



CITY OF HENDERSONVILLE
PLANNING BOARD - REGULARLY SCHEDULED
Operations Center - Assembly Room | 305 Williams St. | Hendersonville NC 28792
Monday, December 12, 2022 – 4:00 PM

AGENDA

1. CALL TO ORDER

2. APPROVAL OF AGENDA

3. APPROVAL OF MINUTES

A. Minutes of November 14, 2022

4. OLD BUSINESS

5. NEW BUSINESS

A. Zoning Text Amendment: Lightning Ordinance (P22-100-ZTA) – *Matthew Manley, AICP – Planning Manager*

6. OTHER BUSINESS

A. Approval of Annual Schedule of Regular Meetings

7. ADJOURNMENT

The City of Hendersonville is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or an accommodation for this meeting please contact the Community Development Department no later than 24 hours prior to the meeting at 828-697-3010.

**Minutes of the Planning Board
Regular Meeting - Electronic
November 14, 2022**

Members Present: Neil Brown, Frederick Nace, Jim Robertson (Chair), Peter Hanley, Laura Flores, Andrea Martin, Stuart Glassman, Jon Blatt, (Vice-Chair), Tamara Peacock

Members Absent: Barbara Cromar

Staff Present: Matthew Manley, Planning Manager, Lew Holloway, Community Development Director and Tyler Morrow, Planner, Alexandra Hunt, Planner

- I Call to Order. *The Chair called the meeting to order at 4:00 pm. A quorum was established.***
- II Approval of Agenda. *Mr. Hanley moved to approve the agenda. The motion was seconded by Mr. Nace and passed unanimously.***
- III Approval of Minutes for the meeting of October 10, 2022. *Mr. Brown moved to approve the Planning Board minutes of the meeting of October 10, 2022. The motion was seconded by Mr. Glassman and passed unanimously.***
- IV Old Business**
- V New Business**
- V(A) Administrative Review – Preliminary Site Plan and Preliminary Plat – Townes at Martha Kate (A22-76-SPR), (A22-89-MAJ SUB). Mr. Morrow gave the following background:**

The city has received an application for preliminary site plan review and major subdivision review. These are two separate applications, but he has combined them into one presentation. However, the Planning Board will make two separate motions.

Mr. Morrow discussed the process for the Board concerning Administrative Review applications. He stated the ordinance defines the Administrative Review as decisions made in the implementation, administration, or enforcement of the Zoning and Subdivision Ordinances that involve the determination of facts and the application of objective standards set forth in the Zoning and Subdivision Ordinances. The Planning Board's administrative review of this project is to ensure that the preliminary site plan and plat meet all applicable requirements for projects at this stage of the process. If the project meets all the applicable requirements, then the Planning Board must grant approval. There are three outcomes the Planning Board can come to: 1. Approve the preliminary site plan and plat as submitted. 2. Approval of the site plan and preliminary plat with conditions (this option is what staff has laid out in the motion). 3. The Planning Board can deny the application but must provide reasoning for the denial and state specifically which section of the ordinances are not being met.

Minor Planned Residential Developments (PRD) that consist of nine units or more must be reviewed by the Planning Board. Unlike most developments the Planning Board reviews that require a rezoning, a minor PRD is a by right permitted use in R-20 and does not require a rezoning.

Mr. Morrow explained the section on minor PRD's along with the preliminary plat standards or review and the major subdivision. This is included in the presentation and the staff report.

A project background was given and is included in the staff report.

The current land use and zoning was included in the presentation and the staff report.

Site photos of the property were shown and are included in the presentation and staff report.

The preliminary site plan was shown and is included in the staff report.

The tree survey is provided in the staff report.

The applicant is proposing 26 detached town home units. Units 1-10 will be approximately 884 sq. ft. Units 11-26 will be approximately 1,485 sq. ft. The proposed height of the units will be 30 feet. The density proposed is 1.96 units per acre. By right in the R-20 zoning district they are allowed 2.5 units per acre.

According to the 2007 FEMA maps the property contains floodway, 100-year floodplain and 500-year floodplain. There are also wetlands on the property and Mr. Morrow pointed that section out on the site plan. The developer is proposing to fill 0.45 acres of the floodplain and according to the ordinance they are allowed to fill 0.70 acres of the floodplain. No structures are proposed to be placed in the fill area or floodplain. The development will be required to have a stormwater control measure. This area has been reviewed by the Stormwater Administrator and the Floodplain Administrator and was approved.

Parking requirements are being met with a garage and a parking area in the driveway. Sidewalks are being provided on all internal streets.

They are asking for city water and sewer and in order to get sewer they must go through the annexation process.

The development is required to have a 12x40 loading/unloading space. Potentially in front of the cluster mailbox. This requirement has been made a condition of approval in the motion. Final design can be addressed during final site plan review.

Sidewalks are required along the property frontage to the southwest on North Main Street (towards the bridge). The applicant advised that sidewalks in this area cannot be accomplished due to existing NCDOT guardrails in this area. City staff prefers that sidewalks be constructed in this area and could coordinate with NCDOT about the reconfiguration of the guardrail (in front of the sidewalk). However, the applicant has the ability to request a fee-in-lieu of the sidewalk or agree to build the required length of sidewalk off-site at a location determined by the City Manager. The fee-in-lieu request must be approved by the City Manager. The details for sidewalks need not be finalized at this stage and can be worked through with staff during the Final Site Plan review. This requirement has been made a condition of approval in the motion.

The Development Review Committee reviewed the site plan and had no other comments.

The preliminary plat was shown and is included in the staff report. The Development Review Committee also reviewed this plat, and no other department had any comments on the plat.

Preliminary plat comments were made and are included in the staff report.

On October 11, 2022 the Board of Adjustment granted this development a variance from the requirement that dwellings and accessory structures abutting a street intended to serve more than 32 dwelling units or intended to be dedicated as a public street must be set back a minimum of 35 feet from the center line of such street. Due to the floodplain and topographic constraints on the site, the Board of Adjustment granted this variance which allowed a 27-foot setback from the center line for units 1-10 as shown on the preliminary site plan.

Preliminary Site Plan: Based on the review by staff, the submitted preliminary site plan for the Townes at Martha Kate Project meets the Zoning Ordinance standards established for Minor Planned Residential Developments (Section 5-14) and Preliminary Site Plan Review (Section 7-3-3.2) with the conditions included in the motion.

Preliminary Plat: Based on the review by staff, the submitted preliminary plat for the Townes at Martha Kate Project meets the Subdivision Ordinance standards established for Major Subdivisions (Section 2.04 H) with the condition included in the motion.

Chair asked if there were any questions for staff.

Mr. Blatt stated he was confused on why this went to the Board of Adjustment first. Does this Board have the authority to grant setback variances? Mr. Morrow stated this Board cannot grant a variance from the ordinance. Mr. Blatt asked if that has ever occurred in the past. Mr. Morrow stated no. The Planning Board could place conditions to make the site plan compliant, but he does not believe they would have the ability to relax requirements.

Chair asked Mr. Morrow to give them an update on this process. Mr. Morrow explained legislative and administrative reviews and the difference in both. He stated staff will review the final site plan and staff will make sure all requirements and any conditions are met.

Chair asked if there had been any feedback to the city from the residents. Mr. Morrow stated staff has not received any pre-submitted comments for this project. They do send out letters for the subdivision and the site plan review and the site is posted with signs concerning both. This is done according to the NC General Statutes and the local code.

Chair stated normally this Board hears what the Tree Board had to say about projects of this nature, and he asked if the Tree Board was involved. He stated there are some majestic older trees on the property. Mr. Morrow stated no, the Tree Board did not review this project. Their role is not specified for this type of project.

There were no further questions for staff.

Chair asked if the developer had any comments for the Board. Mr. Moore had no comments. Chair asked if anyone had any questions for the developer. Chair asked if any of the big oak trees would be saved. Mr. Moore stated that has not been determined yet and won't be until they get everything laid out, but they will try to save as many trees as possible.

Chair stated normally they do not take public input on this type of project but if anyone wanted to speak, they can. However, this is not a legislative type of review.

