

## BOARD OF ALDERMEN

ITEM NO. B(3)

### AGENDA ITEM ABSTRACT

MEETING DATE: Tuesday, March 23, 2010

**TITLE: Continuation of a Public Hearing on a Land Use Ordinance Text Amendment  
Revising Outdoor Lighting Standards**

<b>DEPARTMENT: PLANNING</b>	<b>PUBLIC HEARING: YES X NO __</b>
<b>ATTACHMENTS:</b> A. Resolutions finding consistency B. Draft ordinance C. Minutes from 1-26-2010, 2-23-2010 D. Staff memo E. LUO Sections 15-242 and 15-243 F. LUO Text Amendment request G. Street Lighting Policy H. Recommendations and Comments I. Architectural Area Lighting LED Brochures	<b>FOR INFORMATION CONTACT:</b> Patricia McGuire – 918-7327 Mike Brough – 929-3905

#### PURPOSE

A draft ordinance modifying outdoor lighting provisions has been prepared. The Board of Aldermen must receive public comment before taking action.

#### INFORMATION

The public hearing on this item was opened on January 26, 2010, continued to February 23<sup>rd</sup> and continued to March 23<sup>rd</sup> to allow more time for review by the Northern Transition Area Advisory Committee (NTAAC) (*Attachment C*)

Background information on this item is as follows. A review of lighting provisions has been occurring, off and on, since 2002 when the NTAAC made a series of recommendations about lighting regulations. Some concerns and opportunities were brought to light during a worksession held in 2004. The Board of Aldermen charged the staff to proceed with several next steps. In 2005, the lighting ordinance was included as part of a comprehensive assessment/update of the LUO. Staff began review of draft ordinance provisions in 2006. In 2007, owners/developers of the 300 E. Main Street project requested an amendment to lighting levels for certain areas in the downtown. The amendment was approved in early 2007. In 2009, the town received a text amendment request related to lighting on properties with existing nonconforming lighting. See attached memo for additional information on the draft ordinance, a comparison to the NTAAC's original recommendations, and to the International Dark Sky Association (IDSA) Model Lighting Ordinance (*Attachments D-F*).

The draft ordinance was referred to the Planning Board, Orange County, the Environmental Advisory Board, Recreation and Parks Commission, Economic Sustainability Commission, and Northern Transition Area Advisory Committee. During Planning Board review, Alderman Broun requested that a copy of the Town's street lighting policy be included with the public hearing packet (*Attachment G*). Comments and recommendations are attached (*Attachment H*). In reviewing the ordinance and preparing its second recommendation, the Planning Board examined several brochures showing light emitting diodes (LED) fixtures that are available from a lighting manufacturer. The Planning Board asked staff to share those brochures with the Board of Aldermen (*Attachment I*).

#### **FISCAL AND STAFF IMPACT**

More staff time will be needed to review lighting in development plans and building permits, and to follow up on compliance. It is not presently possible to estimate the additional time that will be needed; staff will have a better idea of the time involved after gaining some experience with these new provisions.

#### **RECOMMENDATION**

The staff recommends that the Board of Aldermen consider adopting the resolution finding consistency (*Attachment A-I*) and the draft ordinance (*Attachment B*).