

**VILLAGE OF MARVIN
NORTH CAROLINA**

TO: Mayor Ciaramella
Village Council

FROM: Anna Whalen, AICP
Senior Planner

SUBJECT: Village Council Meeting – May 11, 2010
Business & Office Conditional Districts

Staff Recommendation:

Approve the text amendments in the Zoning Ordinance to create Business and Office Conditional Districts and to clarify Conditional District text:

1. ARTICLE 3, Section 3.1 correct text to Conditional District and CD where appropriate and create Office and Business Conditional Districts
2. ARTICLE 4 General Provisions
 - a. Section 4.5 correct number of principal buildings for Office and Business District and add Office and Business Conditional Districts
 - b. Section 4.19 correct text to Conditional District
3. ARTICLE 5 Zoning District Regulations
 - a. Section 5.3 defining location of Office District
 - b. Section 5.4 defining location of Business District
 - c. Section 5.6 through 5.8 correct text to Conditional District and CD where appropriate
 - d. Add new Section 5.10 creating Office Conditional District
 - e. Add new Section 5.11 creating Business Conditional District
4. ARTICLE 12 correct text to Conditional District and CD where appropriate
5. Blanket correction throughout Ordinance to change MX to MX-CD and MX-2 to MX2-CD

Background:

On April 1, 2009, the Planning Board recommended approval to the Village Council regarding new standards for the Office (O) and Business (B) Districts. As part of the discussion on this topic, the Planning Board requested that the O and B Districts remain where they are currently shown on the Zoning Map and all other rezoning to O or B go through a Conditional District (CD) process.

At the February 16, the Planning Board discussed the proposed text. One section was left out that needed corrections related to number of principal buildings. On March 16, 2010, the Planning Board recommended the text below (unanimous of those present).

Analysis:

The North Carolina General Statutes allow local jurisdictions to create Conditional Districts. The Marvin Zoning Ordinance allows for Conditional Districts, but the text refers to it with different

terminology. To be consistent, staff has made minor text changes throughout the Zoning Ordinance and these changes are reflected in the text below.

The main text changes relating to the O and B Districts and O and B Conditional Districts (CD) are in Article 3, Section 3.1, Article 5 – Sections 5.3 and 5.4, and new sections 5.10 and 5.11. In Section 3.1, 5.3 and 5.4, the O and B Districts will be limited to where they are currently located north of Tom Short Road and west of Rea Road. In Section 3.1.4, there was text under Mixed Use Conditional Districts that are applicable to all Conditional Districts. That text was removed from the Mixed Use sections and moved to the opening paragraphs under Section 3.1.4. Also, new text was added for O-CD and B-CD. Under Section 5, new text was added for O-CD and B-CD. These Districts may occur at the Commercial Corridor designations on the Land Use Plan Map and their development standards will be the same as the O and B Districts.

In Article 4, Section 4.5 of the Marvin Zoning Ordinance, text changes are recommended for the number of buildings in the O and B Districts. New standards were adopted in 2009 that removed the conditional use permit process for office parks and shopping centers (these are permitted uses in the Commercial Corridor District). The new standards allow only one building per parcel. The recommended text changes reflect these previously adopted development standards. The proposed O-CD and B-CD will also reflect the development standards in the O and B Districts (i.e. one building per parcel) so new text is provided related to one principal building.

Article 12, Section 12.2.1 provides text related to the application and review process for Conditional Districts. One proposed change is from “conditional zoning request” to “Conditional District rezoning request”. There are two places in 12.2.1, #1 (see below) where all the current Conditional Districts are listed in the last paragraph. The second change is to strike the list of Conditional Districts; the list is unnecessary since the text “Conditional Districts” is already mentioned.

Proposed Text Changes:

Below is the proposed language for the Village Council’s consideration. At the time this report was delivered to the Council, the Village Attorney had not reviewed the proposed text. The existing language is in regular font. The changes are in **bold** and the proposed deletions are ~~stricken~~.

