

**VILLAGE OF MARVIN
NORTH CAROLINA**

TO: Mayor Ciaramella
Village Council

FROM: Anna Whalen, Senior Planner

SUBJECT: Village Council Meeting – March 9, 2010
Schools, Sportsfields & Education Overlay District

Staff Recommendation:

Approve the following text amendments to the Marvin Zoning Ordinance related schools, sportsfields and creating an Education Overlay District:

1. ARTICLE 2, Section 2.2 adding definitions for Mobile Classroom, Non-school Function and Overlay District.
2. ARTICLE 3, Section 3.1, 3.1.5 creating the Education Overlay District
3. ARTICLE 5, Section 5.1, 5.1.1 adding non-school functions as a permitted use
4. ARTICLE 5, Section 5.1, 5.1.2 related to sportsfield & sportsfield lighting and adding elementary and secondary schools as conditional uses
5. ARTICLE 5, Section 5.9 creating the development standards for the Education Overlay District

Background:

The Village Council adopted a memorandum of understanding on October 9, 2007 to work with Union County Public Schools (UCPS) and officials from other Union County municipalities to develop standardized zoning regulations for building schools within municipalities. The Village Administrator attended several meetings regarding the standard zoning/land use regulations in 2007 and 2008. The committee looked at zoning regulations of all the communities that were participating in the process and developed standardized language. The standards will allow UCPS to be more cost efficient and equitable across the county. The committee proposed language that they felt their respective governing bodies would be willing to accept.

At the Village Council and Planning Board Special Joint Meeting on February 26, 2008, Village staff and Mr. Don Hughes from Union County Public Schools discussed the standardized language. The Council and Planning Board agreed that staff would review and compare the ordinances with the standardized school zoning regulations in depth to be sure all areas have been addressed. The language would then be forwarded to the Planning Board for discussion and recommendation to Council.

The Planning Board discussed the proposed text amendments at their February 24, 2009 and March 24, 2009 meetings. The changes requested are reflected in the text below. The Planning Board recommended approval to the proposed text amendments; six in favor and one opposed.

The Village Council called for the public hearing at the April 21, 2009 meeting. The public hearing was held on May 12, 2009, but the discussion was tabled until the June 9, 2009 Council

meeting. At that time, the Council agreed with the Planning Board's recommendations on the proposed text amendments, but directed staff to send the text back to the Planning Board to look at sportsfield lighting and other uses at schools.

Staff presented the additional text to the Planning Board at the December 15, 2009 meeting. After discussion, the Planning Board asked staff to contact all the schools inside the Village's municipal limits and its sphere regarding non-school function text. At the January 19, 2010 meeting, staff verified that the schools were comfortable with the definition for non-school function. The Planning Board recommended the text below with a unanimous vote.

Analysis:

The original text changes were reviewed by the Village Attorney, but the additional corrections have not been reviewed by him at the time this report was printed.

1. Schools as conditional use/overlay zoning:

The current ordinance text allows elementary and secondary schools by right in the "R" Marvin Residential District. UCPS has proposed text, previously recommended for approval by the Planning Board, that addresses development issues that are not covered by the current "by right" text. To use these development standards, the property needs to be rezoned to add the Education Overlay District. Staff recommends that all schools be required to go through the conditional use permit process or the Education Overlay District rezoning process.

2. Other uses at schools:

Schools are used for community gathering activities outside of regular school hours and the Village Attorney recommended that the Village include text regarding these non-school functions. Since the buildings, parking areas, screening and lighting already exist, the main concerns regarding these non-school functions are noise, parking and traffic.

- a. Outdoor activities have the potential to generate noise. The Marvin Zoning Ordinance currently requires a Conditional Use Permit (CUP) process for sportsfields and its lighting. If the sportsfield and its lighting are included in the rezoning to the Education Overlay District, it is not necessary to require the sportsfield and its related lighting to go through a separate CUP process. UCPS staff has agreed that the CUP process is appropriate if the sportsfield, and sportsfield lighting, was not part of the rezoning process. Staff has included proposed text to reflect this. Noise generated by indoor activities would already have been addressed during the CUP or Education Overlay District rezoning for the school buildings. The Zoning Ordinance already has a Temporary Use Permit (TUP) process for outdoor, short term events such as festivals.
- b. Parking is generally calculated to include the parking requirement of the general assembly areas (i.e. gym, auditorium, etc.). As long as the function is indoors and does not exceed the allowed occupancy levels, the parking impact would have already been addressed with the CUP or Education Overlay District rezoning. The

Zoning Ordinance currently requires a TUP for short term events held outdoors. Staff believes it is reasonable to allow by-right non-school functions inside the school buildings as long as it does not exceed the general assembly maximum occupancy limit.

