

**Final Proposed Text Amendment Revisions to the Marvin Development Ordinance for
Consideration 5-20-2025**

The following amendments to the Marvin Development Ordinance recommended to the Planning Board

Draft Changes

1. Amend 2.13-7 Swimming Pools.

Current:

2.13-7 Swimming Pools. Swimming pools located on any site, including single family residential sites, shall be:

- (A.) Located in a side or rear yard only;
- (B.) Located a minimum of fifteen feet from any property line;
- (C.) Completely enclosed by a fence or wall no less than four feet but no more than eight feet, except when a wall is component to the dwelling or accessory structure, in accordance with the provisions of sub-section 2.13-2 Fences and Walls herein.
Height shall be measured above grade on the side of the fence or wall which faces away from the swimming pool. This fence or wall shall enclose the pool itself and may include any other additional portions of the lot. Fence design shall not be climbable or of a ladder pattern. Fences shall not be located in a way that allows any permanent structure, equipment, or similar object to be used for climbing. The fence shall not have any gaps, opening, indentations, protrusions, or structural components that allow a young child aged six (6) years or less to crawl under, squeeze through, or climb over the fence or adjacent barrier. All fence or wall openings into the pool area shall be equipped with a gate that opens outward away from the pool and shall be self-closing and have a self-latching device located on the poolside of the gate and be placed so that a young child aged six (6) years or less cannot reach over the top or through any opening or gap and operate the latch.

Revisions Proposed

2.13-7 Swimming Pools. Swimming pools located on any site, including single family residential sites, shall be:

- (A.) Located in a side or rear yard only;
- (B.) Located a minimum of fifteen (15') feet from any property line [when located within any Single Family Residential \(SFR-1, 2, or 3\) District or Rural Residential \(RR\) District. In all other circumstances, swimming pools shall be located a minimum of ten \(10'\) feet from any property line;](#)
- (C.) Completely enclosed by a fence or wall no less than four feet but no more than eight feet, except when a wall is component to the dwelling or accessory structure, in accordance with

the provisions of sub-section 2.13-2 Fences and Walls herein.

Height shall be measured above grade on the side of the fence or wall which faces away from the swimming pool. This fence or wall shall enclose the pool itself and may include any other additional portions of the lot. Fence design shall not be climbable or of a ladder pattern. Fences shall not be located in a way that allows any permanent structure, equipment, or similar object to be used for climbing. The fence shall not have any gaps, opening, indentations, protrusions, or structural components that allow a young child aged six (6) years or less to crawl under, squeeze through, or climb over the fence or adjacent barrier. All fence or wall openings into the pool area shall be equipped with a gate that opens outward away from the pool and shall be self-closing and have a self-latching device located on the poolside of the gate and be placed so that a young child aged six (6) years or less cannot reach over the top or through any opening or gap and operate the latch.

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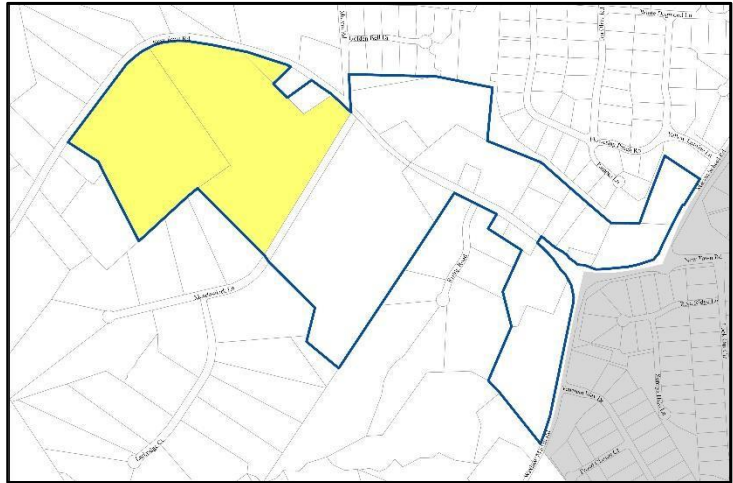
2. **Amend Article 7 to include TIA Requirements for New Developments – See Attached TIA Language**

3. Amend 8.5-6 (H) Subdistrict Standards

Current:

1. (H.) Subdistrict Standards

- (1.) Heritage District-Residential Only (HD-RO-CZ): A subdistrict for solely residential buildings. This subdistrict is intended to provide additional housing to boost the vibrancy and walkability of the District as a whole and must have 100% residential uses within the area shown above. The images appearing below are for examples and not for regulatory purposes. The dimensional standards appearing below are required within the subdistrict.