ZONING ORDINANCE

1. ARTICLE 3 Zoning Districts, Section 3.1 Zoning Districts

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~~ **is** established to serve as a buffer between more intensive commercial areas and adjoining residential neighborhoods **along Tom Short Road west of Rea Road.**

3.1.3 'B' Business District

This district is established to create a small-scale business centers that provides 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 **north of Tom Short Road west of Rea Road.**

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 ~~eConditional d~~District should be a voluntary process initiated by the property owner. Any area rezoned to a ~~eConditional zoning d~~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 ~~eConditional zoning d~~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 ~~eConditional zoning d~~District is not intended for securing early zoning for a proposal.

Each site proposed for a Conditional District 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 a Conditional 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.

The following ~~eConditional zoning d~~Districts, as shown below, are hereby established.

CC-CD Commercial Corridor ~~Zoning~~ Conditional District

The ~~CC-CD 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-CD – Mixed Use Conditional District and ~~MX-2~~ MX2-CD Mixed Use 2 Conditional District

~~The MX-CD – Mixed Use District and MX-2 MX2-CD 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.~~

O-CD – Office Conditional District and B-CD – Business Conditional District

The O-CD and B-CD are intended as limited use districts with a very high level of design control including both site and building features. The O-CD is hereby established to allow small-scale offices, institutions and commercial activities generally not involving the sale of merchandise. The B-CD is hereby established to create small-scale retail business centers that provides employment opportunities, professional services and retailing of merchandise such as boutique shops and household items. Both districts may be established in one or more areas in designated areas along the Rea Road and NC 16 corridors.

Attributes for development in either district include, but are not limited to:

- **Developments be designed in a “pedestrian-friendly, Village” atmosphere, as opposed to development that is geared primarily for the motorist.**
- **High quality, low impact office type development**
- **Buildings are close to the street.**
- **The District contains a predominance of ‘small-scale’ buildings (i.e., one per lot, structure with 5,000 square feet or less).**
- **Buildings are to have a residential appearance and not to exceed two stories in height.**
- **The buildings and uses are visually buffered from any existing or planned adjoining residential areas.**
- **The District does NOT contain large expansive parking lots. Rather, shared, well-landscaped parking lots behind the buildings designed to provide a “main street” appearance.**

2. ARTICLE 4 General Provisions

a. Section 4.5 One Principal Building

2. In any office district, a **one** detached building ~~or a group (two or more) of detached buildings~~ shall be ~~either~~ permitted as a matter of right ~~or may be authorized by a Conditional Use Permit (Article 6)~~ on a single lot which meets at least the minimum requirements of this Ordinance.
3. In any business district, a **one** detached building ~~or a group (two or more) of detached buildings~~ shall be ~~either~~ permitted as a matter of right ~~or may be authorized by a Conditional Use Permit (Article 6)~~ on a single lot which meets at least the minimum requirements of this Ordinance.
4. **In any office conditional district, one detached building shall be permitted on a single lot which meets at least the minimum requirements of this Ordinance.**
5. **In any business conditional district, one detached building shall be permitted on a single lot which meets at least the minimum requirements of this Ordinance.**

b. Section 4.19 Outdoor Storage, last paragraph

Materials are often stockpiled in association with new developments. Accordingly, a conditional use permit (or the creation of a new ~~eConditional zoning dDistrict~~) for a development may contain fair and reasonable conditions related to stockpiling that equal or exceed the standards set forth herein.

