



**AGENDA**  
**MARSHVILLE PLANNING BOARD MEETING**  
**January 8, 2024 - 7:00 PM.**

1. Call To Order
2. Determination of Quorum
3. Invocation and Pledge
4. Approval of tonight's Agenda
5. Consent Agenda:       Approval of December 11, 2023 meeting minutes
6. 2035 Plan update ("2045 Plan")
7. Development Ordinance sections deserving a closer look:
  - Highway district sign requirements (maximum dimensions):  
*Action requested: recommendation of Consistency Statement*
  - Kennels  
*Action requested: recommendations on categories and definitions*
  - Event venues  
*Action requested: are "retreat" and "event" facilities sufficiently different to be dealt with separately?*

8. Permits issued during the previous month: FYI

Permit type	Issue date	Address
Zoning compliance permit (interior remodel)	12/1/2023	826 Hasty Rd.
Zoning compliance permit (new S.F. home)	12/11/2023	151 Rocky Knoll Rd.
Zoning compliance permit (new industrial bldg.)	12/11/2023	1112 Doctor Blair Rd.
Zoning compliance permit (new business)	12/27/2023	110 W. Main St.

9. Public Comments
10. Adjourn



## **Planning Board Minutes**

**December 11, 2023**

**In Attendance:** Chair Susan Drake, Vice Chair Nancie Mandeville; Board Members Tom Appenzeller, Tracy Stancill, LaDell Gardner

**Staff Attendance:** Planning and Zoning Administrator Jonathan Wells and Town Clerk Ashlie Vincent



**Call to Order:** Chair Drake called the meeting to order.

**Adoption of Agenda:** The motion to adopt the agenda was made by Member Johnson and seconded by Member Stancill—all ayes.

**Consent Agenda:** The motion to adopt the consent agenda was made by Member Johnson and seconded by Vice Chair Mandeville—all ayes.

**2045 Plan Update:**

**Highway District Sign Discussion:**

**Kennels Discussion:**





**Board Comments:**

**Public Comments:** None

**Adjournment:** The motion to adjourn the meeting was made by Member Johnson and seconded by Member Stancill—all ayes.

Table 17.1 – Permanent Sign Standards and Criteria

*Proposed verbiage in red*

Sign Type	Sign Copy Area Allowance (sqft)	Sign Illumination	Minimum Letter Size	Maximum Number	Other Requirements
<b>Permanent Attached Signs – General</b>					
Blade (or Projecting)		Ambient External Internal	6"	One per street or parking frontage per occupancy	<p>Only one sign (blade, V-type or flat) allowed per occupancy per street or parking frontage</p> <p>Internally-illuminated signs: sign face can be illuminated</p> <p>No attached signage above second story except in monolithic multi-story buildings fronting major thoroughfares.</p> <p>May encroach into adjoining street right-of-way pursuant to an encroachment agreement.</p>
V-Type					
Flat (or Wall)  <i>All districts but C-74 and IND</i>					
Flat (or Wall)  <i>C-74 and IND</i>					

**CONSISTENCY STATEMENTS FOR RZA-23-03 Amendments to  
Article 17 (Signs)**

If the proposed change is to be approved AND it is considered to be consistent with the 2035 Plan:

- A. “The proposed Text Amendment to the Marshville Development Ordinance (MDO) is considered consistent with the *Marshville Town Plan 2035* by continuing to meet the Objective of the Plan ‘To improve the quality of life of the citizens of Marshville by encouraging responsible growth management decisions, protecting the small Town character, developing an attractive community, preserving natural areas and historical assets, and ensuring a healthy local economy’, and to align with the adopted Goals of Sec. 6 (General Development Strategies) to ‘Ensure that Marshville’s development policies are conducive to the long-term vision for the future and adequately control the location and appearance of future development.’.”