Justin Mullen, Oklawaha Drive stated he is not concerned about the presence of the apartments, he feels it will be good to have more neighbors. His concern was the intersection of Queen Street and North Main Street and the blind spot there. People come in and out of town doing over the 35-mph speed limit and with increased density in this area it might cause some accidents. He wanted to make the Board aware of

that and maybe consider a four-way stop there. Chair stated there is a proposed crosswalk there. Mr. Morrow stated anything proposed there would have to be approved by NCDOT. Lew Holloway, Community Development Director stated any improvement in the roadway would have to be approved by NCDOT. He knows they had concerns about a crosswalk at that location, but staff has only had preliminary conversations about it because of the sight distance issues. Mr. Glassman asked if they pass this do they pass it with recommendations. Mr. Holloway stated there is no legal condition as to the crosswalk. The standard of the Zoning Ordinance is that the sidewalk has to be installed, the Planning Board can give staff their thoughts or feedback, but the legal requirement is the sidewalk and there is a fee in lieu process for them as well. They can use the Board's feedback in determining how to proceed in the fee in lieu of assessment. It cannot be a condition of the approval.

Mr. Brown had concerns about the cluster mailboxes and asked staff if they had concerns about cars parking there illegally and causing accidents. Mr. Morrow stated potentially that is a concern. The way the ordinance is written they currently meet the requirements as far as providing that pedestrian infrastructure. But from a planning and more practical standpoint he thinks providing more parking spaces in that area would be a potential good thing. Staff will continue to try and advocate for that.

Ken Fitch 1046 Patton Street was concerned about the location of this project being located off Queen Street and in a floodplain. How will this project function in more severe flood events? He was concerned about the fill also. He was also concerned about the mature trees and the replacement planting of any removal of those. What is the plan for the parcel across the street? He was concerned about the streets and the one-lane road. Parking is also an issue. He discussed a private trail and the greenway. Traffic is a concern on North Main Street already.

Lynne Williams, Chadwick Avenue stated she understands it is about compliance, but her concern is the building in the 100-year floodplain, and they cannot build in it and also the filling of the wetlands.

Mr. Morrow stated the fill to the floodplain is allowed and they are filling less than what they are allowed to fill. He also stated there is no requirement for street trees or landscaping. If they do cluster mailbox parking over six spaces, then landscaping would be required.

Ms. Peacock moved the Planning Board to grant preliminary site plan approval based on the requirements of the City of Hendersonville Zoning Ordinance (with primary consideration of sections 5-14 Planned Residential Development and 7-3-3 Review of Preliminary Site Plans) for the Townes at Martha Kate project subject to the following conditions: Development shall provide a 12' x 40' loading/unloading space for the development at a location approved by staff. Sidewalks or fee-in-lieu of sidewalks shall be provided along the property frontage to the southwest of Queen Street on North Main Street. Mr. Hanley seconded the motion which passed unanimously.

Mr. Nace moved the Planning Board grant preliminary plat approval based on the requirements of the City of Hendersonville Subdivision Ordinance (with primary consideration of section 2.04 h Major Subdivision), for the Townes at Martha Kate project subject to the following condition: The of configuration of utility easements is subject to change. Final configuration will be reviewed and approved by City staff prior to recordation of the final plat. Mr. Hanley seconded the motion which passed unanimously.

VI Other Business

- VI(A) Comprehensive Plan Update.** Mr. Holloway stated Council did approve the recommendation for Bolton & Menk. They have reached out to the lead designer on the project, the project manager to initiate the contract negotiation. They will be working on that over the next 15 to 20 days. Council will approve a final

contract. They are looking forward to starting this process and he will keep the Planning Board updated with the community meeting dates and the process.

Chair stated going back to Old Business, they had a discussion on allowing virtual meetings for committees at the last meeting. Mr. Manley stated City Council passed an ordinance at their last meeting. Chapter 2 Article V was on the consent agenda, and they really did not discuss it. With the passing of that ordinance by City Council, it put in the Code or Ordinances the ability and the structure for how electronic or virtual meetings can be held. The City Attorney sent her thoughts on how the Planning Board can put this in their Rules of Procedure to outline how these virtual meetings can be conducted. It can be outlined in the Rules of Procedure or the Code of Ordinances can be referenced. Mr. Blatt stated in Section IV of the Rules of Procedure it states a majority of members shall constitute a quorum. He thinks that means a majority of the ten members regardless if eight members signed at that time. It is not members that are at the meeting, it is always going to be ten. Whether there are really ten members or not. Mr. Manley stated it is his understanding that it is appointed members and if there are vacancies, if there are ten slots and only seven appointed, the majority is four. It is appointed members.

Mr. Glassman made a motion to amend the Rules of Procedure by referencing Chapter 2 Article V of the City of Hendersonville Code or Ordinances that pertains to conducting virtual meetings for subcommittees. Mr. Hanley seconded the motion which passed unanimously.

Craig Franks, 1033 Justice Street stated him, and his sister Andrea Straus are here for a proposed staff adjustment to the R-15 Medium Density Residential description of the types of housing that can be included in that district. Currently it reads single-family residence or dual family residence. They own a property at 1033 Justice Street, it is a tri-plex and they were in the process of selling it and the prospective buyer was unable to purchase it because as their lender drilled down on the zoning it only read for single residence and dual residence. They are stuck with a property that they essentially cannot sell until that language is included. There is more detail to that in terms of lot size but if that was being proposed in this meeting, they wanted to voice their support for that. They believe the inclusion of multi-family in this zoning district would also support the city's initiative for a higher density walkable downtown. The two tenants in the tri-plex currently don't have cars but are able to enjoy downtown because they can walk to amenities. Current zoning would require that this building be rebuilt as a single-family residence were it to burn or otherwise be destroyed. This would decrease housing density and require two city residents to seek living arrangements elsewhere. For these reasons they are in favor of the text change to include multi-family. Mr. Blatt asked if he was not grandfathered in now. Mr. Manley stated the property is nonconforming and staff discussed this at length. Mr. Holloway stated the issue was that the lender was issuing on a three-bedroom home and the income associated with it and that was how they were making those numbers work and a three-unit complex, a tri-plex could not be rebuilt if it were damaged beyond 50% under the current zoning code. So, it is legally established, we are not going to go in there and make it go away but if it burns down, it can't be rebuilt under the current zoning. So, it could only be done as a duplex which apparently was an issue for the lender. Mr. Manley stated it could not be duplex either because it doesn't meet the minimum lot size requirement for a duplex. Mr. Manley stated some of the text amendments for multi-family were set to come before the Board at this meeting, but staff pulled that from the agenda to have further discussion and look at the design standards. Staff felt it needed further discussion. He explained rezoning this particular property that would not work either. The only thing is to either take the entire block and rezone it or make significant changes to the R-15 zoning district. He discussed the MIC district and multi-family not being permitted in that district. This property may have the potential of being rezoned to MIC if the multi-family text amendment in the MIC district were approved.

Mr. Manley discussed shifting the Planning Board meetings from Mondays to Thursdays. Right now it is the second Monday of each month. How that second Monday relates to City Council is inconsistent. The idea of moving it to a Thursday at the same time of 4:00 pm is the proposal. It could be some other time or day. The idea behind that is that it will always follow City Council. City Council meets on the first

Thursday of each month and Planning Board would meet on the second Thursday of each month. There would be some consistency and it would add some separation. He explained the difficulty with staff with the late meetings and deadlines for other meetings. Adding separation between the meetings and more consistent deadlines while shifting the meeting away from Mondays would be a big benefit to staff. He does not know how that would affect the Board members and wanted to get their opinion before taking it to the City Manager or City Council. The Board members felt this makes sense and were in favor of the change. Mr. Manley felt they could do a Special Called meeting and try out the change to see if it works. They will come back to the Board if they need a motion.