3. ARTICLE 5 Zoning District Regulations

a. Section 5.3 'O' Office District

The purpose of this district is for the creation of defined areas of office development. Hours of operation for uses in an 'O' zone shall generally be from 6 a.m. – 10 p.m. Most retail activities are not allowed here. This zoning district may only be **located on Tom Short Road west of Rea Road as designated on the September 2008 Village of Marvin Village Limits, Zoning, and Floodplain Map** ~~found in areas so designated in the Marvin Land Use Plan.~~ The district can also serve as a buffer between more intensive commercial areas and adjoining residential neighborhoods. No drive-through windows are permitted.

b. Section 5.4 'B' Business District

The district is designed primarily for the small-scale retailing of merchandise such as groceries, drugs, household items, and certain personal, business, and professional services for the convenience of local residents. ~~Any such area shall be so designated in and in compliance with the Marvin Land Use Plan.~~ **This zoning district may only be located north of Tom Short Road west of Rea Road as designated on the September 2008 Village of Marvin Village Limits, Zoning, and Floodplain Map.** There shall be no outdoor storage of goods associated with any use located in the 'B' district. Irrespective of any of the uses herein listed as being permitted, no sexually oriented establishment as defined by N.C.G.S. 14-202.10, shall be allowed. No drive-through windows are permitted.

c. Section 5.6 CC-CD Commercial Corridor Conditional District

The **CC-CD Commercial Corridor Conditional** 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 Rea Road and NC 16. Such zoning district shall be applicable only to tracts of land ten (10) acres or larger in size. Rezoning to a **CC-CD district** shall only be applicable to areas for future retail/office development so designated on the Marvin Land Use Plan. Development in a **CC-CD district** may only occur in conjunction with ~~e~~**Conditional d**~~District zoning~~ as outlined in Section 12.2.

5.6.2 Development Standards

Except as provided herein, all uses and structures in the **CC-CD District** shall meet all applicable development standards established in Articles 4, 8, 9, and 10 of this Ordinance as well as the following standards. Some of the standards established in this zoning district may differ than those that would otherwise apply in Marvin. Unless specifically listed herein, the stricter standard shall apply.

Section 5.7 MX-CD – Mixed Use Conditional District

The **MX-CD – Mixed Use Conditional** District is hereby established in order to accommodate a highly limited type of mixed use development in accordance with the intent

described in Section 3.1.4. Development in a **MX-CD** ~~—Mixed Use District~~ may only occur in accordance with the requirements for conditional zoning as outlined in Section 12.2. Rezoning to a **MX-CD** ~~—Mixed Use District~~ shall only be applicable to areas designated for future retail/office development in the Marvin Land Use Plan.

5.7.1 Permitted Uses

1. All uses allowed in the **CC-CD** ~~District~~ Section 5.6.1, except for office parks and shopping centers.

5.7.2 Development Standards

Except as provided herein, all uses and structures in the **MX-CD** ~~—Mixed Use District~~ shall meet all applicable development standards established in Article 4 (General Provisions), Article 8 (Signs), Article 9 (Off-Street Parking & Loading), and Article 10 (Zoning Administration of this Ordinance) as well as the following standards. Some of the standards established in this zoning district may differ than those that would otherwise apply in Marvin. Whenever a conflict arises between an otherwise applicable standard imposed by another provision of the Zoning Ordinance and a standard imposed below for **MX-CD** ~~—Mixed Use District~~, the stricter standard as determined solely by the Village Council shall apply.

1. Minimum project size must be at least thirty (30) gross acres.
2. Except as provided herein, all principal buildings and structures located within the project area shall meet a minimum setback of one hundred-fifty (150) feet from any public road right-of-way and residentially zoned property and twenty-five (25) feet from other zoned property. Where a public road right-of-way along a major or minor thoroughfare has not been established by the North Carolina Department of Transportation, the right of way shall be determined by a measurement of fifty (50) feet from the centerline of the pavement to the measured line to provide for future widening. In addition, after considering the criteria for the **MX-CD** ~~—Mixed Use District~~ design as set forth in Article 3, section 3.1.4, the Village Council at their sole discretion, may reduce the setbacks to a minimum of fifty (50) feet only after the applicant has demonstrated the following, if applicable:
 3. Landscaping, screening, buffers and berms shall meet or exceed the minimum standards as provided per Article 4, section 4.2 and the most recently adopted version of the Marvin Tree Ordinance. A buffer shall be built and maintained the entire width of the property fronting major or minor thoroughfares and major or minor roads. The buffers shall be built within the first one hundred-fifty (150) feet or the width of the setback, whichever is less. All such buffers and/or screens shall be built in such a manner as to effectively screen the development from any major or minor thoroughfare and major or minor road and/or residential or commercial property existing at the time the **MX-CD** ~~—Mixed Use District~~ is approved. All such landscaping, screening, buffers and berms of planted and existing trees, shrubs and other vegetation shall include, protect, and maintain existing

