

PLANNING & ZONING REVIEW NOTES

V.

Note: This is a continuation from last month's Planning Board meeting (9-4-07).

SUBJECT: Request by the Chatham County Board of Commissioners for proposed 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. Chatham County Lighting Ordinance (Rev. 4 Draft) dated March 8, 2007
 2. Response to Public Hearing (March 19, 2007) on Chatham County Lighting Ordinance (Rev. 4 Draft) by John Henville-Shannon

INTRODUCTION / BACKGROUND / PREVIOUS BOARD ACTIONS: This issue was addressed at a public hearing March 19 as an amendment to the County Zoning Ordinance. The comments received may be read on line on the Commissioner's page of the County web site on pages 6 and 7 of the March 19 regular meeting minutes. Written comments submitted by John Henville-Shannon are attached.

ISSUES FOR FURTHER DISCUSSION AND ANALYSIS: There are about four items that need further discussion concerning these proposed regulations. The Planning Board made a recommendation to the Commissioners that the Zoning Ordinance be amended to include the lighting proposal and that a separate county-wide ordinance also be drafted. The Commissioners has approved a motion agreeing with the Planning Board's recommendation.

The following issues listed concern various non-conforming situations. Only the gas station canopy lighting fits into the category of a safety issue.

On page 8 Section 1 (h) (4) addresses when Outdoor Sports Field existing non-conforming lights have to be brought into compliance. The draft proposes that when 30% are replaced all have to be upgraded to current standards. The Board may want to consider requiring only the fixtures requiring replacement to be brought into compliance and allowing the other non-conforming fixtures to remain unchanged. The requirement that outdoor sports field lighting be replaced will have a budgetary impact on the County Recreation Department.

On page 11 Section 1 (q) (3) addresses when existing vehicular canopies have to be brought into compliance. The draft proposes that when 25% or more of the fixtures are replaced then all have to be upgraded or within five years of the adoption of the

ordinance whichever occurs earlier. The Board should consider the legal opinion of the County Attorney on the time period of this issue and may want to consider a higher percentage of replacement before requiring all the lighting of the canopy to be brought up to standard.

Page 7 Section 1 (f) (4) a. addresses non-cutoff decorative post-mounted fixtures such as those found in Governors Club. Bob Henderson with Progress Energy has provided revised language that the Board may want to consider. It reads as follows: "Non-cutoff decorative post-mounted fixtures may be used but must be equipped with a solid top." This should allow similar fixtures provided by both Duke Energy and Progress Energy to be used. This eliminates the cutoff classification requirement.

Page 7 Section 1 (f) (4) b. addresses security lighting and requires full cutoff classification. Likewise page 6 Section 1 (f) (1) requires full cutoff classification for flood lights. The Board may want to allow these to be less restrictive than full cutoff classification. You may want to visit Lystra Baptist Church on the south side of Lystra road to see two types of security lights provided. This issue can be addressed more at the Board meeting.

RECOMMENDATION: It is the Planning Department recommendation that only non-conforming lighting that creates a safety issue (gas station canopy lighting) be required to be replaced with conforming lighting. It is recommended that said lighting be required to be upgraded when more than 50% of the lighting is replaced or within five years whichever occurs first.