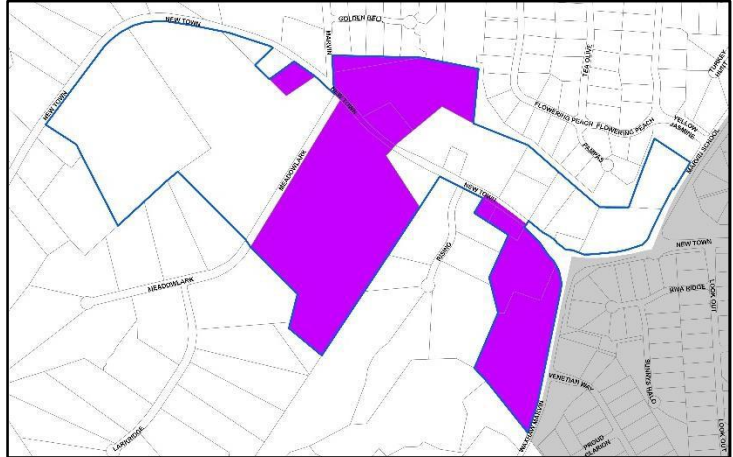


HD-RO-CZ Dimensional Standards

Min. Lot Size (sq. ft.)	Lot Width	Front Setback	Rear Setback	Side Setback
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Large Lot Home/ Village House	43,560	130'	50'	75'	20'
Medium Lot Homes	20,000	100'	40'	40'	10'
Small Lot Homes	10,000	70'	25'	25'	5'

(2.) Heritage District-Mixed Use (HD-MU-CZ): A subdistrict intended to be the bulk of the central area of the District. These parcels have residential in the back and commercial on the major road side. Developments in this district must meet the intent of Mixed-Use and shall have no more than 30% of the total area be residential uses, which shall be defined as the total



area that consists of a private residential lot. The 30% residential maximum does not apply to the two parcels (further identified as Parcel Numbers 06225003A and 06225018) on New Town Road, which had existing homes at the time of this ordinance's adoption. Due to their small lot size, this residential maximum does not apply to the two parcels on New Town Road, which had existing homes at the time of this ordinance's adoption. This Heritage District-Mixed Use (HD-MU) subdistrict also includes two small properties (further identified as Parcel Numbers 06225003A and 06225018) whose location tends to



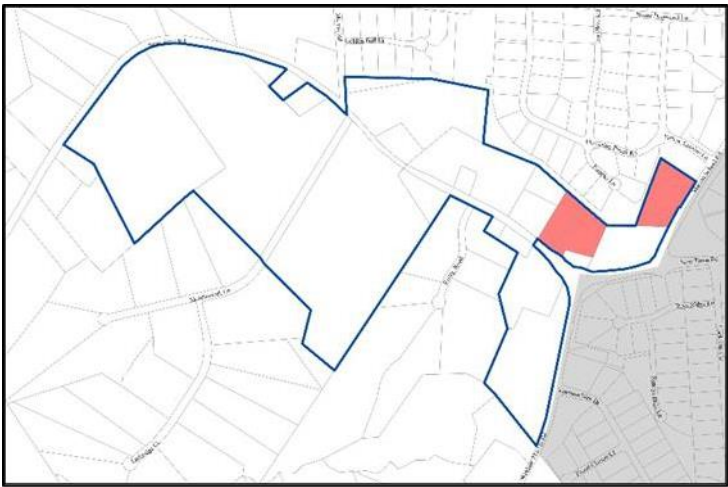
support commercial use, but are too small to provide a 100-foot buffer from existing uses. These properties shall be allowed to have commercial, but shall have more limited commercial uses allowed and a different approach to buffering than the other subdistricts that allow commercial uses.