and planted trees within the tree preservation strips and areas in compliance with the most recently adopted version of the Marvin Tree Ordinance.

6. No individual use within a ~~MX-CD – Mixed Use District~~ development shall have a gross floor area greater than fifty thousand (50,000) square feet. However, the maximum gross floor area for grocery stores may be increased by up to an additional ten thousand (10,000) square feet for future expansion. Furthermore, individual uses (other than offices within an office building and grocery stores) having a gross floor area of greater than twenty thousand (20,000) square feet shall not comprise greater than twenty-five (25) percent of the gross floor area of the buildings devoted to retail use.

Section 5.8 ~~MX-2~~ **MX2-CD** – Mixed Use 2 Conditional District

The ~~MX-2~~ **MX2-CD** – Mixed Use 2 Conditional District is hereby established in order to accommodate a highly limited type of mixed use development in accordance with the intent described in Section 3.1.4. Development in a Conditional ~~Zoning~~ District may only occur in accordance with the requirements for ~~e~~Conditional **Districts zoning** as outlined in Section 12.2. Rezoning to a ~~MX-2~~ **MX2-CD** ~~Mixed Use 2 District~~ shall only be applicable to areas designated for future retail/office development in the Marvin Land Use Plan.

5.8.1 Permitted Uses

1. All uses allowed in the ~~CC-CD District~~ Section 5.6.1, except for office parks and shopping centers.

5.8.2 Development Standards

Except as provided herein, all uses and structures in the ~~MX-2~~ **MX2-CD** ~~Mixed Use 2 District~~ shall meet all applicable development standards established in Article 4 (General Provisions), Article 8 (Signs), Article 9 (Off-Street Parking & Loading), and Article 10 (Zoning Administration of this Ordinance) as well as the following standards. Some of the standards established in this zoning district may differ than those that would otherwise apply in Marvin. Whenever a conflict arises between an otherwise applicable standard imposed by another provision of the Zoning Ordinance and a standard imposed below for ~~MX-2~~ **MX2-CD** ~~Mixed Use 2 District~~, the stricter standard as determined solely by the Village Council shall apply.

2. Except as provided herein, all principal buildings and structures located within the project area shall meet a minimum setback of one hundred-fifty (150) feet from any public road right-of-way and residentially zoned property and twenty-five (25) feet from other zoned property. Notwithstanding, all principle buildings and structures shall have a minimum setback of 85' from any major thoroughfare right-of-way. Where a public road right-of-way along a major or minor thoroughfare has not been established by the North Carolina Department of Transportation, the right of way shall be determined by a measurement of fifty (50) feet from the centerline of the pavement to the measured line to provide for future widening. In addition, after considering the criteria for the ~~MX-2~~ **MX2-CD** ~~Mixed Use 2 District~~ design as set forth in Article 3, section 3.1.4, the Village Council at

their sole discretion, may reduce the setbacks to a minimum of fifty (50) feet only after the applicant has demonstrated the following, if applicable:

