

ARTICLE 8

DISTRICTS

8.1 Purpose

In order to provide for the orderly development of Marshville, preserve existing development patterns that contribute to the character and sense of place of the community, and to allow for creativity in the planning for future development, the Town hereby establishes zoning districts and their associated development standards.

8.2 Zoning Districts Created

The following primary general use zoning districts are created; this listing is in order of intensity of development permitted within the district, from least intense to most intense:

- (1.) Agriculture (AG)
- (2.) Single-Family Residential (SFR-1)
- (3.) Single-Family Residential (SFR-2)
- (4.) Single-Family Residential (SFR-3)
- (5.) Residential/Main Street Transitional (R/MST)
- (6.) Main Street Periphery (MSP)
- (7.) Main Street (MS)
- (8.) Civic (CIV)
- (9.) Transitional Mixed Use (TMU)
- (10.) US 74 Commercial (C 74)
- (11.) Industrial (IND)

In addition to the primary general use zoning districts, the following overlay districts are created to provide for more creativity in the development of land and/or to protect unique environmental features of the Town.

- (12.) Traditional Neighborhood Development Overlay (TNDO)
- (13.) Mini Farm Overlay (MFO)
- (14.) Scenic Corridor Overlay (SCO)
- (15.) Heavy Industry Overlay (HIO)

8.3 Description of Zoning Districts

The zoning districts created by this ordinance are described as follows:

The Agriculture District (AG) is established to protect lands used for agricultural production, agricultural based businesses and related activities. Farm land is a defining element of Marshville's identity and the protection of these lands aids in preserving the character of the Town. Listed uses are limited, with an emphasis on uses that are agricultural in nature. Development density is very low to encourage preservation of agricultural lands while discouraging large lot residential development. The Agriculture District can also be used to protect open spaces.

The Single-Family Residential Districts (SFR-1, SFR-2 and SFR-3) provide for the completion of existing residential neighborhoods and the development of new residential neighborhoods. Allowed building/lot types in the Single-Family Districts are Detached House and Civic Building. Listed uses are restricted to Single-Family homes and their accessory uses, a limited number of related uses that serve the residential neighborhoods, and civic uses. Neighborhoods in these districts are the dominant land use in Marshville and are a major element in defining the character of the community. Standards for the Single-Family Residential Districts ensure that new development maintains the character of the community. The Single-Family Residential Districts permit the completion and conformity of conventional residential subdivisions already existing or approved in sketch plan form by the Town of Marshville prior to the effective date of these regulations.

The Residential /Main Street Transitional District (R/MST) provides for the completion of existing residential neighborhoods in the residential area(s) surrounding the Main Street and Main Street Periphery District through in-fill development. The intent of this district is to recognize that most of the area surrounding the core of the downtown developed prior to the adoption of standards such as zoning and subdivision regulations. The gradual transformation of existing development to high quality mixed density residential development is needed to support the central core of the Town. Higher density residential development allows a greater number of households to walk or bike, thus reducing the parking demand and providing environmental and health benefits. Allowed building/lot types in these districts are the Detached House, Attached House, Multi-family Building, and Civic Building. Streets in the Residential/Main Street Transitional District should be interconnected, with streets and sidewalks providing a connection from Marshville's downtown to the Single-Family Residential districts surrounding these neighborhoods. A range of housing types is encouraged.

The Main Street Periphery District (MSP) provides for the development and maintenance of a range of uses in areas adjacent to Marshville's core downtown area. Allowed building/lot types in these districts are Multi-Family, Detached House, Attached House for both residential and/or non-residential listed uses, and Civic Building. In this district, the development pattern integrates limited service, limited retail, office, civic, educational, religious, and residential uses in an environment that is pedestrian friendly while acknowledging the role of the automobile as a means of transportation. Street and sidewalk networks providing multi-modal transportation options connect the Periphery District to the downtown and to surrounding neighborhoods. The Periphery District provides an area for the expansion of the Main Street District.

The Main Street District (MS) provides for new development, revitalization, reuse, and infill development in Marshville's core downtown. A broad array of uses is permitted to enable the needs of residents and visitors to be met. Allowed building/lot types in this district are Urban Workplace, Shop-front, Detached House, Attached House, and Civic Building. The development pattern seeks to integrate shops, restaurants, services, work places, civic, educational, and religious facilities, and higher density housing in a compact, pedestrian-oriented environment. The Main Street District serves as the hub of the surrounding neighborhoods and of the broader community. The Main Street District may be expanded over time to meet the needs of the growing community for downtown facilities and services. Expansion of the Main Street District shall be contiguous and not separated from the primary district area.

The Civic District (CIV) provides a location for large educational, medical, and public uses in a campus like environment. Large developments in the Civic District are encouraged to provide a master plan to the Town. Institutional uses in the Civic District are required to provide pedestrian connections on their campuses and, to the extent possible, develop an internal street system with structures fronting on the streets. Parking should not be the dominant visible element of the campuses developed for institutional uses.

The Transitional Mixed Use District (TMU) is established to provide opportunities for compatible and sustainable development where US Hwy. 74 has impacted older residential areas and where the dominant mode of transportation is the automobile. The auto-oriented street, lot, and building designs can create uncomfortable pedestrian environments; however, with careful site planning these areas will allow a greater number of residents to walk or bike to businesses and services with an interconnected network of streets and sidewalks. Allowed building/lot types are Highway Commercial, Urban Workplace, Shop-front, Detached House, and Attached House. Dominant uses in this district are residential, retail and office. The Transitional Mixed Use District is expected to serve Marshville residents as well as persons who travel from surrounding communities. The development pattern in this district acknowledges the role of the

automobile, with parking and access provided to ensure safety for the motoring public. Development standards in the Transitional Mixed Use District ensure the creation of a pleasant auto-oriented environment while enabling a compatible transition to uses in adjacent districts.

The US 74 Commercial District (C 74) is established to provide opportunities for compatible and sustainable development along the US 74 corridor where future Marshville neighborhoods will interconnect with this Bypass type roadway corridor without negatively dissecting the community. Development standards in the US 74 Commercial District acknowledge that the automobile is the primary mode of transportation. Development and design standards encourage pedestrian scale development along a secondary street network serving larger projects. Goals of the US 74 Commercial District include providing a pleasant environment for motorists, a safe environment for pedestrians along the secondary network of streets and pedestrian facilities; ensuring the safety of motorists and pedestrians; and preserving the capacity of the Bypass to accommodate high traffic volumes at higher speeds outside the core area as shown in the adopted Town Plan. Uses in this district include services, employment, residential and industrial. Allowed building/lot types include Highway Commercial, Urban Workplace, Shop-front, Detached House, and Civic Building.

The Industrial District (IND) is established to provide locations for industrial uses that, due to the scale of the buildings and/or the nature of the use, cannot be integrated into the community. Uses within the Industrial District are buffered from adjacent uses. The dominant uses in this district are manufacturing and warehouse storage. Small scale manufacturing and storage that is compatible with less intensive uses can and should be located in other non-residential or mixed use districts. The Industrial District is reserved for uses which require very large buildings and/or large parking and loading facilities. Allowed building and lot types are Highway Commercial and Civic Building.