Developments in this district must meet the intent of Mixed-Use and shall have no more than 30% of the total area be residential uses, which shall be defined as the total area that consists of a private residential lot. The images appearing above are for examples and not for regulatory purposes. The dimensional standards appearing below are required within the subdistrict.

	Min. Lot Size (s.f.)	Lot Width	Front Setback	Rear Setback	Side Setback	Building Size (s.f.)
Large Lot Home	43,560	130'	50'	75'	20'	No min. No max.
Medium Lot Homes	20,000	100'	40'	40'	10'	No min. No max.
Small Lot Homes	10,000	70'	25'	25'	5'	No min. No max.
Village house • Commercial Uses Only	None	None	10'	20'	5'	1,000- 7,500
Cottage Commercial	None	None	10'	20'	5'	600- 3,000
Bungalow • Commercial Uses Only	None	None	10'	20'	5'	1,000- 3,000
Greek Revival / Southern Colonial • Commercial Uses Only	None	None	10'	40'	5'	3,000- 10,000
Conventional Square Commercial*	None	None	85'	100'	50'	10,000- 15,000

(This space left blank intentionally.)

(3.) Heritage District-Commercial Only (HD-CO-CZ): A subdistrict intended to host only commercial uses. The proximity to Village Hall and narrow properties tend to favor commercial uses, and these uses shall be buffered significantly from existing residential uses. The images appearing below



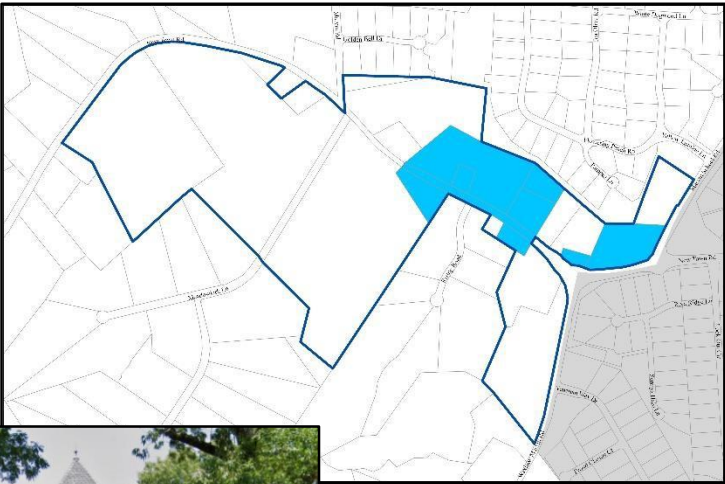
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	Min. Lot Size (s.f.)	Lot Width	Front Setback	Rear Setback	Side Setback	Building Size (s.f.)
Village house	None	None	10'	20'	5'	1,000-7,500
Cottage Commercial	None	None	10'	20'	5'	600-3,000
Bungalow Commercial Uses Only	None	None	10'	20'	5'	1000-3,000
Greek Revival / southern Colonial	None	None	10'	40'	5'	3000-10,000
Conventional Square Commercial	None	None	85'	75'	5'	5,000-10,000

(4.) Heritage District-Civic Heritage District (HD-Civic-CZ): This subdistrict holds the historic churches and site of the new Marvin Village Hall. These properties shall be limited to civic uses and similar building vernacular to the churches and Village Hall or other similarly civic vernacular.

The images appearing above are for examples and not for regulatory purposes. The dimensional standards appearing below are required within the subdistrict.



Church Vernacular*		Min. Lot Size (s.f.)	Lot Width	Front Setback	Rear Setback	Side Setback	Building Size (s.f.)
Government Vernacular*		43,560	130'	75'	40'	50'	1,000-10,000
	*All new buildings shall match the character of the existing buildings on the property. Any architectural proposal shall be reviewed by the Design Review Board.						

