

## TA #16-04 Outdoor Amusement Facilities Lighting in Special Purpose (SP) Zoning District

### PART 1: DESCRIPTION

Text Amendment, TA #16-04, is a request by Godley Group of Charlotte, LLC (representing Frankie's Fun Park – Bryton) to amend Article 8.26 *Site Lighting* of the Huntersville Zoning Ordinance (see Attachment A, Text Amendment Application and Attachment B, Proposed Ordinance) to permit animated lighting related to amusement rides within the Special Purpose (SP) Zoning District.

### PART 2: BACKGROUND

A proposed outdoor amusement facility (Frankie's Fun Park) has submitted plans to build in Huntersville. Some of the amusement rides proposed for the facility cannot satisfy the Town of Huntersville's lighting ordinance's (Z.O. Article 8.26), the purpose of which "is to ensure public safety and welfare and to protect the night sky".

In order to be allowed to add site lighting to the proposed outdoor amusements, the applicant has submitted this text amendment to facilitate their request in a limited fashion, so that only outdoor amusement facilities within the Special Purpose (SP) Zoning District are permitted alternate lighting options.

The Land Development Ordinances Advisory Board (LDOAB) reviewed the proposed amendment at their August 4 and September 1, 2016 meetings. Their recommendation will be provided at the public hearing.

### PART 3: RELEVANT SECTIONS OF THE HUNTERSVILLE 2030 COMMUNITY PLAN AND APPLICABLE LONG RANGE PLANS

The following are examples of relevant plans and policies from the 2030 Huntersville Community Plan that may be incorporated into the Board's statement of consistency for approval or denial of the request.

*Policy E-4 Reduce Outdoor Lighting* – Support reduction in outdoor lighting to lowest possible levels to maintain public safety, while limiting glare, habitat impacts and loss of privacy.

### PART 4: STAFF RECOMMENDATION

Staff does not recommend amending Article 8.26 *Site Lighting* as submitted by the applicants, but would recommend adding a new Article 8.26.1.m *Lighting permitted only with Special Use Permit* to allow Outdoor Amusement Facility lighting options via a Town Board approved Special Use Permit (SUP). The Special Use Permit option would be required to address the following requirements:

Only permitted in the Special Purpose (SP) Zoning District subject to proving the following:

[Conditions may be seen as appropriate to guide the Town in review of the Special Use Permit, such as: proving that nearby residential areas are protected and that steps are taken to diminish glare and distraction from adjacent public right-of-ways and neighboring properties.]

### PART 5: PUBLIC HEARING

The Public Hearing will be held on September 6, 2016.

### PART 6: PLANNING BOARD RECOMMENDATION

The Planning Board is scheduled to hear this text amendment on September 27, 2016.

### PART 7: ATTACHMENTS AND ENCLOSURES

Attachment A: Text Amendment Application  
Attachment B: Proposed Ordinance (from applicant)  
Attachment B: Proposed Ordinance (from applicant)

**PART 8: STATEMENT OF CONSISTENCY – TA #16-04**

Planning Department	Planning Board	Board of Commissioners
<p><b>APPROVAL:</b> In considering the proposed amendment, TA 16-04, to amend Article 8.26 <i>Site Lighting</i> of the Zoning Ordinance, the Planning staff DOES NOT recommend approval based on the applicant's amendments, HOWEVER Planning Staff DOES RECOMMEND adding a Special Use Permit provision for this type of lighting within the SP Zoning District.</p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance as, through the Special Use Permit process, land use protections and public input will assure that all site lighting does not harm or create a nuisance to surrounding properties.</p>	<p><b>APPROVAL:</b> In considering the proposed amendment, TA 16-04, to amend Article 8.26 <i>Site Lighting</i> of the Zoning Ordinance, the Planning Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)</p>	<p><b>APPROVAL:</b> In considering the proposed amendment, TA 16-04, to amend Article 8.26 <i>Site Lighting</i> of the Zoning Ordinance, the Town Board recommends approval based on the amendment being consistent with <u>(insert applicable plan reference)</u></p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because...(Explain)</p>
	<p><b>DENIAL:</b> In considering the proposed amendment, TA 16-04, to amend Article 8.26 of the Zoning Ordinance, the Planning Board recommends denial based on the amendment being <u>(consistent OR inconsistent) with (insert applicable plan reference).</u></p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because....(Explain)</p>	<p><b>DENIAL:</b> In considering the proposed amendment, TA 16-04, to amend Article 8.26 of the Zoning Ordinance, the Town Board recommends denial based on the amendment being <u>(consistent OR inconsistent) with (insert applicable plan reference).</u></p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because....(Explain)</p>