The Traditional Neighborhood Development Overlay District (TNDO) provides for the development of new neighborhoods and the revitalization or extension of existing neighborhoods. These neighborhoods are structured upon a fine network of interconnecting pedestrian oriented streets and other public spaces. Traditional Neighborhood Developments (TND's) provide a mixture of housing types and prices, prominently sited civic or community building(s), stores/offices/workplaces, and churches to provide a balanced mix of activities. A Traditional Neighborhood Development (TND) has a recognizable center and clearly defined edges; optimum size is a quarter mile from center to edge. A TND is urban in form, is typically an extension of the existing developed area of the Town, and has an overall residential density of up to 16 dwelling units per acre. TND districts should have a significant portion of land dedicated to open spaces.

The Mini Farm Overlay District (MFO) permits buildings to be grouped on a site, parcel, or property in order to optimize the use of land and resources for both residential and agricultural purposes. By clustering development at a density no greater than one unit per developed acre, projects developed in accordance with these standards can obtain density bonuses while preserving unique natural features for agricultural use. The Mini Farm Overlay District mandates the dedication of both agricultural land and open space with density bonuses provided as an incentive for adhering to the standards. It is the intent of this district to be used for new development in undeveloped outlying areas of the Town and its extraterritorial jurisdiction. Allowed building/lot type is Detached House.

The Scenic Corridor Overlay District (SCO) is established to protect the pastoral scenes and open spaces that provide a sense of arrival for residents and visitors traveling the major entrance roads and gateways to the Town. The pastoral scenes and undeveloped property along the entrance roads and gateways contribute significantly to Marshville's community character and sense of place. The Scenic Corridor Overlay District provides development options for the owners of the property abutting the entrance roads and gateways. The goal of this district is to protect the scenic value of the corridors through a mix of incentives and development standards. These standards will preserve the rural character of the Town by maintaining the sense of a rural corridor in an urban environment; provide an aesthetically appealing experience for those traveling the corridor; provide multi-modal transportation options for travel; and ensure a safe transportation corridor for motorists, bicyclists, and pedestrians. The Detached House lot/building type is allowed in this district.

The Heavy Industry Overlay District (HIO) is established to protect all environments from the negative impacts of certain activities and types of development. It is the intent of this section to provide and permit certain public and private heavy industrial uses and facilities that incorporate hazardous materials and/or scientific technology, including: wholesale, distribution, storage, processing, manufacturing and production. However, it is required that industries in this district take all necessary actions including but not limited to installation of apparatus and technological equipment available to prevent negative impacts on the environment and the community from the emissions of smoke, dust, fumes, noise and vibrations and other activities and/or products resulting from such hazardous industrial activities in accordance with federal, state and local regulations.

8.4 Zoning District Development Standards

Development standards are established for each of the following Primary General-Use Districts to promote the orderly development of the Town of Marshville. The listed uses listed for each district, are as specified in Table 8.1, Sections 1-3 appearing at the end of this Article for each of the three categories of use listings as follows:

- 1) Listed Use - Where a use is listed in a given district, the symbol “L” is entered in the corresponding district column for the specific use.
- 2) Use Listed with Additional Standards - Where a use requiring supplemental standards and specifications in accordance with Section 10.1 of this Ordinance is listed in a district, the symbol “A” is entered in the corresponding district column for the specific use along with the reference number for the applicable supplemental standard(s).
- 3) Special Use - Where a use is listed in a given district, upon satisfaction of the requirements established in Section 10.2 of this Ordinance, the symbol “S” is entered in the corresponding district column for the specific use.

Where a use is not listed within a given Primary General-Use District, such use shall not be permitted.

8.4-1 Agriculture District (AG)

(A.) Intent. The Agriculture District (AG) is established to protect lands used for agricultural production, agricultural based businesses and related activities. Farm land is a defining element of Marshville’s identity and the protection of these lands aids in preserving the character of the Town. Listed uses are limited, with an emphasis on uses that are agricultural in nature. Development density is very low to encourage preservation of agricultural lands while discouraging large lot residential development. The Agriculture District can also be used to protect open spaces.

(B.) Listed uses:

(1.) Uses listed by right

See Table of Uses (Table 8.1)

(2.) Uses listed with additional standards

See Table of Uses (Table 8.1)

(3.) Uses listed with conditions

See Table of Uses (Table 8.1)

(C.) Permitted Building and Lot Types: Detached house and Civic Building

(D.) Permitted Residential Density: 0.20 units/acre

(E.) General Requirements:

(1.) Building placement, parking placement, building type, access, and lot arrangement shall be controlled by the lot and building type standards (Article 9) for the lot and building type permitted in the Agriculture District.

(2.) In addition to the requirements established by the lot type standards and building

type standards, the following minimum dimensional standards shall apply in the Agriculture District:

Lot Size	Lot Width	Front Yard Setback	Rear Yard Setback	Side Yard Setback	Corner Lot Side Yard Setback
5 acres	85'	60'	25'	25'	50'

(F.) Open Space. The provision and design of open space shall comply with the requirements set forth in Article 21.

(G.) Parking and Landscaping. Parking shall comply with the requirements set forth in Article 12. Landscaping shall comply with the requirements set forth in Article 11.

8.4-2 Single-Family Residential Districts (SFR-1, SFR-2 and SFR-3)

(A.) Intent. The Single-Family Residential Districts (SFR-1, SFR-2 and SFR-3) provide for the completion of existing residential neighborhoods and the development of new residential neighborhoods. Allowed building/lot types in the Single-Family Districts are Detached House and Civic Building. Listed uses are restricted to Single-Family homes and their accessory uses, a limited number of related uses that serve the residential neighborhoods, and civic uses. Neighborhoods in these districts are the dominant land use in Marshville and are a major element in defining the character of the community. Standards for the Single-Family Residential Districts ensure that new development maintains the character of the community. The Single-Family Residential Districts permit the completion and conformity of conventional residential subdivisions already existing or approved in sketch plan form by the Town of Marshville prior to the effective date of these regulations.

(B.) Listed uses:

(1.) Uses listed by right

See Table of Uses (Table 8.1)

(2.) Uses listed with additional standards

See Table of Uses (Table 8.1) and Section 10.1

(3.) Uses listed with conditions

See Table of Uses (Table 8.1) and Section 10.2

(C.) Permitted Building and Lot Types: Detached House and Civic Building

(D.) Permitted Residential Density:

- (1.) SFR-1: 1 unit/acre
- (2.) SFR-2: 2 units/acre
- (3.) SFR-3: 3 units/acre

(E.) General Requirements:

- (1.) Building placement, parking placement, building type, access, and lot arrangement shall be controlled by the lot and building type standards (Article 9) for the lot and building types permitted in the Single-Family Residential Districts.
- (2.) In addition to the requirements established by the lot type standards and building type standards, the following minimum dimensional standards shall apply in the Single-Family Residential Districts:

Lot Size	Lot Width	Front Yard Setback	Rear Yard Setback	Side Yard Setback	Corner Lot Side Yard Setback
SFR-1 34,900 S.F.	SFR-1 133'	SFR-1 42'	SFR-1 16'	SFR-1 16'	SFR-1 24'
SFR-2 17,450 S.F.	SFR-2 72'	SFR-2 33'	SFR-2 9'	SFR-2 9'	SFR-2 21'
SFR-3 11,600 S.F.	SFR-3 62'	SFR-3 28'	SFR-3 8'	SFR-3 8'	SFR-3 17'

(F.) Open Space. The provision and design of open space shall comply with the requirements set forth in Article 21.

