



**Town of Marshville
Town Council Meeting
Monday October 2, 2017, 7:00 PM
Marshville Town Hall**

AGENDA

- 1. Call to Order/Invocation/Pledge of Allegiance**
 - 2. Adoption of Agenda for the Meeting**
 - 3. Public Hearing for Text Amendment TA 2017-03 ESA Marshville NC, LLC –Add Electric Energy Production (solar) to the Table of Use Chart**
 - 4. Discussion/Action on Proposed Text Amendment TA 2017-03**
 - 5. Public Hearing for Text Amendment TA 2017-04-Planning Board and Board of Adjustment membership changes**
 - 6. Discussion/Action on Proposed Text Amendment TA 2017-04**
 - 7. Public Comment**
Please sign in at the podium. Before speaking, state your name and address and limit comments to two minutes.
 - 8. Consent Agenda**
 - Minutes – Regular Meeting August 7, 2017
 - Minutes – Special Meeting August 31, 2017
 - 9. Discussion/Action Regarding Capacity Fees**
 - 10. Discussion/Action Regarding Setting Date for Annual Christmas Tree Lighting**
 - A. Staff suggest Friday December 1st at 6:30 p.m.
 - 11. Discussion/Action regarding Revised Solid Waste Cart Ordinance and Appeal Process**
 - 12. Discussion/Action regarding Water and Sewer Service Request**
 - 13. Department Head Reports**
 - 14. Town Manager's Report**
 - 15. Mayor and Town Council Member Comments**
 - 16. Adjourn**
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Upcoming Meetings & Events:

- Planning Board Meeting at Town Hall, October 9, 7:00 p.m.
- Tip A Cop Day: Wagon Wheel Restaurant Friday October 13, 11:00 a.m. to 2 p.m.
- Halloween on Main Street: Tuesday October 31, 5 p.m. to 9 p.m.
- Community Yard Sale: Saturday November 4, Marshville Park 7:00 a.m. – 11 a.m.

TOWN OF MARSHVILLE

est. 1877

TO: Town Council
FROM: Richard Smith, Planning Advisor
DATE: September 13, 2017
RE: **Public hearing for ZTA 2017-03 Add Electric Energy Production (solar) to the Table of Use Chart**

A. Actions Requested

1. Motion that the requested change to the *Town of Yadkinville's Zoning Ordinance* is consistent with Town policy
2. Motion to approve, deny, or table *ZTA 2017-03*

B. Required Votes to Pass Requested Actions

A majority vote is needed to approve (deny) the requested actions.

C. Proposed Amendments

Basic Information

Applicant(s): Colin Tarrant, ESA Marshville NC, LLC (Franklin Howey, Jr.)
Applicable Sections: Table 8.1 Table of Uses, Section 2 – Manufacturing & Industry of the Marshville Development Ordinance

Mr. Colin Tarrant, on behalf of ESA Marshville NC, LLC and Franklin Howey, Jr. has requested the Town of Marshville to amend the Marshville Development Ordinance Table 8.1 Table of Uses, Section 2 – Manufacturing & Industry of the Marshville Development Ordinance to add “Electric Energy Production (solar)” as a new category in the ordinance subject to issuance of a conditional use permit (CUP) in the Agriculture (AG), Single Family Residential 1, 2 & 3 (SFR-1, SFR-2, & SFR-3), and Industrial (IND) zoning districts.

Staff Recommendation

Staff recommended review of the proposed text amendment. Staff did not, however, recommend amending the ordinance as requested by the applicant.

Planning Board Recommendation

The Planning Board reviewed this request at the May 10, 2017 meeting and made the following recommendation:

- **Recommend Denial:** The Planning Board found that the amendment is not consistent with the Town of Marshville Land Use Plan and does not consider the action to be reasonable and in the public interest.

Town Council Action

The Town Council held the public hearing and reviewed this request at their July 10, 2017 meeting. Following the public hearing and discussion on the matter, ***Town Council referred this proposed text amendment back to the Planning Board for further consideration.*** Direction given by Council was for the Planning Board to consider adding conditional zoning to the ordinance. Further, Town Council asked the Planning Board to consider the zoning districts where this use might be permitted conditionally. Town Council expressed concerns about permitting this use in the residential districts, but indicated the use might be appropriate in the Agriculture (AG) and Industrial districts as a conditional use, either through conditional zoning or the issuance of a conditional use permit.

Proposed Text Amendments after Town Council discussion

Amend the Marshville Development Ordinance to add Conditional District zoning. Amend Table 8.1 Table of Uses, Section 2 – Manufacturing & Industry of the Marshville Development Ordinance to add “Electric Energy Production (solar)” as a conditional use in the Agriculture (AG) and Industrial (IND) zoning districts. This use would be permitted with the issuance of a Conditional Use Permit by the Town Council or as part of an AG or IND Conditional Zoning district.

These proposed amendments are highlighted in the attachments.

Planning Board’s Subsequent Recommendation

As per the Town Council’s direction, the Planning Board reviewed this request further at their August 14, 2017 meeting and made the following recommendation:

- **Recommend Denial:** The Planning Board found that the amendment is not consistent with the Town of Marshville Land Use Plan and does not consider the action to be reasonable and in the public interest. The Planning Board recommended no amendment to the ordinance related to this particular use. Further, the Planning Board decided to consider the Conditional Zoning District text amendment at a later date separately from the solar farm text amendment request.

D. Policy Issues

Article 5, Section 5.1, 5.2 and 5.3-4(C)3(d) of the Town’s zoning provisions states the following policy guidelines:

The Marshville Town Council may amend, supplement, modify, or repeal any provision of this ordinance or amend the zoning maps according to the procedure established by G.S.160A-384. Such amendments

shall be evaluated for compliance with the Town's Land Use Plan, Comprehensive Master Plan and other applicable adopted plans, and may require a land use plan and/or comprehensive master plan amendment to ensure compatibility between the plan(s) and the amendment. Amendments and modifications shall be acted upon by the Town Council, after recommendation from the Planning Board.

Proposed changes or amendments to the text of this chapter may be initiated by the Marshville Town Council, the Marshville Planning Board, the Board of Adjustment, the Planning, Zoning and Subdivision Administrator, any owner of a legal or equitable interest in land located in the Town or its extraterritorial jurisdiction, or any resident of the Town or its extraterritorial jurisdiction.

Upon reviewing all pertinent information, the Marshville Town Council may:

- (a.) Adopt the proposed amendment;
- (b.) Reject the proposed amendment;
- (c.) Continue the consideration of the request to their next regularly scheduled meeting or other agreed upon time;
- (d.) Refer the proposed amendment back to the Marshville Planning Board for further consideration or hearing; or**
- (e.) Modify the proposed amendment.

Comprehensive Plan Consistency

According to the Marshville Development Ordinance, Article 5.3-3(G) Content of recommendation and statement of consistency, any recommendation made by the Marshville Planning Board to the Marshville Town Council pursuant to this section shall be in writing and shall include a statement describing whether the proposed amendment is consistent with the comprehensive plan that has been adopted by the Town and any other officially adopted plan that is applicable, and shall address any other matter deemed appropriate by the Planning Board. A comment by the Planning Board that a proposed amendment is inconsistent with the Town's Land Use Plan, Comprehensive Master Plan and other adopted plans for the area affected shall not preclude consideration of approval of the proposed amendment by the Town Council. (G.S. 160A-383)

“AG District Intent- The Agriculture District 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. Permitted 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.

IND District Intent- The Industrial District 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.

Medium density residential uses are encouraged within the remaining residential areas served by Town water and sewer. Recognition of the need for secondary living units in specific circumstances to aid in housing extended families during the coming decades of population shifts with increases in the senior (baby boomer) population. Town Plan 2035 encourages future residential development to be efficient use of buildable land, avoiding environmentally sensitive areas, to increase the return on the investment in the infrastructure serving the Town.

Industrial development is limited to the Industrial Park and shall be permitted elsewhere within employment centers shown on the Town Plan 2035 - Land Use Plan. Town Plan 2035 encourages future manufacturing and employment opportunities to ensure that future generation have opportunities for local employment and tax base diversification. The plan does not call for, but only identifies, areas less suited for neighborhoods and better suited for employment so that residential development in those parts of the Marshville community do not forever lose the opportunity to meet a future need when that time comes."

The Board must determine if solar farms fit the intent of the AG and/or IND districts and the Medium density and/or Industrial development land use designations. Some of the areas with these designations may be appropriate for this use. Allowing it as a Conditional Use will allow the Town to evaluate the appropriateness of the proposed solar farm locations on a case-by-case basis either through the issuance of a Conditional Use Permit through the quasi-judicial hearing process or as a Conditional Zoning district approved legislatively by the Town Council.

E. Hearing and Possible Courses of Action

After holding a public hearing and reviewing the proposed text amendment, the Town Council is requested to take action using one of the following motions:

- **Approval:** The Town Council finds that the proposed text amendment is consistent with the Town of Marshville Comprehensive Plan and considers the action to be reasonable and in the public interest. –or– The Town Council finds that the proposed text amendment is not consistent with the Town of Marshville Comprehensive Plan, but considers the action to be reasonable and in the public interest.
- **Approval with changes:** The Town Council finds that the amendment is not fully consistent with the Town of Marshville Comprehensive Plan, but the changes agreed upon will make it fully consistent and considers the action to be reasonable and in the public interest.
- **Denial:** The Town Council finds that the amendment is not consistent with the Town of Marshville Comprehensive Plan and does not consider the action to be reasonable and in the public interest.
- **Defer:** The amendment needs additional consideration.

ARTICLE 5

AMENDMENTS TO DEVELOPMENT ORDINANCE AND ZONING MAP

5.1 General

The *Marshville Town Council* may amend, supplement, modify, or repeal any provision of this ordinance or amend the zoning maps according to the procedure established by G.S.160A-384. Such amendments shall be evaluated for compliance with the Town's Land Use Plan, Comprehensive Master Plan and other applicable adopted plans, and may require a land use plan and/or comprehensive master plan amendment to ensure compatibility between the plan(s) and the amendment. Amendments and modifications shall be acted upon by the *Town Council*, after recommendation from the *Planning Board*.

