

PLANNING & ZONING REVIEW NOTES

X. A.

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 first and most impactful is whether the regulations are to apply only in the zoned portions of the County or are to apply throughout the entire County's land use jurisdiction. The County Attorney Kevin Whiteheart has given his opinion that the regulations may be applied county wide through the general police power authority of the North Carolina General Statutes. If the Planning Board and subsequently the Board of Commissioners decide that the regulations are to apply throughout the County then a stand alone ordinance will need to be drafted and a public hearing held on it. This is because public input requested previously did not include the entire county.

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.

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

Re: Lighting Ordinance

ISSUES FOR FURTHER DISCUSSION AND ANALYSIS - con't

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. This issue can be addressed more at the Board meeting.

RECOMMENDATION: The Board needs to decide the first issue listed of whether the lighting regulations are to be applicable throughout the entire County. If they are then there is additional time to consider the other items listed, while the Commissioners make a decision and schedule another public hearing. If the regulations are to be inserted as a revision to the Zoning Ordinance according to the previously held public hearing then it would be timely to discuss all the issues listed.