VII *Adjournment – The meeting was adjourned at 5:04 pm.*

Jim Robertson, Chair



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

PLANNING DIVISION

SUBMITTER: Matthew Manley **MEETING DATE:** December 12, 2022

AGENDA SECTION: New Business **DEPARTMENT:** Community Development

TITLE OF ITEM: Zoning Text Amendment: Lightning Ordinance (P22-100-ZTA) – *Matthew Manley, AICP – Planning Manager*

SUGGESTED MOTION(S):

<p><u>For Recommending Approval:</u></p> <p>I move Planning Board recommend City Council <u>adopt</u> an ordinance amending the official City of Hendersonville Zoning Ordinance, Article VI. – General Provisions adding Section 6-19, revising Section 6-2. Nonconformities and Section 6-13. Nuisances and Article VII. Development Review and Article XII. Definition of Terms, based on the following:</p> <p>1. The petition is found to be <u>consistent</u> with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:</p> <p style="padding-left: 40px;">The petition aligns with the Comprehensive Plan’s goals to minimize the negative impacts of growth (Strategy LU-3.5) and to protect wildlife habitat (Strategy NR-1.2).</p> <p>2. We [find] this petition, in conjunction with the recommendations presented by staff, to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ol style="list-style-type: none">1. The proposed text amendment establishes standards which allow for the sufficient and safe lighting of sites while reducing negative impacts on people, plants and animals.2. The proposed text amendment establishes standards which address light pollution, an issue of growing international, national and regional concern.3. The text amendment would ensure that both public lighting and private, nonresidential	<p><u>For Recommending Denial:</u></p> <p>I move Planning Board recommend City Council <u>deny</u> an ordinance amending the official City of Hendersonville Zoning Ordinance, Article V. – Zoning District Classifications, Section 5-6-3.1. ‘Parking Loading’ in the C-1 Zoning District, based on the following:</p> <p>1. The petition is found to be <u>consistent</u> with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:</p> <p style="padding-left: 40px;">The petition aligns with Goal LU-10 of the Land Use and Development Chapter which calls for maintaining a highly urban, pedestrian-focused environment through building and streetscape design.</p> <p>2. We [do not find] this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:</p> <ol style="list-style-type: none">1. The text amendment would place an undue burden on new commercial and multi-family residential developments.2. The text amendment would place an undue burden on existing commercial and multi-family residential uses at the end of the amortization period. <p style="text-align: center;">[DISCUSS & VOTE]</p>
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lighting would meet standards that minimize light pollution.	
[DISCUSS & VOTE]	

SUMMARY: The City of Hendersonville initiated efforts related to this text amendment at the behest of City Council and the Planning Board in early 2021. Initial request revolved around the concept of “Dark Sky compliance”. Initial drafts of the ordinance were based on the Model Light Ordinance (MLO) provided by the International Dark Sky Association in conjunction with the Illuminating Engineering Society (IES). A local “Lighting Ordinance Subcommittee” as well as the Business Advisory Council reviewed these initial drafts in 2021. Ultimately it was determined that a simplified Lighting Ordinance would be preferred. The current draft is based on the efforts to create a simple but effective set of standards for exterior, commercial and multi-family lighting.

Many of the basic standards of the proposed text amendment were provided by representatives of the Business Advisory Council. The proposed draft combines this input with the input from staff and elected and appointed officials. A version of the current draft was reviewed by the Legislative Committee of the Planning Board in October 2022. At least one member of this committee also participated in the Lighting Ordinance Subcommittee which convened across 2021.

The proposed standards apply to non-residential and multi-family uses while single-family and two-family residential uses are exempt. The proposal also addresses streetlighting with a provision in the City Code of Ordinances restricting lighting on local streets to ensure there is limited uplight.

PROJECT/PETITIONER NUMBER:	P22-100-ZTA
PETITIONER NAME:	City of Hendersonville
ATTACHMENTS:	1. Staff Report 2. Draft Ordinance 3. Collaboration Exhibit of Draft Ordinance 4. Lighting Inventory and Estimated Replacement Cost

ZONING TEXT AMENDMENT: LIGHTING STANDARDS &
CITY CODE OF ORDINANCES AMENDMENT: STREET LIGHTING
(P22-100-ZTA)

CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT 10



PROJECT SUMMARY

- Project Name & Case #:
 - Lighting Ordinance
 - P22-100-ZTA
- Applicant:
 - City of Hendersonville
- Zoning Code Articles Amended:
 - Article VI. General Provisions
 - Addition of Sec. 6-19
 - Amendment to Sec. 6-2
 - Amendment to Sec. 6-13
 - Article VII. Development Review
 - Amendment to 7-3-4.3 Contents of Final Site Plan
 - Article XII. Definition of Terms
- City Code of Ordinances Amended:
 - Chapter 46 – Streets, Sidewalks, and Other Public
 - Article VI – Street Lights
- Planning Board - Legislative Committee Meeting
 - October 18, 2022
- Business Advisory Board
 - December 5, 2022
- Summary Basics:
 - The petition proposes to set lighting standards for Non-residential and Multi-Family uses
 - Standards do not apply to Single & Two-Family Residential uses.
 - Proposes: Zero Uplight; IES standards; CCT limit 4,000K; CRI limit 70; prohibition of unshielded floodlights and wall packs; max footcandles at property lines; protection of stream buffer

*Summary of Amendment Petition:*

The City of Hendersonville initiated efforts related to this text amendment at the behest of City Council and the Planning Board in early 2021. Initial request revolved around the concept of “Dark Sky compliance”. Initial drafts of the ordinance were based on the Model Light Ordinance (MLO) provided by the International Dark Sky Association in conjunction with the Illuminating Engineering Society (IES). A local “Lighting Ordinance Subcommittee” as well as the Business Advisory Council reviewed these initial drafts in 2021. Ultimately it was determined that a simplified Lighting Ordinance would be preferred. The current draft is based on the efforts to create a simple but effective set of standards for exterior, commercial and multi-family lighting.

Many of the basic standards of the proposed text amendment were provided by representatives of the Business Advisory Council. The proposed draft combines this input with the input from staff and elected and appointed officials. A version of the current draft was reviewed by the Legislative Committee of the Planning Board in October 2022. At least one member of this committee also participated in the Lighting Ordinance Subcommittee which convened across 2021.

The proposed standards apply to non-residential and multi-family uses while single-family and two-family residential uses are exempt. The proposal also addresses streetlighting with a provision in the City Code of Ordinances restricting lighting on local streets to ensure there is limited uplight.

AMMENDMENT ANALYSIS – AMENDMENT OVERVIEW

The effort to establish a Lighting Ordinance for the City of Hendersonville has been underway for over two years. Advocacy efforts to address local light pollution were initiated by the concept of becoming “dark sky compliant”. Over the course of many conversations with elected and appointed officials, stakeholders and local advocates, the details of how to address concerns related to light pollution were illuminated.

Over the two years that this topic has been researched and discussed, numerous rounds of meetings have been held and many of hours of staff time have been devoted to it. Initial efforts to draft the ordinance were done by staff in conjunction with an appointed Lighting Ordinance / Dark Sky Committee. This committee was comprised by members of the Planning Board, the Historic Preservation Commission, Dark Sky advocates and local lighting experts. The initial “Model Light Ordinance” based draft was supported by this committee. The Business Advisory Committee also reviewed the MLO-based draft and expressed concerns with some of the proposed standards. After multiple meetings with the BAC, Planning staff put the ordinance on hiatus while efforts were made to collaborate with local lighting experts from GE, representatives appointed by the BAC and Duke Energy. This collaboration led to the restructured ordinance that is presented in this staff report.

Current language in the Zoning Code regarding exterior lighting is found in one sentence in Section 6-13. Nuisances. This nuisance standard lacks measurable outcomes and does not set clear goals for development/redevelopment nor does it reflect the desired outcomes of the community when it comes to the cumulative effect of exterior lighting – i.e. light trespass, sky glow, impact on natural environment, and energy consumption.

The current language in the Zoning Code reads as follows:

Section 6-13-4 - Lighting.

Lighting facilities, if provided, shall be aimed, directed, shielded or arranged so the light sources for such facilities do not cause undue glare on neighboring properties or interfere with the safe use of public rights-of-way.

The proposed draft Lighting Ordinance is based on an effort to establish standards which:

- 1) Are easily understood and achievable
- 2) Can be reviewed and enforced by City staff
- 3) Addresses both publicly-owned and privately-owned lighting facilities
- 4) Meets the “intent” stated in Section 6-19 below.