5.2 Initiation of Amendments

Proposed changes or amendments to the text of this chapter may be initiated by the *Marshville Town Council*, the *Marshville Planning Board*, the *Board of Adjustment*, the *Planning, Zoning and Subdivision Administrator*, any owner of a legal or equitable interest in land located in the Town or its extraterritorial jurisdiction, or any resident of the Town or its extraterritorial jurisdiction. Proposed zoning map amendments may be initiated by the *Marshville Town Council*, the *Marshville Planning Board*, the *Board of Adjustment*, the *Planning, Zoning and Subdivision Administrator*, or any owner of a legal or equitable interest in the property for which the map amendment is requested. A zoning study of a defined area may be requested upon submittal to the Marshville Planning Services Department of a petition signed by 51 percent of the property owners in the defined area for which the zoning study is requested who own at least 51 percent of the property (calculated by both land area and number of parcels) in the defined area for which the zoning study is requested. The area for which the zoning study is requested must be defined by the petitioners requesting the zoning study and may be of any size and include any number of individual contiguous parcels, including a public street. The area defined by the petitioners will be used by Town staff to determine if the required 51 percent of property owners owning at least 51 percent of the property have signed the petition requesting the zoning study. Upon confirmation that the petition for a zoning study is valid, it shall be forwarded to the *Marshville Town Council* for a determination of whether the zoning study should be initiated for the defined area and any portion thereof. The *Town Council* may initiate the zoning study, elect not to initiate the zoning study, or reduce the size of the area to be included in the zoning study and initiate a zoning study of the reduced area.

5.3 Amendment Process

5.3-1 Initial Application Process.

- (A.) Pre-filing meeting. Before filing a petition for an amendment or a request for a zoning study, an applicant shall meet with the *Planning, Zoning and Subdivision Administrator* to discuss the proposed amendment or request and to become more familiar with the applicable requirements and approval procedures.
- (B.) Neighborhood meeting. It is highly recommended that the applicant for a zoning map amendment (rezoning) meet with representatives of the neighborhood in which the property for which the map amendment (rezoning) is proposed is located. This meeting, which should be held at the pre-application stage, will allow the applicant to explain the proposed map amendment (rezoning) and to be informed of the concerns of the neighborhood.
- (C.) Filing.
 - (1.) A petition requesting an amendment or a zoning study shall be filed with the Planning Department on a form provided by the *Planning, Zoning and Subdivision Administrator*.
 - (2.) Applicable fees shall be payable as set forth by the *Marshville Town Council*.
 - (3.) Petitions must be submitted by 12:00 noon on the third Monday of the month in order for the petition to be heard at the meeting of the *Marshville Planning Board* scheduled at least 30 days later.
- (D.) Content of applications.
 - (1.) Each application shall contain or be accompanied by all information required on the application form provided by the *Planning, Zoning and Subdivision Administrator*.
 - (2.) Every amendment proposing to change the district boundary lines shall be accompanied by a metes and bounds description, a survey of the area involved, or reference to existing lots, sufficient in the estimation of the *Planning, Zoning and Subdivision Administrator* to plot or otherwise identify the amendment on the official zoning maps of the Town of Marshville.
 - (3.) Any person designated by the owner(s) of the property included in the petition to serve as agent for the owner shall submit such authorization in writing with the application.

5.3-2 Review by the Technical Review Committee.

- (A.) General. Upon submission of a request for a zoning map amendment (rezoning) that requires compliance with design guidelines as set forth in this Ordinance, the request

shall be scheduled for review by the Marshville Technical Review Committee prior to being submitted to the Marshville *Planning Board* for review and recommendation. The Technical Review Committee shall review the request for compliance with the design standards set forth in this Ordinance. Upon receipt of the request, the Technical Review Committee shall hold a meeting to consider the proposal.

- (B.) Notification. The meeting of the Technical Review Committee at which the request is reviewed is not a public hearing and therefore no notice is required.
- (C.) Review – General. The review meeting shall be conducted in accordance with the rules of procedure of the Marshville Technical Review Committee. The Committee shall make recommendations to the Marshville *Planning Board* regarding whether the proposal complies with the design standards set forth in this ordinance. When considering a proposal, the Technical Review Committee shall consider only the compliance of the proposal with the design standards set forth in this Ordinance.
- (D.) Finding of Compliance by the Marshville Technical Review Committee. Following a finding by the Technical Review Committee that the proposal complies with the design standards set forth in this Ordinance, the action shall be reported to the Marshville *Planning Board* for a recommendation according to the process set forth in section 5.3-3 of this ordinance.
- (E.) Finding of Non-compliance by the Marshville Technical Review Committee. If the Technical Review Committee finds that the proposal does not comply with the design standards set forth in this ordinance, the petitioner may request that the consideration of the request by the *Planning Board* be postponed for up to ninety (90) days. The purpose of the postponement is to provide the petitioner time to address issues identified by the Technical Review Committee in their review of the proposal and/or to revise the proposal to address the issues that resulted in the finding of non-compliance. Following the negative recommendation of the Technical Review Committee and the postponement, if requested by the petitioner, the application with the Technical Review Committee's finding, shall be forwarded to the *Planning Board* for their consideration and recommendation. If the petitioner revises the proposal to address issues identified by the Technical Review Committee, the revised proposal shall be forwarded to the *Planning Board* for consideration and recommendation.

5.3-3 Review by the Marshville *Planning Board*.

- (A.) General. Upon submission of a request for a Marshville Development Ordinance amendment or an Official Zoning Map amendment, the request shall be scheduled *for review* by the Marshville *Planning Board*. The Marshville *Planning Board* shall hold a meeting to consider the requested amendment(s).

- (B.) Review – General. The public meeting shall be conducted in accordance with the rules of procedure of the Marshville *Planning Board*. The Board shall make recommendations to the *Marshville Town Council* regarding whether to approve or deny each proposed amendment. When considering an amendment, the *Planning Board* shall consider the compliance and compatibility of the amendment with the Town’s Land Use Plan, Comprehensive Master Plan and other adopted plans for the area affected by the proposed amendment.
- (C.) Affirmative recommendation by the Marshville *Planning Board*. Following an affirmative recommendation by the Marshville *Planning Board* on the proposed amendments, the action shall be reported to the *Marshville Town Council* for a public hearing and final action according to the process set forth in section 5.3-4 of this ordinance. The public hearing will be scheduled as provided by Town Board of Commissioner's rules of procedure.
- (D.) Negative recommendation by the Marshville *Planning Board*. If the Marshville *Planning Board* has made a negative recommendation on an amendment, the petitioner may request that the consideration of the request by the *Town Council* be postponed for up to ninety (90) days. The purpose of the postponement is to provide the petitioner time to address issues identified by the *Planning Board* in their review of the request and/or to revise the request to address the issues that resulted in the negative recommendation. Following the negative recommendation of the *Planning Board* and the postponement, if requested by the petitioner, the application with the *Planning Board*’s recommendation shall be forwarded to the *Town Council* for their consideration and action. If the petitioner chooses to revise the request to address the issues identified by the *Planning Board*, the petitioner must schedule a meeting with the *Planning, Zoning and Subdivision Administrator* and Chair (or Vice Chair) of the *Planning Board* a minimum of 14 days prior to the *Town Council* meeting at which the request will be considered. The purpose of this meeting will be to review any revisions made to the application as a result of the *Planning Board* meeting. If the revision(s) to the request, at the discretion of the *Planning, Zoning and Subdivision Administrator* and Chair (or Vice Chair) of the *Planning Board*, has not addressed the issues identified by the *Planning Board*, the petitioner may: i) elect to take the request “as is” to the *Town Council* for their consideration, or ii) further postpone action by the *Town Council* to allow for further revisions to the request.
- (E.) No action by the Marshville *Planning Board*. If the Marshville *Planning Board* has made neither a positive nor a negative recommendation on a proposed amendment within 30 days of first considering it, the proposed amendment shall be forwarded to the *Town Council* for consideration. The proposed amendment shall be accompanied

by a record of the Marshville *Planning Board*'s comments regarding the amendment and the reasons, if any, for their lack of action.

(F.) Continuance by the Marshville *Planning Board*. In those cases where, upon hearing the request, the *Planning Board* feels that more information is needed, questions have arisen, or other circumstances occur in which additional time is needed to enable the Board to make a decision, the *Planning Board* may continue their meeting provided their recommendation is presented to the *Town Council* within 30 days of the date first heard in accordance with NCGS 160A-387. The *Planning Board* may not continue the consideration of the request until the next regularly scheduled *Planning Board* meeting. The Board shall direct the appropriate person(s) to obtain the needed information, provide answers to questions, and/or conduct other investigations during this time to enable the Board to make a decision at the reconvening of the continued meeting. The *Planning Board* shall take action (affirmative or negative recommendation) on continued items at such meeting.

(G.) Content of recommendation and statement of consistency. Any recommendation made by the Marshville *Planning Board* to the *Marshville Town Council* pursuant to this section shall be in writing and shall include a statement describing whether the proposed amendment is consistent with the comprehensive plan that has been adopted by the Town and any other officially adopted plan that is applicable, and shall address any other matter deemed appropriate by the *Planning Board*. A comment by the *Planning Board* that a proposed amendment is inconsistent with the Town's Land Use Plan, Comprehensive Master Plan and other adopted plans for the area affected shall not preclude consideration of approval of the proposed amendment by the *Town Council*. (G.S. 160A-383)

(H.) Conflict of Interest. No member of the *Planning Board* shall vote on a recommendation regarding any zoning map (rezoning) or text amendment where the outcome of the matter being considered is likely to have a direct, substantial, and readily identifiable financial impact on the member. (G.S. 160A-381(d))

5.3-4 Review by the Marshville Town Council.

(A.) Review -general. Following receipt of a recommendation on a proposed amendment, or in the case of a negative recommendation, the receipt of the petitioner's request for a public hearing, or in the case of no action by the Marshville *Planning Board* as described in section 5.3-3 above, the *Marshville Town Council* shall hold a public hearing on the proposed amendment. The public hearing will be scheduled and conducted as provided by the Town Board of Commissioner's rules of procedure.

(B.) Notification. The *Town Clerk* shall prepare a public notice as described below that indicates the official receipt of an application for a Marshville Development Ordinance amendment or an Official Zoning Map amendment. This notice for publication shall include the following:

- (1.) Brief description of the requested amendment;
- (2.) The time, date, and place at which the request will be considered; and
- (3.) Contact information for staff receiving comments concerning the request.

The notice shall be published in a newspaper of general circulation prior to the date on which the request is to be considered. Publication shall be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than ten days nor more than 25 days before the date fixed for the hearing. In computing such period, the day of publication is not to be included but the day of the hearing shall be included. When a change is proposed in a zoning boundary or classification of a parcel, notice of the public hearing shall be sent by first class mail to the owner of that parcel and the owners, as shown on the appropriate county tax listing, of all parcels abutting that parcel of land at least ten days before the date on which the request is to be considered. Should the applicant not hold a neighborhood meeting to discuss the proposed zoning map amendment (rezoning), as described in section 5.3-1.(B) above, this notice also shall be mailed to the owners of any property located within 500 feet of the property in question at least ten days before the date on which the request is to be considered. The person or persons mailing such notices shall certify to the *Town Council* that proper notice has been given.

