdoor recreation by, or for the education of, the general public,
- the permanent and perpetual protection of the natural habitat of fish, wildlife, or plants, or similar ecosystem, or
- the permanent and perpetual preservation of open space (including farmland and forest land) where such preservation is (1) for the scenic enjoyment of the general public, or (2) pursuant to a clearly delineated Federal, State or local governmental conservation policy, and that will yield a significant public benefit.

Consultant. A public or private firm or individual specializing in a particular field of expertise contracted by the Village of Marvin to provide assistance implementing the Village’s Ordinances.

Easement. A grant by the property owner for use by the public, a corporation, or person(s), of a strip of land for a specific purpose.

Farmland. Those areas that are used for the production and activities related or incidental to the production of crops, fruit, vegetables, ornamental and flowering plants, dairy, livestock, and all other forms of agricultural products having a domestic or foreign market.

Final Plat. A map of land subdivisions prepared in a form suitable for record filing with necessary affidavits, dedications, and acceptances appended showing complete public areas and other information required by this Ordinance.

Floodplain. Any land area susceptible to being inundated by water from the base flood. As used in this Ordinance, the term refers to that area designated as subject to flooding from the base flood (i.e., one-hundred year flood) on the ‘Flood Boundary and Floodway Map’, prepared by the US Department of Housing and Urban Development, and dated July 18, 1983 (or latest revision thereof), a copy of which is on file in the Zoning Administrator’s office.

Forestland. A biological community dominated by trees and other woody plants covering a land area of ten thousand (10,000) square feet or greater and includes areas that have at least one hundred (100) trees per acre with at least fifty (50) percent of those trees having at least a two inch or greater diameter at four and one-half (4.5) feet above the ground.

Green, Village. A small, grassed open area that is centrally located in the neighborhood in which it is located and contains no permanent structures other than benches, pavilions, memorials, etc.

Historic Site/District. One or more parcels, structures, or buildings that is either: included on the State Register of Historic Properties or designated on the National Register of Historic Places, or authenticated as historic in a survey and report by a registered architect or architectural historian and which has been submitted to and approved by the Village of Marvin.

Lake. Any inland body of water, natural or man-made, that has a surface area of two (2) acres or greater.

Large-lot subdivision. A subdivision in which all lots are forty thousand (40,000) or more square feet in size.

Large Tract Subdivision. A residential subdivision that is located on a tract that is greater than ten (10) acres prior to the subdivision taking place. Any large tract subdivision shall be considered a “major subdivision” per the Marvin Subdivision Ordinance. *(NOTE: For purposes of this Ordinance, tract areas that existed at the time of adoption of this definition (insert date of adoption) shall be used in determining the area of the tract, irrespective of any subsequent changes to the lot area. Thus, if a tract were fifty (50) acres in area and was subsequently subdivided into five (5) ten-acre tracts, each of those ten-acre tracts would need to be developed to large tract subdivision standards.)*

Lot. A portion of a subdivision, or any other parcel of land, intended as a unit for transfer of ownership or for development.

1. **Corner lot.** A lot abutting upon two or more streets at their intersection.
2. **Double frontage lot.** A continuous lot between two streets accessible from both of the streets upon which it fronts. Corner lots are not included unless they front on three streets.
3. **Lot depth.** The distance of a line connecting the mid-points of the front and rear lines of a lot.
4. **Lot width.** The distance between the sidelines of a lot measured on a line drawn perpendicular to the line used in measuring the lot depth and bisecting said line at its mid-point.
5. **Reverse frontage lot.** A continuous lot between two streets accessible from only one of the streets upon which it fronts.

Maintenance Agreement. A binding agreement between a party and the Village, which provides that the party will be responsible for the implementation of all maintenance and operational obligations set forth in the Maintenance Plan.

Maintenance Plan. A plan that meets the requirements of Section 5.2(9) of the Marvin Zoning Ordinance and which provides for the continued operation and maintenance of conservation lands required under Section 5.2(7) of the Marvin Zoning Ordinance.

Major Subdivision. A subdivision that is characterized by any of the following conditions:

1. Involves more than four (4) lots on an existing approved street.
2. Involves the construction of a new street or prospectively requiring a new street for access to interior property.
3. Requires extension of public sewage or water lines or creation of new drainage easements through lots to serve property at the rear.
4. Creates new or residual parcels not conforming to the requirements of these regulations and related ordinance.
5. Any large tract subdivision (as herein defined).
6. Any small tract subdivision (as herein defined) that is built to large tract subdivision specifications.
7. Any subdivision that is not a minor subdivision, as herein defined.

