

## 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 and they recommend staff's amendment to add a Special Use Provision, rather than the applicant's amendments, by unanimous vote.

### 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:

- Ensure the Special Use Permit (SUP) conforms to the standards of this article regarding safety, downward lighting, glare, offsite light trespass, uniformity ratio, and obtrusive/flashing lighting, etc., to the extent practicable.

- All Special Use Permit application shall be accompanied by a photometric lighting plan, graphics of all exterior lighting fixtures proposed for the facility and any other evidence of conformance with the standards of the article.
- Upon review of the proposed lighting plan and the specific context of the associated development, the Town Board may add specific conditions to the permit related to the application to ensure that the principles of this article are followed to the extent practicable.
- No Special Use Permit (SUP) may permit lighting levels to exceed 30 foot-candles.

#### **PART 5: PUBLIC HEARING**

A Public Hearing was held on September 6, 2016. No comments were received from the public. The Town Board's concerns and questions are summarized in the draft minutes from the meeting (see Attachment D).

#### **PART 6: PLANNING BOARD RECOMMENDATION**

On September 27, 2016, the Planning Board voted, by unanimous vote, to not recommend the applicant's proposed amendments, but did recommend adding a Special Use Permit option, as presented by staff, with a few minor verbiage changes (see Attachment D, changes underlined).

#### **PART 7: ATTACHMENTS AND ENCLOSURES**

Attachment A: Text Amendment Application  
Attachment B: Proposed Ordinance (from applicant)  
Attachment C: Proposed Ordinance (from Staff)  
Attachment D: Proposed Ordinance (from Planning Board)

**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 DOES NOT recommend approval based on the applicant's amendments, HOWEVER <u>Planning Board DOES RECOMMEND adding a Special Use Permit provision for this type of lighting within the SP Zoning District, as written in Attachment D.</u></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 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></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)</u> with <u>(insert applicable plan reference)</u>.</p> <p>It is not reasonable and in the public interest to amend the Zoning Ordinance because....(Explain)</p>