Publication of legal notice shall also be required for zoning map amendments as provided for text amendments. The first class mail notice shall not be required if the zoning map amendment directly affects more than 50 properties, owned by a total of at least 50 different property owners, and the Town elects to use the expanded published notice provided for in this subsection. In this instance, the Town may elect to either make the mailed notice provided for above, or may as an alternative elect to publish notice of the hearing as required by G. S. 160A-364, but provided that each advertisement shall not be less than one-half of a newspaper page in size. The advertisement shall only be effective for property owners who reside in the area of general circulation of the newspaper that published the notice. Property owners who reside outside of the newspaper circulation area, according to the address listed on the most recent property tax listing for the affected property, shall be notified by first-class mail according to the provisions above. (G. S. 160A-384 (b))

When a zoning map amendment (rezoning) is proposed, the Town shall, within the

same time period before the scheduled public hearing, prominently post a notice of the public hearing on the property proposed for a zoning map amendment (rezoning) or on an adjacent public street or highway right-of-way. When multiple parcels are included within a proposed zoning map amendment (rezoning), a posting on each individual parcel is not required, but the Town shall post sufficient notices to provide reasonable notice to interested persons. (G. S. 160A-384 (c))

In addition, the subject property shall be posted in a conspicuous location(s) with the time, date, and notice of public hearing. A sign stating such information shall be posted on the subject property ten (10) days before the date on which the request is to be considered.

(C.) Action.

- (1.) Before acting on any proposed amendment, the *Marshville Town Council* shall consider any recommendation made by the *Marshville Planning Board*, the recommendation submitted by the *Planning, Zoning and Subdivision Administrator* to the *Planning Board*, the comments made at the public hearing, and any other relevant additional information.
- (2.) When considering a proposed amendment, the *Marshville Town Council* shall not evaluate the petition based on any specific proposal for the use or development of the property. The petitioner shall not use any graphic materials or descriptions of the proposed development except for those that would apply to all uses permitted by the requested classification.
- (3.) Upon reviewing all pertinent information, the *Marshville Town Council* may:
 - (a.) Adopt the proposed amendment;
 - (b.) Reject the proposed amendment;
 - (c.) Continue the consideration of the request to their next regularly scheduled meeting or other agreed upon time;
 - (d.) Refer the proposed amendment back to the *Marshville Planning Board* for further consideration or hearing; or
 - (e.) Modify the proposed amendment.

(D.) Statement of Consistency. Prior to adopting or rejecting any amendment, the *Town Council* shall adopt a statement describing whether its action is consistent with the Town's Land Use Plan, Comprehensive Master Plan and any other applicable plan adopted by the Town, and shall state why the action taken is considered to be reasonable and in the public interest. (G. S. 160A-383)

(E.) Conflict of Interest. A *Town Council* member shall not vote on any zoning map (rezoning) or text 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. (G. S. 160A-381 (d); 160A.5)

5.3-5 Reserved.

5.3-6 Waiting period for subsequent applications.

(A.) Waiting period - general. When an application for a zoning amendment has been approved or denied by the *Marshville Town Council*, no rezoning application covering the same property shall be accepted or considered within 12 months after the date of the approval or denial. This restriction shall apply regardless of whether or not the new application is for a zoning classification different from the original application.

(B.) Waiting period - waiver. The waiting period required by this section may be waived by a three-fourths vote of *Marshville Town Council* if it determines that there have been substantial changes in conditions or circumstances which may relate to the request. A request for a waiver of the waiting period shall be submitted to the *Planning, Zoning and Subdivision Administrator*, who shall review and prepare a recommendation regarding action on the request. Said recommendation shall be considered by the *Town Council* in their review of the request for a waiver. If the request for the waiver is approved, the application shall go through the full review process as set forth above.

5.3-7 Additional Procedures for Conditional Zoning Map Amendments

Where a Zoning Map Amendment has been proposed to rezone property to a Conditional Zoning District, the following additional procedures shall apply.

1. Qualified Applications: Applications for Conditional Zoning District Map Amendments may only be considered where such application has been signed by each property owner of the property subject to the proposed map amendment. Applications for conditional district rezoning may be initiated only by petition.
2. Conditions on Use and Development: The applicant shall submit a Preliminary Site Plan and written list of all proposed conditions on the use or development of the property subject to the Conditional Zoning District Map Amendment as a part of the application. The Preliminary Site Plan shall serve as the basis for future development of the property subject to the approved Conditional Zoning District Ordinance.
3. Review and Approval of Conditions:
 - a. *Planning Board*: In its review of the proposed Conditional Zoning District Map Amendment, the *Planning Board* may propose modifications to the Preliminary Site Plan and/or list of conditions as it may find reasonable and in the public interest. Modifications to the submitted Preliminary Site Plan and/or list of conditions shall be reduced to writing and forwarded to the *Town*

Council with the Planning Board's recommendation on the proposed amendment.

- b. *Town Council:* The *Town Council* shall consider the proposed use and development conditions, the Preliminary Site Plan and any proposed additions or modifications forwarded by the *Planning Board* as a part of its deliberations following the Public Hearing on the proposed amendment. The *Town Council* may propose modifications to the Preliminary Site Plan and/or list of conditions as it finds reasonable and in the public interest. All conditions or modifications to the submitted Preliminary Site Plan, whether proposed by the applicant or *Town Council*, shall be reduced to writing and included as a part of the ordinance amending the Official Zoning Map.
- c. *Applicability of Conditions:* Only those conditions that are mutually agreed to by the *Town Council* and the applicant shall become binding on the applicant and their successors in interest. Any additionally imposed conditions or modifications to the Preliminary Site Plan shall be agreed to by the applicant prior to adoption of the ordinance amending the Official Zoning Map.

4. *Use and Development Following Approval:* All use and development of a property subject to an approved Conditional Zoning District shall be in accordance with the approved conditions and Preliminary Site Plan, in addition to the other standards of this ordinance not modified by the Conditional Zoning District. The approval of a Conditional Zoning District does not abrogate the requirement to obtain all other development approvals as required by this Ordinance, including Site Plan, Subdivision, and Zoning Permit approval.

5. *Modification:* An approved Conditional Zoning District may only be modified in accordance with the procedures set forth for its original approval.

ARTICLE 8

ZONING 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)

There is also established a Conditional District (CD) which corresponds to each of the districts authorized by this ordinance as follows:

- (16.) AG CD
- (17.) SFR-1 CD

(18.) SFR-2 CD

(19.) SFR CD

(20.) R/MST CD

(21.) MSP CD

(22.) MS CD

(23.) CIV CD

(24.) TMU CD

(25.) C 74 CD

(26.) IND CD

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. Permitted 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. Permitted 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 permitted 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

The following development standards are established for each of the following primary general use zoning districts to ensure the orderly development of the Town of Marshville.

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. Permitted 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.) Permitted Uses:

- (1.) Uses permitted by right
See Table of Uses (Table 8.1)
- (2.) Uses permitted with additional standards
See Table of Uses (Table 8.1) (3.)
Uses permitted 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. Permitted 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.) Permitted Uses:

- (1.) Uses permitted by right
See Table of Uses (Table 8.1)
- (2.) Uses permitted with additional standards
See Table of Uses (Table 8.1) and Section 10.1
- (3.) Uses permitted 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-1 144'	SFR-1 42'	SFR-1 20'	SFR-1 20'	22' or as required by buffering standards and/or building type whichever is greater
SFR-2 17,450 S.F.	SFR-2 100'	SFR-2 36'	SFR-2 16'	SFR-2 16'	
SFR-3 11,600 S.F.	SFR-3 72'	SFR-3 28'	SFR-3 12'	SFR-3 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.

8.4-3 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.) Permitted Uses:

(1.) Uses permitted by right

See Table of Uses (Table 8.1)

(2.) Uses permitted with additional standards

See Table of Uses (Table 8.1)

(3.) Uses permitted 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 permitted 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.) Permitted Uses:

- (1.) Uses permitted by right

See Table of Uses (Table 8.1)

(2.) Uses permitted with additional standards

See Table of Uses (Table 8.1)

(3.) Uses permitted 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.) Permitted Uses:

- (1.) Uses permitted by right
See Table of Uses (Table 8.1)
- (2.) Uses permitted with additional standards
See Table of Uses (Table 8.1)
- (3.) Uses permitted 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.) Permitted Uses:

(1.) Uses permitted by right

See Table of Uses (Table 8.1)

(2.) Uses permitted with additional standards

See Table of Uses (Table 8.1)

(3.) Uses permitted 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.) Permitted Uses:

(1.) Uses permitted by right

See Table of Uses (Table 8.1)

(2.) Uses permitted with additional requirements

See Table of Uses (Table 8.1)

(3.) Uses permitted 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.) Permitted Uses:

(1.) Uses permitted by right

See Table of Uses (Table 8.1)

(2.) Uses permitted with additional standards

See Table of Uses (Table 8.1)

(3.) Uses permitted 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

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

(H.) 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.

(I.) 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.) Permitted Uses:

(1.) Uses permitted by night

See Table of Uses (Table 8.1)

(2.) Uses permitted with additional standards

See Table of Uses (Table 8.1)

(3.) Uses permitted 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 permitted uses and/or requirements and/or standards and/or conditions are established by the Overlay District. All other provisions shall apply where no superseding provisions are established.

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.) Permitted Uses:

(1.) Uses permitted by right

See Table of Uses (Table 8.1)

(2.) Uses permitted with additional standards

See Table of Uses (Table 8.1)

(3.) Uses permitted 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 TNDO. 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.) Permitted Uses:

(1.) Uses permitted by right

See Table of Uses(Table 8.1)

(2.) Uses permitted with additional standards

See Table of Uses(Table 8.1) (3.)

Uses permitted 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 *NCGS 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.

8.5-5 Conditional Districts

Conditional Districts are established as "equivalent" districts that mirror the base districts listed above. These districts may be established only upon the application by the property owner, and are intended for use in the situations where the minimum standards of the Base District may not fully address all of the development concerns associated with a proposal for the use or development of a particular property. To address such situations, the Conditional Districts provide the opportunity for a property owner to propose such conditions and restrictions, in addition to the generally applicable standards of the Base District, as the property owner determines is reasonable and necessary to permit the use or development of their property. In approving a Conditional District map amendment, the Town Council may also impose such conditions and restrictions, in addition to the standards of the Base District and what is proposed by the property owner (with their agreement), as it deems reasonable and necessary to facilitate the compatible use and development of the property.