3. Landscaping, screening, buffers and berms shall meet or exceed the minimum standards as provided per Article 4, section 4.2 and the most recently adopted version of the Marvin Tree Ordinance. A buffer shall be built and maintained the entire width of the property fronting major or minor thoroughfares and major or minor roads. The buffers shall be built within the first one hundred-fifty (150) feet or the width of the setback, whichever is less. All such buffers and/or screens shall be built in such a manner as to effectively screen the development from any major or minor thoroughfare and major or minor road and/or residential or commercial property existing at the time the ~~MX-2~~ **MX2-CD – Mixed Use 2 District** is approved. All such landscaping, screening, buffers and berms of planted and existing trees, shrubs and other vegetation shall include, protect, and maintain existing and planted trees within the tree preservation strips and areas in compliance with the most recently adopted version of the Marvin Tree Ordinance.
6. No individual use within a ~~MX-2~~ **MX2-CD – Mixed Use 2 District** development shall have a gross floor area greater than fifty thousand (50,000) square feet. However, the maximum gross floor area may be increased by up to an additional ten thousand (10,000) square feet for future expansion. Furthermore, individual uses (other than offices within an office building) having a gross floor area of greater than twenty thousand (20,000) square feet shall not comprise greater than twenty-five (25) percent of the gross floor area of the buildings devoted to retail use.

d. Add New Section 5.10 O-CD Office Conditional District

Section 5.10 O-CD Office Conditional District

The purpose of this district is for the creation of defined areas of office development. Hours of operation for uses in an O-CD zone shall generally be from 6 a.m. – 10 p.m. Most retail activities are not allowed here. This zoning district may only be found in areas so designated as Commercial Corridor on the Marvin Land Use Plan. The district can also serve as a buffer between more intensive commercial areas and adjoining residential neighborhoods. No drive-through windows are permitted in this district.

The standards listed in “O” Office District Section 5.3.1 through 5.3.4 shall be used.

e. Add New Section 5.11 B-CD Business Conditional District

Section 5.11 B-CD Business Conditional District

The district is designed primarily for the small-scale retailing of merchandise such as boutique shops and household items, and certain personal, business, and professional services for the convenience of local residents. This zoning district may only be found in

areas so designated as Commercial Corridor on the Marvin Land Use Plan. There shall be no outdoor storage of goods associated with any use located in the B-CD. Irrespective of any of the uses herein listed as being permitted, no sexually oriented establishment as defined by N.C.G.S. 14-202.10, shall be allowed. No drive-through windows are permitted in this district. The standards listed in “B” Business District Section 5.4.1 through 5.4.4 shall be used.

4. ARTICLE 12 Amendments

Section 12.1 Map Amendments (other than for Conditional Zoning Districts) and Text Amendments

Zoning regulations, restrictions and district boundaries, may from time to time be amended, supplemented, changed, modified or repealed, in the following manner:

2. A property owner (or his authorized agent) may request that his property be rezoned to a eConditional zoning dDistrict established in Section 3.1.4. Procedures for having property rezoned to a eConditional zoning dDistrict are found in Section 12.2.

12.1.2 The application for a rezoning of a particular piece(s) of property and change in the zoning map (other than for Conditional Zoning Districts) shall be made in duplicate on a form provided by the Zoning Administrator.

12.1.8 A written petition of protest may be filed with reference to any proposed change to the zoning map. In case of a protest against such change, an amendment shall not become effective except by favorable vote of three-fourths (3/4) of all members of the Village Council. For purposes of this subsection, vacant positions on the Council and members who are excused from voting shall not be considered ‘members of council’ for calculation of the requisite three-fourths vote. To qualify as a protest, the petition must be signed by the owners of either (i) twenty (20) percent or more of the area included in the proposed change or (ii) five (5) percent of a one hundred (100) foot wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right-of-way shall not be considered in computing the one hundred (100) foot buffer area as long as that street right-of-way is one hundred (100) feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the one hundred (100) foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the Village may rely on the county tax listing to determine the ‘owners’ of potentially qualifying areas. This section shall not be applicable to any amendment that initially zones property added to the territorial coverage of this Ordinance as a result of annexation or otherwise, or to an amendment to an adopted eConditional dDistrict if the amendment does not change the types of uses that are permitted within the district or increase the approved density for residential development, or increase the total approved size of nonresidential development, or reduce the size of any buffers or screening approved for the eConditional dDistrict.