If the proposed change is to be approved BUT it is considered to NOT be consistent with the 2035 Plan:

- B. “The proposed Text Amendment to the Marshville Development Ordinance (MDO) is considered inconsistent with the *Marshville Town Plan 2035* in that the proposed amendment is not supportive of one or more of the Objectives and Goals contained within the Plan. However, the proposed change is still considered to be reasonable and in the public interest.”

If the proposed change is NOT to be approved BECAUSE it is considered to NOT be consistent with the 2035 Plan:

- C. “The proposed Text Amendment to the Marshville Development Ordinance (MDO) is considered inconsistent with the *Marshville Town Plan 2035* in that the proposed amendment is not supportive of the Objectives and Goals contained within the Plan. Furthermore, the proposed change is not considered to be reasonable and in the public interest.”

If the proposed change is NOT to be approved EVEN THOUGH it is considered to be consistent with the 2035 Plan:

- D. “Even though the proposed Text Amendment to the Marshville Development Ordinance (MDO) is considered to be consistent with the *Marshville Town Plan 2035* by continuing to meet the Objectives and adopted Goals of Sec. 6 of the Plan, the proposed amendment is not approved in that it is not considered to be reasonable and in the public interest.”

Other:

- E. Other.

## Kennel issue – Town of Marshville January 2024

1. a. Are the current Use Categories contained in the Table of Uses sufficient (see below)?
  - Kennels or pet grooming with outdoor pens/runs
  - Veterinary services with outdoor kennels
  - Kennels or pet grooming no outdoor pens or runs
  - Veterinary services without outdoor pens/runs
- b. Is there a need to create additional categories (e.g. boarding kennels, shelter/foster facilities, breeding facilities)? And within what districts should these uses fall?
- c. Can any of the above existing bulleted categories be collapsed (e.g. kennels/pet grooming with outdoor pens, and veterinary services w/outdoor pens) as they are permitted within same zones?

*(Decisions regarding the above may result in recommended changes to Table of Uses)*

2. a. Based upon decisions made above, what districts should each be allowed in the Table of Uses?
- b. Related to this, should any be allowed subject to additional standards (Article 10), and what should those new standards be (e.g. buffering, distance from residential areas, hours of use of outdoor runs, etc.)? Are the standards in Art. 10.1-23 sufficient (see below)?

*(Again, potential Table of Uses changes)*

- c. Based upon the decisions made regarding categories under #1 above, re-visit the Definitions contained in Article 3 of the Development Ordinance, specifically:
  - Are all of the Use Categories adequately covered by and aligned with existing Definitions (see below)?
  - If changes are warranted to edit existing Definitions or add/delete, what changes are warranted?
- d. Should pet boarding be more tightly-regulated as a Home Occupation (e.g. limit of number of pets)?

### Additional Standards currently in Art. 10.1-23:

Kennels and veterinary services with outdoor pens are subject to the following Development Standards:

- (1.) The pens, runs, and/or other facility for the outdoor containment of animals shall be at least 250 feet from abutting property located in a residential or mixed use district.
- (2.) The pens, runs, and/or other facility for the outdoor containment of animals shall be buffered from abutting property in a residential or mixed use district with a type B buffer (see Article 11).

There are no Additional Standards for kennels and veterinary services without outdoor pens.

### Definitions:

The Marshville Development Ordinance currently does not have definitions for:

- Kennel
- Veterinary services
- Pet grooming
- Pens or runs

## Examples of Definitions from peer ordinances:

### *Troutman*

**“Kennels outdoor”**: a use or structure intended and used for the breeding or accommodation of small domestic animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot, but not including a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing or medical treatment of the physical disorders of animals. Includes outdoor pens.

**“Outdoor kennel”**: a commercial enterprise that involves the containment of animals in an enclosure such as a pen outside a permanently constructed building for an extended period of time. This does not include fenced areas for brief animal exercise.

**“Veterinary services”** Establishments that include services by licensed practitioners of veterinary medicine, dentistry, or surgery for animals; indoor boarding services for pets; and grooming.