A Conditional District directly corresponding to and having the same intent and basic regulations as each base district is established. Such districts shall be differentiated from the Base District by the notation of CD (Conditional District). In addition to the “CD” designation, each adopted Conditional District shall be assigned a unique identifier on the Town’s zoning map. Such identifier shall be based on the case number of the Zoning Map Amendment by which it was established to ensure that all associated conditions and restrictions unique to that district are indexed for future reference. Each adopted Conditional District shall constitute a distinct district with unique conditions specific to that district that are more restrictive than those established for the equivalent base district. Examples of additional conditions include limitations on the uses permitted in the district, limits on residential density, limits on signage, additional buffering or landscaping requirements and similar development standards.

TOWN OF MARSHVILLE

est. 1877

TO: Town Council
FROM: Richard Smith, Planning Advisor
DATE: September 13, 2017
RE: **Public hearing for ZTA 2017-04 Planning Board and Board of Adjustment Membership**

A. Actions Requested

1. Motion that the requested change to the *Town of Marshville's Development Ordinance* is consistent with Town policy
2. Motion to approve, deny, or table *ZTA 2017-04*

B. Required Votes to Pass Requested Actions

A majority vote is needed to approve (deny) the requested actions.

C. Proposed Amendments

At the June 8, 2017 meeting, the Planning Board discussed several items related to theirs and the Board of Adjustment's meeting dates, organizational structure and by-laws. After deliberating on these items, the Planning Board recommended for Town Council to consider the following changes:

Planning Board

- Recommend a text amendment to the Marshville Development Ordinance for their membership to include seven (7) members total with five (5) members being in-town residents and two (2) members residing in the ETJ. This would be a change from the current membership of nine (9) total members with two (2) of these members residing in the ETJ. Their by-laws would need to be amended to reflect this if the text amendment is made.
- Recommend amending their by-laws so that their regular monthly meeting day is changed from the second Thursday of each month to the second Monday of each month.
- Recommend amending their by-laws so that the election of officers occurs in April rather than January.

Board of Adjustment

- Recommend a text amendment to the Marshville Development Ordinance for the BOA membership to include seven (7) members total with five (5) members being in-town residents and two (2) members residing in the ETJ. This would be a change from the current membership of nine (9) total members with two (2) of these members residing in the ETJ. Their by-laws would need to be amended to reflect this if the text amendment is made.
- Recommend amending their by-laws so that their regular monthly meeting day is changed from the second Thursday of each month to the second Monday of each month.
- Recommend amending their by-laws so that the election of officers occurs in April rather than January.
- Recommend for Council to appoint Fred Burton as a regular member to the BOA and to appoint Sue Helms and Frances Griffin as alternates to this Board.

Town Council Action

Town Council reviewed this request at their July 10, 2017 meeting. Following a brief discussion on the matter, Town Council directed staff to bring this proposed text amendment and by-law amendments to the Planning Board for action.

As a result, the requested action is to amend the Town of Marshville Development Ordinance, Article 4.2-2 Planning Board Membership to change the total members from nine (9) to seven (7), with five (5) members residing within the Town limits and two (2) members residing in the Town's extraterritorial jurisdiction; and Article 4.3-2 Board of Adjustment Membership to change the total members from nine (9) to seven (7), with five (5) members residing within the Town limits and two (2) members residing in the Town's extraterritorial jurisdiction. These proposed amendments are highlighted in the attachments.

D. Policy Issues

Proposed changes or amendments to the text of this chapter (MDO) may be initiated by the Marshville Town Council, the Marshville Planning Board, the Board of Adjustment, the Planning, Zoning and Subdivision Administrator, any owner of a legal or equitable interest in land located in the Town or its extraterritorial jurisdiction, or any resident of the Town or its extraterritorial jurisdiction.

Comprehensive Plan Consistency

According to the Marshville Development Ordinance, Article 5.3-3(G) Content of recommendation and statement of consistency, any recommendation made by the Marshville Planning Board to the Marshville Town Council pursuant to this section shall be in writing and shall include a statement describing whether the proposed amendment is consistent with the comprehensive plan that has been adopted by the Town and any other officially adopted plan that is applicable, and shall address any other matter deemed appropriate by the Planning Board. A comment by the Planning Board that a proposed amendment is inconsistent with the Town's Land Use Plan, Comprehensive Master Plan and other adopted plans for

the area affected shall not preclude consideration of approval of the proposed amendment by the Town Council. (G.S. 160A-383)

E. Recommendations and Alternative Courses of Action

The request is consistent with the Town of Marshville 2035 Land Use & Comprehensive Master Plan Strategies Goal – of improving the effectiveness of Town government and achieving greater autonomy through the fostering of greater coordination and consensus among Town officials, governing boards, and citizens on development decisions. The objectives include encouraging planning coordination among local governments, developers, and the public in making growth and development decisions and coordinating intergovernmental planning in the areas of land use, economic development, public utilities, and tourism.

Staff Recommendation

Staff recommends review of the proposed text amendment and approval of amending the ordinance as presented.

Planning Board Recommendation

The Planning Board reviewed this request at their August 14, 2017 meeting and made the following recommendation:

- **Recommend Approval:** The Planning Board found that the proposed text amendment is consistent with the Town of Marshville Comprehensive Plan and considers the action to be reasonable and in the public interest.

Town Council

After holding a public hearing and reviewing the proposed text amendment, the Town Council is requested to take action using one of the following motions:

- **Approval:** The Town Council finds that the proposed text amendment is consistent with the Town of Marshville Comprehensive Plan and considers the action to be reasonable and in the public interest. –or- The Town Council finds that the proposed text amendment is not consistent with the Town of Marshville Comprehensive Plan, but considers the action to be reasonable and in the public interest.
- **Approval with changes:** The Town Council finds that the amendment is not fully consistent with the Town of Marshville Comprehensive Plan, but the changes agreed upon will make it fully consistent and considers the action to be reasonable and in the public interest.
- **Denial:** The Town Council finds that the amendment is not consistent with the Town of Marshville Comprehensive Plan and does not consider the action to be reasonable and in the public interest.
- **Defer:** The amendment needs additional consideration.

ARTICLE 4

BOARDS AND COMMISSIONS

4.1 Boards and Commissions Established

The following boards and commissions are hereby established to carry out the duties and responsibilities set forth in this ordinance and in fulfillment of the goals and purposes of this ordinance:

(A.) Planning Board

(B.) Board of Adjustment

(C.) Technical Review Committee

These boards and commissions may establish and adopt their own bylaws and rules of procedure, provided they are not inconsistent with the rules of procedure outlined in the Suggested Rules of Procedure for Small Local Government Boards, published by the Institute of Government or the rules adopted by the Town Council.

4.2 Planning Board

4.2-1 Authority. There is hereby created a planning agency, pursuant to NCGS 160A-361 to be known as the Town of Marshville *Planning Board*.

4.2-2 Membership.

The *Planning Board* shall consist of ~~nine~~ seven members, ~~seven~~ five members residing within the Town limits, and two members residing in the Town's area of extraterritorial jurisdiction. Members residing inside the Town limits shall be appointed by the Marshville Town Council. Members residing in the Town's extraterritorial area shall be appointed by the Union County Board of Commissioners.

4.2-3 Powers and Duties. The *Planning Board* shall have the following powers and duties:

(A.) To provide recommendations to the Town Council with regard to map amendments (rezoning), text amendments, watershed waivers, and other matters on which the Council seeks advice;

(B.) To develop and update a Land Use Plan and/or Comprehensive Master Plan for the territory under its Jurisdiction, subject to specific direction from the Town Council;

(C.) To render opinions and make recommendations on all issues, requests, and petitions related to the Marshville Development Ordinance and Town Plan 2035 that may be adopted from time to time and that require approval by the Town Council; and

(D.) To make such other studies and plans and review such other related matters as directed by the Town Council.

4.3 Board of Adjustment

4.3-1 Authority. Pursuant to NCGS 160A-388, there is hereby created a *Board of Adjustment*.

4.3-2 Membership.

(A.) Number of Members. The *Board of Adjustment* shall consist of ~~nine~~ seven members, ~~seven~~ five members residing within the Town limits, and two members residing in the Town's area of extraterritorial jurisdiction. Members residing inside the Town limits shall be appointed by the Marshville Town Council. Members residing in the Town's extraterritorial area shall be appointed by the Union County Board of Commissioners.

(B.) Alternates. The Town Council may, in its discretion, appoint alternate members to serve on the *Board of Adjustment* in the absence or temporary disqualification of any regular member or to fill a vacancy pending appointment of a member. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular members. Each alternate member, while attending any regular or special meeting of the board and serving on behalf of any regular member, shall have and may exercise all the powers and duties of a regular member. (G.S. 160A-388(a))

4.3-3 Powers and Duties. The *Board of Adjustment* shall have the following powers and duties:

(A.) To hear and decide appeals from an order, denial of a permit or other written decision made by an administrative official charged with enforcing this Ordinance;

(B.) To hear and decide requests for variances from the zoning provisions of this Ordinance in cases where special conditions would make strict and literal interpretation result in a loss of privileges shared by other properties within the same zoning district;

(C.) Upon receiving authority from the Marshville Town Council, to act as the Watershed Review Board in hearing and deciding appeals from any decision or determination made by the Enforcement Officer in the enforcement of the Watershed Protection Ordinance as set forth in Article 19 of this Ordinance;

(D.) To hear and decide appeals and requests for variances from the requirements of the flood control provisions of this Ordinance, as set forth in Article 18; and

(E.) To hear and decide all matters referred to it or upon which it is required to pass under this Ordinance.

4.3-4 Voting.

A four-fifths vote of the members shall be required to grant a variance; otherwise, a simple majority of the Board membership shall be required to affirm, reverse or modify any written order, decision, or interpretation of the Enforcement Officer charged with enforcing this Ordinance; to decide in favor of the applicant on a matter [other than variances] upon which the Board is required to pass; Vacant positions on the *Board of Adjustment* and members who are disqualified from voting on a matter before the *Board of Adjustment* shall not be considered members of the Board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

- 4.3-5 Conflicts. A member of the *Board of Adjustment* or any other body exercising the functions of a *Board of Adjustment* shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recues himself or herself, the remaining members shall by majority vote rule on the objection. (G. S. 160A-388).

4.3-6 Proceedings.

All meetings of the *Board of Adjustment* shall be open to the public. The Board shall keep minutes showing the vote of each member on each question and the absence or failure of any member to vote.

The final disposition of each matter decided by the *Board of Adjustment* shall be by recorded resolution indicating the reasons for the decision, based on findings of fact obtained by testimony under oath or affirmation and conclusions of law which shall be public record.

On all appeals, applications and other matters brought before the *Board of Adjustment*, the Board shall inform in writing all the parties involved of its decision and the reasons for that decision.

