



**CHATHAM COUNTY
BOARD OF COMMISSIONERS
AGENDA ABSTRACT**

ITEM NUMBER:
MEETING DATE:
11-19-07

PART A

Subject:

Request by the Chatham County Board of Commissioners for text amendments to the Chatham County Zoning Ordinance to include a section to regulate outdoor lighting. The amendments include standards for outdoor lighting, establish lighting design review and enforcement procedures, and establish an amortization schedule for vehicular canopies.

Action Requested: See Recommendations.

Attachments:

1. Proposed amendments to the Zoning Ordinance.
2. Spreadsheet of light readings of various vehicular canopies.

Submitted By:

Keith Megginson, Planning Director

Date

County Manager Review:

Charlie Horne, County Manager

Date

This abstract requires review by:

County Attorney

Date Reviewed

Finance Officer

Date Reviewed

Budget Officer

Date Reviewed

PART B

Re: Lighting

Introduction / Background / Previous Board Actions:

The Board of Commissioners discussed this item during their work session on October 15 and directed the Planning Department to incorporate the outdoor lighting provisions into the Zoning Ordinance.

Issues for Further Discussion and Analysis:

During the work session on October 15 the Board of Commissioners approved a motion directing staff to complete final drafting of the outdoor lighting provisions with changes that were identified during their discussion. The changes that were identified related to sports field lighting, vehicular canopies, and decorative street lighting. Another item that was included in the recommendation from the Planning Board, but which was unintentionally left out of the previous agenda abstract was a recommendation on lighting of flags, which will be discussed below.

The Commissioners' supported the Planning Board's recommendations to the following changes in the outdoor lighting provisions that are to be incorporated into the Zoning Ordinance:

- (1) sports field lighting shall be brought into compliance as each fixture is replaced and that the 30% threshold for replacing all fixtures be deleted (see section 11A.8(4) on page 45),
- (2) gas station canopies should be brought into full compliance if 50% (instead of 30%) of the light fixtures are replaced or at the end of a 5 year amortization (see section 11a.17(3) on page 48), and
- (3) non-cutoff decorative fixtures may be used but must be equipped with a solid top when available, instead of having an internal polished top reflector or meet the full cutoff requirement (see section 11A.7(4)(a) on page 7).

The proposed text for these changes was provided by Bob Henderson with Progress Energy after the Commissioners' work session. The Planning Board also recommended that the language "non-profit or business organization" at the end of section 11A.6 (4) (e) be deleted and "entity" be added. The section now reads as "Lighting of the United States of America and State of North Carolina flags and other flags or insignia of any governmental entity."

In regards to item 2 above, Planning Department staff have compiled an inventory of the gas station canopies that would possibly be subject to the amortization provisions. There were 16 gas station sites identified, with one site having two canopies, and light meter readings were taken under each canopy (see attached spreadsheet). Only the Eagles gas station on the east side of 15-501, north of Mann's Chapel Road, is compliant with the new standards. The sites are located in currently zoned areas or areas currently under consideration for zoning along the corridors. The proposed text amendment will limit gas station canopy lighting to 24 maintained foot-candles and that they are designed so as not create glare using the specified methods. Nine of the sites were found to be out of compliance for foot-candles and all of the sites except one were out of compliance for fixture type. The proposed amortization language in Section 11A.7 would require that 15 of the 16 gas stations would fall under the amortization provisions. A majority of the gas stations can be considered mom and pop stores and not chain stores.

Re: Lighting

Issues for Further Discussion and Analysis

Since there are only 16 gas stations in the 210.2 square mile area under county zoning or under consideration for zoning that would be subject to the new standard, the Board may want to reconsider whether the benefit of amortization of the canopies outweighs the expense to each owner.

During the development of the outdoor lighting standards, discussions about vehicular canopies have focused on gas stations. The language in Section 11A.7, however, is general in nature and addresses vehicular canopies, which can include drive through services at banks, drugstores, dry cleaners, and restaurants, as well as churches and other uses. The Planning Department staff has collected light meter readings at other drive thru uses within the vehicular canopy requirements. See attachment number 2. If the Board's primary concern is gas station canopies the language in Section 11A.7 needs to be revised to specifically cover that use; however justification will need to be provided for the distinction between different types of vehicular canopies.

Recommendation: The Planning Board recommended that the text, as shown in attachment 1, be adopted including the changes noted above.

The Planning Department recommends approval of the amendments to the Zoning Ordinance as shown in attachment 1, with the exception that the amortization schedule for vehicular canopies (Section 11A.17(3)) be deleted and that they are considered as non-conforming. The Planning Department also recommends the effective date of the amendment start on February 1, 2008 to allow adequate time to coordinate permitting issues with Central Permitting. If the Board prefers to accept the amortization schedule in Section 11A.7 (3), the Planning Department recommends that the first sentence read as follows: "Vehicular canopies that exceed an average maximum horizontal luminance of twenty-four (24) maintained foot-candles do not qualify for this exemption and have five years from the adoption date of this ordinance to bring the outdoor lighting into compliance." This would address the potential safety issue of the luminance but would delete the specific type of fixture from amortization.