The proposed Lighting Ordinance reads as follows:

ZONING TEXT AMENDMENT – OUTDOOR LIGHTING STANDARDS**Article VI. - General Provisions****Section 6-19. Lighting.**

Intent. The purpose of these standards is as follows:

- a) Minimize adverse offsite impacts of lighting such as light trespass and obtrusive light.
- b) Curtail light pollution, reduce skyglow and improve the nighttime environment.
- c) Help protect the natural environment from the adverse effects of artificial lighting at night.
- d) Conserve energy and resources to the greatest extent possible.

6-19.1. General Standards of Applicability. The lighting standards of this section shall be applicable as follows:

- a) Non-residential uses shall be subject to these standards. For the purposes of these standards non-residential shall include, but not be limited to, commercial, institutional, educational, industrial, etc.
- b) Multi-family residential uses shall be subject to these standards. For the purposes of these standards multi-family residential shall include all residential uses with three or more attached dwelling units.
- c) Residential uses shall be exempted from these standards. For the purposes of these standards, residential uses shall include all single family & two-family residences.
- d) Street and roadway lighting shall be exempt from these standards. Street and roadway lighting are subject to the standards of the City of Hendersonville Code of Ordinances (Chapter 46, Article VI).
- e) For the purposes of these standards the term “stream buffer” shall refer to the term as defined in Section 17-3 of this ordinance.

6-19.2. Standards

All new exterior lighting installed, after the effective date of this Ordinance and within the zoning jurisdiction of the City of Hendersonville, shall comply with the following standards:

- a) Lighting levels and placement shall be designed in accordance with applicable Illuminating Engineering Society (IES) recommended practices.
- b) Lighting shall be designed to an Uplight ratio of zero (0) and designed to limit Backlight trespass.
 - a. Exceptions. Lighting for flagpoles, sports facilities, temporary construction sites, correctional facilities, lighting used solely for signage (see sign regulations), lighting as needed under emergency conditions, low voltage landscape lighting, temporary seasonal lighting, and ornamental and architectural lighting of bridges, public monuments, statuary and public buildings.
- c) The nominal CCT limit shall be ≤ 4,000K

- d) The CRI limit shall be ≥ 70 .
- e) New floodlights shall be prohibited. Replacement area lighting shall be shielded to prevent uplight and to prevent front, side, and/or back light depending on the implications on surrounding properties.
- f) All wall pack lights shall be full cutoff and shielded.
- g) The maximum light level using maintained lumens shall be no more than 0.5 foot candles for a non-residential to residential/multi-family residential use interface.
- h) The maximum light level using maintained lumens shall be no more than 0.25 foot candles for a multi-family residential-to-residential interface.
- i) The maximum light level using maintained lumens shall be no more than 0.0 foot candles for a non-residential/multifamily residential to Stream Buffer interface.
- j) No lights shall be installed within a Stream Buffer except as described below. Lighting may be permitted within a Stream Buffer only where facilities exempted under Section 17-3-5 are located and shall be oriented to minimize light intrusion within the Stream Buffer.

6-19-3. Existing Exterior Lighting.

Non-compliant lighting installed prior to the effective date of this ordinance shall be considered non-conforming and may continue to be used in accordance with the non-conforming standards found in Section 6-2-5 with the following exception:

- a) Amortization. On or before [INSERT 10 YEARS FROM EFFECTIVE DATE], all exterior lighting shall comply with this Code.

Section 6-2. - Nonconformities

6-2-5 Nonconforming Exterior Lighting.

The following applies to existing non-compliant lighting installed prior to [adoption date of ordinance].

6-2-5.1 Thresholds for compliance.

Full compliance with the lighting requirements in Section 6-19 shall be required under the following circumstances:

- a) When repairing 50% or more of total existing exterior lighting fixtures on a site within any 12-month period.
- b) When expanding, moving, or altering 50% or more of an existing parking or lighted area.
- c) When structures on a site with non-conforming lighting are renovated and the total cost of renovations exceeds 50% of the assessed value of the building according to Henderson County tax records

Section 6-13. - Nuisances

6-13-4 Lighting.

Lighting facilities, if provided, shall be aimed, directed, shielded or arranged so the light sources for such facilities do not cause undue glare on neighboring properties or interfere with the safe use of public rights-of-way to mitigate off-site lighting trespass to surrounding properties.

Article VII Development Review

7-3-4.3 Contents of Final Site Plan.

r) Site Lighting Plan conforming with the standards established in Section 6-19 and Section 6-2-5. Such plan shall include proposed fixture list, location and orientation of fixtures, footcandle map, property lines and stream buffers at a minimum.

Article XII. – Definition of Terms

Uplight – For an exterior light fixture, light output emitted into the hemisphere above the horizontal plane of the light emitting light opening (i.e. above 90° from straight down) (see Figure 1)

Backlight – For an exterior light fixture, light output emitted into the lower rear quarter sphere behind the fixture and opposite the intended aiming direction of the fixture. For a light fixture with a symmetric light output pattern, the backlight is the same as the forward light. (see Figure 1)

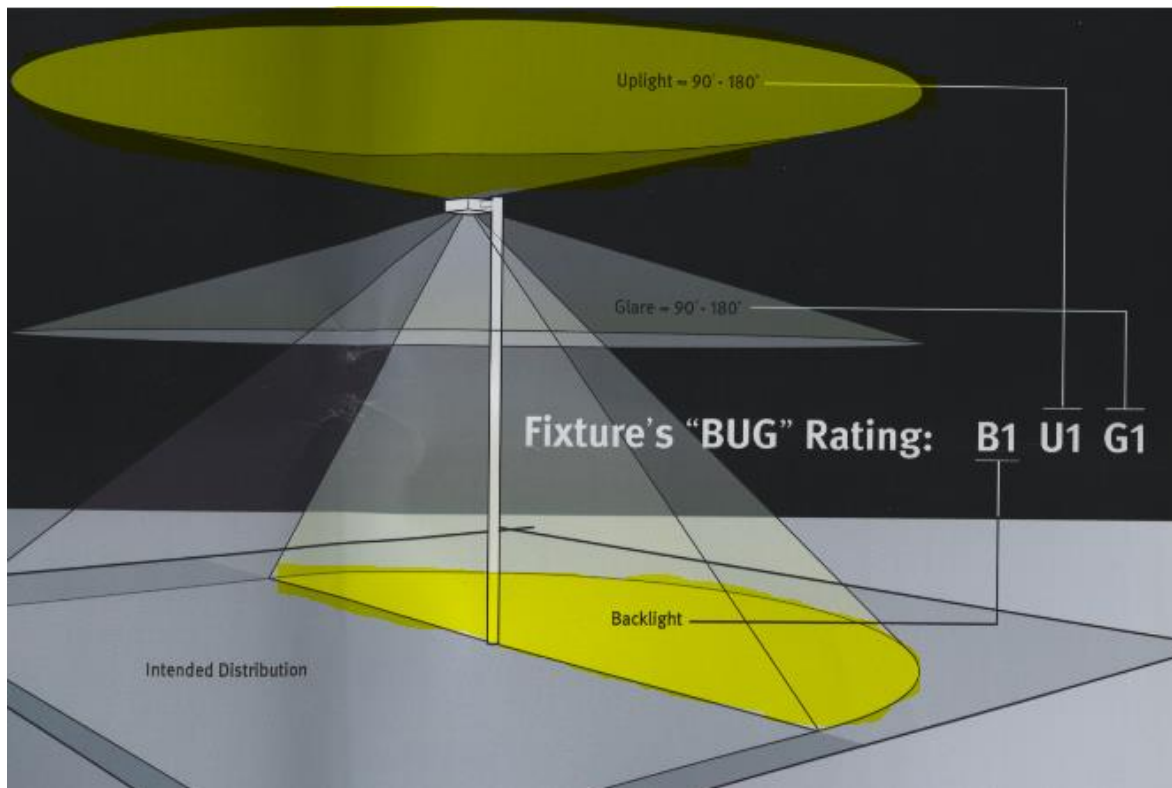


Figure 1 (provided by International Dark Sky Association & Illuminating Engineering Society)

Lumen - The unit of measure used to quantify the amount of light produced by a lamp or emitted from a luminaire (as distinct from “watt,” a measure of power consumption).