(G.) Parking and Landscaping. Parking shall comply with the requirements set forth in Article 12. Landscaping shall comply with the requirements set forth in Article 11.

8.4-3 Residential/Main Street Transitional District (R/MST)

(A.) Intent. The Residential /Main Street Transitional District (R/MST) provides for the completion of existing residential neighborhoods in the residential area(s) surrounding the Main Street and Main Street Periphery District through in-fill development. The intent of this district is to recognize that most of the area surrounding the core of the downtown developed prior to the adoption of standards such as zoning and subdivision regulations. The gradual transformation of existing development to high quality mixed density residential development is needed to support the central core of the Town. Higher density residential development allows a greater number of households to walk or bike, thus reducing the parking

demand and providing environmental and health benefits. Allowed building/lot types in these districts are the Detached House, Attached House, Multi-family Building, and Civic Building. Streets in the Residential/Main Street Transitional District should be interconnected, with streets and sidewalks providing a connection from Marshville's downtown to the Single-Family Residential districts surrounding these neighborhoods. A range of housing types is encouraged.

(B.) Listed uses:

(1.) Uses listed by right

See Table of Uses (Table 8.1)

(2.) Uses listed with additional standards

See Table of Uses (Table 8.1)

(3.) Uses listed with conditions

See Table of Uses (Table 8.1)

(C.) Permitted Building and Lot Types: Detached House, Attached House, Multi-family Building, and Civic Building

(D.) Permitted Residential Density:

(1.) Single-Family Detached: 7 units/acre

(2.) Single-Family Attached: 12 units/acre

(3.) Multifamily: See 10.1-24 B.(2) for Multifamily limits

(E.) General Requirements:

(1.) Building placement, parking placement, building type, urban form, access, and lot arrangement shall be controlled by the lot and building type standards (Article 9) for the lot and building types permitted in the Residential/Main Street Transitional District.

(2.) In addition to the requirements established by the lot type standards and building type standards, the following minimum dimensional standards shall apply in the Residential/Main Street Transitional District:

Lot Size	Lot Width	Front Yard Setback	Rear Yard Setback	Side Yard Setback	Corner Lot Side Yard Setback
5000 SF	60'	18'	6'	6'	12' or as required by buffering standards and/or building type whichever is greater

(F.) Open Space. The provision and design of open space shall comply with the requirements set forth in Article 21.

(G.) Parking and Landscaping. Parking shall comply with the requirements set forth in Article 12. Landscaping shall comply with the requirements set forth in Article 11.

8.4-4 Main Street Periphery District (MSP)

(A.) Intent. The Main Street Periphery District (MSP) provides for the development and maintenance of a range of uses in areas adjacent to Marshville's core downtown area. Allowed building/lot types in these districts are Multi-Family, Detached House, Attached House for both residential and/or non-residential listed uses, and Civic Building. In this district, the development pattern integrates limited service, limited retail, office, civic, educational, religious, and residential uses in an environment that is pedestrian friendly while acknowledging the role of the automobile as a means of transportation. Street and sidewalk networks providing multi-modal transportation options connect the Periphery District to the downtown and to surrounding neighborhoods. The Periphery District provides an area for the expansion of the Main Street District.

(B.) Listed uses:

(1.) Uses listed by right

See Table of Uses (Table 8.1)

(2.) Uses listed with additional standards

See Table of Uses (Table 8.1)

(3.) Uses listed with conditions

See Table of Uses (Table 8.1)

(C.) Permitted Building and Lot Types: Multifamily Building, Attached House, Detached House and Civic Building

(D.) Permitted Residential Density:

(1.) Single-Family Detached: 7 units/acre

(2.) Single-Family Attached: 12 units/acre

(3.) Multifamily: See 10.1-24 B.(2) for Multifamily limits

(E.) General Requirements:

(1.) Building placement, parking placement, building type, urban form, access, and lot arrangement shall be controlled by the lot and building type standards (Article

- 9) for the lot and building types permitted in the Main Street Periphery District.
- (2.) In addition to the requirements established by the lot type standards and building type standards, the following minimum dimensional standards shall apply in the Main Street Periphery District:

Lot Size	Lot Width	Front Yard Setback	Rear Yard Setback	Side Yard Setback	Corner Lot Side Yard Setback
4000 SF	50'	12'	6'	6'	12'

(F.) Open Space. The provision and design of open space shall comply with the requirements set forth in Article 21.

(G.) Parking and Landscaping. Parking shall comply with the requirements set forth in Article 12. Landscaping shall comply with the requirements set forth in Article 11.

8.4-5 Main Street District (MS)

(A.) Intent. The Main Street District (MS) provides for new development, revitalization, reuse, and infill development in Marshville's core downtown. A broad array of uses is permitted to enable the needs of residents and visitors to be met. Allowed building/lot types in this district are Urban Workplace, Shop-front, Detached House, Attached House, Multi-family Building, and Civic Building. The development pattern seeks to integrate shops, restaurants, services, work places, civic, educational, and religious facilities, and higher density housing in a compact, pedestrian-oriented environment. The Main Street District serves as the hub of the surrounding neighborhoods and of the broader community. The Main Street District may be expanded over time to meet the needs of the growing community for downtown facilities and services. Expansion of the Main Street District shall be contiguous and not separated from the primary district area.

(B.) Listed uses:

(1.) Uses listed by right

See Table of Uses (Table 8.1)

(2.) Uses listed with additional standards

See Table of Uses (Table 8.1)

(3.) Uses listed with conditions

See Table of Uses (Table 8.1)

(C.) Permitted Building and Lot Types: Urban Workplace, Shop-front, Detached House, Attached House, Multi-family Building, and Civic Building

(D.) Permitted Residential Density: 24 units/acre

(E.) General Requirements:

- (1.) Building placement, parking placement, building type, urban form, access, and lot arrangement shall be controlled by the lot and building type standards (Article 9) for the lot and building types permitted in the Main Street District.
- (2.) In addition to the requirements established by the lot type standards and building type standards, the following minimum dimensional standards shall apply in the Main Street District:

Lot Size	Lot Width	Build-to-Line from any street other than Highway	Rear Yard Setback	Side Yard Setback
0 SF	0'	8' off back of curb, With minimum setback from highway right-of-way of 12'	8'	0'

(F.) Open Space. The provision and design of open space shall comply with the requirements set forth in Article 21.

(G.) Parking and Landscaping. Parking shall comply with the requirements set forth in Article 12. Landscaping shall comply with the requirements set forth in Article 11.