- c. Schools generate traffic during the week in the morning and afternoon hours. A traffic study may be required as part of the CUP or rezoning process. Sportsfields not considered during the rezoning to the Education Overlay District would require a separate CUP, which would also address hours of operation and traffic impacts. If a non-school function is operating on the weekend, it may not significantly impact traffic due to the lack of commuter traffic. However, an evening function during the work week may add to the congestion caused by commuter traffic. The Planning Board recommended that these non-school functions should not go through the TUP for those one-time indoor functions (i.e. workshops, festivals, concerts, etc.) or CUP for on-going indoor functions (i.e. church services).

When the sign section of the Zoning Ordinance is revised, staff recommends that signage provisions for these non-school functions be addressed.

3. Lighting

At the May 2009 meeting, the Village Council requested information regarding the difference between the Illuminating Engineering Society of North America, (IESNA) and the North Carolina High School Athletic Association (NCHSAA) lighting standards. UCPS proposed text states sportsfield lighting will use the NCHSAA lighting standards. The Village's Lighting Ordinance uses the IESNA standards.

The Village's Lighting Consultant stated that the NCHSAA, in their lighting standards, refers the quality of lighting to the IESNA guidelines laid out in the IES document RP-6-01, "Recommended Practice for Sports and Recreational Area Lighting". The NCHSAA also lists lighting levels and maximum to minimum ratios in their lighting guidelines which follow IES very closely. It appears that NCHSAA referred to the IES document very closely when their lighting guidelines were developed. They also break down each type of sportsfield lighting into four classes. Class I is for 5000 seats or above, Class II is for up to 5000 seats, Class III is for competition play with some seating and Class IV is for recreational play only with no provisions for spectators. Most high schools would fall into Class I or II. The following are the requirements, in foot candles (fc), for each of the classes for football and baseball.

Football

Class I – 100fc

Class II – 50fc

Baseball

Class I – infield 150fc, outfield 100fc

Class II – infield 100fc, outfield 70fc

The Lighting Consultant believes the NCHSAA requirement is reasonable.

Proposed Text Changes:

Below is the proposed language for the Village Council's consideration. The existing language is in regular font. The previous changes are in *italic*, new changes are in **bold** and the proposed deletions are ~~stricken~~.

1. ARTICLE 2, Section 2.2

Mobile Classroom. See "Temporary Classroom" definition.

Non-school Function. Community Center type of activity or Church activity that are not an official school function, but are utilizing existing school buildings outside of school hours.

Overlay District. An area where certain additional requirements are superimposed upon a base zoning district or underlying district where the requirements of the base or underlying district are modified or supplemented.

2. ARTICLE 3, Section 3.1 Zoning Districts

3.1.5 EO, Education Overlay District

This district is established to provide for the specific circumstances and needs of the educational institutions, (limited to elementary, middle and high school) within the Village's jurisdiction. The uses permitted within this district shall be limited to those of an educational nature for the necessary operation of the educational institutions. Requirements specific to this district are listed in Article 5, Section 5.9 of this ordinance. Discontinuation of any school shall result in the loss of the Education Overlay District zoning and will initiate a rezoning back to the original zoning district. Additionally, discontinuation of any school after five (5) years will require the property owner to remove the buildings.