Section 12.2 Amendments Procedure - Conditional Zoning Districts

12.2.1 Application and Review Process

1. **Application.** Petitioning for a ~~e~~Conditional ~~zoning~~ ~~d~~District is a voluntary procedure and can be initiated only by the owner(s) of the property(ies) in question or by his/her authorized agent. All applications must include a site plan, drawn to scale, and supporting text that, as approved, will become a part of the Ordinance amendment. The site plan, drawn by an architect, landscape architect, or engineer licensed to practice in North Carolina, shall include any supporting information and text that specifies the actual use or uses intended for the property and any rules, regulations, and conditions that in addition to all predetermined Ordinance requirements, will govern the development and use of the property. The applicant shall, at a minimum, include as part of the application, each of the items listed below.

Said site plan, including all additional information shown on it, shall constitute part of the petition for rezoning to a ~~e~~Conditional ~~zoning~~ ~~d~~District. The Zoning Administrator may, on a case by case basis and within his/her sole discretion, specify how many copies of the application the applicant must submit in order to have enough copies for review. No application shall be deemed complete unless accompanied by a fee in accordance with the most recently adopted fee schedule adopted by the Village Council and until after two requisite Public Involvement Meetings are held in accordance with Section 12.2.1(3) below. Furthermore, the applicant acknowledges that he/she will reimburse the Village for all engineering and consulting services, legal fees, review by the Design Review Board and other costs and expenses incurred during review of the ~~e~~Conditional **District** rezoning request prior to any zoning permits being issued by the Village for such project.

It is further acknowledged that the Village reserves the right to approve a rezoning to a ~~CC, MX or MX-2~~ ~~e~~Conditional ~~d~~District simultaneously with the approval of a sketch plan of a large tract subdivision, providing that all applicable provisions of this Section and Article VIIA of the Subdivision Ordinance are followed. Furthermore, a petition to a ~~e~~Conditional ~~zoning~~ ~~d~~District, ~~particularly to a CC, MX or MX-2 district,~~ will also require the applicant to submit all construction plans for infrastructure improvements, individual buildings, and signs as provided for in Section 12.2.1(10) below.

2. **Additional requirements.** When reviewing an application to rezone property to a ~~e~~Conditional ~~zoning~~ ~~d~~District process, the Planning Board and/or Village Council may request additional information [in addition to that required in subsection (1) herein], as they deem necessary.
3. **Public Involvement Meeting.** Once the requisite number of applications has been submitted to the Village and the requisite fees have been paid, the applicant shall schedule and hold two Public Involvement Meetings (PIM) in coordination with the Village staff. The first meeting shall occur prior to any recommendation by the Planning Staff or the Planning Board, and preferably, will be held on-site at the proposed development. The second PIM shall be held after the Planning Board has reviewed comments obtained at the initial PIM. Village Staff will keep notes of citizen comments received during the PIMs. 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. After Village review, the information will be available at the 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. The PIMs are designed to provide a framework for creating a shared vision with community involvement directed by the applicant in accordance with the following requirements:

- c. Notice of Public Involvement Meetings shall at a minimum, be given as follows:
 1. 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 first PIM.
 2. 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 (or "Current Resident") 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 first PIM. The notification shall contain information regarding the PIM time and location(s) as well as a general description of the proposal. All proposed site plans submitted and reviewed during the PIM process shall conform with all current Village Ordinances. In addition, a disclaimer statement shall be added to all PIM notifications indicating that the proposed application and site plan in no way has been endorsed, reviewed, or approved by the Village of Marvin. The PIM notice shall contain an information sheet with a general description of the **eConditional District rezoning** process and timeline.
5. **Planning Board Review.** The applicant shall submit at least ten (10) copies of the application to the Zoning Administrator for transmittal to the Planning Board and other appropriate agencies. The Zoning Administrator shall present any properly completed application to the Planning Board at least fifteen (15) days prior to their next regularly scheduled meeting after the application has been deemed complete and ready for submission to the Planning Board in accordance with Section 12.2.1(4). The Planning Board by majority vote may shorten or waive the fifteen (15) day time period provided in this section for receipt of a completed application. The Planning Board shall have sixty (60) days from the date that the application is presented to it to review the application and to take action. The sixty (60) days may be extended by the Village Council upon request of the Planning Board. If such period expires without action taken by the Planning Board, the application shall then be transferred to the Village Council without a Planning Board recommendation.