4.4 (Reserved)

4.5 Technical Review Committee

4.5-1 Authority. An agency known as the Technical Review Committee (TRC) is hereby established pursuant to NCGS 160A-361.

4.5-2 Membership.

(A.) Composition. The TRC shall be composed of the following members or their designee/alternate:

- (1.) *Planning, Zoning and Subdivision Administrator*
- (2.) Public Works Director
- (3.) Public Works Engineer
- (4.) Stormwater Administrator
- (5.) Town Manager
- (6.) One *Planning Board* Members or Alternate
- (7.) Other agencies/individuals as appropriate

(B.) Officers. The *Planning, Zoning and Subdivision Administrator* shall serve as TRC Chair. The TRC Chair shall appoint a secretary to record minutes of each meeting.

4.5-3 Powers and Duties. The Technical Review Committee shall have the following powers and duties:

- (A.) To provide for continuing, coordinated and comprehensive review of certain technical aspects of development proposals and of the Ordinance in general;
- (B.) To review technical aspects of development occurring within the Town and the areas within its extraterritorial jurisdiction as specified by this Ordinance;
- (C.) To review and approve new or revised plans including: subdivisions, clustered or attached developments; planned unit developments; office, commercial and industrial developments; and any other proposals for development by this Ordinance;
- (D.) To approve modifications where authorized by this Ordinance;
- (E.) To recommend to the *Planning Board* the closing of streets, *alleys*, easements, and others rights-of-way;
- (F.) To perform any other related duties that the Town Council may direct; and
- (G.) To exercise other powers and authority provided to it by the Town Council, this Ordinance, or state law.

4.6 Meetings, Hearings, and Procedures of all Boards and Commissions

All meetings and hearings shall be open to the public and shall be conducted in accordance with the procedures set forth in these regulations and with the rules of procedure adopted by the *Planning Board*, *Board of Adjustment*, and Technical Review Committee. Such rules of procedure may be amended by the respective board or commission membership. The rules of procedure adopted by any board or commission shall be kept on file at the office of the *Planning, Zoning and Subdivision Administrator* and shall be made available to the public at any meeting or hearing. No rules or procedures shall conflict with this ordinance; if conflicts occur this Ordinance shall take precedence.

4.7 Staff

The *Planning, Zoning and Subdivision Administrator* shall serve as staff to the *Planning Board*, and *Board of Adjustment*, and shall provide technical assistance to the *Planning Board*, and *Board of Adjustment*, as requested.



Town of Marshville Town Council Meeting

Monday, August 7, 2017, 7:00 PM
Marshville Town Hall

Regular Meeting Minutes

Present: Mayor Frank Deese; Mayor Pro-Tem Morgan; Council Members Margaret Bivens, Norma Carpenter, Ernestine Staton, and Jim Rowell

Staff: Scott Howard, Interim Town Manager; Tonya Johnson, Town Clerk/Finance Officer; Matt Tarlton, Police Chief; Bobby Griffin, Town Attorney

Call to Order/Invocation/Pledge of Allegiance

The meeting was called to order at 6:55 pm by Mayor Deese who welcomed everyone to the meeting. The invocation was given by Council Member Staton. The Pledge of Allegiance was given by everyone.

Adoption of Agenda for the Meeting

Council Member Rowell made a motion to add a discussion and action to incur the cost of an environmental study for the CDBG grant with Union County for the Carelock Drive and Elizabeth Street Project. The motion was seconded by Council Member Carpenter and passed by unanimous vote. Mayor Deese suggested this be added as agenda item #11.

Council Member Rowell made a motion to accept the agenda with the addition. The motion was seconded by Council Member Staton and passed unanimously.

Public Comments

Marlene Griffin – 317 N. Elm Street, Marshville, NC 28103

Ms. Griffin expressed concern regarding leaf collection. Ms. Griffin stated that the required bags are available at Carolina Hardware but not at special pricing. The cost for thirty bags is \$12.99. Ms. Griffin explained that bagging the leaves is a two person job. Ms. Griffin asked members of the council if the town is going to collect leaves during the fall, or if she will have to bag the leaves for the contractor. Ms. Griffin asked if it is permissible to burn the leaves. Ms. Griffin also pointed out that recycling has increased. She expressed that she doesn't know what was wrong with the old service and can't understand why the council went with a contractor/service that costs citizens more money.

Mayor Deese told Ms. Griffin that he or staff will have to talk with the garbage contractor regarding bagging the leaves. He explained that the reason for the increase is because the town purchased its own cans. Mayor Deese explained that this will result in a cost savings in the long run and will put the town in a better negotiating position for future contracts. Council Member Rowell added that if the town provides leaf pickup then residents cannot burn leaves. Mayor Deese stated that he will request that the town attorney look into the burning law. Ms. Griffin asked if dirt and debris from cleaning the edge of the street, and debris from the storm drain also has to be bagged.

Barbara Simpson – 6911 Austin Grove Church Road, Marshville, NC 28103

Ms. Simpson encouraged the members of the council to vote against the solar farms in residential areas. Ms. Simpson stated that she has spent many hours researching solar farms and she finds no benefit to the town. She reported that she spoke with the town manager of Roland, NC and he advised, “don’t do it”. Ms. Simpson argued that solar farms should be in rural areas, not residential areas. She added that solar farms don’t provide tax revenue or jobs. The only benefit of a solar farm is to the property owner and the solar farm company. Ms. Simpson presented petitions containing the signatures of citizens against solar farms. Ms. Simpson urged the council to study the effects of solar farms and to carefully consider their decision and do what is best for Marshville.

Frankie Horne – 604 S. Elm Street, Marshville, NC 28103

Ms. Horne stated that without a local newspaper there is a lack of communication in Marshville. She stated that she did not know about the leaf situation until she was informed by her sister. Ms. Horne commented that she thought the town owned equipment to pick up leaves. Ms. Horne reiterated that the town needs a form of communication to let the residents know what is going on. Mayor Deese thanked Ms. Horne and assured her that her comments will be taken seriously.

Toni Austin – 907 Hasty Road, Marshville, NC 28103

Ms. Austin expressed concern about physically having to bag leaves. She is also concerned that people will burn leaves in their yards. Ms. Austin stated that a solution might be to determine the cost to use the leaf machine to vacuum leaves. Ms. Austin expressed a desire for Marshville to consider an ordinance regarding burning.

LED Sign Discussion/Possible Action

Mr. Joe Rickman with Atlantic Sign Media, Inc. was present to provide information and answer questions regarding an LED sign. The manager stated that a lot of research has been put into the LED sign and references for various sign companies have been checked. Interim Town Manager Howard stated that Stewart Signs and Atlantic Sign Media, Inc. are reputable companies. Discussion ensued regarding the amount of money that was appropriated for an LED sign. Council Member Rowell pointed out that funds sufficient to cover the cost of a sign were not budgeted. Interim Town Manager Howard stated that the FY2017-18 budget covers the first year’s lease. At the end of the lease agreement the town can purchase the sign for \$1.00. Discussion ensued regarding the dimensions of the sign.

Council Member Carpenter stated that the current ordinance outlaws these types of signs. She suggested that the ordinance be addressed first, before the council selects a sign. Mayor Deese suggested tabling the discussion until the council meets with the Planning Board. Town Attorney, Bobby Griffin, asked if the town can discriminate by district regarding and LED sign. He recommended conferring with the Planning Board. Attorney Griffin inquired about how much information can be displayed. Mayor Deese commented that the sign is not a newspaper but he thinks the sign will be beneficial. Council Member Carpenter made a motion to table this agenda item until after the joint meeting with the Planning Board. The motion was seconded by Council Member Staton and passed 4 to 1 (Council Member Rowell opposed).

Action on Closing Specific Roads for Boll Weevil Festival

Interim Town Manager Howard told the council that formal action is needed to close the streets for the annual Boll Weevil Festival. Council Member Rowell made a motion to authorize Police

Chief Tarlton to close Main Street from Elm Street and the Police Department, beginning Thursday night, September 14, 2017, in addition to any other closings necessary for the Boll Weevil. The motion was seconded by Council Member Carpenter and passed by unanimous vote. Council Member Rowell made a motion to approve the temporary street closings for the Boll Weevil festival as received in the agenda packet. The motion was seconded by Council Member Carpenter and passed by unanimous vote.

Discussion/Action on 511 East Main Street Vacant Home Owned by Town

Interim Town Manager Howard informed the council that this property can be sold, kept for storage for public works, or the house sold as personal property and the town retain ownership of the land. A motion was made by Council Member Rowell to keep the property and use it for public works. The motion was seconded by Council Member Carpenter. Discussion ensued regarding how to best utilize the property. The motion carried by unanimous vote.

Council Member Bivens asked if all of the residents have received garbage/recycle carts. Interim Town Manager Howard reported that not all residents have received carts because the town is still waiting for wheels for some of the carts. Council Member Bivens reported that she received a complaint from someone who was told to take their trash to the landfill. Mayor Deese reported that the town is going through an adjustment period with the new contractor, but both the town and the contractor are working diligently to rectify the situation.

Discussion/Action on Reporting Salary Range and Filling Public Works Director Position

Council Member Rowell questioned why the salary range is on the agenda since the range was already set based on the minutes from a previous meeting. Discussion ensued. Council Member Rowell made a motion to allow the manager to fill the Public Works Director position. The motion was seconded by Council Member Staton and passed by unanimous vote.

Discussion/Action on Proclamation of September 15, 2017 as Alzheimer Disease Awareness Day

A motion was made by Mayor Pro-Tem Morgan to approve the Alzheimer Disease Proclamation and to authorize the mayor to sign said proclamation. The motion was seconded by Council Member Bivens and passed by unanimous vote.

Discussion/Action on Scheduling Joint Work Session with Planning Board Regarding Zoning Ordinances

Interim Town Manager Howard suggested a joint meeting with the Planning Board be called for Monday, August 28, 2017. Susan Drake, Planning Board Chairperson, reported that the Planning Board meetings have been changed to the second Monday of each month. She expressed that she would like to meet with the council by October. The manager was directed to work with the Planning Board Chair to coordinate the joint meeting. Council Member Rowell made a motion to call for a special meeting on Monday, August 28, 2017 at 7:00 pm at Town Hall for the purpose of a joint meeting with the Planning Board. The motion was seconded by Council Member Bivens and passed unanimously.