8.4-6 Civic District (CIV)

(A.) Intent: The Civic District (CIV) provides a location for large educational, medical, and public uses in a campus like environment. Large developments in the Civic District are encouraged to provide a master plan to the Town. Institutional uses in the Civic District are required to provide pedestrian connections on their campuses and, to the extent possible, develop an internal street system with structures fronting on the streets. Parking should not be the dominant visible element of the campuses developed for institutional uses.

(B.) Listed uses:

- (1.) Uses listed by right
See Table of Uses (Table 8.1)
- (2.) Uses listed with additional standards
See Table of Uses (Table 8.1)

- (3.) Uses listed with conditions
See Table of Uses (Table 8.1)

(C.) Permitted Building and Lot Types: Urban Workplace, Detached House, Attached House, Multi-family, and Civic Building

(D.) Permitted Residential Density:

- (1.) Single-Family Detached: 1 unit/acre
- (2.) Single-Family Attached: 12 units/acre
- (3.) Dormitory: Unlimited
- (4.) Multifamily: See 10.1-24 B.(2) for Multifamily limits

(E.) General Requirements:

- (1.) Building placement, parking placement, building type, urban form, access, and lot arrangement shall be controlled by the lot and building type standards (Article 9) for the lot and building types permitted in the Civic District.
- (2.) In addition to the requirements established by the lot type standards and building type standards, the following minimum dimensional standards shall apply in the Civic District.

Lot Size	Lot Width	Front Yard Setback	Rear Yard Setback	Side Yard Setback	Side Yard Setback, Corner Lot
40,000 SF	200'	18'	12' or as required by buffering standards and/or building type whichever is greater	12' or as required by buffering standards and/or building type whichever is greater	18' or as required by buffering standards and/or building type whichever is greater

(F.) Open Space. The provision and design of open space shall comply with the requirements set forth in Article 21.

(G.) Parking, Landscaping and Buffers. Parking shall comply with the requirements set forth in Article 12. Landscaping, including required buffers, shall comply with the requirements set forth in Article 11.

8.4-7 Transitional Mixed Use District (TMU)

(A.) Intent. The Transitional Mixed Use District (TMU) is established to provide opportunities for compatible and sustainable development where US Hwy. 74 has impacted older residential areas and where the dominant mode of transportation is the automobile. The auto-oriented street, lot, and building designs can create uncomfortable pedestrian environments; however, with careful site planning these areas will allow a greater number of residents to walk or bike to businesses and services with an interconnected network of streets and sidewalks. Allowed building/lot types are Highway Commercial, Urban Workplace, Shop-front, Detached House, and Attached House. Dominant uses in this district are residential, retail and office. The Transitional Mixed Use District is expected to serve Marshville residents as well as persons who travel from surrounding communities. The development pattern in this district acknowledges the role of the automobile, with parking and access provided to ensure safety for the motoring public. Development standards in the Transitional Mixed Use District ensure the creation of a pleasant auto-oriented environment while enabling a compatible transition to uses in adjacent districts.

(B.) Listed uses:

(1.) Uses listed by right

See Table of Uses (Table 8.1)

(2.) Uses listed with additional requirements

See Table of Uses (Table 8.1)

(3.) Uses listed with conditions

See Table of Uses (Table 8.1)

(C.) Permitted Building and Lot Types: Highway Commercial, Urban Workplace, Shop-front, Detached House, and Attached House,

(D.) Permitted Residential Density:

(1.) Single-Family Detached: 1 unit/acre

(2.) Single-Family Attached: 12 units/acre

(E.) General Requirements:

(1.) Building placement, parking placement, building type, urban form, access, and lot arrangement shall be controlled by the lot and building type standards (Article 9) for the lot and building types permitted in the Transitional Mixed Use District.

(2.) In addition to the requirements established by the lot type standards and building type standards, the following minimum dimensional standards shall apply in the

Transitional Mixed Use District:

Lot Size	Lot Width	Setback from Highway	Build-to-Line from any street other than Highway	Rear Yard Setback	Side Yard Setback
24,000 SF	360' on Highway, or 100' on any street other than the Highway	27'	12' or as required by buffering standards and/or building type whichever is greater	12' or as required by buffering standards and/or building type whichever is greater	0' or as required by buffering standards and/or building type whichever is greater

(F.) Open Space. The provision and design of open space shall comply with the requirements set forth in Article 21.

(G.) Parking, Landscaping and Buffers. Parking shall comply with the requirements set forth in Article 12. Landscaping, including required buffers, shall comply with the requirements set forth in Article 11.

8.4-8 US 74 Commercial District (C 74)

(A.) Intent: The US 74 Commercial District (C 74) is established to provide opportunities for compatible and sustainable development along the US 74 corridor where future Marshville neighborhoods will interconnect with this Bypass type roadway corridor without negatively dissecting the community. Development standards in the US 74 Commercial District acknowledge that the automobile is the primary mode of transportation. Development and design standards encourage pedestrian scale development along a secondary street network serving larger projects. Goals of the US 74 Commercial District include providing a pleasant environment for motorists, a safe environment for pedestrians along the secondary network of streets and pedestrian facilities; ensuring the safety of motorists and pedestrians; and preserving the capacity of the Bypass to accommodate high traffic volumes at higher speeds outside the core area as shown in the adopted Town Plan. Uses in this district include services, employment, residential and industrial. Allowed building/lot types include Highway Commercial, Urban Workplace, Shop-front, Detached House, and Civic Building.

(B.) Listed uses:

(1.) Uses listed by right

See Table of Uses (Table 8.1)

(2.) Uses listed with additional standards

See Table of Uses (Table 8.1)

(3.) Uses listed with conditions

See Table of Uses (Table 8.1)

(C.) Permitted Building and Lot Types: Highway Commercial, Urban Workplace, Shop-front, Detached House, and Civic Building

(D.) Permitted Residential Density: 4 units/acre

(E.) General Requirements

(1.) Building placement, parking placement, building type, urban form, access, and lot arrangement shall be controlled by the lot and building type standards (Article 9) for the lot and building types permitted in the US 74 Commercial District.

(2.) In addition to the requirements established by the lot type standards and building type standards, the following minimum dimensional standards shall apply in the US 74 Commercial District:

Minimum Lot Size	Minimum Lot Width	Minimum Setback from Highway	Build-to-Line from any street other than the Highway	Minimum Rear Yard Setback	Minimum Side Yard Setback
10,000 SF	360' on Highway, or 125' on any street other than the Highway	27'	12' or as required by buffering standards and/or building type whichever is greater	12' or as required by buffering standards and/or building type whichever is greater	0' or as required by buffering standards and/or building type whichever is greater

(F.) Open Space. The provision and design of open space shall comply with the requirements set forth in Article 2.

(G.) Parking, Landscaping and Buffers. Parking shall comply with the requirements set forth in Article 12. Parking may be placed in between a building and the Highway/Bypass. However, parking shall not be in the required setback between a building and the Highway/Bypass. Landscaping, including required buffers, shall comply with the requirements set forth in Article 11. See Image 8.4-2 below.

(H.) When a building is in between a secondary street and the Highway/Bypass, that building shall front the secondary street.