A Planning Board member shall not vote on any **eConditional District rezoning** amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.
6. **Action by Village Council.** Conditional ~~zoning~~ **eDistrict** decisions are a legislative process subject to judicial review using the same procedures and standards of review as apply to general use district zoning decisions. Conditional ~~zoning~~ **eDistrict** decisions

shall be made in consideration of identified relevant adopted Land Use Plans for the area and other adopted land use policy documents and/or ordinances. A statement analyzing the reasonableness of the proposed rezoning shall be prepared for each application for a rezoning to a eConditional dDistrict.

Prior to making a decision on rezoning a piece of property to a eConditional zoning dDistrict, the Village Council shall have held a public hearing. Notice of such public hearing shall have been given as prescribed in Section 12.1.7 of this Ordinance.

In the Village Council's sole discretion, it may hold additional public hearings on an application at any time before it takes a final vote to approve or deny that application.

A Village Council member shall not vote on any eConditional District rezoning amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

7. Conditions to Approval of Petition. In approving a petition for the reclassification of a piece of property to a eConditional zoning dDistrict, the Planning Board may recommend, and the Village Council may request that reasonable and appropriate conditions be attached to approval of the petition. Any such conditions shall relate to the relationship of the proposed use to the surrounding property, proposed support facilities (e.g., parking areas, pedestrian circulation systems), screening and landscaping, timing of development, street and right-of-way improvements, water and sewer improvements, provision of open space, preservation and maintenance of any 'tree save/preservation areas' as called for in the most recently adopted version of the Marvin Tree Ordinance, and other matters that the Planning Board or Village Council may find appropriate or the Applicant may propose. Such conditions to approval may include dedication of right-of-way or easements for streets and/or utilities to serve the development. The Applicant shall have a reasonable opportunity to consider and respond to any such conditions prior to final action by the Village Council.
8. Effect of Approval; Zoning Map Designation. If a petition for a eConditional zoning dDistrict is approved, the development and use of the property shall be governed by the predetermined ordinance requirements applicable to the district's zoning classification, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and to the Zoning Maps. Following the approval of the petition for a eConditional zoning dDistrict, the subject property shall be identified on the Zoning Maps by the appropriate district designation followed by the letters CD (i.e., CC-CD.) Notwithstanding, the Zoning Administrator may make minor changes to the approved site plan administratively without necessitating a need to rezone the property to a different eConditional dDistrict classification.
9. Protest Petitions; Resubmissions. The provisions found in Section 12.1.8 and Section 12.1.11 shall apply to eConditional dDistrict applications.
10. Changes to an approved eConditional zoning dDistrict. Except as provided in this section, a request to change the site plan or the conditions governing an approved

~~e~~Conditional ~~zoning~~ ~~d~~District shall be processed in accordance with Section 12.2 of this Ordinance as a new application to rezone property to a ~~e~~Conditional ~~zoning~~ ~~d~~District.

The Zoning Administrator shall have the delegated authority to approve an administrative amendment to an approved ~~e~~Conditional ~~zoning~~ ~~d~~District site plan or to the governing conditions without the requested change having to be approved as a new application in accordance with Section 12.2. Such administrative amendments shall include only those changes that (i) do not significantly alter the site plan or its conditions, (ii) do not significantly impact abutting properties and (iii) do not increase the amount of residential development or the maximum number of allowed residential dwelling units.