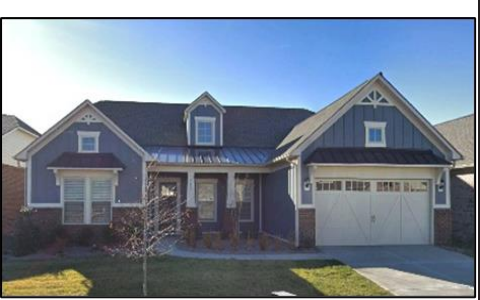
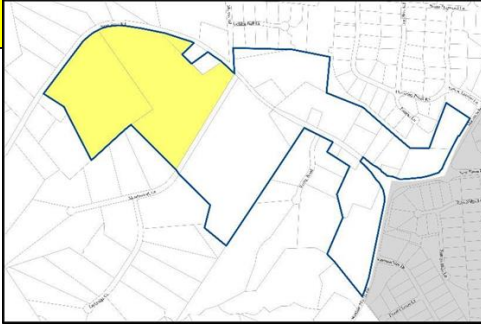
Revisions Proposed: Replace the subdistrict standards in 8.5-6 (H) with the following:

8.5-6 (H)(1) Heritage District-Residential Only (HD-RO-CZ)

District Description

A subdistrict for solely residential buildings. This subdistrict is intended to provide additional housing to boost the vibrancy and walkability of the District as a whole and must have 100% residential uses within the area shown above.

The images appearing to the right are for example and not for regulatory purposes. The dimensional standards appearing below are required within the subdistrict.



Dimensional Standards

Lot Width, Minimum	70 Feet
Lot Depth, Minimum	140 Feet
Density, Max. (for major subdivisions)	3 Unit/Acre
Lot Coverage, Maximum	60 Percent
Front Setback, Minimum	25 Feet
Rear Setback, Minimum	25 Feet
Side Setback (Interior), Minimum	5 Feet
Side Setback (Corner), Minimum	10 Feet
Building Height, Maximum	35 Feet

Primary Uses

Single-Family, Detached Dwelling

Associated accessory structures:
Garages
Pools
Porches
Sheds

Notes:

Buffer Yards: 100 Feet required around perimeter of all major subdivisions.

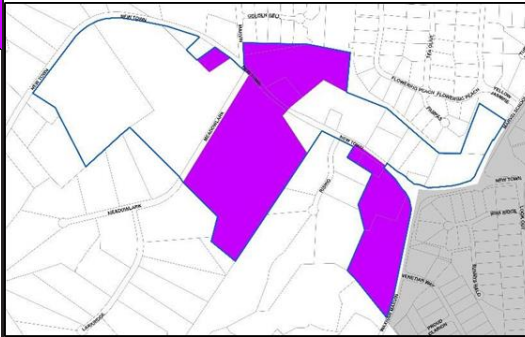
8.5-6 (H)(2) Heritage District-Mixed Use (HD-MU-CZ)

District Description

A subdistrict intended to be the bulk of the central area of the District. These parcels are intended to have residential in the back and commercial on the major road side.

Developments in this district must meet the intent of Mixed-Use and shall have no more than 30% of the total area be residential uses, which shall be defined as the total area that consists of a private residential lot.

The images appearing above are for examples and not for regulatory purposes. The dimensional standards appearing below are required within the subdistrict.



Dimensional Standards (Residential Use Minimum)

Lot Width, Minimum	50 (45) Feet
Lot Depth, Minimum	80 Feet
Density, Max. (for major subdivisions)	3 Unit/Acre
Lot Coverage, Maximum	75 Percent
Front Setback, Minimum	10 (25) Feet
Rear Setback, Minimum	40 (25) Feet
Side Setback (Interior), Minimum	5 (5) Feet
Side Setback (Corner), Minimum	10 (10) Feet
Building Height, Maximum	35 Feet

Primary Uses

Single-Family, Detached
Single-Family, Attached
Cottage Homes
General Retail
General Office

Notes:

Other Residential Uses: (Single-Family Attached): If proposed, must be a part of a mixed-use development where residential and non-residential uses are proportionate to the lot size and approved with the Site-Specific Plan.

Single-Family Attached: The units shall not have a minimum lot width, but the total width of each structure containing the attached, single-family homes and adjacent side yards shall be no less than 60 feet.

Maximum Residential Density: Shall not exceed 3 units/acre for all residential uses.