8.4-9 Industrial District (IND)

(A.) Intent: The Industrial District (IND) is established to provide locations for industrial uses that, due to the scale of the buildings and/or the nature of the use, cannot be integrated into the community. Uses within the Industrial District are buffered from adjacent uses. The dominant uses in this district are manufacturing and warehouse storage. Small scale manufacturing and storage that is compatible with less intensive uses can and should be located in other non-residential or mixed use districts. The Industrial District is reserved for uses which require very large buildings and/or large parking and loading facilities. Allowed building and lot types are Highway Commercial and Civic Building.

(B.) Listed uses:

(1.) Uses listed by night

See Table of Uses (Table 8.1)

(2.) Uses listed with additional standards

See Table of Uses (Table 8.1)

(3.) Uses listed with conditions

See Table of Uses (Table 8.1)

(C.) Permitted Building and Lot Types: Highway Commercial and Civic Building

(D.) Permitted Residential Density: None

(E.) General Requirements:

(1.) Building placement, parking placement, building type, urban form, access, and lot arrangement shall be controlled by the lot and building type standards (Article 9) for the lot and building types permitted in the Industrial District.

(2.) In addition to the requirements established by the lot type standards and building type standards, the following minimum dimensional standards shall apply in the Industrial District:

Lot Size	Lot Width	Front Yard Setback	Rear Yard Setback	Side Yard Setback	Corner Lot Side Yard Setback
32,400 SF	180'	80'	16'	16'	80'

(F.) Open Space. The provision and design of open space shall comply with the requirements set forth in Article 21.

(G.) Parking, Landscaping and Buffers. Parking shall comply with the requirements set forth in Article 12. Landscaping, including required buffers, shall comply with the requirements set forth in Article 11.

8.5 Overlay Districts

The following Overlay Districts supersede the underlying primary general use zoning districts where additional listed uses and/or requirements and/or standards and/or conditions are established by the Overlay District. All other provisions of the Primary General-Use District shall apply where no superseding provisions of the Overlay Districts are established.

Development standards are established for each of the following Overlay Districts to promote the orderly development of the Town of Rutherfordton. The listed uses listed for each district, are as specified in Table 8.1, Sections 1-3 appearing at the end of this Article for each of the three categories of use listings as follows:

- 1) Listed Use - Where a use is listed in a given district, the symbol “L” is entered in the corresponding district column for the specific use.
- 2) Use Listed with Additional Standards - Where a use requiring supplemental standards and specifications in accordance with Section 10.1 of this Ordinance is listed in a district, the symbol “A” is entered in the corresponding district column for the specific use along with the reference number for the applicable supplemental standard(s).
- 3) Special Use - Where a use is listed in a given district, upon satisfaction of the requirements established in Section 10.2 of this Ordinance, the symbol “S” is entered in the corresponding district column for the specific use.

Where a use is not listed within a given Overlay District or underlying Primary General-Use District, such use shall not be permitted.

8.5-1 Traditional Neighborhood Development Overlay (TNDO)

(A.) Intent: The Traditional Neighborhood Development Overlay District (TNDO) provides for the development of new neighborhoods and the revitalization or extension of existing neighborhoods. These neighborhoods are structured upon a fine network of interconnecting pedestrian oriented streets and other public spaces. Traditional Neighborhood Developments (TND's) provide a mixture of housing types and prices, prominently sited civic or community building(s), stores/offices/workplaces, and churches to provide a balanced mix of activities. A Traditional Neighborhood Development (TND) has a recognizable center and clearly defined edges; optimum size is a quarter mile from center to edge. A TND is urban in form, is typically an extension of the existing developed area of the Town, and has an overall residential density of up to 16 dwelling units per acre. TND districts should have a significant portion of land dedicated to open spaces

(B.) Listed uses:

(1.) Uses listed by right

See Table of Uses (Table 8.1)

(2.) Uses listed with additional standards

See Table of Uses (Table 8.1)

(3.) Uses listed with conditions

See Table of Uses (Table 8.1)

(C.) Permitted Building and Lot Types: Urban Workplace, Shop-front Commercial, Multi-family Building, Detached House, Attached House and Civic Building

(D.) Permitted Residential Density:

(1.) Single-Family Detached: 7 units/acre

(2.) Single-Family Attached: 12 units/acre

(3.) Multifamily: See 10.1-24 B.(2) for Multifamily limits

(E.) General Requirements

(1.) Building placement, parking placement, building type, urban form, access, and lot arrangement shall be controlled by the lot and building type standards (Article 9) for the lot and building types permitted in the Traditional Neighborhood Development Overlay District and by the standards set forth in section 8.5-1.(G) below.

(2.) Along existing streets, new buildings shall respect the general spacing of structures, building mass and scale, and street frontage relationships of existing buildings.

- (a.) New buildings which adhere to the scale, massing, volume, spacing, and setback of existing buildings along fronting streets exhibit demonstrable compatibility.
 - (b.) New buildings which exceed the scale and volume of existing buildings may demonstrate compatibility by varying the massing of buildings to reduce perceived scale and volume.
- (3.) On new streets, allowable building and lot types will establish the development pattern.
- (4.) A master plan in compliance with Traditional Neighborhood Development standards shall be provided with the zoning permit submittal for a general district TND. The master plan shall include a topographic survey and shall show the location and hierarchy of streets and public open spaces, location of residential, commercial, and civic building lots, street sections and/or plans, a master sign program, an outline of any additional regulatory intentions, phasing, and any other information, including building elevations, which may be required to evaluate the interior pedestrian environment and conditions at project edges.
- (5.) Minimum Development Size: 8 acres
- (6.) Maximum Development Size: 640 acres.
Tracts larger than 640 acres shall be developed as multiple Traditional Neighborhood Developments, each individually subject to all provisions.

(F.) TND Design Requirements:

(1.) Neighborhood Form:

- (a.) The descriptions of Traditional Neighborhood Building and Lot types in Article 9 will determine the general arrangement and distribution of elements in a TND.
- (b.) The area of the TND shall be divided into blocks, streets, lots, and open space.
- (c.) Similar land uses shall generally front across each street. Dissimilar categories shall generally abut at rear lot lines. Corner lots which front on streets of dissimilar use shall generally observe the setback established on each fronting street.

(2.) Streets, Alleys and Blocks:

- (a.) Public streets shall provide access to all tracts and lots.
- (b.) Streets and alleys shall, wherever practicable, terminate at other streets within the neighborhood and connect to existing and projected streets outside the development.
- (c.) Cul-de-sacs shall not exceed 250 feet in length, must be accessed from a

street providing internal or external connectivity, shall be permanently terminated by a vehicular turnaround, and are permitted only where topography makes a street connection impracticable. In most instances, a “close” or “eyebrow” is preferred to a cul-de-sac.