Minor Subdivision. For the purpose of this Ordinance, a minor subdivision is defined as a subdivision:

1. Involving not more than four lots on an existing approved street.
2. Not involving any new street or prospectively requiring any new street for access to interior property.
3. Not requiring extension of public sewage or water lines or creation of new drainage easements through lots to serve property at the rear.
4. Creating no new or residual parcels not conforming to the requirements of these regulations and related Ordinance.

However, if the subdivider owns, leases, holds an option on, or holds any legal or equitable interest in any property adjacent to or located directly across a street, easement, road, or right-of-way, from the property to be subdivided, the subdivision shall not qualify under the abbreviated, Procedure for Review of Minor Subdivisions.

Additionally, the Procedure for Review of Minor Subdivisions, shall not be used for a second time within three years, on any property which was part of the original property boundaries, by anyone, who owned, had an option on, or any legal or beneficial interest in the original subdivision at the time the original subdivision received preliminary or final plat approval.

Official Plans and Ordinances. Any plans and Ordinances officially adopted by an appropriate governmental body to guide and implement orderly physical development.

Open Space. A land area or water feature that open and unobstructed in a manner that (1) conserves, enhances, or creates natural or scenic resources and wildlife habitat; or (2) enhances or creates outdoor recreational opportunities. Open space may be dedicated for public use or held under private ownership. Open space may be active e.g. soccer, baseball, or football fields, playgrounds, etc. or passive e.g. bicycle, walking, and jogging trails, etc. recreation. All 'Conservation Land' as defined in Section 2.2 in the Marvin Zoning Ordinance is deemed 'open space'. However, all open space is not necessarily 'Conservation Land.'

Park. Recreational facilities owned by the public, or non-profit organizations that may include: athletic fields, riding or jogging paths, concession stands serving the recreational area, or tennis courts.

Park, Pocket. A small (usually less than one acre in acre) neighborhood-oriented park or open space area that can contain benches, fountains, gazebos, and open space areas that is designed as an integral part of a subdivision. Such parks are usually accessed by foot or bicycle; thus, off-street parking facilities are not required nor encouraged.

Planned Unit Development. A group of two or more principle structures built on a single lot or parcel of land, not subsequently to be subdivided into conventional streets and lots, and designed for occupancy by separate families, business firms, or other enterprises. A planned unit development can also mean the unconventional subdivision and development of land, not subsequently to be subdivided into conventional streets and lots and designed for occupancy and ownership by separate families, business firms, or other enterprises with significant areas of common properties owned and maintained by private ownership associations.

Pond. Any inland body of water, natural or man-made, that has a surface area of at least one thousand (1,000) square feet but less than two (2) acres.

Preliminary/Construction Plat. A detailed plan with supporting data for a proposed subdivision developed for the purpose of establishing the layout and provision of roads, utilities, and other public dedications required by this Ordinance.

Preserve, Habitat. A wooded area of local or State significance that is maintained in a natural state for the preservation of animal and/or plant life.

Recreation, Active. Activities that may require ball fields, developed recreational sites or other facilities incidental to similarly recreational uses. These activities may include, but are not limited to, playgrounds, basketball courts and ball fields.

Recreation, Passive. Activities that do not require any developed recreational sites or facilities. These activities may include, but are not limited to, walking, biking, hiking, canoeing, jogging, equestrian riding/trails, fishing and nature study/appreciation.

Road, Major. Through roads that are one-thousand (1000) feet in length or greater that are not internal to a subdivision. Such roads shall include, but not be limited to:

Bond's Grove Church Road	Providence Road (NC 16)
Crane Road	Rea Road
Joe Kerr Road	Tom Short Road
Marvin Road	Tom Short Road Extension
Marvin School Road	Waxhaw Marvin Road
New Town Road	

Road, Minor. Through roads that are less than one-thousand feet in length and located within Marvin's planning jurisdiction. The following roads shall be considered 'minor roads':

Stacy Howie Road
Henry Nesbitt Road

Rock Formation. A portion of bedrock or other stratum protruding through the soil level.

School. Elementary or Secondary. A school offering instruction at the elementary, middle, or high school levels in the branches of learning and study required to be taught in the public schools of North Carolina. This can include educational buildings, playgrounds, and athletic areas and facilities (excluding stadiums) normally used by the students of that facility

Shall. The word 'shall' as herein used is always mandatory and not merely directory.

Shrub. An upright, multi-stemmed plant that is planted for ornamental or screening purposes.

Sketch Plan. A map with supporting data for a proposed subdivision developed for the purpose of showing the general layout of lots and roads.

Slope, Steep. An area having a slope greater than fifteen (15) percent.

