

ARTICLE 3
ZONING DISTRICTS

Section 3.1 Zoning Districts

In order to achieve the purpose of this Ordinance, the following districts, based on the concepts and proposals of the Land Use Plan of the Village of Marvin are hereby established. In addition to the primary uses that are permitted by right or through the issuance of a conditional use permit, other uses including accessory uses, off-street parking, and signs are permitted as listed in this Ordinance.

3.1.1 R, Marvin Residential

This district allows for agricultural uses and single-family residential development. The purpose of this zoning district is to conserve open space while simultaneously maintaining a density of one residence, or fewer, per acre. In order to achieve these goals, the average lot size may vary, with an absolute minimum of 25,000 square feet. Additionally, deep building setbacks on street frontages and tree preservation efforts will retain the rural vistas that typify the Village of Marvin.

Other desired end-results of the 'R' zoning district include:

- To conserve open land, including those areas containing unique and sensitive natural features, by setting them aside from development;
- To conserve scenic views and Marvin's rural character, and to minimize visual density, by minimizing views of new development from existing roads;
- To create neighborhoods with direct visual access to open land, with amenities in the form of neighborhood conservation land, and with a strong community identity;
- To protect areas with productive agricultural soils for continued or future agricultural use, by conserving blocks of land large enough to allow for efficient farm operations;
- To provide design flexibility and efficiency in the siting of road and utility services and infrastructure;
- To reduce erosion and sedimentation by the retention of existing vegetation and the minimization of development on steep slopes;
- To provide for the conservation and maintenance of open land within Marvin to achieve the aforementioned purposes and for active or passive recreational use by residents; and,
- To provide multiple options for landowners in order to minimize impacts on environmental resources (sensitive lands such as wetlands, floodplain, and steep slopes) and disturbance of natural or cultural features (such as mature woodlands, hedgerows and tree lines, critical wildlife habitats, historic sites, and fieldstone walls);

3.1.1A RUC - Marvin Residential Union County

This district is established to accommodate the construction of proposed and existing principal structures in subdivisions that were developed under R40 Union County zoning regulations and have been subsequently annexed into the Village of Marvin. The intent of this district is to allow for and maintain the established setbacks as noted on the final record plats of only those subdivisions previously developed in unincorporated Union County. All proposed accessory use structures in the RUC District shall conform to the standards established in Article 4, Section 4.9 of the Village of Marvin Zoning Ordinance.

3.1.2 'O' Office District

This district creates areas that allow small-scale offices, institutions and commercial activities generally not involving the sale of merchandise. The 'O' District may be established to serve as a buffer between more intensive commercial areas and adjoining residential neighborhoods.

3.1.3 'B' Business District

This district is established to create small-scale business centers that provide employment opportunities, professional services and the retailing of merchandise such as groceries, drugs and household items to serve the everyday needs of Marvin area residents.

3.1.4 Conditional Zoning Districts

The Conditional Zoning District process allows for the establishment of certain uses that, because of their nature or scale, have particular impacts on both the immediate area and the community as a whole. The development of these uses cannot be predetermined or controlled by general district standards. In order to accommodate these uses, this section establishes specific development standards for these uses that allow for flexibility in development while protecting existing developed areas. The process for approval of a Conditional Zoning District is explained in Section 12.2. The rezoning of any parcel of land to a conditional district should be a voluntary process initiated by the property owner. Any area rezoned to a conditional zoning district shall be in strict compliance with the goals, objectives and implementation strategies of the Marvin Land Use Plan; the most recently adopted version of the Marvin Tree Ordinance; and all other plans and regulations officially adopted by the Marvin Village Council. The review process established in this part provides for the accommodation of such uses by a reclassification of property into a conditional zoning district, subject to specific conditions, which ensure compatibility of the use with the use and enjoyment of neighboring properties and in accordance with the general plans of development of the Village. A conditional zoning district is not intended for securing early zoning for a proposal.

The following conditional zoning districts, as shown below, are hereby established.

CC Commercial Corridor Zoning District

The CC District is hereby established in order to accommodate one or more areas of high quality, low impact, community-oriented mixed retail and office type developments in designated areas along the Rea Road and NC 16 corridors. Attributes of any such development include, but are not limited to:

- They do not dominate the viewshed from Rea Road, NC 16 or any other major road in Marvin.
- They contain a mixture of retail and office-type uses.
- They contain a predominance of 'small-scale' retail shops (i.e., retail stores with 50,000 or less gross floor area (GFA)).
- A variegated skyline of one, two, and/or three story structures.
- They be visually buffered from any existing or planned adjoining residential areas.
- Developments be designed in a "pedestrian-friendly, Village" atmosphere, as opposed to development that nowadays are geared primarily for the motorist.
- They NOT contain large expansive parking lots. Rather, smaller, well-landscaped parking lots and/or parking decks designed to visually blend in with the development are preferred.

MX – Mixed Use District and MX-2 Mixed Use District

The MX – Mixed Use District and MX-2 Mixed Use District are intended as limited use districts with a very high level of design control including both site and building features. They are designed to allow a variety of Office, Commercial, and limited Residential uses only in carefully considered locations requiring a high level of design control by the Village of Marvin. Each site proposed for MX – Mixed Use District or MX-2 Mixed Use District zoning must be evaluated by the Village Council as to its appropriateness for such designated use. Factors to be taken into consideration include, but are not limited to, accessibility, surrounding uses, need for proposed uses, site design including building arrangement, aesthetics, signage, height, size and elevation design, traffic impact within the proposed development and the surrounding service area including vehicular and pedestrian circulation and parking area design and location, setbacks, buffer effectiveness and storm water management.

It is the intent of these districts to encourage high quality design and innovative arrangement of buildings, parking and open space. Because of the nature of all the factors listed, the approval of a location for the MX – Mixed Use District or MX-2 Mixed Use District is at the sole discretion of the Village Council and in no way implies that any other site will be found acceptable for similar designation.

3.1.5 EO, Education Overlay District

This district is established to provide for the specific circumstances and needs of the educational institutions, (limited to elementary, middle and high school) within the Village’s jurisdiction. The uses permitted within this district shall be limited to those of an educational nature for the necessary operation of the educational institutions. Requirements specific to this district are listed in Article 5, Section 5.9 of this ordinance. Discontinuation of any school shall result in the loss of the Education Overlay District zoning and will initiate a rezoning back to the original zoning district. Additionally, discontinuation of any school after five (5) years will require the property owner to remove the buildings.

Section 3.2 Zoning Map Interpretation

The map entitled ‘Official Zoning Map of the Village of Marvin, North Carolina’, as certified as such by the Village Clerk of the Village of Marvin, North Carolina is hereby adopted by reference and declared to be a part of this Ordinance. The zoning of the districts on said map is hereby declared to be the proper zoning for said districts as of the effective date of this Ordinance.

3.2.1 For purposes of interpretation of district boundaries as shown on the zoning map, the following rules shall apply:

1. Boundaries indicated as approximately following the center line of streets, highways, or alleys shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be constructed as following such lot lines.
3. Boundaries indicated as approximately following corporate limits shall be construed as following such corporate limits.
4. Boundaries indicated as parallel to or extensions of features indicated in this section shall be construed as such. The scale of the map shall determine distances not specifically indicated on the Official Zoning Map.
5. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by this section, the Board of Adjustment shall interpret the district boundaries.