3. ARTICLE 5 Zoning District Regulations

Section 5.1 R Marvin Residential District

5.1.1 Permitted Uses

10. ~~Elementary and secondary schools.~~ **Non-school functions as defined in this Ordinance.**

5.1.2 Conditional Uses

7. Lighting for proposed or existing sports fields or sports fields proposed as an accessory use, **but it will be a permitted use if the sportsfield and sportsfield lighting was included in the original Education Overlay District rezoning.**
8. **Elementary and secondary schools, but it will be a permitted use if the parcel is rezoned to an Education Overlay District.**

Section 5.9 EO – Education Overlay District

5.9.1 Design Standards for Union County Public Schools

1. Findings

Union County Public Schools (UCPS) is currently subject to 15 different sets of local land use regulations (14 different municipalities and Union County). Regulations vary from jurisdiction to jurisdiction, making it difficult to build new schools, renovate existing schools or locate mobile units in a consistent, timely and cost effective manner.

As a part of the Union County Board of Education's adopted "Building Program Cost Saving Principles", UCPS is endeavoring to establish a standard zoning classification and standardized requirements for school construction regardless of the schools locale in Union County. Such standardization will result in (i) equitable school facilities throughout the county; (ii) more efficient permitting of school facilities and (iii) cost savings for the benefit of the taxpayers of Union County

2. Cooperative Planning

Staffs from UCPS, Union County and local municipalities have met and have agreed to make recommendations to their elected boards as follows

- a. UCPS staff will involve local municipal staff early in the site selection process. The local municipal staff will make recommendations regarding target sites or areas within their respective jurisdictions that are suitable for school uses. Pursuant to state statute, final decisions regarding the selection of school sites are made by the Union County Board of Education.*
- b. Allow all new schools, additions, or renovation uses by right with supplemental standards. This will eliminate the costly and time-consuming discretionary conditional use permit/special use permit (CUP/SUP) zoning process and site-by-site negotiations. All local government entities benefit by having expectations regarding school design and construction identified in advance.*
- c. Jurisdictions will consider an optional CUP/SUP review process if unique conditions exist as determined by the zoning/planning administrator. The administrator shall consider if the proposed project poses a negative impact on the public health and safety.*

3. Supplemental Standards

In the event any provisions of these supplemental regulations conflict with any other provisions of this ordinance or other Village of Marvin Ordinances, then the provisions of these supplemental regulations shall control. Other provisions in the Village of Marvin Ordinances not in conflict with these supplemental regulations remain in effect. All applications are subject to the following supplemental standards:

- a. Exterior of buildings*
 - (1) Exterior building materials shall be limited to masonry brick (brick or pre-finished block), natural or synthetic stucco, pre-finished insulated or non-insulated metal panel system, pre-finished metal fascia and wall*

coping, standing seam metal roof (for sloped roof only), painted hollow metal and/or pre-finished aluminum door and window frames, glass, painted or pre-finished steel.

- (2) *UCPS staff will work with municipality staff to follow any requirements of municipality "special overlay districts" as it relates to the exterior design of the facility.*
- (3) *Exterior of buildings will be articulated to enhance the area of the site.*

b. Mobile classrooms (MCR) or temporary classrooms

- (1) *MCR's shall be located in rear yard if possible. If rear yard cannot accommodate the MCR's then they can be placed in the side yard. MCR's can be placed in the front yard only if the MCR's cannot be accommodated in the rear or side yards.*
- (2) *MCR underpinning and crawl spaces shall be screened.*
- (3) *Landscaping/planting shall be provided between the MCR and any adjacent roads from which the MCR's are visible.*
- (4) *MCR's will require a CUP.*

c. Sidewalks

- (1) *Sidewalks will be required along all roads extending the length of the property line. Sidewalks must be five feet (5') wide with a four inch (4") depth concrete constructed on adequately graded base except at driveways where six inch (6") depth is required for the full width of the driveway. Installation and maintenance requirements set fourth in Article V, Section 9 of the Subdivision Ordinance shall apply.*
- (2) *Sidewalks and crosswalks must conform to the American Disabilities Act (ADA).*
- (3) *UCPS will dedicate appropriate easement or road right of way needed for sidewalks if requested by the municipality.*
- (4) *UCPS will cooperate with the municipality to apply for grants for sidewalks.*

d. Exterior Illumination

- (1) *Driveway and parking area lighting shall be no more than 10 foot candles. Spill over to adjacent properties shall not exceed 1 foot candle for non-residential use/and or zoning and 0.50 foot candle for residential use and/or zoning. Lighting fixtures shall be shielding type.*
- (2) *Lighting fixtures located on the building exterior shall **be shield type fixtures and shall not produce not emit** more than 5 foot candles **maximum at grade level.** ~~and shall be shielding type.~~*
- (3) *Lighting for athletic fields shall follow the current standards as set forth by the North Carolina High School Athletic Association Lighting Standard. A lighting control package shall be included and lights shall be shut-off no later than one hour after the end of the event.*