Discussion/Action on Adopting Ordinance Regarding Enforcing Payment of Damaged/Lost Carts

Interim Town Manager Howard stated that the town will replace carts due to normal wear and tear. Lost or damaged carts will be replaced at the customer's expense. Council Member Rowell asked if this replaces the current ordinance. Interim Town Manager Howard stated that the town doesn't currently have an ordinance that addresses cart replacement. Council Member

Rowell questioned several items in the proposed ordinance. Discussion ensued. Mayor Pro-Tem Morgan asked if a copy of the ordinance revision can be sent to residents with the utility bills. She feels that the customers need to be informed. Council Member Staton commented that it seems the council contradicted themselves in their remarks to Ms. Marlene Griffin regarding dirt and debris. Council Member Bivens asked Attorney Griffin if he read/reviewed the ordinance. Council Member Rowell asked if appliances placed on the sidewalk will be picked up. Attorney Griffin commented that white goods are not considered regular trash. Mayor Deese asked the council if they wish to take any action. Council Member Staton made a motion to approve the ordinance regarding enforcing payment of damaged/lost carts. The motion was seconded by Mayor Pro-Tem Morgan but failed with a two to three vote (Council Members Carpenter, Rowell, and Bivens opposed). Attorney Griffin suggested that the town have an ordinance. The manager was directed to amend/revise the proposed ordinance and to add a section pertaining to white goods.

Discussion/Action Regarding Incurring the Cost of an Environmental Study for the Union County CDBG Grant

Interim Town Manager Howard informed the council that we have to pay for the environmental study as part of the CDBG grant requirements. The grant is for \$202,600 for water/sewer improvements at Carelock Drive and Elizabeth Street. The approximate cost of the study is \$5,000. Council Member Rowell made a motion to approve up to \$5,000 for an environmental study that is required by the CDBG grant for the Carelock Drive and Elizabeth Street Water/Sewer Improvement Project. The motion was seconded by Council Member Bivens and passed unanimously.

Town Manager Comments

Interim Town Manager Howard reported that only a few applications have been received for the position of Public Works Director. He informed the council that staff will re-advertise. The manager reported that he has a good candidate for the position of Parks & Recreation Director.

Mayor and Town Council Member Comments

Council Member Staton commented that it is disrespectful to interrupt the mayor before he is finished speaking. She asked council members to be more aware of this issue.

Council Member Rowell informed the council that the Boll Weevil Festival is scheduled for Friday, September 15, 2017 and Saturday, September 16, 2017. Council Member Rowell thanked the public works staff for their efforts to repair recent breaks. He thanked Interim Town Manager Howard for assisting in getting an automated call out the previous Saturday when Anson County encountered a major water line break that affected Marshville residents. Council Member Rowell mentioned his recent health issues and reported that he is glad to be back. He advised the manager to allow the attorney to review ordinances before they are presented to the council.

Council Member Carpenter reported that she recently attended the CRTPO meeting. She stated that she wants Marshville to be a town to be proud of. Council Member Carpenter reported that Montgomery County has sued Union County over water.

Council Member Bivens stated that she has an issue with her water bill. She feels that she is charged for water that she doesn't use.

Mayor Deese shared an invitation to the Union County NAACP's Annual Banquet and Fundraiser. The event is scheduled for October 21, 2017 at Marvin AME Zion Church. Tickets for the event are \$30.

Adjournment

Council Member Bivens made a motion to adjourn the meeting at 8:29 pm. The motion was seconded by Council Member Carpenter and passed unanimously.

These minutes approved this 2nd day of October, 2017.

By: _____
Franklin D. Deese, Mayor

ATTEST:

Tonya D. Johnson, Town Clerk



Town of Marshville Town Council Meeting

Thursday, August 31, 2017, 7:00 PM
Marshville Town Hall

Special Meeting Minutes

Present: Mayor Frank Deese; Mayor Pro-Tem Morgan; Council Members Margaret Bivens, Norma Carpenter, Ernestine Staton, and Jim Rowell

Planning Board: Chair Woman Susan Drake; Planning Board Members Fred Burton, Frances Griffin (Absent: Mark Traywick, Sue Helms, Rusty Johnson and Brian Weber)

Staff: Scott Howard, Interim Town Manager; Tonya Johnson, Town Clerk/Finance Officer; Amy Griffin, Customer Service Spec./Planning Board Clerk; and Richard Smith, Planning/Zoning/Subdivision Administrator

Call to Order/Invocation/Pledge of Allegiance

The meeting was called to order at 7:00 pm by Mayor Deese who welcomed everyone. Mayor Deese reminded everyone that the purpose of this meeting is for a work session between the Town Council and the Planning Board. There will be no action or public comments. The invocation was given by Council Member Carpenter. The Pledge of Allegiance was given by everyone.

Planning Board's Vision of the Future of Marshville as it Relates to Planning and Zoning

Susan Drake, Chair Woman of the Marshville Planning Board stated that it would assist the Planning Board to have dialog with the members of the Town Council. She suggested an exchange of ideas between everyone.

Ms. Drake stated that although the bypass will impact Marshville, the town will not be changed in a blink. She commented that vision should be implemented in an orderly manner but it should be a work in progress. Ms. Drake stated that according to an analysis by the Economic Development Commission, a lot of houses have been built in Union County within the last twenty-five years. Per the zoning map there is only limited space to develop. Ms. Drake asked, "With this limited space, what do you want to see happen in Marshville?" Ms. Drake expressed that she thinks the Economic Development Commission will steer business and industry towards Marshville. She envisions Marshville as a service oriented town.

Mayor Deese stated that growth for growth's sake is not always good growth. He stated that Marshville doesn't need too many rooftops. The town also needs business and industry. Mayor Deese stated that the town limits as they are may be the town limits for a long time.

Council Member Rowell stated that the issue with absent Planning Board members needs to be addressed. Council Member Rowell remarked that the tax base needs to be increased and more businesses and industries will bring more tax revenue. Council Member Rowell commented that these boards need to look at easing some of the ordinance restrictions to be more business

friendly. Council Member Rowell stated that some of the ordinances are more restrictive than our vision is for Marshville. Mayor Deese agreed that some of the ordinances may be restrictive, but they don't necessarily need to be changed. Mayor Deese stated that if we don't want something then we need to just say we don't want it. Doing so eliminates people from wasting time and/or money pursuing development.

Ms. Drake stated that we need to protect what is existing and have balance to allow for new business. Ordinances need both flexibility and safeguards. Some of the existing ordinances are not applicable to this town and some have dual interpretations. Council Member Rowell gave an example of an issue in the interpretation of an ordinance regarding the addition of a garage.

Mr. Fred Burton commented that he would like to see industry along CSX Railroad main line. He also pointed out that the water and sewer needs to be brought up to higher standards. Mr. Burton thinks it would be a good idea to develop hospitality industry (restaurants, hotels) with Wingate. He stated that he also envisions a joint public works department between Marshville and Wingate. Mr. Burton stated that we need to make sure that traffic on Highway 74 calms down as it comes off the bypass through Marshville. Ms. Drake commented that she agrees that working with Wingate would prove beneficial to both towns.

Mayor Pro-Tem Morgan stated that the ordinances need to be reviewed. We need to draw businesses to Marshville. Ms. Drake stated that we don't always know that an ordinance doesn't work until someone comes in.

Ms. Frances Griffin commented that natural gas would likely bring more businesses to Marshville. Council Member Carpenter agreed. Ms. Drake asked how we can go about getting natural gas to Marshville. Council Member Rowell stated that he has talked to businesses about getting natural gas. A contact person for natural gas is Mr. Chris Plate` with the Union County Economic Development Commission.

Council Member Staton agreed with Mr. Fred Burton's comments that railroad availability would help industry. She also agreed that hotels should be in their vision for Marshville. Council Member Staton also agreed that the town's ordinances need to be business friendly.

Ms. Drake stated that the town's sign ordinance has been revised many times over the years but that the Planning Board will be reviewing the sign ordinance again. Discussion ensued regarding the sign ordinance.

Council Member Carpenter emphasized that the town does need natural gas. Mayor Deese stated he believes that Marshville will get natural gas. He stated that Marshville is the diamond of Union County. Mayor Deese commented that the ordinances are going to be constantly changing and evolving.

Ms. Drake urged the council members to share their vision for the town with the Planning Board and, in turn, the Planning Board will work to bring forth recommendations to aid in implementing the vision.

Discussion returned to natural gas and signs. Ms. Drake stated that often time politics gets in the way of good business.

Summation by Mayor Deese

Mayor Deese stated that this evening's discussions have included signs, natural gas, solar energy production, and development along the railroad. He asked if there are any other items to be discussed. Mr. Richard Smith brought up several other issues that the Town Council and Planning Board may want to consider when reviewing the ordinances. Mr. Smith stated that there shouldn't be two boards hearing Conditional Use Permits. He commented that the ordinance is a good, useful tool but some items just don't apply to Marshville. The ordinance needs to be tailored more to Marshville in some areas.

Mayor Deese expressed that he and the Town Council appreciates the work of the Planning Board. Mayor Deese suggested that Ms. Drake look at the participation of the members of the Planning Board and consider what, if anything, needs to be done. Ms. Drake stated that the board needs people who are going to show up and do the work.

Ms. Drake stated that Marshville has a contentious relationship with Union County. She expressed that it is essential that a solution be sought as soon as possible. Mayor Deese stated that we are waiting on a ruling from the N.C. Appeals Court. He explained that they have requested mediation on two occasions but the county wouldn't agree. Ms. Drake commented that she thinks the county is adhering strictly to the direction of their attorney. Discussion ensued. Ms. Drake stated that the town cannot remain isolated from the county. The parties are going to need to be in business with each other.

Ms. Drake stated that nothing happens without money. The town needs to search and seek out resources. She suggested engaging in public/private partnerships. Discussion ensued. The need for a local newspaper was also discussed.

Mayor Deese reported that he has talked to the folks in Raleigh regarding the tier system for grant funding and ranking. Discussion ensued. The boards also discussed the potential benefit of fostering partnerships with Anson County.

Ms. Frances Griffin asked if Attorney Griffin could make any progress with the sewer issue. Mayor Deese explained that another attorney is handling the sewer issue.

Ms. Drake stated that we need to make a good plan for the town. She asked the boards to think about where we want to see ourselves in five years, or ten years. Council Member Staton commented that there should be more meetings like this and the meetings should be scheduled in advance. Ms. Drake agreed. Mayor Deese suggested that the boards plan to meet two times per year.

Mayor Deese commented that this was a good meeting and good ideas were shared. Mayor Deese thanked everyone for their attendance. Ms. Drake agreed that the meeting was productive. She thanked the members of the council. Mayor Deese commented that changes are coming to Marshville.

Adjournment

Council Member Rowell made a motion to adjourn the meeting at 8:25 pm. The motion was seconded by Council Member Staton and passed unanimously.

These minutes approved this 2nd day of October, 2017.

