



**CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY
PLANNING DIVISION**

SUBMITTER: Matthew Manley **MEETING DATE:** January 5, 2023
AGENDA SECTION: Public Hearing **DEPARTMENT:** Community Development
TITLE OF ITEM: Zoning Text Amendment: Lightning Ordinance (P22-100-ZTA) – *Lew Holloway, Community Development Director*

SUGGESTED MOTION(ZONING TEXT AMENDMENT):

For Recommending Approval:

I move City Council **adopt** 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:

1. 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).

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:

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 lighting would meet standards that minimize light pollution.

For Recommending Denial:

I move City Council **deny** 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:

1. 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 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.

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:

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.

[DISCUSS & VOTE]

[DISCUSS & VOTE]	
-----------------------------	--

This item will also require a second motion to adopt the Code of Ordinance Amendment to Chapter 46. The suggested motion for that action is:

SUGGESTED MOTION (CODE OF ORDINANCES):

I move that City Council adopt *An Ordinance of the City of Hendersonville City Council to Amend Chapter 46 – Streets, Sidewalks, and Other Public Places adding Article VI – Street Lights* to the Code of Ordinances as presented for the first reading.

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.

The proposed standards apply to non-residential and multi-family uses while single-family and two-family residential uses are exempt. The draft ordinance primarily addresses uplight on these properties and protects the stream buffer from light trespass. 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.

Many of the basic standards of the proposed text amendment were provided by representatives of the Business Advisory Council / PEP. The proposed draft combines this input with the input from staff and elected and appointed officials. A version of the current draft was reviewed and supported 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 draft was also reviewed by the Business Advisory Council on December 5, 2022. The BAC was not in favor of the ordinance and provided specific feedback on proposed revisions outlined in the staff report. The Planning Board considered this item on December 12, 2022 and voted 4-3 in favor of the draft ordinance.

PROJECT/PETITIONER NUMBER:	P22-100-ZTA
-----------------------------------	-------------

PETITIONER NAME:	City of Hendersonville
ATTACHMENTS:	<ol style="list-style-type: none">1. Staff Report2. Planning Board Summary3. Draft Zoning Ordinance – Lighting Standards4. Draft Code of Ordinances – Street Light Standards5. Collaboration Exhibit of Draft Ordinance6. Draft Lighting Ordinance w/Clarifications7. Lighting Inventory and Estimated Replacement Cost