- (d.) Vehicular turnarounds of various configurations are acceptable so long as emergency access is adequately provided.
- (e.) Pedestrian connections should be provided as extensions of terminating streets where not precluded by topography or other physical constraints.
- (f.) The average perimeter of all blocks within the TND should not exceed 1,350 feet. No block face should have a length greater than 500 feet without a dedicated alley or pathway providing through access.
- (g.) A continuous network of rear alleys is recommended for all lots in a TND; rear alleys shall provide vehicular access to lots 49 feet or less in width.
- (h.) Utilities may run along alleys provided that a permanent access and utility easement is recorded for the full length of alley being used for utilities or public services such as garbage collection.
- (i.) TND streets shall be organized according to a hierarchy based on function, size, capacity, and design speed; streets and rights-of-way are therefore expected to differ in dimension. The proposed hierarchy of streets shall be indicated on the submitted site plan. Each street type in a TND shall be separately detailed. Street types as described in the Town of Marshville Standards and Specifications Manual identify the street types permitted in a TND. An array of elements that are combined to meet the purposes of TND neighborhood streets: building placement line, optional utility allocation, sidewalk, planting strip, curb and gutter, optional parallel parking, and travel lane(s). Alternative methods of assembling the required street elements will be considered to allow neighborhood street designs that are most appropriate to setting and use.
- (j.) To prevent the buildup of vehicular speed, disperse traffic flow, and create a sense of visual enclosure, long uninterrupted segments of straight streets should be avoided. Methods to achieve this interruption include:
 - (i.) A street can be interrupted by intersections designed to calm the speed and disperse the flow of traffic (see Town of Marshville Standards and Specifications Manual) and terminate vistas with a significant feature (building, park, natural feature);
 - (ii.) a street can be terminated with a public monument, specifically designed building facade, or a gateway to the ensuing space;
 - (iii.) perceived street length can be reduced by a noticeable street curve where the outside edge of the curve is bounded by a building or other vertical

- elements that hug the curve and deflect the view; and
- (iv.) other traffic calming configurations are acceptable so long as emergency access is adequately provided.
- (3.) Buildings and Lots:
- (a.) All lots shall share a frontage line with a street or square; lots fronting a square shall be provided rear alley access.
 - (b.) Consistent build-to lines shall be established along all streets and public space frontages; build-to lines determine the width and ratio of enclosure for each public street or space. A minimum percentage build-out at the build-to line shall be established on the plan along all streets and public square frontages.
 - (c.) Building and lot types shall comply with the descriptions provided in Article 9.
 - (d.) Large-scale, single use facilities (conference spaces, theaters, athletic facilities, etc) shall generally occur behind or above smaller scale uses of pedestrian orientation. Such facilities may exceed maximum first floor area standards if so sited.
- (4.) Open Space: The provision and design of open space shall comply with the requirements set forth in Article 21.
- (5.) Parking, Landscaping and Buffers: Parking shall comply with the requirements set forth in Article 12. Landscaping, including required buffers, shall comply with the requirements set forth in Article 11.

8.5-2 Mini Farm Overlay (MFO)

- (A.) Intent. The Mini Farm Overlay District (MFO) permits buildings to be grouped on a site, parcel, or property in order to optimize the use of land and resources for both residential and agricultural purposes. By clustering development at a density no greater than 1.15 unit per developed acre, projects developed in accordance with these standards can obtain density bonuses while preserving unique natural features for agricultural use. The Mini Farm Overlay District mandates the dedication of both agricultural land and open space with density bonuses provided as an incentive for adhering to the standards. It is the intent of this district to be used for new development in undeveloped outlying areas of the Town and its extraterritorial jurisdiction. Allowed building/lot type is Detached House.
- (B.) Applicability. The provisions set forth below may be applied, upon designation of the property as a Mini Farm Overlay District, to properties with a minimum size of 66 acres in the Agricultural zoning district. The provisions of this section shall not be applicable in platted and recorded residential subdivisions.

(C.) Listed uses:

(1.) Uses listed by right

See Table of Uses(Table 8.1)

(2.) Uses listed with additional standards

See Table of Uses(Table 8.1)

(3.) Uses listed with conditions

See Table of Uses(Table 8.1)

(D.) Permitted Building and Lot Type: Detached House

(E.) Development standards. The following development standards shall apply to developments approved in accordance with the provisions of this section:

(1.) Maximum density shall be one dwelling per gross acre of the Tract(s) within the MFO district.

(2.) There shall be a minimum separation of 12 feet between all enclosed structures.

(3.) Parking shall comply with the requirements set forth in Article 12.

(F.) Agricultural and Open Space. Not less than 67% of the site shall be conveyed as Common Agricultural and Open Space. The provision and design of agricultural and open space shall comply with the requirements set forth below.

(1.) Common agricultural and open space provided by a development shall be conveyed as follows:

(a.) To the Town of Marshville and accepted by it for park, open space, agricultural, or other specified use or uses, provided that the conveyance is approved by the Town Council; or

(b.) To a nonprofit organization whose principal purpose is the conservation of open space, to a corporation or trust owned or to be owned by the owners of lots or dwelling units within the development, or to owners of shares within a cooperative development. If such a corporation or trust is used, ownership shall pass with the conveyances of the lots or dwelling units. Such corporation or trust shall maintain the property in use for agricultural purposes and/or as open space.

(2.) Where the common agricultural and open space in a development is conveyed pursuant to subparagraph 1.b above, a deed restriction enforceable by the Town of Marshville shall be recorded that provides that the common agricultural and open space shall:

(a.) be maintained in the authorized conditions(s); and

(b.) not be developed for principal uses, accessory uses (e.g., parking), or

roadways, with the exception that gazebos, tool sheds, barns, shelters, or similar accessory uses and structures may be constructed within the agricultural and common open space upon approval of the *Planning, Zoning and Subdivision Administrator*.

(G.) General Standards.

(1.) The following shall apply in the Mini Farm Overlay District:

Minimum Lot Size	Minimum Lot Width	Minimum Front Yard Setback	Minimum Rear Yard Setback	Minimum Side Yard Setback	Minimum Corner Lot Side Yard Setback
50,000 S.F.	120'	80'	6'	16'	50'

8.5-3 Scenic Corridor Overlay (SCO)

(A.) Intent. The Scenic Corridor Overlay District (SCO) is established to protect the pastoral scenes and open spaces that provide a sense of arrival for residents and visitors traveling the major entrance roads and gateways to the Town. The pastoral scenes and undeveloped property along the entrance roads and gateways contribute significantly to Marshville's community character and sense of place. The Scenic Corridor Overlay District provides development options for the owners of the property abutting the entrance roads and gateways. The goal of this district is to protect the scenic value of the corridors through a mix of incentives and development standards. These standards will preserve the rural character of the Town by maintaining the sense of a rural corridor in an urban environment; provide an aesthetically appealing experience for those traveling the corridor; provide multi-modal transportation options for travel; and ensure a safe transportation corridor for motorists, bicyclists, and pedestrians. The Detached House lot/building type is allowed in this district.

(B.) Types. Three (3) types of scenic corridors are hereby created:

- (1.) Rural scenic corridor – A corridor along which development is limited, consisting largely of fields, pastures, and scattered residential uses. The rural scenic corridor evokes a sense of traveling through an undeveloped area, with pastoral scenes and a sense of being removed from the urban environment.
- (2.) Gateway scenic corridor - A corridor that serves as an entrance way to a place that is unique and different from other communities in the area. The gateway corridor provides a sense of arrival to a place that is special and different from the typical places. The gateway scenic corridor may be more developed than the rural

scenic corridor, but the character of the development is such that those using the corridor are aware they are in a special place.