Footcandle (FC) - A unit of measure of the intensity of light falling on a surface, equal to one lumen per square foot

Correlated Color Temperature (CCT) - A description of the color appearance of a light source in terms of warmth (lower temperatures) or coolness (higher temperatures), as measured on the Kelvin (K) scale (i.e. High Pressure Sodium 2200K, Metal Halide 3000-4200K, moonlight 4100K)

Color Rendering Index (CRI) - A method to describe the effect a light source (from 0 poor to 100 best) has on the observer's ability to differentiate the true color of objects being illuminated (High Pressure Sodium 27, Metal Halide 65-80, LED 70-90, sunlight 100)

CODE OF ORDINANCES AMENDMENT – STREET LIGHT STANDARDS

Chapter 46 – Streets, Sidewalks, and Other Public Places

Article VI – Street Lights

Sec. 46-184. – Definitions

Whenever and wherever used in this article the following words and names shall have the following meanings:

Roadway or Highway Lighting shall mean lighting provided for freeways, expressways, limited access roadways, and roads on which pedestrians, cyclists, and parked vehicles are generally not present. The primary purpose of roadway or highway lighting is to help the motorist remain on the roadway and help with the detection of obstacles within and beyond the range of the vehicle's headlights.

Street Lighting shall mean lighting provided for boulevards, major & minor thoroughfares, and local roads where pedestrians and cyclists are generally present. The primary purpose of street lighting is to help the motorist identify obstacles, provide adequate visibility of pedestrians and cyclists, and assist in visual search tasks, both on and adjacent to the roadway.

Ornamental Street Lighting shall mean a luminaire intended for illuminating streets that serves a decorative function in addition to providing optics that effectively deliver street lighting. It has a historical period appearance or decorative appearance, and has the following design characteristics:

- Designed to mount on a pole using an arm, pendant, or vertical tenon;
- Opaque or translucent top and/or sides;
- An optical aperture that is either open or enclosed with a flat, sag or drop lens;
- Mounted in a fixed position.

Sec. 46-185. – Applicability

All street lighting not governed by regulations of federal, state or other superseding jurisdiction.

Sec. 46-186. - Light Shielding and Distribution

All street lighting shall have no light emitted above 90 degrees with the following exception:

- a) Ornamental street lighting for specific districts or projects shall be permitted.

PUBLIC INPUT / RECOMMENDATION

Legislative Committee of the Planning Board – October 18, 2022

The Legislative Committee reviews all text amendments prior to consideration by the Planning Board. Given the number of iterations and the level of review this topic has received over a two-year period, members of this committee were fairly familiar with the proposed standards as well as the modifications that occurred between the initial MLO-based draft and the current draft. Members of the committee preferred this simplified version and express support for its straightforward applicability for both developers and staff.

Business Advisory Committee – December 5, 2022

The Business Advisory Committee convenes quarterly to review policy decisions and to provide perspective on potential impacts on the business community. The initial MLO-based draft of the Lighting Ord was presented to the BAC in 2021 on multiple occasions. The Business Advisory Committee employed assistance from Partnership for Economic Prosperity (PEP) to advocate for many of the changes that are part of the current draft. Based on their feedback, the Ordinance was significantly simplified.

At their special-called meeting on December 5th, The BAC reviewed the current draft of the lightning ordinance and provided further criticism and reservations about the policies therein. There was a general sense that there was no need for the Lightning Ordinance, that this would create an undue burden, specifically, on the business community, that the measures would limit lighting for businesses and create safety issues. More specifically, their concerns centered on a few primary considerations, with some secondary concerns as well. Primary concerns/recommendations included:

1) Expand the Footcandle restriction at property lines where commercial uses transition to residential uses from .5 Footcandles to 1 Footcandle.

BAC Rationale: Original proposal by PEP was for 1 FC and it was reduced to .5 FC based on recommendation from Duke Energy.

2) Eliminate the Amortization date or, at a minimum, expand it to 15 years.

BAC Rationale: The use of amortization is rarely used, why use it in this case? The enforcement after the 10-year period will be very costly for the City and for taxpayers. The enforcement of footcandles at property lines is difficult to measure. And natural attrition of outdated lights will be sufficient.

3) Clarify the implications of the word “altering” under 6-2-5.1 b) - nonconformity triggers.

BAC Rationale: Altering could mean different things to different administrators. Does it include resurfacing an existing asphalt parking lot? Does it include paving a gravel parking lot? Etc.

Other secondary concerns included, the impact the measures would have on 24 hours businesses, concerns with the limitations in the stream buffer, and general concerns with the city’s ability to enforce footcandles.

AMENDMENT ANALYSIS – COMPREHENSIVE PLAN CONSISTENCY (ARTICLE 11-4)

COMPREHENSIVE PLAN CONSISTENCY	
Land Use & Development	<i>Strategy LU-3.5 Minimize negative impacts from growth and land use changes on existing land uses...</i>
	<p><i>Strategy LU-3.6. - Update the Zoning Code to ensure conformance with the Comprehensive Plan. The Zoning Code is the City's primary regulatory tool in implementing the Comprehensive Plan. Amendments to the Zoning Code and Map will be necessary to reflect Comprehensive Plan recommendations and ensure orderly growth and development. [CONSISTENT]</i></p> <p><i>Action LU-3.6.1 Conduct a comprehensive review of the Zoning Code and Map to identify and prioritize necessary changes, including but not limited to:</i></p> <ul style="list-style-type: none"> - <i>Landscaping and urban design guidelines and standards</i>
	<i>Section 8.2 Issues and Opportunities, Urban Design - There is strong support among Hendersonville citizens for green building and site development practices that maximize energy and water efficiency and respect the natural features on a site.</i>
Population & Housing	There are no Goals, Strategies, or Actions that are directly applicable to this petition.
Natural & Environmental Resources	<p><i>Chapter 3 Natural Resources provides specific support for "additional guidelines and provisions for low-impact building and site design."</i></p> <p><i>Strategy NR-1.2: Protect land adjacent to streams in order to protect water quality, reduce erosion, and protect wildlife habitat.</i></p> <p><i>Action NR-1.2.2 Continue to enforce and improve upon the City Stream Buffer Protection Standards...additional guidelines and provisions for low-impact building and site design.</i></p> <p><i>Action NR-1.2.1 Encourage protection of streams and wetlands and land adjacent to them.</i></p>
Cultural & Historic Resources	There are no Goals, Strategies, or Actions that are directly applicable to this petition.
Community Facilities	There are no Goals, Strategies, or Actions that are directly applicable to this petition.
Water Resources	There are no Goals, Strategies, or Actions that are directly applicable to this petition.
Transportation & Circulation	There are no Goals, Strategies, or Actions that are directly applicable to this petition.

GENERAL REZONING STANDARDS

Compatibility	Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property –
	<i>The proposed text amendment allows for the sufficient and safe lighting of sites while reducing negative impacts.</i>
Changed Conditions	Whether and the extent to which there are changed conditions, trends or facts that require an amendment –
	<i>Increases in light pollution, a regional as well as international issue, has brought greater attention to site lighting. Advancements by lighting industry leaders and improvements in lighting technology have provided solutions to mitigate the impacts of site lighting. Many solutions to light pollution are being implemented by the lighting industry without regulatory requirements.</i>
Public Interest	Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare –
	<i>The proposed text amendment allows for the sufficient and safe lighting of sites while reducing negative impacts of light pollution, i.e. sky glow, glare, light trespass, etc. A notable negative impact of light pollution on humans is sleep deprivation while flora and fauna are also disrupted by artificial light during hours of natural darkness.</i>
Public Facilities	Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment
	<i>Lighting for city-owned public facilities as well as public streetlighting were evaluated as part of this process. It is estimated that approximately \$20K would be needed to bring the City's lights into conformance with the proposed amendment.</i>
Effect on Natural Environment	Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife –
	<i>Studies have indicated that a range of flora and fauna are disrupted by artificial light during normal / natural dark hours. The proposed text amendment aims to protect stream buffers. Riparian corridors are locations of high levels of species richness. Additionally, reduced light pollution reduces energy waste and allows for more sustainable site development.</i>

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT

The petition is found to be [consistent] with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The petition aligns with the Comprehensive Plan's goals to minimize the negative impacts of growth (Strategy LU-3.5) and to protect wildlife habitat (Strategy NR-1.2).