By: _____
Franklin D. Deese, Mayor

ATTEST:

Tonya D. Johnson, Town Clerk

FY 2017 - 2018 FEE SCHEDULE

Tap Fees

	Water		Sewer	
	Meter Size	Amount	Meter Size	Amount
Inside Town Limits	¾"	\$1,200.00	4"	\$3,500.00
	1"	\$1,500.00		
	1.5"	\$2,100.00	Over 4"	Determined on a case by case basis
	2"	\$2,800.00		
Outside Town Limits	¾"	\$2,245.00	4"	\$3,800.00
	1"	\$2,750.00		
	1.5"	\$3,975.00	Over 4"	Determined on a case by case basis
	2"	\$4,885.00		

Capacity Fees

Water		Sewer	
Meter Size	Amount	Meter Size	Amount
¾"	\$1,441.00	¾"	\$3,297.00
1"	\$2,565.00	1"	\$5,868.00
1.5"	\$5,751.00	1.5"	\$13,157.00
2"	\$10,261.00	2"	\$23,472.00
3"	\$23,071.00	3"	\$52,776.00
4"	\$41,044.00	4"	\$93,890.00
6"	\$92,349.00	6"	\$211,252.00
Other	Calculated per Project	Other	Calculated per Project

Other Utility Fees

Utility Deposit	\$150.00
Exclusion of S.S. Deposit	\$150.00 + 3 times base rate
Service Initiation	\$25.00
After Hours Reconnect	\$20.00
Service Call	\$25.00
After Business Hours Appointment	At cost

Penalty Fees

Late Fee	\$10.00
Delinquency Fee	\$50.00

Tampering Fees

1st Offense	\$150.00 + Costs
2nd Offense	\$300.00 + Costs
3rd offense	\$500.00 + Costs

Solid Waste Fees

Inside Town Limits	Solid Waste Service Charge (Base Fee)	\$6.39
	Garbage Disposal Fee per Cart	\$10.39
	Recycling Disposal Fee per Cart	\$2.45
	Cart Fee (per cart)	\$0.92
Outside Town Limits	(This rate applies only to existing customers. Services are no longer extended outside city limits)	
	Solid Waste Service Charge (Base Fee)	\$12.78
	Garbage Disposal Fee per Cart	\$20.78
	Recycling Disposal Fee per Cart	\$4.90
	Cart Fee (per cart)	\$0.92



Fiscal Year 2017-2018 Fee Schedule
Attachment C

Sewer

Base Monthly Charge (based on the size of the water meter and the nature of the service that is provided)	
¾" Meter	\$30.50
1" Meter	\$50.36
1 ½" Meter	\$96.25
2" Meter	\$165.23
3" Meter	\$430.27
4" Meter	\$927.20
6" Meter	\$1,310.87
Usage Fee	\$4.73
Per 1,000 gallons	
Sewer Tap Fee	\$9.00
4" Service Connection	\$630.00
Larger than 4"	Material Cost plus 10%
Sewer Capacity Fee	
¾" Meter	\$2,783
1" Meter	\$7,009
1 ½" Meter	\$13,939
2" Meter	\$22,286
3" Meter	\$62,711
4" Meter	\$139,361
6" Meter	\$195,116
Miscellaneous Utility Fees	
Late Payment Fee	\$ 10.00
Delinquency Fee for Non-Payment	\$ 30.00
Utility Deposit	\$0 - \$250
Residential Account	Depending on credit check
Commercial Account	Deposit based on credit check
Meter Tampering Fee	\$ 100.00
Temporary Service (72 hours or less)	\$ 30.00
Suspend Account (up to 3 months)	\$ 30.00
Pool Meter Late Fee	\$2.00 per day
	Plus per gallon charge for water and sewer usage



Fiscal Year 2017-2018 Fee Schedule
Attachment 4

Utility Fees

Water

	<u>Inside</u>	<u>Outside</u>	
Base Monthly Charge			
3/4" Meter	\$11.00	\$22.00	Includes 1" 1,500 gallons
1" Meter	\$19.95	\$39.90	Includes 1" 1,500 gallons
1 1/2" Meter	\$45.50	\$91.00	Includes 1" 1,500 gallons
2" Meter	\$85.30	\$170.60	Includes 1" 1,500 gallons
3" Meter	\$217.00	\$434.00	Includes 1" 1,500 gallons
4" Meter	\$456.50	\$913.00	Includes 1" 1,500 gallons
6" Meter	\$620.12	\$1,240.24	Includes 1" 1,500 gallons
Fire Protection	\$11.00	\$22.00	Includes 1" 1,500 gallons

All Meter Sizes	Usage Fee		
	\$4.95	\$9.90	Per 1,000 gallons; 1,501 -- 9,999 gallons
	\$6.25	\$12.31	Per 1,000 gallons; 10,000-19,999 gallons
	\$7.22	\$14.45	Per 1,000 gallons; over 20,000 gallons

Water Tap Fee		
3/4" Meter	\$500	N/A
1" Meter	\$650	N/A
1 1/2" Meter	\$3000	N/A
2" or Larger	Material Cost plus 10%	

Water Capacity Fee		
3/4" Meter	\$600	N/A
1" Meter	\$1,500	N/A
1 1/2" Meter	\$3,000	N/A
2" Meter	\$4,800	N/A
3" Meter	\$13,500	N/A
4" Meter	\$30,060	N/A
6" Meter	\$42,060	N/A

TITLE V: PUBLIC WORKS

Chapter

- 50. GARBAGE AND REFUSE COLLECTION**
- 51. WATER AND SEWERS**
- 52. EMERGENCY DROUGHT RESPONSE**

CHAPTER 50: GARBAGE AND REFUSE COLLECTION

Section

Garbage and Refuse

- 50.01 Definition
- 50.02 Garbage required to be promptly removed
- 50.03 Garbage required to be in containers
- 50.04 Wet garbage
- 50.05 Deposit of garbage in public places and on private property
- 50.06 Transportation of garbage and slops by private persons
- 50.07 Hour for placing cans
- 50.08 Removal of dead animals
- 50.09 Garbage collection rates

GARBAGE AND REFUSE

' 50.01 DEFINITION.

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

GARBAGE. Includes all refuse, animal, fruit and other vegetable matter, all tin cans, glassware and crockery in which any matter has been put up or stored and all rags, waste paper, floor sweepings and other combustible refuse, except building material, scraps and tree trimmings.

(Prior Code, Ch. G, Art. II, ' 1)

' 50.02 GARBAGE REQUIRED TO BE PROMPTLY REMOVED.

No garbage that has become decayed or that shall otherwise be a menace to health or cleanliness shall be allowed to remain in any dwelling house, hotel, boarding house, safe, restaurant, lunch stand, fruit stand, meat market, store or other building or on any premises a longer time than shall be reasonably necessary to remove and deposit the same in a can or cans as hereinafter provided in this subchapter.

(Prior Code, Ch. G, Art. II, ' 2) Penalty, see ' 10.99

Garbage and Refuse Collection

' 50.03 GARBAGE REQUIRED TO BE IN CONTAINERS.

(A) At each place where garbage is to be gathered and a charge is made by the town, the customer shall place the garbage in an approved container with a lid. ~~For residential customers, the container shall be 96 gallons in capacity and all trash must be in bags. For commercial customers, the container shall be no larger than 96 gallons in capacity and shall have a maximum weight of 60 pounds.~~ The container shall be placed so as to be handled without workers of the town or its contractor entering the building/dwelling of a customer. It shall be understood by the town workers or its contractor that when any other than an approved container is used, it is intended by the customer that it (the container) too is to be removed. ~~in no way is to exceed the aforementioned maximum capacity or weight.~~

(B) Any limbs or trees shall be a maximum of four feet in length and shall be no greater than four inches in diameter at its largest circumference.

(Prior Code, Ch. G, Art. II, ' 3)

' 50.04 WET GARBAGE.

All wet garbage shall have the liquid drained off and shall be wrapped in paper or other combustible material before it is placed in the garbage can, thus preventing smell and the breeding of flies in summer and freezing and adhesion to the can in winter.

(Prior Code, Ch. G, Art. II, ' 4)

' 50.05 DEPOSIT OF GARBAGE IN PUBLIC PLACES AND ON PRIVATE PROPERTY.

~~***REMOVE**~~

~~No person or persons shall collect, handle, haul or transport on any of the streets, alleys, public ways or places of the town, any garbage without first having procured a permit therefore.~~

~~(Prior Code, Ch. G, Art. II, ' 5) Penalty, see ' 10.99~~

' 50.06 TRANSPORTATION OF GARBAGE AND SLOPS BY PRIVATE PERSONS.

No person shall throw, place or deposit any garbage in any street, alley, public place or private property within the city limits, except in garbage cans or garbage vehicle as provided in this subchapter.

(Prior Code, Ch. G, Art. II, ' 6) Penalty, see ' 10.99

' 50.07 HOUR FOR PLACING CANS.

Garbage cans or similar containers containing garbage and trash, for removal, shall be placed on the premises edge of street from which the same are to be removed at or before 7:00 a.m. on the day

Garbage and Refuse Collection

scheduled for removal and removed from the edge of the street the same day by 7:00 p.m.
(Prior Code, Ch. G, Art. II, ' 7)

' 50.08 REMOVAL OF DEAD ANIMALS.

Dead animals found on town owned public streets and property will be removed by the town.
(Prior Code, Ch. G, Art. II, ' 8)

' 50.09 GARBAGE COLLECTION RATES.

Every resident and business in the corporate limits of the town that elects garbage pickup shall pay a garbage disposal fee, shall pay a garbage fee, with the fee being posted upon a schedule to be kept by the town. The charge of the fee shall be entered on the monthly water and/or sewer bill utility bill of each resident and business customer and if any resident or business customer shall refuse to pay his, her or its garbage disposal fee utility bill, his, her or its water and/or sewer the service shall be discontinued until the fee shall have has been paid.
(Prior Code, Ch. G, Art. II, ' 9)

50.10 SOLID WASTE CARTS

- (A) The town will only collect solid waste from rollout containers originally furnished by the town
- (B) Rollout containers are the property of the Town. The responsibility of replacing or repairing a rollout container is as follows:
 1. The Town will replace or repair carts that are damaged by; normal wear and tear, if the damage is covered by the manufacturer's warranty, or where the container is damaged by Town Personnel or its contractor through no fault of customer. The customer is responsible for paying for any repairs or replacement cost not covered under the manufacturer's warranty if the originally assigned container is damaged beyond normal wear and tear, or is stolen, or missing
 2. If a customer disputes a finding by Town Staff, the customer may submit a written dispute within 5 business days to the Town's Public Works Director. The Public Works Director shall make the final and binding decision on any and all disputes including, but not limited to, issues of what constitutes normal wear and tear, whether to repair or replace a container, whether damage was caused by the negligence of Town Personnel, or Town's assignees, or any other issues.
 3. Customer is responsible for notifying the Town when customer is moving or terminating account and making the rollout container available for pickup by Town personnel or its assignees. This pickup time will be at a mutually convenient time. If the container is stolen/missing or damaged when Town personnel or its contractor arrives for container pickup, customer is responsible for paying for replacement or repair cost if not covered under manufacturer's warranty.

