

TA #16-08 Amend Article 8.26.4 Exemptions to Site Lighting Requirements

PART 1: DESCRIPTION

Text Amendment, TA #16-08, is a request by the Town of Huntersville to amend Article 8.26.4 Exemptions to Site Lighting Requirements of the Huntersville Zoning Ordinance (see Attachment A, Text Amendment Application and Attachment B, Proposed Ordinance) to exempt the lighting of public civic monuments from lighting standards.

PART 2: BACKGROUND

Section 8.26 of the Town of Huntersville Zoning Ordinance provides site lighting be orientated downward unless otherwise exempted. Article 8.26.4 contains a list of circumstances that shall be exempt from the lighting requirements of Article 8.26. The exemptions are as followed:

- A. Emergency lighting, used by police, firefighting, or medical personnel, or at their direction, is exempt for as long as the emergency exists.
- B. Underwater lighting used for the illumination of swimming pools and fountains.
- C. Lighting used for nighttime street construction and repair.
- D. The lighting of official government flags shall not be subject to these lighting standards. Such lighting shall utilize a narrow cone beam of light of no more than 150 watts.
- E. Seasonal decoration.

As the Town moves forward with plans for Veteran's Park (located between Main Street and Maxwell Avenue), staff found conflict with the Zoning Ordinance lighting requirements and the proposed up-lighting for the Park's monument. The proposed text amendment would add lighting of public civic monuments to the list of exemptions, similar to the lighting of official government flags (see example image below).



The Land Development Ordinance Advisory Board (LDOAB) reviewed the proposed amendment at their November 3, 2016 meeting and recommended approval (6-1).

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

The following are examples of relevant 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.

Policy CD-6: Architecture and Place Making – Consistent with Zoning and Subdivision Ordinance (as well as "Town of Huntersville Design Manual") maintain high design standards for development.

Policy DT-2: Architectural Design Standards – Promote high quality architectural design standards for new development and redevelopment projects in the Downtown.

Policy DT-6: Parks and Recreation – Continue to enhance parks and recreation opportunities in Downtown, consistent with the "Downtown Master Plan", "East Huntersville Area Development Plan", "Parks & Recreation Master Plan" and "Greenway and Bike Master Plan"

Policy PF-1: Public Facilities – Continue to assess public facility needs to meet demand generated by existing, as well as future growth and development.

PART 4: STAFF RECOMMENDATION

Staff recommends amending Article 8.26.4, Exemptions to Site Lighting Requirements. The recommendation is based on:

Consistency with policies of the Huntersville Community Plan listed above.

By exempting the lighting of public civic monuments from lighting regulations but requiring that such lighting utilize a narrow cone beam no more than 150 watts the purpose of the lighting regulation is still secured. Staff finds that lighting public civic monuments in the same fashion as official government flags will not significantly affect the night sky, nor pose impacts to public safety.

PART 5: PUBLIC HEARING

The Public Hearing was held on November 7, 2016. No comments from the public or Town Board members were received.

PART 6: PLANNING BOARD RECOMMENDATION

The Planning Board reviewed this text amendment on November 15, 2016 and recommended unanimous approval (6-0).

PART 7: ATTACHMENTS AND ENCLOSURES

Attachment A: Text Amendment Application

Attachment B: Proposed Ordinance

PART 8: STATEMENT OF CONSISTENCY – TA #16-08

Planning Department	Planning Board	Board of Commissioners
<p>APPROVAL: In considering the proposed amendment, TA 16-08, to amend Article 8.26.4 of the Zoning Ordinance, the Planning staff recommends approval based on the amendment being consistent with policy E-4, CD-6, DT-2, DT-6, and PF-1 of the Town of Huntersville 2030 Community Plan.</p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because adding public civic monuments to the list of lighting exemptions found in Article 8.26.4 allows public civic monuments to be up-lit.</p>	<p>APPROVAL: In considering the proposed amendment, TA 16-08, to amend Article 8.26.4 of the Zoning Ordinance, the Planning Board recommends approval based on the amendment being consistent with the 2030 Community Plan policies E-4, CD-6, DT-2, DT-6, and PF-1.</p> <p>It is reasonable and in the public interest to amend the Zoning Ordinance because with the additional language added the purposed of lighting regulations is still secured and lighting public civic monument in the same fashion as official government flags will not impact the night sky or impact public safety.</p>	<p>APPROVAL: In considering the proposed amendment, TA 16-08, to amend Article 8.26.4 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>DENIAL: In considering the proposed amendment, TA 16-08, to amend Article 8.26.4 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>



Text Amendment Application

Attachment A:
Application

Incomplete submissions will not be accepted.

Applicant Data

Date of Application 10-1-16

Name Huntersville Planning Department

Address 105 Gilead Road, 3rd Floor, Huntersville NC 28078

Phone Number (home) 704-875-7000 (work) 704-875-7000

Email mnesbitt@huntersville.org

Fee

Text Amendment to the Zoning/Subdivision Ordinance Fee

\$400.00

Type of Change

☒ New Addition to text of Zoning Ordinance / Subdivision Ordinance / Other

☐ Revision/Modification to text of Zoning Ordinance / Subdivision Ordinance / Other

Description of Change (If possible, please provide a Word document of the proposed text change)

Proposed text amendment will affect the following:

Ordinance: Zoning Article: 8.26 Section: .4

Current Text: See attached

Proposed Text: See attached

Reason for requested change (attach additional sheets if necessary):

The Huntersville Planning Department is requesting this change to allow up lighting of public civic monuments to accommodate potential development

NOTE: If the proposed text amendment effects property located along Hwy 73; is 2000 feet from an adjoining municipality, and/or the Mountain Island and Lake Norman Watersheds, additional peer review is required.

Signatures

I hereby certify that the information presented by me in this application is accurate to the best of my knowledge, information and belief.

Applicant Signature: Meredith Nesbitt Date: 10/1/16

Contact Information

Town of Huntersville	Phone:	704-875-7000
Planning Department	Fax:	704-875-6546
PO Box 664	Physical Address:	105 Gilead Road, Third Floor
Huntersville, NC 28070	Website:	http://www.huntersville.org/Departments/Planning.aspx

AN ORDINANCE TO AMEND ARTICLE 8.26.4 Exemptions to Site Lighting Requirements

Section 1. Be it ordained by the Board of Commissioners of the Town of Huntersville that the **Zoning Ordinance** is hereby amended as follows:

.4 Exemptions to these requirements.

The following shall be exempt from the lighting requirements of this ordinance:

- a. Emergency lighting, used by police, firefighting, or medical personnel, or at their direction, is exempt for as long as the emergency exists.
- b. Underwater lighting used for the illumination of swimming pools and fountains.
- c. Lighting used for nighttime street construction and repair.
- d. The lighting of official governmental flags and **public civic monuments** shall not be subject to these lighting standards. Such lighting shall utilize a narrow cone beam of light of no more than 150 watts.
- e. Seasonal decorations.

Section 2. That this ordinance shall become effective upon adoption.

LAND DEVELOPMENT ADVISORY BOARD: November 3, 2016

LAND DEVELOPMENT ADVISORY BOARD RECOMMENDATION: TBD

PUBLIC HEARING DATE: November 7, 2016

PLANNING BOARD MEETING: November 15, 2016

PLANNING BOARD RECOMMENDATION: TBD

TOWN BOARD DECISION: December 5, 2016