### *Monroe*

**“Animal hospital/veterinarian”**: a facility where animals are provided medical care. Animals may be boarded or stay overnight within a completely enclosed building.

**“Animal shelter/kennel”**: the use of land for boarding animals; may include a pet resort which provides day care for pets in addition to grooming and training. Includes outdoor play area for animals. *Monroe*

### *Waxhaw*

**“Animal kennel”**: “a use or structure intended and used for the breeding or accommodation of domestic animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot. Not including a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals.

**“Animal Shelter”**: A public, non-profit or not-for-profit facility at which dogs, cats, and other domesticated animals are kept for purposes of distribution to the general public.

**“Animal Hospital”**: A place where animals are given medical or surgical treatment and the boarding of animals is incidental to the hospital use.

### *Union County*

**“Animal service”**: uses that provide goods and services for care of animals.

**“Boarding or shelter”**: breeding, boarding, care or training services for dogs cats and small animals including boarding kennels, pet resorts/hotels, pet adoption centers, dog training centers & animal rescue shelters.

**“Grooming”**: grooming of dogs, cats and similar small animals including dog bathing and clipping salons and pet grooming shops. Grooming does not include overnight boarding or outdoor animal runs or kennels.

**“Veterinary”**: animal hospitals and veterinary clinics. Any veterinary uses that involve outdoor animal runs or kennels are regulated as boarding or shelter uses.

### *Wingate*

**“Kennels, outdoor”**: a use or structure intended and used for the breeding or accommodation of small domestic animals for sale or for the training or overnight boarding of animals for persons other than the owner of the lot, but not including a veterinary clinic in which the overnight boarding of animals is necessary for or accessory to the testing and medical treatment of the physical disorders of animals.”

Definitions from NCGS 19A-23 ("Protection of Animals" statute)

**"Animal"** means any domestic dog (*Canis familiaris*), or domestic cat (*Felis domestica*).

**"Animal shelter"** means a facility which is used to house or contain seized, stray, homeless, quarantined, abandoned or unwanted animals and which is under contract with, owned, operated, or maintained by a county, city, town, or other municipality, or by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection, rehabilitation, or humane treatment of animals.

**"Approved foster care provider"** means an individual, nonprofit corporation, or association that cares for stray animals that has been favorably assessed by the operator of the animal shelter through the application of written standards.

**"Approved rescue organization"** means a nonprofit corporation or association that cares for stray animals that has been favorably assessed by the operator of the animal shelter through the application of written standards.

**"Boarding kennel"** means a facility or establishment which regularly offers to the public the service of boarding dogs or cats or both for a fee. Such a facility or establishment may, in addition to providing shelter, food and water, offer grooming or other services for dogs and/or cats.

**"Pet shop"** means a person or establishment that acquires for the purposes of resale animals bred by others whether as owner, agent, or on consignment, and that sells, trades or offers to sell or trade such animals to the general public at retail or wholesale.

**"Primary enclosure"** means any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, cage compartment or hutch.

*Definitions that are irrelevant to zoning discussions were omitted.*

## 2023-24 “event” discussions; peer comparison

### Issues:

- “Retreat Center” appears on Marshville Table of Uses (permitted in AG, MFO, TNDO, and CIV districts) with NO additional required standards
- No definition of “Retreat Center” appears in Article 3
- There is no “event venue” in either the Table of Uses or Definitions
- Previous discussions have been held re. “Club or Lodge” (included in Table of Uses but not in definitions) covering event venues (permitted with additional requirements in MS, MSP, TNDO, TMU, C-74 and CIV)
  
- Is an “Event Center” the same as a “Retreat Center”? If not, what’s the distinction?
- What connection should be made between events/retreats and agricultural-related activities like vineyards/tasting rooms, rural wedding venues, pumpkin patch picking, corn mazes, etc.?
- Are these permanent land uses or are some of them temporary events covered under Article 15?