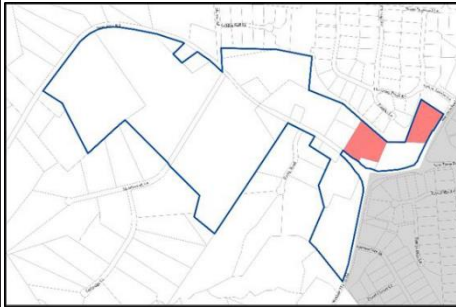
Non-Residential Buildings: Shall not exceed a footprint of 15,000 square feet per building.

Height: Max of 2 Stories for non-residential buildings.

8.5-6 (H)(3)Heritage District-Commercial Only (HD-CO-CZ)

District Description

Heritage District-Commercial Only (HD-CO-CZ): A subdistrict intended to host only commercial uses. The proximity to Village Hall and narrow properties tend to favor commercial uses, and these uses shall be buffered significantly from existing residential uses. The images appearing to the right are for examples and not for regulatory purposes. The dimensional standards appearing below are required within the subdistrict.



Dimensional Standards

Lot Width, Minimum	60 Feet
Lot Depth, Minimum	80 Feet
Density, Maximum	8 Units/Acre
Lot Coverage, Maximum	80 Percent
Front Setback, Minimum/Maximum	40/85 Feet
Rear Setback, Minimum	50 Feet
Side Setback (Interior), Minimum	5 Feet
Side Setback (Corner), Minimum	0 Feet
Building Height, Maximum	35 Feet

Primary Uses

Light Commercial/Retail
General Office
Medical
Restaurants
Associated accessory structures:
Decks/Patios
Sidewalk Dining

Notes:

Non-Residential Buildings: Shall not exceed a footprint of 5,000 square feet per building.

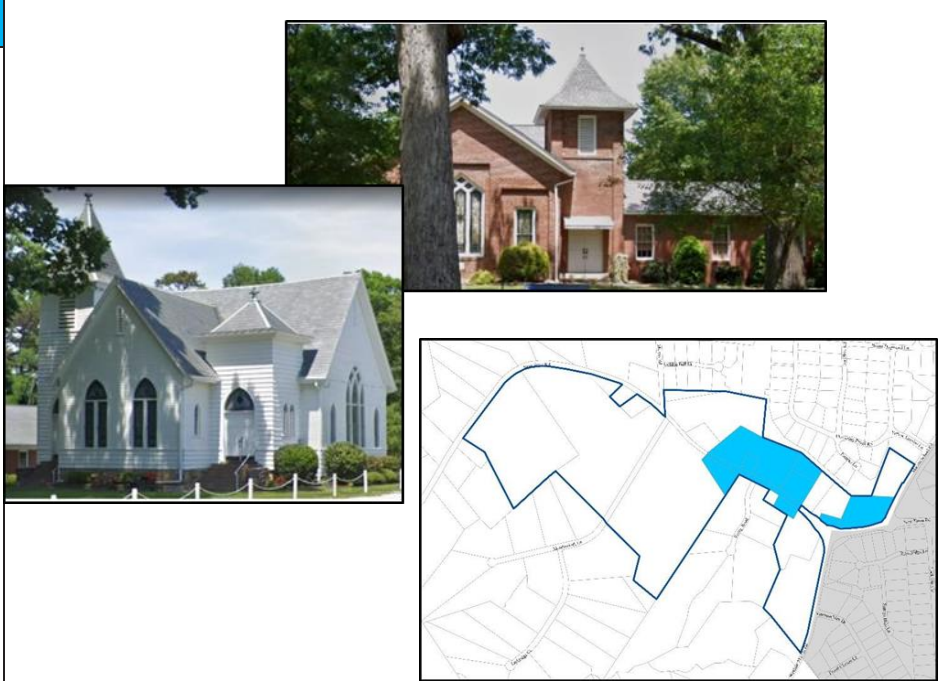
Height: Max of 2 Stories for non-residential buildings.

8.5-6 (H)(4) Heritage District-Civic Heritage District (HD-Civic-CZ)

District Description

This subdistrict holds the historic churches and site of the new Marvin Village Hall. These properties shall be limited to civic uses and similar building vernacular to the churches and Village Hall or other similarly civic vernacular.

The images appearing to the right are for examples and not for regulatory purposes. The dimensional standards appearing below are required within the subdistrict.