We [find] this city-initiated petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

DRAFT [Rationale for Approval]

- The proposed text amendment establishes standards which allow for the sufficient and safe lighting of sites while reducing negative impacts on people, plants and animals.*
- The proposed text amendment establishes standards which address light pollution, an issue of growing international, national and regional concern.*
- The text amendment would ensure that both public lighting and private, nonresidential lighting would meet standards that minimize light pollution.*

DRAFT [Rational for Denial]

- The text amendment would place an undue burden on new commercial and multi-family residential developments.*
- The text amendment would place an undue burden on existing commercial and multi-family residential uses at the end of the amortization period.*

ZONING TEXT AMENDMENT – OUTDOOR LIGHTING STANDARDS

Article VI. - General Provisions

Section 6-19. Lighting.

Intent. The purpose of these standards is as follows:

- a) Minimize adverse offsite impacts of lighting such as light trespass and obtrusive light.
- b) Curtail light pollution, reduce skyglow and improve the nighttime environment.
- c) Help protect the natural environment from the adverse effects of artificial lighting at night.
- d) Conserve energy and resources to the greatest extent possible.

6-19.1. General Standards of Applicability. The lighting standards of this section shall be applicable as follows:

- a) Non-residential uses shall be subject to these standards. For the purposes of these standards non-residential shall include, but not be limited to, commercial, institutional, educational, industrial, etc.
- b) Multi-family residential uses shall be subject to these standards. For the purposes of these standards multi-family residential shall include all residential uses with three or more attached dwelling units.
- c) Residential uses shall be exempted from these standards. For the purposes of these standards, residential uses shall include all single family & two-family residences.
- d) Street and roadway lighting shall be exempt from these standards. Street and roadway lighting are subject to the standards of the City of Hendersonville Code of Ordinances (Chapter 46, Article VI).
- e) For the purposes of these standards the term “stream buffer” shall refer to the term as defined in Section 17-3 of this ordinance.

6-19.2. Standards

All new exterior lighting installed, after the effective date of this Ordinance and within the zoning jurisdiction of the City of Hendersonville, shall comply with the following standards:

- a) Lighting levels and placement shall be designed in accordance with applicable Illuminating Engineering Society (IES) recommended practices.
- b) Lighting shall be designed to an Uplight ratio of zero (0) and designed to limit Backlight trespass.
 - a. Exceptions. Lighting for flagpoles, sports facilities, temporary construction sites, correctional facilities, lighting used solely for signage (see sign regulations),

lighting as needed under emergency conditions, low voltage landscape lighting, temporary seasonal lighting, and ornamental and architectural lighting of bridges, public monuments, statuary and public buildings.

- c) The nominal CCT limit shall be $\leq 4,000\text{K}$
- d) The CRI limit shall be ≥ 70 .
- e) New floodlights shall be prohibited. Replacement area lighting shall be shielded to prevent uplight and to prevent front, side, and/or back light depending on the implications on surrounding properties.
- f) All wall pack lights shall be full cutoff and shielded.
- g) The maximum light level using maintained lumens shall be no more than 0.5 foot candles for a non-residential to residential/multi-family residential use interface.
- h) The maximum light level using maintained lumens shall be no more than 0.25 foot candles for a multi-family residential-to-residential interface.
- i) The maximum light level using maintained lumens shall be no more than 0.0 foot candles for a non-residential/multifamily residential to Stream Buffer interface.
- j) No lights shall be installed within a Stream Buffer except as described below. Lighting may be permitted within a Stream Buffer only where facilities exempted under Section 17-3-5 are located and shall be oriented to minimize light intrusion within the Stream Buffer.

6-19-3. Existing Exterior Lighting.

Non-compliant lighting installed prior to the effective date of this ordinance shall be considered non-conforming and may continue to be used in accordance with the non-conforming standards found in Section 6-2-5 with the following exception:

- a) Amortization. On or before [INSERT 10 YEARS FROM EFFECTIVE DATE], all exterior lighting shall comply with this Code.

Section 6-2. - Nonconformities

6-2-5 Nonconforming Exterior Lighting.

The following applies to existing non-compliant lighting installed prior to [adoption date of ordinance].

6-2-5.1 Thresholds for compliance.

Full compliance with the lighting requirements in Section 6-19 shall be required under the following circumstances:

- a) When repairing 50% or more of total existing exterior lighting fixtures on a site within any 12-month period.
- b) When expanding or altering 50% or more of an existing parking or lighted area.

- c) When structures on a site with non-conforming lighting are renovated and the total cost of renovations exceeds 50% of the assessed value of the building according to Henderson County tax records

Section 6-13. - Nuisances

6-13-4 Lighting.

Lighting facilities, if provided, shall be aimed, directed, shielded or arranged ~~so the light sources for such facilities do not cause undue glare on neighboring properties or interfere with the safe use of public rights-of-way~~ to mitigate off-site lighting trespass to surrounding properties.

Article VII Development Review

7-3-4.3 Contents of Final Site Plan.

- r) Site Lighting Plan conforming with the standards established in Section 6-19 and Section 6-2-5. Such plan shall include proposed fixture list, location and orientation of fixtures, footcandle map, property lines and stream buffers at a minimum.

Article XII. – Definition of Terms

Uplight – For an exterior light fixture, light output emitted into the hemisphere above the horizontal plane of the light emitting light opening (i.e. above 90 from straight down) (see Figure 1)

Backlight – For an exterior light fixture, light output emitted into the lower rear quarter sphere behind the fixture and opposite the intended aiming direction of the fixture. For a light fixture with a symmetric light output pattern, the backlight is the same as the forward light. (see Figure 1)

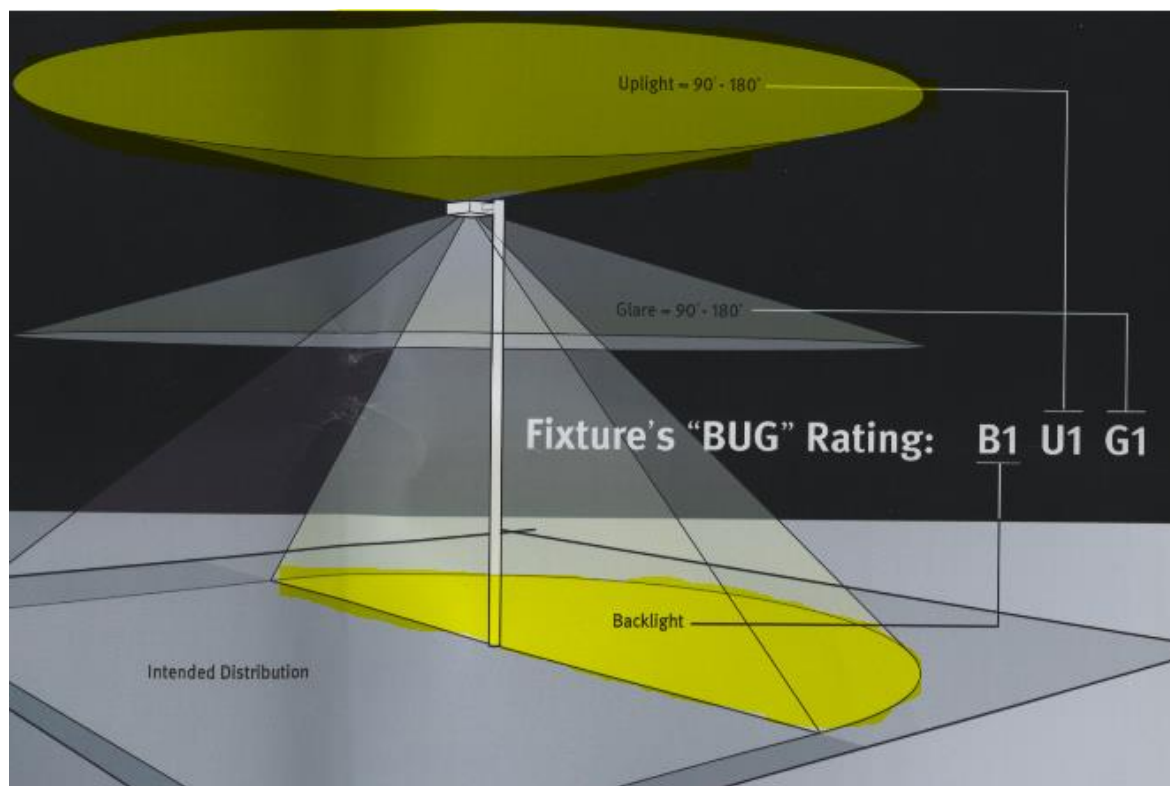


Figure 1 (provided by International Dark Sky Association & Illuminating Engineering Society)

Lumen - The unit of measure used to quantify the amount of light produced by a lamp or emitted from a luminaire (as distinct from “watt,” a measure of power consumption).

