



PLANNING BOARD RECOMMENDATION

Project #: P22-100-ZTA

Meeting Date: December 12, 2022

PETITION REQUEST: Zoning Text Amendment – Lighting Ordinance

APPLICANT/PETITIONER: City of Hendersonville

PLANNING BOARD ACTION SUMMARY:

Staff gave a presentation on the proposed draft ordinance including feedback from the committee level including the recommendation from the Business Advisory Council. Staff reviewed the guidance from the Comprehensive Plan and the criteria for considering a zoning text amendment. A Planning Board member presented photos of local parking lot lighting. The Planning Board considered this item for just over two hours.

Members of the public asked questions and expressed their opinions on the matter at hand. Those opposed to aspects of the ordinance included the following:

1. Susan Frady, Partners for Economic Progress – voiced the following concerns about the ordinance: burden to limit to .5 footcandles instead of a 1 footcandle limit, City's ability to enforce the ordinance, cost to the City, using amortization vs non-conforming triggers, and the exemption for ornamental lights gives the City a pass.
2. Ken Gordon, Norm's Minit Mart - voiced the following concerns about the ordinance: amortization is burden for current businesses and not cost-effective for City to enforce, opposed to stream buffer limitations, and nuisance-based enforcement is not practical nor fair.
3. Ken Fitch, 1046 Patton St – voiced the following concerns about the ordinance: concerned about impact to churches, definition of stream buffer, and reflective light.

Those in favor of the ordinance included:

1. Lynne Williams, Chadwick Ave – supportive of Dark Sky efforts, finds the ordinance forward-thinking, and relieved that action is being taken after the issue has been discussed at the board level for years.

The Planning Board discussed and reflected varying opinions on various aspects of the draft ordinance. Some members who were opposed had the following concerns: the ordinance is too hard to understand, there needs to be a definition for 'repair', enforcement at end of amortization too difficult, there are no exceptions for certain non-residential uses such as churches and hospitals and concern over impacts to small businesses.

Those Planning Board members in support of the ordinance expressed the following: the proposed language does not restrict light levels on a site, it just requires that it be shielded; they pointed out the number of local jurisdictions in the region that have lighting ordinances with amortization dates; and enumerated the concessions that have been made between the MLO version and the current draft ordinance, and one of the members supported the amortization as a small business owner.

MOTION:

Mr. Brown made a motion to approve the petition. The motion passed 4-3 with the following language:

COMPREHENSIVE PLAN CONSISTENCY AND 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).

REASONABLENESS STATEMENT

We 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:

[Rationale for Approval]

- 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 and multi-family lighting would meet standards that minimize light pollution.*

BOARD ACTION

- **Motion/Second:** Brown / Glassman
- **Yeas:** Brown, Martin, Cromar, Glassman
- **Nays:** Robertson, Blatt, Hanley
- **Absent:** Peacock, Flores
- **Recused:** N/A