Dimensional Standards

Lot Width, Minimum	130 Feet
Lot Depth, Minimum	N/A
Density, Maximum	N/A
Lot Coverage, Maximum	70 Percent
Front Setback, Minimum/Maximum	50/100 Feet
Rear Setback, Minimum	50 Feet
Side Setback (Interior), Minimum	20 Feet
Side Setback (Corner), Minimum	25 Feet
Building Height, Maximum	45 Feet

Primary Uses

Religious Institutions Parks
Government Buildings/Facilities

Notes:

Structures and structural components not intended for human occupancy (including bell/clock towers, steeples, flagpoles, chimneys, water tanks or similar structures) may exceed the height limit of buildings. Components of civic buildings which extend above the height limit shall follow the standards for the civic building type (see Article 9).

All new buildings shall match the character of the existing buildings on the property. Any architectural proposal shall be reviewed with the rezoning.

4. Amend Table 8.1 in Article 8 to the following:

Add “Café’ (coffee, tea, ice cream, deli foods, alcoholic beverages)” to Listed Uses for TNDO, MS, MU-1, MU-2 and C-16

Table 8.1 - Table of Uses L=listed use S=special use A=use listed with additional standards Section 1 - General Uses of the following:	SIC for PZ&SA use only if needed	Rural Residential (RR)	Single Family Residential (SFR-1, SFR-2 & SFR-3)	Manufactured Home Overlay (MHO)	Heritage District Overlay (HDO)	Traditional Neighborhood Development Overlay (TNDO)	Main Street (MS)	Civic (CIV)	Mixed Use (MU-1)	Mixed Use (MU-2)	NC 16 Commercial (C-16)	Vehicle Services/Repair (VSR)	Industrial (IND)	Heavy Industry Overlay (HIO)
Boat Sales	5551										L	A(10.1-37)		
Bookstore	5942				L	L	L	L	L	L	L			
Bowling Lanes (bowling alley)	7933					L	L			L	L			
Building Supply Sales	5211										A(10.1-37)		A(10.1-37)	
Bulk Mail and Packaging	4212						L			L	L		A(10.1-37)	
Bus Terminal	4100						L							
Café (coffee, tea, ice cream, deli foods, alcoholic bev.)					L	L	L		L	L	L			
Camera Store	5946				L	L	L			L	L			
Camp Ground (Recreational Vehicle Park) (RESERVED)														

Change “Restaurant” Use to “Restaurant (without drive thru) and add to Listed Uses for TNDO, MS, MU-1, MU-2 and C-16

Dwelling, Single-Family Detached, including Duplex (2-family), may also include Modular Construction		L	L	L	L	L	L	L	L	L				
Temporary Family Health Care Structure (per G.S. 160D-915(a)(5))		L	L	L	L	L	L	L	L	L				
Tourist/temporary Residence (see section 2.23)														
Restaurant (w/drive-thru window acc. use - see 10.1-17)	5812					A (10.1-17)	A (10.1-17)		A (10.1-17)	A (10.1-17)	A (10.1-17)			
Restaurant (without drive-thru)	5812				L	L	L		L	L	L			
Retail Sales Not Otherwise Listed						A(10.1-37)	A(10.1-37)			A(10.1-37)	A(10.1-37)			
Retreat Center						L	L	L						

Add “(w/drive-thru window acc. use - see 10.1-17)” to Pharmacy/Drugstore

Pharmacy/Drugstore (w/drive-thru window acc. use - see 10.1-17)	5912					L	L			L	L			
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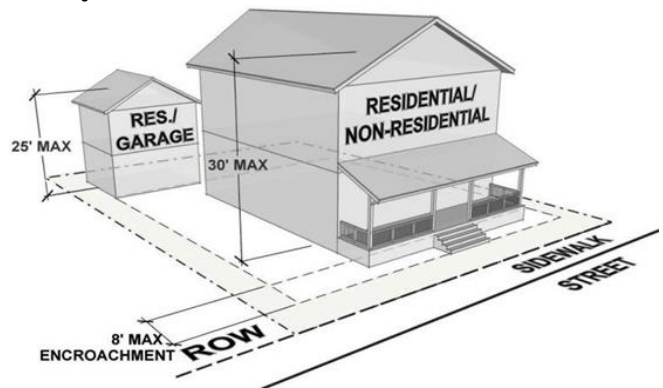
5. Amend 9.2-3 Detached House Building Type.