Footcandle (FC) - A unit of measure of the intensity of light falling on a surface, equal to one lumen per square foot

Correlated Color Temperature (CCT) - A description of the color appearance of a light source in terms of warmth (lower temperatures) or coolness (higher temperatures), as measured on the Kelvin (K) scale (i.e. High Pressure Sodium 2200K, Metal Halide 3000-4200K, moonlight 4100K)

Color Rendering Index (CRI) - A method to describe the effect a light source (from 0 poor to 100 best) has on the observer's ability to differentiate the true color of objects being illuminated (High Pressure Sodium 27, Metal Halide 65-80, LED 70-90, sunlight 100)

PUBLIC LIGHTING

Code of Ordinances

Chapter 46 – Streets, Sidewalks, and Other Public Places

Article VI – Street Lights

Sec. 46-184. – Definitions

Whenever and wherever used in this article the following words and names shall have the following meanings:

Roadway or Highway Lighting shall mean lighting provided for freeways, expressways, limited access roadways, and roads on which pedestrians, cyclists, and parked vehicles are generally not present. The primary purpose of roadway or highway lighting is to help the motorist remain on the roadway and help with the detection of obstacles within and beyond the range of the vehicle's headlights.

Street Lighting shall mean lighting provided for boulevards, major & minor thoroughfares, and local roads where pedestrians and cyclists are generally present. The primary purpose of street lighting is to help the motorist identify obstacles, provide adequate visibility of pedestrians and cyclists, and assist in visual search tasks, both on and adjacent to the roadway.

Ornamental Street Lighting shall mean a luminaire intended for illuminating streets that serves a decorative function in addition to providing optics that effectively deliver street lighting. It has a historical period appearance or decorative appearance, and has the following design characteristics:

- Designed to mount on a pole using an arm, pendant, or vertical tenon;
- Opaque or translucent top and/or sides;
- An optical aperture that is either open or enclosed with a flat, sag or drop lens;
- Mounted in a fixed position.

Sec. 46-185. – Applicability

All street lighting not governed by regulations of federal, state or other superseding jurisdiction.

Sec. 46-186. - Light Shielding and Distribution

All street lighting shall have no light emitted above 90 degrees with the following exception:

- a) Ornamental street lighting for specific districts or projects shall be permitted.

LIGHTING ORDINANCE – ZONING TEXT AMENDMENT

Collaboration Exhibit

All newly proposed language has been highlighted. Language proposed by the PEP team is highlighted in Yellow while the language added by Community Development staff is highlighted in Green. Changes proposed by Duke Energy are highlighted in Blue. Existing language is not highlighted.

Article VI. - General Provisions

Section 6-19. Lighting.

Intent. The purpose of these standards is as follows:

- a) Minimize adverse offsite impacts of lighting such as light trespass and obtrusive light.
- b) Curtail light pollution, reduce skyglow and improve the nighttime environment.
- c) Help protect the natural environment from the adverse effects of artificial lighting at night.
- d) Conserve energy and resources to the greatest extent possible.

6-19.1 General Standards of Applicability. The lighting standards of this section shall be applicable as follows:

- a) Non-residential uses shall be subject to these standards. For the purposes of these standards non-residential shall include, but not be limited to, commercial, institutional, educational, industrial, etc.
- b) Multi-family residential uses shall be subject to these standards. For the purposes of these standards multi-family residential shall include all residential uses with three or more attached dwelling units.
- c) Residential uses shall be exempted from these standards. For the purposes of these standards, residential uses shall include all single family & two-family residences.
- d) Street and roadway lighting shall be exempt from these standards. Street and roadway lighting are subject to the standards of the City of Hendersonville Code of Ordinances (Chapter 46, Article VI)
- e) For the purposes of these standards the term “stream buffer” shall refer to the term as defined in Section 17-3 of this ordinance.

6-19.2. Standards.

All new exterior lighting installed, after the effective date of this Ordinance and within the zoning jurisdiction of the City of Hendersonville, shall comply with the following standards:

- a) Lighting levels and placement shall be designed in accordance with applicable Illuminating Engineering Society (IES) recommended practices.
- b) Lighting shall be designed to an Uplight ratio of zero (0) and designed to limit Backlight trespass.
 - a. Exceptions. Lighting for flagpoles, sports facilities, temporary construction sites, correctional facilities, lighting used solely for signage (see sign regulations), lighting as needed under emergency conditions, low voltage landscape lighting, temporary seasonal lighting, and ornamental and architectural lighting of bridges, public monuments, statuary and public buildings.
- c) The CCT limit shall be 4,000K
- d) The CRI limit shall be ≥ 70 .
- e) New floodlights shall be prohibited. Replacement area lighting shall be shielded to prevent uplight and to prevent front, side, and/or back light depending on the implications on surrounding properties.
- f) All wall pack lights shall be full cutoff and shielded.
- g) The maximum light level using maintained lumens shall be no more than 0.5 foot candles for a non-residential to residential/multi-family residential use interface.
- h) The maximum light level using maintained lumens shall be no more than 0.25 foot candles for a multi-family residential-to-residential interface.
- i) The maximum light level using maintained lumens shall be no more than 0.0 foot candles for a non-residential/multifamily residential to Stream Buffer interface.
- j) No lights shall be installed within a Stream Buffer except as described below. Lighting may be permitted within a Stream Buffer only where facilities exempted under Section 17-3-5 are located and shall be oriented to minimize light intrusion within the Stream Buffer.

6-19-3. Existing Exterior Lighting. Non-compliant lighting installed prior to the effective date of this ordinance shall be considered non-conforming and may continue to be used in accordance with the non-conforming standards found in Section 6-2-5 with the following exception:

- a) Amortization. On or before [INSERT 10 YEARS FROM EFFECTIVE DATE], all exterior lighting shall comply with this Code.

Section 6-2. - Nonconformities

6-2-5 Nonconforming Exterior Lighting.

The following applies to existing non-compliant lighting installed prior to [adoption date of ordinance].

6-2-5.1 Thresholds for compliance.

Full compliance with the lighting requirements in Section 6-19 shall be required under the following circumstances:

- a) When repairing 50% or more of total existing exterior lighting fixtures on a site within any 12-month period.
- b) When expanding, moving, or altering 50% or more of an existing parking or lighted area.
- c) When structures on a site with non-conforming lighting are renovated and the total cost of renovations exceeds 50% of the assessed value of the building according to Henderson County tax records

Section 6-13. - Nuisances

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Lighting facilities, if provided, shall be aimed, directed, shielded or arranged so the light sources for such facilities do not cause undue glare on neighboring properties or interfere with the safe use of public rights-of-way to mitigate off-site lighting trespass to surrounding properties.

Article VII Development Review

7-3-4.3 Contents of Final Site Plan.

- r) Site Lighting Plan conforming with the standards established in Section 6-19 and Section 6-2-5. Such plan shall include proposed fixture list, location and orientation of fixtures, footcandle map, property lines and stream buffers at a minimum.