Garbage and Refuse Collection

- (C) Cart fee is part of the utility bill and, as such, is subject to all collection methods as an unpaid utility bill. This includes, but is not limited to, discontinuance of utility services and entering the debt in the North Carolina Debt setoff program.

50.11 REVIEW PROCESS

- (A) 1. Any customer who contests notice of service termination an account balance or the amount of a bill shall be able to appeal a decision, based on the following order of sequence:
- a. Notice must be filed within five (5) days of notice.
 - b. First Review: To Customer Service Representative.
 - c. Second Review: To the Customer Service Supervisor (Town Clerk);
 - d. Final Review: A written request to the Town Manager, whose decision is final.
2. The Town Manager or his/her designee may establish payment arrangements or provide a waiver of penalties for cases of billing error resulting from improperly programmed computers, malfunctioning meters, where proper notice was not given, procedures were not followed by city employees, or any other similar errors not caused by the fault of the customer.

August 17, 2017

Marshville Town Council
201 West Main Street
Marshville, NC 28103

Re: Water and Sewer Service

Dear Council:

I would like to make a formal request to have water and sewer service extended to my property on Hasty Road in Marshville. The Parcel Number is 02302028. It is contiguous to the city limits of Marshville located in the ETJ. I would appreciate your consideration in this matter.

Sincerely,

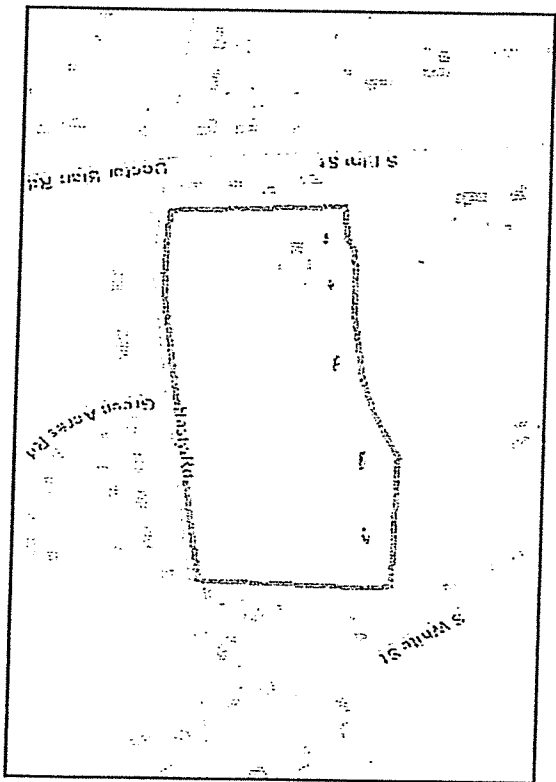
A handwritten signature in cursive script that reads "Emerson Braga".

Emerson Braga
2006 Savannah Hills Drive
Matthews, NC 28015

Parcel Number
02303038

Owner
BRAGA
EMERSON
FIGUEIREDO

Mailing Address
2006 SAVANNAH HILLS DR
MATTHEWS
NC, 28105-3201



Account Information
Land Value \$117,000.00
Building Value \$17,300.00
Total Value \$134,300.00
Acreage 25.5500

Subdivision CUDDY
Description HASTY RD
Situs Address RESIDENTIAL
Property Class RESIDENTIAL

Sales Information
Sale Date 09/15/2014 Sale Amount \$290,000.00
08/14/2002 \$0.00
02/25/2002 \$0.00

Book & Page 6299 764 Grantor HIGH RIDGE FARMS LLC
1887 647 CUDDY D BRUCE
1765 567 CUDDY D BRUCE & WF SALLY

Location Information

Municipal Administration Union County
County Zoning Code CITY
Zoning Administration Marshville
ETJ Marshville
Fire District Beaver Lane

School: School Assignment Information
Census Tract Number 208
FEMA Panel 5494.5495
FEMA Zone AE
Soils W,Cmb,BUB

(D) *Plans.* Plans for the construction of a storage tank, control manhole and controlling devices shall be approved by the approving authority prior to the beginning of construction.
(Prior Code, Ch. E, Art. II, § 3)

§ 51.28 PERMITS.

Any person desiring to deposit or discharge, or who is now depositing or discharging any industrial waste into the sanitary sewers shall make application for the disposal of industrial waste to the Town Council. The Town Council shall approve the applications only when evidence is submitted by the applicant that the discharge into the sanitary sewer will comply with all of the regulations of this subchapter.

(Prior Code, Ch. E, Art. II, § 4)

§ 51.29 OUTSIDE CONNECTIONS.

Any person owning or controlling premises located beyond the corporate limits of the town and desiring to install a plumbing system for the purpose of discharging domestic sewage and/or industrial waste into the sanitary sewers of the town may do so by complying with the requirements of this subchapter and by paying an additional permit fee and a yearly sewer rental charge to be fixed by the Town Council.

(Prior Code, Ch. E, Art. II, § 5)

§ 51.30 POWERS AND AUTHORITY FOR INSPECTION.

(A) The approving authority and other duly authorized employees of the town, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this subchapter.

(B) Authority is hereby granted to the Town Council to temporarily exclude any industrial waste, whether pre-treated or not, from the sanitary sewers whenever, in the opinion of the Town Council the action is necessary, for the purpose of determining the effects of the wastes upon the sewers, sewage treatment works or sewage treatment plants.

(Prior Code, Ch. E, Art. II, § 6)

§ 51.31 MEASUREMENT OF FLOW.

(A) The volume of flow used in computing industrial waste surcharges shall be based upon metered water consumption as shown in the records of meter reading maintained by the Town Water Department. In the event that a person discharging wastes into the sanitary sewer system produces evidence to the approving authority that more than 10% of the total annual volume of water used for all purposes does

Annexation keeps North Carolina moving forward, fairly

For 49 years, North Carolina's annexation laws have helped keep tax rates low for city residents and businesses, attract new jobs and protect property values, the environment, and bond and credit ratings. Prohibiting annexation puts all those benefits for the majority of North Carolinians at risk.

Annexation opponents want a veto, not a vote. Prohibiting annexation will harm the majority of North Carolinians through higher taxes, more expensive bond costs and creeping community decay.

ANNEXATION KEEPS TAXES LOW

Annexation of urbanizing areas is the most cost-effective way to deal with growth. Expanding existing infrastructure benefits city and county taxpayers by saving millions of dollars by not building duplicative systems.

In other states, prohibiting annexation leads to deteriorating city centers, multiple mini-cities with duplicative services and a proliferation of overlapping tax districts that drain state and county financial resources. A study shows that the more restrictive it is to annex, the poorer a city's bond rating.

ANNEXATION IS EQUITABLE

People locate their residences and businesses near cities and towns for a reason. Annexation helps spread the cost for the advantages of living in close proximity to a city or town to people who benefit from them. Our cities and towns provide services and amenities such as transportation, public safety, recreation, economic development, shopping and jobs that benefit not only city residents, but also those living outside municipal borders. Note that city residents pay 60 percent of the property taxes used to provide county services in unincorporated areas.

ANNEXATION PROMOTES ECONOMIC DEVELOPMENT

Existing annexation laws make it easier for cities and towns to compete for new jobs and provide public services to residents and businesses.

Cities and towns are job centers. More than 85 percent of all jobs in NC are in the metropolitan areas. The economic health of the cities drives the economic health of the entire region.

ANNEXATION PROTECTS THE ENVIRONMENT AND PUBLIC HEALTH

An annexation veto will lead to more of North Carolina's growing population being on septic tanks, substandard wells and privately-operated and sometimes costly sewage treatment plants that significantly increase environmental and public health risks.

THE GENERAL ASSEMBLY SET RIGOROUS STANDARDS

City- and town- initiated annexations are an open and transparent process that must meet tough legal standards before being allowed to proceed.

Don't allow a few to veto success for many

North Carolina became a great state by moving forward and not letting a few people veto progress for everyone else.

Notes on Providing Water & Sewer Services to People Outside Town Limits

- Our Ordinance states, “Any line connected to the main line of the town outside the city limits shall be installed with recommendations of the town’s engineer and public works director and in compliance with any federal, state or local laws and/or regulations. No guarantee is made that a request to connect to the system will be approved.”
- Our ordinance also states, “. . . and by paying an additional permit fee and a yearly sewer rental charge to be fixed by the Town Council.”
- -Upon talking with staff as far back as 20 years and up through current members, we have never charged an additional permit fee nor have we charged a yearly sewer rental charge
- Obviously, we assess outside tap fee rates and outside water and sewer rates
- -Tap fee would be \$3,800 for sewer and \$2,245 for a ¾ inch water line. Capacity fee would be \$1,441 for water and \$3,297 for sewer = \$10,783
- Voluntary Annexation would provide \$684.93 per year in town taxes
- Would enable future annexations such as homes on Green Acres Rd
- In the past, we have required annexation
- Mr. Braga does not wish to voluntarily annex
- Voluntary Annexation fee would be \$300 payable by landowner
- If annexed customer would pay inside rates on setup and monthly fees
- Staff’s practice has been to make council aware of requests and have council vote on the request.



TIP A COP DAY
HELP US FIGHT
CANCER BY
TIPPING

COME LET THE MARSHVILLE POLICE SERVE YOU LUNCH AND HELP KIDS WHO NEED IT THE MOST!

The Marshallville Police will be waiting tables on 10-13-2017 from 11 to 2 at the Wagon Wheel located at 204 W Main St Marshallville, NC 28103. All tips collected will be donated to Levine Children's Hospital to help children receiving treatment for cancer. The Wagon Wheel will also have drive through pick up available for your convenience .

For More information contact
Sergeant J.A. Spurlock
704-624-6767



Carolina's HealthCare System
Levine Children's Hospital

TRICK TREAT

TUESDAY
5PM TO 9PM

OCTOBER 31ST

TRUNK-OR-TREAT



TOWN OF MARSHVILLE
HALLOWEEN ON MAIN STREET

FREE HOTDOG DINNER

HAYRIDES • MUSIC • TREATS

TOWN OF
MARSHVILLE

est. 1877

COMMUNITY

YARD SALE

November 4, 2017

Marshville Municipal Park

Turn right off of Olive Branch St. onto Park Dr.

7:00am – 11:00am

For yard sale space registration, and other information please
email Emily at ehuneycutt@marshville.org