Current:

9.2-3 Detached House Building Type.

Permitted Height, Uses, Encroachments, and Resiliency Standards.

- (1.) Building heights shall be measured as the vertical distance from the mean elevation of the finished grade to a point representing the midpoint of the peak and eave heights.



Revisions Proposed:

9.2-3 Detached House Building Type.

Permitted Height, Uses, Encroachments, and Resiliency Standards.

(1.) Building Heights

(a.) Principal Building height is limited to thirty (35') feet. Building heights shall be measured as the vertical distance from the mean elevation of the finished grade to a point representing the midpoint of the peak and eave heights.

(b.) Accessory Building height is limited to twenty-five (25') feet. Building heights shall be measured as the vertical distance from the mean elevation of the finished grade to a point representing the midpoint of the peak and eave heights.

NOTE: We will update graphics to be consistent with the revised building height.

Clean Copy of New Text:

9.2-3 Detached House Building Type.

Permitted Height, Uses, Encroachments, and Resiliency Standards.

(1.) Building Heights

(a.) Principal Building height is limited to thirty (35') feet. Building heights shall be measured as the vertical distance from the mean elevation of the finished grade to a point representing the midpoint of the peak and eave heights.

(b.) Accessory Building height is limited to twenty-five (25') feet. Building heights shall be measured as the vertical distance from the mean elevation of the finished grade to a point representing the midpoint of the peak and eave heights.

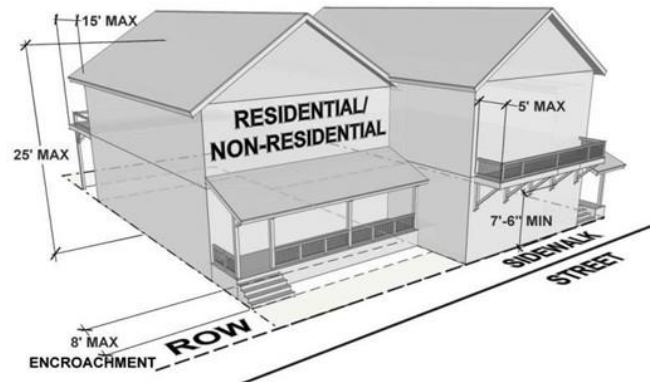
6. Amend 9.3-3 Attached House Building Type.

Current:

9.3-3 Attached House Building Type.

Permitted Height, Uses, Encroachments, and Resiliency Standards.

- (2.) Building heights shall be measured as the vertical distance from the mean elevation of the finished grade to a point representing the midpoint of the peak and eave heights.



Revisions Proposed:

9.3-3 Attached House Building Type.

Permitted Height, Uses, Encroachments, and Resiliency Standards.

(1.) Building Heights

(a.) Principal Building height is limited to twenty-five (25') feet except for projects located in the MU-1 and MU-2 districts which shall be limited to forty-five (45') feet. Building heights shall be measured as the vertical distance from the mean elevation of the finished grade to a point representing the midpoint of the peak and eave heights.

(b.) Accessory Building height is limited to twenty-five (25') feet. Building heights shall be measured as the vertical distance from the mean elevation of the finished grade to a point representing the midpoint of the peak and eave heights.

NOTE: We will update graphics to be consistent with the revised building height.

Clean Copy of New Text:

9.3-3 Attached House Building Type.

Permitted Height, Uses, Encroachments, and Resiliency Standards.

(1.) Building Heights

(a.) Principal Building height is limited to twenty-five (25') feet except for projects located in the MU-1 and MU-2 districts which shall be limited to forty-five (45') feet. Building heights shall be measured as the vertical distance from the mean elevation of the finished grade to a point representing the midpoint of the peak and eave heights.

(b.) Accessory Building height is limited to twenty-five (25') feet. Building heights shall be measured as the vertical distance from the mean elevation of the finished grade to a point representing the midpoint of the peak and eave heights.