- (3.) Bypass scenic corridor - A corridor providing for buffering of the bypass to protect the traffic carrying capacity of the road and to provide for a pleasant experience for motorists using the bypass. The bypass scenic corridor requires an undeveloped setback from the bypass, ensuring that the bypass through Marshville is unique and portrays the character of the community while enhancing the safety of motorists using the road.

(C.) General Requirements:

- (1.) Development Pattern. Building placement, parking placement, building type, urban form, access, and lot arrangement shall be controlled by the lot and building type standards (Article 9) for the lot and building types permitted in the Scenic Corridor Overlay District.
- (2.) Activities Permitted in the Scenic Corridor. In order to preserve the aesthetic quality of the scenic corridors, uses and activities within the designated scenic corridors shall be limited to the following:
 - (a.) The scenic corridor easement may be used for passive recreation, agricultural uses, and equestrian uses. No other use shall be permitted within the scenic corridor easement.
 - (b.) No building construction, parking, land disturbing activity, signs, tree removal, lighting (other than street lighting provided by the Town of Marshville and driveway or private road lighting provided that said lighting is provided by full cutoff fixtures), or other development activity shall occur within the scenic corridor easement except as follows:
 - (i.) A bikeway, greenway, and/or other pedestrian/bicycle facility may be located within the scenic corridor easement.
 - (ii.) Underground utilities and easements for underground utilities may be located within the scenic easement, provided that no above ground transmission or other equipment is located within the scenic easement.
 - (iii.) Buildings used primarily for agricultural and/or equestrian related activities may be built in the scenic corridor easement upon approval by the Town Council as a Conditional Use. Parking shall be located behind the building, shall not be located within the scenic easement, and shall be buffered from the scenic corridor. The Town Council shall consider the following items in making the decision to allow aforesaid buildings in the scenic easement:
 - 1. The building's visual impact on the scenic corridor;
 - 2. The building's size;

3. The compatibility of the building's architecture with community character and the purposes of the scenic corridor overlay district.
- (3.) Scenic Corridor Dimensions. The designated scenic corridors shall meet the following dimensional standards:
- (a.) The width of the scenic easement within the rural scenic corridor shall be 10% of the lot depth but no more than 100 feet from the edge of the public right-of-way. The *Planning, Zoning and Subdivision Administrator* may require an additional scenic depth of up to 50 feet in order to preserve structures and/or vegetation deemed to be significant.
 - (b.) The width of the scenic easement within the gateway scenic corridor shall be 10% of the lot depth but no more than 50 feet from the edge of the highway right-of-way. The *Planning, Zoning and Subdivision Administrator* may require an additional depth of up to 25 feet in order to preserve structures and/or vegetation deemed to be significant.
 - (c.) The width of the scenic easement within the bypass scenic corridor shall be 10% of the lot depth but no more than 75 feet from the edge of the public right-of-way. The *Planning, Zoning and Subdivision Administrator* may require an additional depth of up to 25 feet in order to preserve structures and/or vegetation deemed to be significant.
- (4.) Scenic Corridor Provisions. The following provisions shall govern development within a designated scenic corridor:
- (a.) The area within the scenic easement may be dedicated to the Town as a conservation easement, provided it meets the standards for such an easement as established by applicable state and federal standards.
 - (b.) Development density shall be calculated for the entire property, including the area within the scenic easement, with the exception that development density bonuses of up to 50 percent are given for the portion of the property within the scenic easement. In the event that the property owner provides a scenic easement wider than required by this ordinance, the density bonus may be increased up to 75% for the area located within the scenic easement.

For example, the Jones family own a 10 acre property zoned Single-Family Residential (SFR). Two (2) acres of the property are within the Scenic Corridor Overlay. The density is calculated as follows:

Base density @ 3 units/acre x 10 acres = 30 units

50% density bonus for 2 acres in scenic corridor easement

50% of (2 acres x 3 units/acre) = 3 unit bonus

Total Density = 33units

If the Jones' provide an easement wider than required, then they would receive a

75% density bonus for the area within the easement:

Base density @ 3units/acre x 10 acres = 30 units

75% density bonus for 2 acres with wider easement

75% of (2 acres x 3 units/acre) = 4.5 unit bonus

Total Density = 35 units

- (c.) Development may be clustered on the portion of the property located outside the scenic easement.
- (5.) Curb Cuts. There shall be a minimum separation of 500' between curb cuts in the rural scenic corridors. This separation requirement may be waived by the *Planning, Zoning and Subdivision Administrator* if the width of the property frontage would preclude a second curb cut meeting this spacing requirement.
- (6.) Lot Requirements. The lot type standards and building type standard permitted in the underlying district, as set forth in section 8.4 and further described in Article 9, shall apply in the Scenic Corridor Overlay District.
- (D.) Open Space. The provision and design of open space shall comply with the requirements set forth in Article 21. Land within the scenic easement may count for up to 100% of the minimum open space required by Article 21 of this Ordinance.
- (E.) Parking and Landscaping. Parking shall comply with the requirements set forth in Article 12. Landscaping shall comply with the requirements set forth in Article 11.

8.5-4 Heavy Industry Overlay (HIO)

- (A.) Intent. The Heavy Industry Overlay (HIO) District is established in accordance with G.S. Reference: 130A-293 Local ordinances prohibiting hazardous waste facilities to protect all environments from the negative impacts of certain activities and types of development. It is the intent of this section to provide and permit certain public and private heavy industrial uses and facilities that incorporate hazardous materials and/or scientific technology, including: wholesale, distribution, storage, processing, manufacturing and production. However, it is required that industries in this district take all necessary actions including but not limited to installation of apparatus and technological equipment available to prevent negative impacts on the environment and the community from the emissions of smoke, dust, fumes, noise and vibrations and other activities and/or products resulting from such hazardous industrial activities in accordance with federal, state and local regulations. It is further intended that this section will:
- (1.) provide standards that will ensure that such development will be designed, arranged and constructed to protect the reservoirs and the lands of the Town of Marshville and it's extraterritorial jurisdiction;
- (2.) provide standards that will ensure that such development will have a minimum

impact on the public schools within the Town's jurisdiction and public health safety, and welfare; and

- (3.) through the zoning map amendment process provide for careful consideration in the location of such uses that, because of their inherent nature, extent, and external effects, require special care in control of their design and methods of operation in order to ensure protection of the public safety and welfare.

(B.) Property shall be within an Industrial (IND) Zoning District to be eligible for consideration for the Heavy Industry Overlay (HIO) District.

(C.) Exempt Uses. For the purpose of this section, the following uses are exempt from the provisions of this section:

- (1.) Medical Clinics having no-certificate-of need for in-patient care;
- (2.) Medical Facilities having no-certificate-of need for in-patient care;
- (3.) Doctor's Offices;
- (4.) Medical Labs;
- (5.) Dental Offices;
- (6.) Outpatient Facilities having no certificate-of-need for in-patient care; and
- (7.) Healthcare Facilities having no certificate-of-need for in-patient care.