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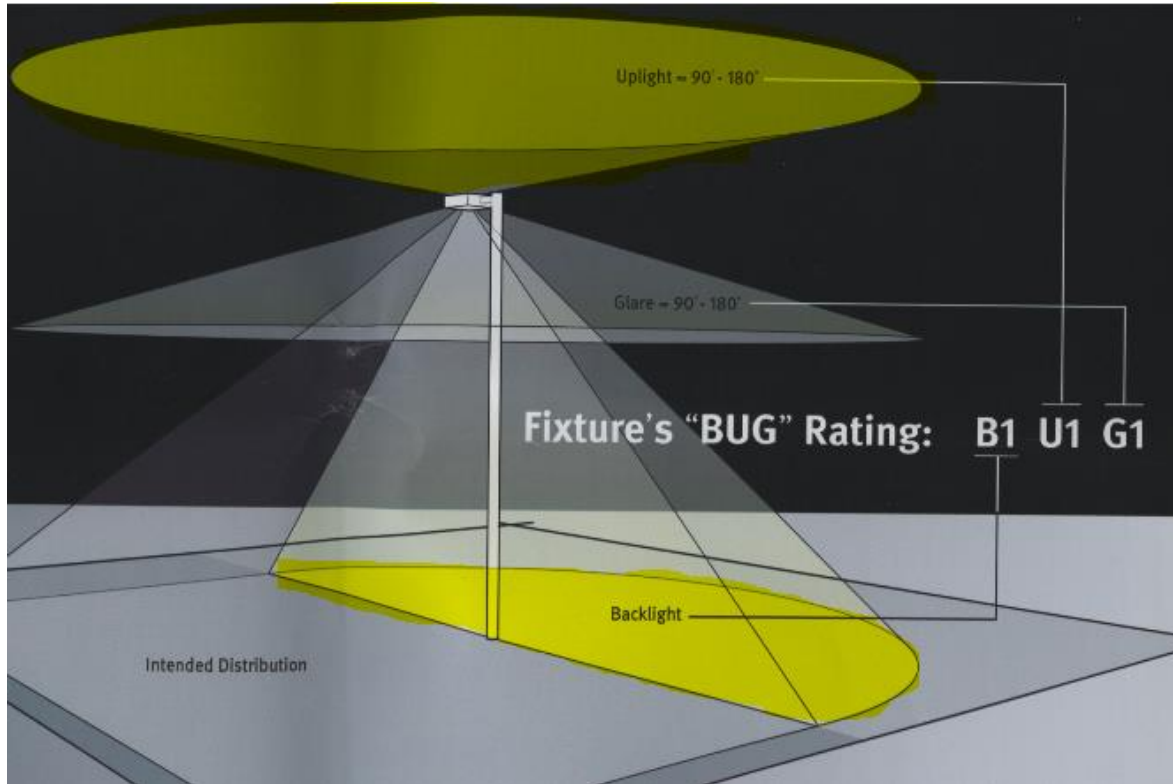


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PUBLIC LIGHTING

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·Designed to mount on a pole using an arm, pendant, or vertical tenon;

·Opaque or translucent top and/or sides;

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·Mounted in a fixed position.

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City of Hendersonville Existing Public Lighting							
LOCATION		NOTES	LOCATION		NOTES	LOCATION	NOTES
City Hall			7th Avenue			Rotary Park	
Uncapped Blk Ornamental Ped Lights	12	Running during day light hours	Uncapped Ornamental Ped Lights	25		Floodlight	1
Other lights							
Wall Packs (full cutoff)			Maple Street			Sullivan Park	
Cobra streetlight facing building	1	King St side	Capped Ornamental Ped Lights	10		Floodlight	1 on b'ball structure
Flag Pole Light	1	Uplight - Exempt					
			4th Avenue			MLK Park	
City Operations			Capped Ornamental Ped Lights	18		Uncapped Ornamental Ped Lights	5
PW Overflow Parking Lot		Running during day light hours					
Floodlights	4		Patton Park			Oklawaha Greenway Trailhead (Berkley Rd)	
Cobra Streetlights	2		Parking Lot			Cobra Streetlights	2 Solar powered
PW Garage Lot			Cobra Streetlights	10			
Floodlights	9		Floodlights	2	In stream buffer	7th Ave Depot	
City Ops Main Parking			Picnic Shelter			Ornamental	4 Under cover
Cobra Streetlights	5		Floodlight	1		Barn light	1 small
Building illuminating lights	6	Uplight - Exempt	Tennis Courts			Exposed bulb fixture	6 Under cover
Other lights			Floodlights	14	45 degree angle	Wallpacks	2 shielded
Wall Packs (full cutoff)			Pool Area				
			Capped Ornamentals	11		Police Station	
Azalea Lot			Greenway			Capped Ornamentals	13
Capped Ornamental Ped Lights	11		Cobra Pedestrian Lights	22		Wall Packs	6 Full cutoff
Other Lights			Soccer Field			Modern Wall Packs	29 Fully shielded
Floodlight	1	Facing Partnership on King St	Floodlights	24		Flag Pole	2 Uplights - Exempt
			Softball			Sign illumination	2
Maple Lot			Floodlight	1	Facing trees / n'hboring prop		
Capped Ornamental Ped Lights	5		PW Building			Fire Station 1	
Other Lights			Wallpacks	4	Full cutoff	Cobra Streetlights	8
Old Cobra Streetlight	1	Along Edwards Alley				Wallpacks	7 shielded
			Boyd Park			Flag Pole Lights	2 Uplight - Exempt
Apple Lot			Putt Putt				
Uncapped (Black) Ornamental	12		Floodlights	12	45 degree	Fire Station 2 / Public Works Warehouse	
			Ornamental Globe Ped Light	1		Cobra Streetlights	6
Dogwood Lot			Tennis Courts			Flag Pole	4 uplight*
LED Cobrahead Streetlights	10		Floodlights	9	45 degree	Wall Packs	10 not shielded
						Sconces	5
Main Street			Toms Park/Whitemire Center			Warehouse Wall Packs	6 shielded
Capped Ornamental Ped Lights	106		Capped Ornamental Ped Lights	11		Floodlights	3
						Sign illumination	2 Uplight

* Flag Pole lights are uplight but are proposed to be exempted

Total Needing Attention (Red)	155	Includes numbers shown in orange
Total Presumed Compliant (Green)	333	
Could be exempted or retrofited	122	Some of these will be replaced as part of planned upcoming projects
Total Lights	488	
Total needing attention if those in orange are replaced / exempted / retrofited	33	

City of Hendersonville Streetlights			
Type	Count	Unit Cost	Total Cost
LEDS (at least 450 are 3000K)	1182		
Mercury Vapor (MV)	58	\$36	\$ 2,088
High Pressure Sodium (HPS)	225	\$36	\$ 8,100
Metal Halide (MH)	39	\$36	\$ 1,404
TOTAL	1612		\$ 11,592
City of Hendersonville Floodlights			
Cost by Type	Count	Unit Cost	Total Cost
Unshielded LED to Shielded LED	55	\$101	\$ 5,555
HPS Floods to Shielded LED	35	\$101	\$ 3,535
MH Floods to Shielded LED	1	\$101	\$ 101
TOTAL	91		\$ 9,191

Needing Attention (Red)
Presumed Compliant (Green)

NOTICE

City of Hendersonville Planning Board

305 Williams St. Operations Center, NC 28792

PLANNING BOARD **ANNUAL SCHEDULE OF REGULAR MEETINGS**

Regular Meetings of the City of Hendersonville Planning Board are held **on the Second Thursday** beginning at **4:00 p.m.** in the City Operations Assembly Room located at 305 Williams St., Hendersonville NC. The following regular meetings have been scheduled for 2023:

January 12, 2023
February 9, 2023
March 9, 2023
April 13, 2023
May 11, 2023
June 8, 2023

July 13, 2023
August 10, 2023
September 14, 2023
October 12, 2023
November 9, 2023
December 14, 2023

Jim Robertson
Chair

The City of Hendersonville is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or a particular accommodation for this meeting please contact the City Clerk no later than 24 hours prior to the meeting at 697-3005.

Adopted: _____ Posted 12/12/2022

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