Small Tract Subdivision. A residential subdivision that is located on a tract that is ten (10) acres or less in area prior to the subdivision taking place. *(NOTE: For purposes of this Ordinance, tract areas that existed at the time of adoption of this definition (October 22, 2004) shall be used in determining the area of the tract, irrespective of any subsequent changes to the lot area. Thus, if a tract were 50 acres in area and was subsequently subdivided into five (5) ten acre tracts, each of those ten-acre tracts would need to be developed to large tract subdivision standards. Tracts that were ten (10) acres or less on (insert date) can either be developed as a small tract or large tract subdivision.)*

Stream. A watercourse having a source and terminus, banks and channel through which waters flow at least periodically.

Street, Curvilinear. A street that has a majority of its length contained in curved (as opposed to straight) lines.

Streets and Roads. A dedicated and accepted public right-of-way for vehicular traffic. The following functional classifications are used for roads and streets by the North Carolina Department of Transportation in the preparation of thoroughfare plans:

1. **Principle arterial.** A link in a network of continuous routes serving corridor movements having trip length and travel density characteristics indicative of substantial statewide or interstate travel and existing solely to serve traffic. This network would consist of interstate routes and other routes designated as principle arterials.
2. **Minor arterial.** A link in a network joining cities and larger Villages and providing interstate and inter-county service at relatively high (55 mph) overall travel speeds with minimum interference to through movement. This network would primarily serve traffic.
3. **Major collector.** A road that serves major intra-county travel corridors and traffic generators and provides access to the arterial system.
4. **Minor collector.** A road that provides service to small and local communities and links the locally important traffic generators with their rural hinterland.
5. **Local street.** A local street serves primarily to provide access to adjacent land and for travel over relatively short distances.
6. **Cul-de-sacs.** A local street that is permanently terminated by a vehicular turn around.

Subdivider. Any person or firm, or official agent thereof who subdivides any land deemed to be a subdivision.

Subdivision. All divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development, whether immediate or future, and includes all divisions of land involving the dedication of a new street or a change in existing streets. The following, however, shall not be considered as being a ‘subdivision.’

- The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the Village of Marvin as shown in its subdivision regulations
- The division of land into parcels greater than ten (10) acres where no street right-of-way dedication is involved
- The public acquisition by purchase of strips of land for widening or opening streets or for public transportation system corridors
- The division of a tract in single ownership whose entire area is no greater than two (2) acres into not more than three (3) lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the Village of Marvin as shown in this Ordinance
- The division of a cemetery into gravesites

Terminal Vista. A mechanism for creating a visual ending point of a road or street. Such mechanisms may include, but are not limited to: public buildings (church, school, community center, Village hall), common amenities or open space area (park, playground, gazebo, etc.).

Through Street. Any street not ending in a permanent dead end. A cul-de-sac is not a through street. A street ending at a property boundary is a through street.

Viewshed. That portion of conservation land that lies contiguous to and directly behind and parallel to a viewshed buffer that is left undisturbed, except as called for in Section 5.2(7) of the Marvin Zoning Ordinance.

Viewshed Buffer. That portion of a large or small tract subdivision that is required to be undisturbed [except as may be provided in Section 5.2(7) of the Marvin Zoning Ordinance.] and which has a depth of up to two hundred eighty-five (285) feet as measured back from and parallel to an adjoining major or minor road.

Wetland. Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

Gordon J. Suhré, Mayor

Attest:

Melody A. Graham, Village Clerk

- Amended 3/8/05 – Article I, sections 16 & 18; Article III, sections 1 & 2; Article VI, section 1; Article VII, section 4; Article VIIA, sections 5 & 6; Article VII, section 1; Article XII, sections 1 & 2
- Amended 5/10/05 – Article VIIA, section 6; Article V, section 7
- Amended 2/14/06 – Article I, section 2 and 13 Article III, section 5; Article IV, section 5; Article V, section 2; Article XII
- Amended 2/14/06 – Amend all references to “Preliminary Plats or Plans” to read Sketch “Plans” and all references to “Construction Plats or Plans” to read “Preliminary/Construction Plats”
- Amended 5/9/06 – Article IV, sections 3 and 7
- Amended 9/12/06 – Article IV, section 5(5) and section 7(4)
- Amended 12/19/06 – Article V, section 7
- Amended 3/13/07 – Article II, section 3; Article III, sections 2, 3,5; Article VIIA, section 3
- Amended 6/12/07 – Article V, new section 9
- Amended 9/11/07 – Article III, sections 2(2) and 3(3); Article VIIA, section 5; Article VIIB, section 1(2), Article XII
- Amended 2/12/08 – Article I, section 17; Article V, section 7(2)(a)(3)(b)
- Amended 4/8/08 – Article I, section 13
- Amended 12/9/08 – Article I, section 17; Article III, sections 2(2), 3(3) and 5(4); Article VIIA, sections 1(2), 2(2) and 5
- Amended 6/9/09 – Article V, section 9