

Meeting Minutes
City Of Hendersonville
Planning Board, Lighting/Dark Sky Ordinance Committee

Thursday, May 20, 2021

The fifth meeting of the City's Planning Board, Lighting/Dark Sky Ordinance Committee, convened at approximately 1:03 pm. Those in attendance at the virtual-only meeting were City Planners Matt Manley and Tyler Morrow, City Planning Board members Hunter Jones and Neil Brown, City Community Planning Director Lew Holloway, City Historic Preservation Commission member Ralph Hammond-Green, City resident Ken Fitch, and PARI associate Ken Steiner.

Author's note - in deference to brevity and reader boredom, items which have been covered in detail in past meetings will be included by reference, rather than rehashing the points again here.

Mr. Manley led the group through an overview of the Prescriptive vs. Performance methods of determining compliance with a lighting ordinance. The basic questions to be addressed are: How many lumens are allowed on the site, and are all lumens focused on the site? He also showed an example (Pardee parking lot expansion, approved by the Council this spring).

Mr. Hammond-Green noted that we need to be aware of the emergence of pervious sidewalk and parking lot materials, and make sure these are considered part of the hardscape. Mr. Manley checked and replied that the definition of hardscape includes both, but that site plan requirements will need to be updated.

Mr. Fitch noted that the example used is for a medical facility, which would have special requirements. Mr. Manley replied that the specific instance is for a hospital parking lot, which would not qualify for special requirements.

Returning to the hybrid document that melds the MLO with current City zoning code, the following drew comments:

- Table C shows limits to off-site impacts
- All of the light fixtures developers currently use come with BUG ratings
- Mr. Hammond-Green suggested that all tables and diagrams be designed as appendices to the ordinance
- Mr. Manley concluded that the ordinance is fairly simple, and the current staff can handle it.

Mr. Morrow then led the group through a series of policy questions that need to be addressed before any ordinance can be drafted. After varying levels of debate, the following decisions were made:

1. Historic districts will have no special accommodations. Individual criteria are best handled by the City's design team.
2. LZ0 will not apply to flood plains, nor to floodways. But, it will apply to unpiped blue line streams, with a 50' buffer. Mr. Hammond-Green noted a special need to protect the swampland along Rte. 64.
3. LZ0 will apply to elevations above 2300', and the Committee will consider dropping this to 2200' once GIS maps of the impact are available. Mr. Manley noted that we need to be cautious about the lighting ordinance becoming a backdoor way of restricting

development, but that current high density (LZ2) is not affected by the elevation constraints we are discussing.

4. After MUCH discussion, the Committee voted to addign LZ2 to PID and MIC zones. The primary reason was to provide a transition from these zones to nearby residential, instead of having an abrupt switch from residential to LZ3.

In addition, the following exemptions and triggers for the Ordinance were agreed to, many of which were decided to be in conformance with current zoning code:

1. Repairs and routine maintenance to 25% or more of the number of lumenaries in a given year will require conformity.
2. Upgrades of at least 10% of the taxable value, or at least a 10% increase in dwelling units or parking spaces, will require conformity.
3. Non-use of a site for 180 consecutive days will trigger conformity when the site is brought back into use

In other matters, the Committee agreed:

- multi-family housing is defined as 9 or more units
- the Ordinance will not apply to Historic Districts
- the Ordinance will not apply to single-family Residential zones, as they are not the source of meaningful light pollution compared to the political difficulty of obtaining agreement on including them.
- there will not be a “compliance-by” date in the Ordinance for commercial districts. These districts will come into conformance organically as buildings are build, upgraded, or replaced.
- the Committee will undertake a significant educational campaign regarding the Ordinance

The Committee also decided not to address streetlights at this time, but may consider addressing them “in a few months”. Duke is already in the process of replacing many City streetlights.

Ken Steiner, an associate at PARI, noted that Duke is currently replacing all streetlights in Brevard with fully-shielded lights rated below 3,000 degrees K.

In closing, Mr. Manley noted that there will be a (hopefully) brief virtual meeting of the Committee on Monday, May 24 at 3:00 p.m., with the sole purpose of prepping for the presentation at the City Council workshop at 4:00 p.m. on Wednesday, May 26.

The meeting was adjourned at 3:09 p.m.

Respectfully submitted,

Neil Brown