

**AN ORDINANCE AMENDING CHAPTER 151: §151.016
DEFINITIONS ADDED TO THE ZONING ORDINANCE**

WHEREAS, this amendment was heard by the Village of Marvin, Village Council in a public meeting on June 30, 2016.

NOW, THEREFORE, be it Ordained by the Village Council for the Village of Marvin that:

Section 1. The Code of Ordinance, Section 150.015 is amended to replace and/or include the following definitions:

§150.015 DEFINITIONS.

APPLICATION. The term application may be interchangeably used with the term petition and both terms shall refer to the sum total of all submittal requirements, outlined as compulsory requisites for initiating a process specified in, and governed by, Village ordinances. This shall include, but is not limited to, the Application Filing Form, requisite Fees, all required items, documents, details, site plans, maps, elevations, exhibits, studies and reports pertaining to an Application in a given section of the ordinance

ENVIRONMENTAL INVENTORY. A plan which becomes the foundation for all site decisions on a development project; identifying existing vegetation, wetlands, wildlife, and distinctive natural features.

CIVIL DESIGN PLANS. A set of land development plans, which specify how a site will be prepared to support vertical construction; including plans for grading, utilities, erosion control, stormwater, landscaping and infrastructure. These plans are sometimes referred to as Horizontal Construction Plans.

PRELIMINARY PLAT. A detailed map, drawn to scale, submitted prior to a final plat, outlining a proposal to legally subdivide a parcel of land into separate lots, accompanied by information and supporting data required by this chapter and Marvin codes, acting as an agreement between the Village and the subdivider as to the development's layout.

PRELIMINARY SITE & CIVIL DESIGN PLANS. A set of detailed plans consisting of a Site Plan, data required for a proposed subdivision and required Civil Design Plans. Preliminary Site & Civil Design Documents constitute the complete submittal requirements for a Preliminary Plat.

SITE PLANS / PRELIMINARY SITE PLANS. A set of top-view construction drawings, provided by builders or contractors, to graphically represent existing conditions of a site and proposed improvements to a lot or property. Site plans are prepared by a design consultant; either an engineer, architect, landscape architect or land surveyor, licensed to practice in the State of North Carolina. A site plan illustrates general arrangement of building footprints, travelways, parking, drainage facilities, sanitary sewer lines, water lines, trails, lighting, signs and landscaping. Site plans also analyze elements of a site, particularly site development, planning and design. Site plans are utilized by the Village to analyze sites and verify that land development ordinances and standards are satisfied. Site plans also serve as historical public records.

Section 2. The Code of Ordinance, Section 151.016 is amended to include the following definitions or replace current definitions with the revised definitions provided herein:

§151.016 DEFINITIONS OF THE SPECIFIC TERMS AND WORDS.

APPLICATION. The term application may be interchangeably used with the term petition and both terms shall refer to the sum total of all submittal requirements, outlined as compulsory requisites for initiating a process specified in, and governed by, Village ordinances. This shall include, but is not limited to, the Application Filing Form, requisite Fees, all required items, documents, details, site plans, maps, elevations, exhibits, studies and reports as outlined in a given section of the ordinance.

CHILDCARE CENTER: DROP-IN / SHORT-TERM. An establishment defined by law in N.C.G.S. 110-86(2)(d)(d1) as a drop-in/short-term child care facility where child care is provided occasionally, for no longer than four hours, while parents participate in activities that are not employment related, and where the parents are on the premises or otherwise easily accessible. This use may be established in a health spa, health club, community center, fitness club, shopping mall, or other similar locations.

CHILDCARE CENTER. An establishment defined by N.C.G.S. 110-86 (2) as a program or arrangement where three or more children less than 13 years old, receive care away from their home on a regular basis (at least one time per week) for more than four hours but less than 24 hours per day from people other than their parents or legal custodians. Childcare programs that meet this definition must be regulated by the Division of Child Development and Early Education to ensure that children are in healthy, safe and educational settings while not in the care of their parents or legal custodians.

CIVIL DESIGN PLANS. A set of land development plans, which specify how a site will be prepared to support vertical construction; including plans for grading, utilities, erosion control, stormwater, landscaping and infrastructure. These plans are sometimes referred to as Horizontal Construction Plans.

CONVENIENCE STORE / MINI MART / EXPRESS FUEL. A retail establishment primarily designed and stocked to sell fuel, a limited variety of pre-packaged food, beverages and some household supplies to customers who purchase relatively few items compared to the number of items normally purchased at a grocery store. It is designed to attract, and is dependent on, a large volume of transient traffic. No cross branding or co-branding exists in these establishments. These establishments do not provide automobile repair services (whether major or minor), do not have car washes, and do not contain fast-food restaurants, grills, or any separate service counters within the convenience store building, which serve food and/or beverages requiring preparation.

CROSS-SECTION DRAWING. A scaled, visual representation of an object, cut by a vertical plane to produce a composite representation of an objects' components and the relationships between all parts; a scaled, visual representation of an object, where an object or building is cut along an axis to reveal the interior structure.

DRIVE AISLE. A vehicular access way located within an off-street parking area, or vehicular use area, which serves individual parking stalls and driveways.

CONDITIONAL DISTRICT / CONDITIONAL ZONING DISTRICT. Any Zoning District delineated on the Village Zoning Map established after approval of a Conditional Zoning District Application. Land development within a Conditional Zoning District is regulated by the illustrated and text-based standards outlined in an approved Conditional Zoning Application; inclusive of the associated preliminary site plan, maps, plan notes, conceptual elevations, exhibits, development standards and conditions of the application; along with all codified zoning ordinances for which no deviation was granted by the Council, and all land use policy documents of the Village; not including Specific Site Design standards approved during final Design Review and approval.

ELEVATION, CONCEPTUAL. A scaled and conceptual illustration of a building façade or development feature, drawn by an architect, illustrating architectural design concepts, including but not limited to particular architectural elements, exterior treatments, the general arrangement of spaces, windows and doors, proposed materials, and a building or object's overall scale and form.

ELEVATION, TECHNICAL. A scaled, illustration of a building façade, or development feature, drawn by an architect; indicating small surface-level detail of an object, along with the object's scale, form, construction, external appearance and design.

ENVIRONMENTAL INVENTORY. A plan, which serves as the foundation for all site decisions on a development project. It identifies existing site conditions; including vegetation, wetlands, wildlife, and distinctive natural features.

FAÇADE. The entire area of a building extending from the highest point of the roof; including attachments, to the ground and from one corner of the building to another, viewed from a single vantage point. Facades may be on the front, side, or rear elevation of the building.

FEE SCHEDULE. The adopted schedule of fees charged by the Village for various activities, services and processes executed through the Village.

FLOOR PLAN. A scaled, technical, horizontal section drawing of a building, across a single level; indicating rooms, windows, doors, spaces, openings, key structural features, fixtures and equipment. Floor plans include full dimensions along with notes for construction.

FUELING POSITION. The maximum number of operable fuel dispensers.

LAND USE PLAN. A document designed to guide future development actions of the Village. It presents a vision for the Village, in terms of future development. It outlines Village goals and objectives with regard to how land will be used within the municipal jurisdiction. It provides the Council, Planning board, planning officials and developers with legislative guidance in terms of public and private land development proposals, the expenditure of public funds, public-private development efforts, and other issues of concern. (e.g. land preservation, local area rehabilitation, etc.).

LAND USE POLICY DOCUMENTS. Any documents, maps or plans officially adopted by the Village of Marvin to guide government decisions with regard to land development activity.

PERSPECTIVE DRAWING. A scaled, color, representation of buildings, signs or other development feature, as it is perceived by the eye, from a particular, fixed viewpoint.

PRELIMINARY PLAT. A preliminary map, drawn to scale, submitted prior to the Final Plat, outlining a proposal to legally subdivide a parcel of land into separate lots, which acts as an agreement between the Village and the subdivider as to the development's layout.

RESTAURANT, DRIVE-THROUGH. A restaurant whose primary business is the preparation and service of food, which provides patrons the option to purchase food without leaving their vehicles, and receive their food in a ready-to-consume state through a pick-up window, positioned in a drive-through lane.

RESTAURANT, FAST CASUAL. A restaurant type positioned between a Fast Food Restaurant and High-Turnover Sit-Down Restaurant, frequently belonging to a restaurant chain. Decor is unique to the concept and somewhat more 'highly developed' than Fast-Food Restaurant decor. More of the food is prepared inside the restaurant, more ingredients are served fresh, and fewer ingredients are frozen. Food is either prepared to order or cooked to-order. Food orders take incrementally more time to complete than food from a Fast-Food Restaurant. Fast Casual Restaurants do not offer full table service but may deliver food to a table. Fast Casual Restaurant meals may be carried out of the restaurant however food is designed to be consumed with utensils, at a table, rather than designed for consumption within a vehicle or in transit. The cost of meals tends to be somewhat higher at Fast Casual Restaurants than food at Fast Food Restaurants. Though drive-through services windows are sometimes provided they are not typical.

RESTAURANT, FAST FOOD. An establishment whose principal business is the sale of pre-cooked or rapidly prepared food, sold directly to the customer in a ready-to-consume state. These restaurants are characterized by a large drive-through clientele, long hours of service and high turnover rates for eat-in customers. These establishments do not provide table service. Non-drive through patrons order at a cash register and pay before they eat. The majority of food is designed and packaged for consumption within a vehicle or while otherwise in transit. Orders for food may be placed and picked up within the restaurant building, though many orders are places from a mobile device, or an ordering box with meals picked-up and paid for through a drive-through service window.

RESTAURANT, SIT-DOWN. A sit-down, full-service eating establishment, with a typical duration of stay of approximately one hour, or longer. Patrons wait to be seated at a dining table, are served by a waiter or waitress, order from menus and pay for their meals after they have eaten. Some facilities serve alcoholic beverages and some may contain a bar area serving food and alcoholic drinks.

SITE PLANS / PRELIMINARY SITE PLANS. A set of top-view construction drawings, provided by builders or contractors, to graphically represent existing conditions of a site and proposed improvements to a lot or property. Site plans must be prepared by a design consultant; either an engineer, architect, landscape architect or land surveyor, licensed to practice in the State of North Carolina. A site plan shall illustrate general arrangement of building footprints, travelways, parking, drainage facilities, sanitary sewer lines, water lines, trails, lighting, signs and landscaping. Site plans also analyze elements of a site, particularly site development, planning and design. Site plans are utilized by the Village to analyze sites and verify that land development ordinances are satisfied. Site plans also serve as historical public records.


SKETCH PLAN. A preliminary map, drawn roughly to scale, submitted prior to a Preliminary Plat, outlining a proposal to legally subdivide a parcel of land into separate lots.

SPECIFIC SITE & DESIGN PLANS. Exact plans delineating the precise spatial arrangement of all elements of a development site, including lot lines, setbacks, buffers, individual buildings, accessory buildings, other structures, fixtures, architecture, landscaping, plantings, screening, signs, along with specific circulation system plans; infrastructure, parking lots, drive aisles, parking stalls, roads, streets, utilities, walkways, open spaces, lighting fixtures, outdoor furnishings and other design elements, on a site; ALSO any, and all items, plans, elevations, exhibits and documents outlined in §151.215(E), delineating exact and precise plans for the installation of individual buildings, architecture, landscaping and signs, and requiring Design Review. These plans are sometimes referred to as VERTICAL CONSTRUCTION PLANS.

VERTICAL CONSTRUCTION PLANS. Plans pertaining to the erection of a structure or building commencing when foundation of a new building is poured, or when posts are set in cement to erect a permanent structure.

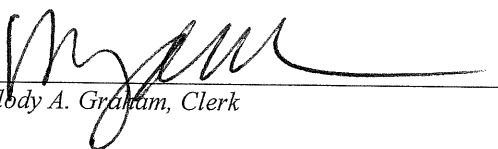
Section 2. This ordinance shall take effect and be in force from and after the date of its adoption.

Adopted this 12th day of July, 2016



Joseph E. Mollino Jr., Mayor

Attest:



Melody A. Grantam, Clerk