(D.) Conditional Use Permits for All Hazardous Industries Required.

(E.) Minimum Lot Dimensions. The minimum lot size shall be of sufficient size to facilitate a hazardous industry facility which meets all requirements of this section, the Marshville Technical Standards and Specifications Manual, and all buffer requirements for new development.

(F.) Minimum Building/Parking Lot/Storage Area Setbacks. The minimum building/parking/storage area setbacks shall be as follows:

- (1.) From any arterial or collector street right-of-way – 500 feet
- (2.) From any local street right-of-way – 500 feet
- (3.) From an interior lot line adjacent to a non-residential zoning district –250 feet
- (4.) From an interior lot line adjacent to a school or day care facility –500 feet
- (5.) From an interior lot line adjacent to a residential zoning district – 500 feet

(G.) Building Height Requirements.

- (1.) The maximum building height for a structure adjacent to a residential or commercial zoning district shall be no greater than 40 feet.
- (2.) The maximum building height for a structure adjacent to an industrial zoning district – no height restrictions.

(H.) Use Requirements.

- (1.) Any such hazardous industry facility shall be located consistent with the Future Land Use Patterns as set out in the *Town Plan 2030– Land Use & Comprehensive Master Plan* as may be amended from time to time.
- (2.) Any such hazardous industry facility shall be located on an arterial highway as defined in the Marshville Technical Standards and Specifications Manual.
- (3.) Any such hazardous industry facility shall be serviced by a public water and wastewater system.
- (4.) Any such hazardous industry facility shall be enclosed with a security fence of adequate height and structure that would reasonable prohibit access to the site by the general public. All security gates and/or gate houses shall be set back a minimum of 50 feet from the public right-of-way line.
- (5.) All structures housing the storage of bulk liquid and/or hazardous or toxic materials shall be set back from any property line a minimum of 550 feet.
- (6.) There shall be no industry created noise in excess of 50 decibels as measured at the property line and no objectionable noise due to extreme frequency, beat frequency, intermittence or shrillness.
- (7.) There shall be no industry created ground vibration measurable at any lot line of an industrial unit.
- (8.) There shall be no industry created air pollution including:
 - (a.) No noxious odors; no noxious, toxic or corrosive gases or fumes.
 - (b.) No smoke of a density in excess of #1 on the Ringelmann Chart. In cases of smoke other than black in color, and approved density scale equivalent to the Ringelmann Chart shall be used.
 - (c.) No dust or other particulate matter emitted in excess of 0.85 pounds per 1,000 pounds of gases adjusted to 12% carbon dioxide.
 - (d.) There shall be no surface or subsurface discharge or disposal of any wastes, either liquid or in any form without prior approval of the Council.
 - (e.) There shall be no unusual fire or explosion hazards. Based on the National Board of fire insurance rates which classifies industrial units as Class I, Class II, and Class III, the following shall apply:
 - (i.) No special controls on a manufacturing unit determined to be Class I other than under [3] below.
 - (ii.) Class II and Class III manufacturing units shall be contained in a building designed and constructed in accordance with its class and according to provisions of the building code published by the Building Officials and Code Administrators, International [BOCA], 1313 East 60th Street, Chicago, Illinois, 60637.

- (iii.) Machinery or equipment shall be treated as necessary to eliminate hazards.
- (iv.) Uses which are customarily incidental and accessory to the principal use shall be permitted including, but not limited to: dwelling quarters for watchmen and caretakers employed on the premises, recreation areas and facilities for persons employed by industries within the same district's boundaries, restaurants, warehouses and commercial uses that are permitted in the NC 56 and/or US 74 Commercial District.
- (f.) Businesses that produce, store or use hazardous materials, as defined by the Environmental Protection Agency's (EPA) Hazardous Substances or Prior Pollutants lists shall be allowed only when the items listed in Section 154.111 are met.
- (g.) Miscellaneous Prohibitions:
 - (i.) Any interference with any other process, equipment, appliance or devices and any mechanical, electrical or other equipment which could create such interference shall have all necessary shielding or other protection.
 - (ii.) In any industrial unit or accessory all operations and storage, other than for passenger vehicles of visitors and employees, trucks and over the road vehicles, shall be within an entirely enclosed building or structure.
Exemption: Outside storage of bulk or large raw materials which are fireproof if enclosed by a security fence with provisions for visual inspection and where screened from public view in its entirety from adjacent properties and public streets/roadways.
- (I.) Conformance with *Marshville Technical Standards and Specifications Manual*.
All development shall comply with the requirements of the *Marshville Technical Standards and Specifications Manual*.
- (J.) Operations and Closure Plans Required. An emergency operations plan shall be developed and be on file at the Town of Marshville and Union County Emergency Management Offices.
- (1.) An operations plan shall be submitted to include:
 - (a.) The date of commencement of operations and their expected duration;
 - (b.) Proposed hours and days of operation;
 - (c.) A complete description of operation, including source of materials, method of compaction, type of sealing proposed to be used, types and number of equipment to be used;
 - (d.) Any phasing schedule of operations and relationship among phases;
 - (e.) Operating practices to be followed to ensure compliance with regulations of this ordinance, and;

- (f.) Complete assessment by the Marshville Fire Department in conjunction with local emergency management agencies that all necessary equipment, training, and personnel are available at the emergency response level to adequately handle all emergency scenarios.
- (2.) A closure plan shall be prepared and submitted in accordance with United States Environmental Protection Agency (USEPA) guidelines as part of the application for a zoning map amendment to establish the HIO district.
- (K.) Hazardous Chemical Notification and Inventory Reporting. EPCRA Section 311-312 applies to any facility at which a hazardous chemical, as defined by the Occupational Safety and Health Act, is present in an amount exceeding a specified threshold. These facilities must submit -- to the SERC, LEPC, and local fire department -- material safety data sheets (MSDSs) or lists of MSDSs and hazardous chemical inventory forms (also known as Tier I and II forms). This information helps the local government respond in the event of a spill or release of the chemical.
- (L.) Emergency Notification and Agriculture. EPCRA requires businesses that store threshold amounts of chemicals that are subject to OSHA's Hazardous Communication Standard to submit information -- including facility point of contact and the Material Safety Data Sheets (or a list of those chemicals) -- to state and local authorities in order to facilitate emergency planning and response. Annual reporting to state and local authorities is required for all covered facilities that have those chemicals in amounts above threshold. Hazardous chemicals used in routine agricultural operations and fertilizers held for resale by retailers is excluded.
- (M.) Toxic Chemical Release Inventory Reporting. EPCRA Section 313 requires manufacturing facilities included in SIC codes 20 through 39 to submit an annual toxic chemical release report if they have 10 or more employees and if they manufacture, process, or use specified chemicals in amounts greater than threshold quantities. This report, commonly known as Form R, covers releases and transfers of toxic chemicals to various facilities and environmental media, and allows EPA to compile the national Toxic Release Inventory (TRI) database.