e. *Signs*

- (1) *Materials sign base and structure shall match the primary building materials.*
- (2) *Sign face shall not exceed 40 square feet and does not include the sign support structure. The bottom of the sign face shall be no less than 24" above nor more than 72" above the ground surface. The sign support structure can include columns and walls on either side of and below the sign face and shall not be more than 16" taller than the sign face.*
- (3) *One sign shall be permitted per school. Alternatively, if multiple schools use the same driveway access, then the allowable square footage may be increased by 10 square feet for each additional school.*
- (4) *One wall sign per school shall be permitted and only for the name of the school and shall be reviewed by the administrator.*
- (5) *Exterior illumination is allowed.*

f. *Parking*

- (1) *At elementary and middle schools provide 1 space per staff member plus 1.6 spaces per classroom or 1 space for each 3 seats used for assembly purposes whichever is greater.*
- (2) *At high schools provide 5 spaces per instructional classroom or 1 space for each 3 seats used for assembly purposes whichever is greater.*
- (3) *No more than 20% of the required spaces can be compact spaces.*
- (4) *Minimum size of spaces shall be 9' wide by 19' long for regular, 8' wide by 16' long for compact, and accessible spaces shall meet current accessibility codes.*

g. *Student Drop Off Stacking*

- (1) *On-site vehicle stacking for student drop-off shall be based on NCDOT requirements using the NCDOT required calculator.*

h. *Landscaping and Screening/Buffering*

- (1) *Trees and shrubs shall be as indicated within the municipality species list.*
- (2) *Parking Area: 1 large or 2 small trees shall be provided for each 12 parking spaces. Each parking space shall be located within 65' of a tree. Rows of parking spaces shall be terminated with a landscaped island and shall be the same size as a parking space.*
- (3) *Parking areas shall be screened from adjacent public roads with shrubs based on the municipality's species list.*
- (4) *Storm Detention Basins shall be screened with fencing and/or shrubs as determined by the administrator and shall be dependant upon the size, location, and use of the basin.*
- (5) *Land berms will not be permitted between school facilities and roads.*

- (6) *Land berms can be used in conjunction with required screening/buffering to adjacent uses as determined by the local regulations.*
- (7) *Screening/buffering from adjacent uses will be opaque and shall consist of:*
 1. *Small trees planted at a rate of 3 per 100' and 6' high evergreen shrubs planted at a rate of 25 per 100', or*
 2. *Large trees planted at a rate of 2.5 per 100' and a 6' high solid wood fence, or*
 3. *Tall evergreen trees with branches touching the ground planted in a stagger.*
- (8) *If the adjoining property is of similar or compatible use the Zoning Administrator may reduce or eliminate the screening/buffer.*
- (9) *Screening/buffering requirements may be waived when screening/buffering is already provided. There may be cases where the unusual topography or elevation of a site, or the size of the parcel involved, or the presence of screening on adjacent property would make the strict adherence to the regulation serve no useful purpose. In those cases, the Zoning Administrator is empowered to waive the requirements for screening so long as the spirit and intent of this section and the general provisions of this section pertaining to screening are adhered to. This section does not negate the necessity for establishing screening for uses adjacent to vacant property.*
- (10) *UCPS will endeavor to adhere to all Tree Preservation ordinances of the municipalities and shall preserve natural buffers between the school facility and adjacent properties as much as practical.*
- (11) *UCPS will endeavor to retain as much existing trees and vegetation on school sites as practical and will re-introduce common local species into the project as possible.*
- (12) *Hydro seeding will be required for erosion control.*

i. Sportsfield, sportsfield lighting.

New sportsfields proposed as an accessory use to the school will require a Conditional Use Permit if it was not included in the original Education Overlay District rezoning. This also applies to sportsfield lighting for proposed or existing sportsfields.

5.9.2 Design standards for all other schools

Design standards for all other schools will be based on the requirements of the underlying zoning district and all other applicable ordinances.