### Events and Retreat zoning classifications

Marshville: See above.

#### Troutman

- Table of Uses permits “Wineries” with additional standards relating to limited restaurant activity, parking, etc.
- No “retreat” or “event” definitions
- No separate “event” or “retreat” classifications but Table of Uses allows for pretty generic “retail” use classifications.

#### Stallings

- “Retreat Center” permitted in AG, TNDO, MS (TC) and CIV districts in Table of Uses
- “Event or wedding venue” permitted in same district (plus mixed use districts)
- No definition of either “Event” or “Retreat”

#### Monroe

- Table of Uses: retail is pretty generic (like Troutman) but does call out “winery”, mostly permitted in mixed use districts.
- Specifies “event center/convention center” permitted largely in business districts
- “Additional standards” for both of the above give somewhat of a definition
- “Winery” additional standards specify that wine production must remain primary land use (vs. restaurant, etc.)
- “Event center” additional standard establishes buffering requirements and exempts facilities such as fire stations that might occasionally serve as event facilities.

#### Waxhaw

- Table of Uses includes “Event Center (ex. Wedding Venue)”, “Brewery Distillery & Winery” (retail and manufacturing are separate), and “Vineyard”
- Definitions includes “Event Center” (no separate mention of “retreat”)
- Additional standards: Event Centers must be located on parcels with direct access to a collector street, minor thoroughfare or major thoroughfare.

#### Union County

- Event or Retreat don’t appear specifically on Table of Uses
- “Agribusiness” and “agritourism” both appear in Table of Uses, but no definitions offered.
- No definitions of either “event” or “retreat”



## DEFINITIONS:

Monroe: "Event center/convention center": Venues or facilities used by a group of people for temporary events such as conferences, sports, weddings, event halls, concerts, or similar events. Examples may include a convention center, coordinate wedding and banquet halls, sports stadiums, or concert hall.

Waxhaw: "Event center": A multi-purpose venue facility hosting special events such as graduations, weddings, anniversaries, holiday gatherings, trade shows, corporate functions or parties, concert settings, and general get-togethers. An event center could typically have a catering kitchen, indoor and/or outdoor seating and a stage or event area.

2018 internal document: "Event center": a facility or portion thereof which is rented, leased or otherwise made available to any person or group for private events or functions that is not open to the general public. (Blair Israel?)

Matthews:

" **Banquet Hall, Ballroom, or Catering Facility**: shall mean a meeting facility designed for use by varying groups of people, which may be rented or leased to accommodate private functions such as weddings, banquets, anniversaries and similar celebrations. Such a facility may include a partial or full kitchen for food preparation or catering, the service and/or sale of alcoholic beverages for on-site consumption to guests of the private events only, an open floor area which may be used for dancing and similar entertainment and/or seating for guests. A restaurant that only occasionally leases out to private parties is not a Banquet Hall."

Suggested path forward:

1. **Determine whether "retreat centers" and "event venues" are different enough to warrant separate treatment in the MDO.** If so, go to #2. If not go to #8:
2. Develop a definition of "retreat center"
3. Determine if zoning districts permitting "retreat centers" under the definition are suitable or appropriate.
4. Determine whether any "additional standards" for "retreat centers" are needed
5. Develop a definition for "event venue" (specifying how it differs from "retreat centers")
6. Determine in which zoning districts "event venues" should be permitted
7. Determine whether any "additional standards" for "event venues" are needed.
8. Develop a definition of "retreat centers" that covers both "retreats" and "events".
9. Re-check Table of Uses re. applicability of retreat/event uses in indicated zones.
10. Determine whether additional standards are needed for "retreat/event".
11. Develop a definition of "club or lodge" (may incorporate wording to distinguish it from Retreat or Event).

Potential definitions:

“Retreat center”:

“Event venue”:

“Club/lodge”: